



General Assembly

Distr.
GENERAL

A/HRC/WG.6/6/COD/3
9 September 2009

ENGLISH
Original: ENGLISH/FRENCH

HUMAN RIGHTS COUNCIL
Working Group on the Universal Periodic Review
Sixth session
Geneva, 30 November-11 December 2009

**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

Democratic Republic of the Congo*

The present report is a summary of 19 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to the United Nations translation services.

I. BACKGROUND AND FRAMEWORK

1. According to Defence for Children International - Congo (DEI-Congo), the national consultation to prepare the universal periodic review report was not widely publicized among civil society.²

A. Scope of international obligations

2. The International Catholic Child Bureau (ICCB) recommends ratifying the African Charter on the Rights and Welfare of the Child,³ and joint submission 1 recommends ratifying the International Labour Organization (ILO) Convention concerning Safety and Health in Mines (No. 176).⁴

3. Joint submission 1 reports that the State is complying with the Kimberley Process, although it notes a clear lack of checks to ensure the traceability of diamonds in the country.⁵

B. Constitutional and legislative framework

4. Amnesty International (AI) stated that the 2006 Constitution contained important human rights commitments but that some enactments were in breach of the Constitution.⁶ The review of legislative enactments is an extremely slow process. However, important laws have been adopted, including the Law on the Status of the Political Opposition (2007), two laws on Sexual Violence (2006), a Law on Protection of Rights of People Living with HIV/AIDS (2008) and the Child Protection Code (2009). These laws have not been implemented in a satisfactory manner.⁷

C. Institutional and human rights infrastructure

5. DEI-Congo and joint submission 2 recommend establishing a national human rights commission.⁸

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

6. Joint submission 2 considers that the mandate of the independent expert for the Democratic Republic of the Congo should be restored.⁹

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

7. According to joint submission 3, the Family Code contains provisions that discriminate against women, who require their husband's permission to engage in various activities.¹⁰ Joint submission 4, which points out discriminatory provisions in the Criminal Code and Labour Code, recommends bringing these texts into line with the Convention on the Elimination of All Forms of Discrimination against Women.¹¹ The Coordination de Commissions Justice, Paix et Sauvegarde de la Création de l'Église du Christ au Congo and the Mission Évangélique Unie (ECC/MEU) report that working women are not entitled to housing or family allowances.¹²

8. ECC/MEU has reported a large number of cases of domestic violence, generally not prosecuted,¹³ and of sexual harassment at the workplace, universities and schools.¹⁴ ICCB reports that early marriage is still common.¹⁵

9. Joint submission 4 considers that the Government has paid little attention to women's problems in the country's reconstruction programmes.¹⁶

2. Right to life, liberty and security of the person

10. Joint submission 5 referred to estimates that over the past 10 years, more than 5 million people died as a result of military fighting, war and political unrest in the country, stressing that all parties to the conflict, including FARDC (Armed Forces of the Democratic Republic of the Congo) or armed groups, were seeking power and success in the trade of natural resources.¹⁷ Serious human rights violations, including war crimes and crimes against humanity, continue to be committed in the east by government forces and armed groups, as indicated by AI. These include unlawful killings, recruitment and use of children, abductions, pillaging and deliberate attacks against civilians and humanitarian agencies.¹⁸ Human Rights Watch (HRW) and joint submission 6 provided examples of such exactions.¹⁹

11. AI stated that many of these abuses had been attributed to foreign armed groups, including the Forces Démocratiques de Libération du Rwanda (FDLR) and the Lord Resistance Army (LRA).²⁰ Joint submission 5 confirmed that FDLR and LRA had killed hundreds of civilians as "punishment" for earlier military defeats.²¹ Joint submission 5 added that due to the integration of rebel groups into FARDC, the latter was divided and soldiers acted on their own, and that FARDC officers' activities were hard to distinguish from those of rebel groups.²²

12. AI reports that sexual violence is prevalent countrywide, particularly in the conflict zones.²³ ICCB stresses that this phenomenon is taking on alarming proportions and is affecting girls who have dropped out of school and/or young girls in particular.²⁴ According to AI, soldiers and police, as well as Congolese and foreign armed groups, are among the main perpetrators, although an increasing number of rapes by civilians was also reported.²⁵ A number of armed groups also abducted women and girls to use them as sex slaves.²⁶ Rape is used as a weapon of war in South Kivu according to the International Federation of Action by Christians for the Abolition of Torture and Action by Christians for the Abolition of Torture - Democratic Republic of the Congo (FIACAT/ACAT-RDC),²⁷ and in North and South Kivu according to joint submission 2.²⁸ Joint submission 5 reports that men and boys have also been victims of sexual violence.²⁹

13. Most rape survivors suffer severe physical and psychological problems but only very few institutions are able to provide adequate treatment, as reported by joint submission 1.³⁰ AI adds that rape survivors are stigmatized and suffer exclusion.³¹ It recommends establishing, including with international support, emergency programmes of appropriate medical and psychosocial care for rape survivors; and developing effective mechanisms to prevent violence against women and girls.³² Joint submission 3 recommends that the Government should set up, as it has undertaken to do, a national agency to combat sexual violence against women and children.³³

14. HRW referred to estimates of UNICEF that in late March 2009, 8,000 children remained in armed groups and some in FARDC.³⁴ AI indicated that although FARDC formally ended the recruitment of children in 2004, an unknown number of children were reportedly still serving with them.³⁵ Serious crimes against child combatants were reported by joint submission 5, including extreme forms of violence, killings and torture. Approximately 40 per cent of child soldiers are female.³⁶ World Vision (WV) was concerned that armed groups were reluctant to release young girls.³⁷

15. Joint submissions 2 and 4 recall that this recruitment took place despite Decree-Law No. 066/2000 concerning the demobilization and social reintegration of children.³⁸ AI reported that

child protection and community reintegration programmes remained under-resourced and entirely reliant on international and national non-governmental organizations (NGOs) and United Nations agencies.³⁹ For joint submission 5, these programmes showed considerable success, noting however that their framework seemed to be limited and that girls were underrepresented.⁴⁰ ICCB reports on cases of children for whom demobilization and reintegration procedures were still pending.⁴¹ WV recommended enhancing the capacity of the governmental body responsible for disarmament, demobilization and reintegration and channelling additional resources towards long-term community-based reintegration support.⁴² AI and ICCB recommend bringing the persons responsible for recruiting children to justice.⁴³

16. AI indicated that no executions following a death penalty had been reported since 2003.⁴⁴ HRW and joint submission 2 recommended abolishing the death penalty.⁴⁵

17. FIACAT/ACAT-RDC reports that the Criminal Code punishes torture only in situations of arbitrary arrest or detention⁴⁶ and, consequently, recommends amending the Code.⁴⁷

18. AI reported that torture and ill-treatment were common, especially in military and intelligence service detention, stressing the vulnerability of those suspected of political opposition in this regard.⁴⁸ According to FIACAT/ACAT-RDC, corporal punishment took place in some punishment cells (*cachots*).⁴⁹ AI stated that human rights monitors, including from the United Nations, were routinely denied access to military and intelligence service detention centres.⁵⁰ It made recommendations on this issue.⁵¹

19. A large number of prisoners, including many accused of State security offences, have not appeared before a court or been allowed to challenge the lawfulness of their detention for years, as underlined by AI.⁵² AI was concerned at reports of detention-related violations throughout the country, including arbitrary arrests, unlawful detentions, and prolonged detention without trial.⁵³ The International Commission of Jurists (ICJ) also reported on the issue, referring in addition to secret detention centres.⁵⁴ FIACAT/ACAT-RDC also reports that exorbitant, non-refundable bail was often demanded of detainees in order for them to regain their freedom.⁵⁵

20. ICCB describes the situation of children accused of sorcery and subjected to exorcism by pseudo-pastors whose “deliverance” sessions are actually instances of potentially fatal physical and moral abuse.⁵⁶ Joint submission 3 recommends organizing a national outreach campaign and taking decisive measures to eliminate this phenomenon.⁵⁷ The Istituto Internazionale Maria Ausiliatrice and International Volunteerism Organization for Women, Education and Development (IIMA/VIDES) recommend adopting measures to make accusations of sorcery a criminal offence and to bring to justice those responsible for abuse and ill-treatment of these children.⁵⁸

21. Global Initiative to End All Corporal Punishment of Children (GIEACPC) reported that corporal punishment was lawful at home and in alternative care settings, and that it was not explicitly prohibited as a disciplinary measure in penal institutions.⁵⁹ GIEACPC strongly recommended prohibiting corporal punishment of children in all settings.⁶⁰

22. According to joint submission 3, there are 30,000 to 40,000 or more street children in Kinshasa, and this phenomenon has spread to other large cities.⁶¹ ICCB reports that police round-ups occur frequently in Kinshasa and the children are often sent to the prison and re-education centre.⁶² IIMA/VIDES makes a reference to street children in Katanga.⁶³ According to ICCB, such children are the victims of violence by other children and law enforcement officers.

IIMA/VIDES draws attention to the violence and sexual exploitation experienced by street girls,⁶⁴ while joint submission 3 draws attention to the particular vulnerability of street children to forced labour and other forms of exploitation, including trafficking in persons.⁶⁵

3. Administration of justice, including impunity, and the rule of law

23. ICJ and AI referred to reported instances of political and military interference in the administration of justice.⁶⁶ Despite constitutional provisions, as stressed by joint submission 5, one could observe a clear subordination of the judiciary to the executive.⁶⁷ HRW recommended taking all necessary action to stop government officials from interfering in judicial proceedings.⁶⁸

24. Joint submission 5 reports on the concentration of judges and prosecutors in cities and their limitation in numbers, on the salaries backlog for States employees and on the lack of training and knowledge for judges and police staff.⁶⁹ According to joint submission 2, insufficient public funding for the justice system is a major obstacle to recruiting magistrates and opening local courts.⁷⁰ ICJ adds that the low budget has led to increased corruption in the judiciary, which limits access by the poor to justice.⁷¹ According to joint submission 5, victims use alternatives and resort to self-defence, traditional arbitration or to militias.⁷²

25. Joint submission 3 recommends developing a national plan to modernize the judicial service.⁷³ Joint submission 2 recommends the establishment of the Constitutional Court, Court of Cassation and Council of State in accordance with the Constitution.⁷⁴ It recalls that the State and its foreign partners are expected to provide the logistical and financial resources for the establishment of the Supreme Council of the Judiciary as provided for by the Constitution with a view to enhancing the independence of the judiciary.⁷⁵

26. DEI-Congo recommends establishing without delay a separate juvenile justice system in accordance with general comment No. 10 of the Committee on the Rights of the Child, recruiting judges and magistrates specialized in this area, supporting the policy of alternative sentences for juvenile offenders and ensuring that children in detention are not abused.⁷⁶

27. AI reported that many trials, especially by military courts, were summary and failed to meet minimum fair trial standards.⁷⁷ Joint submission 5 reported on the newly established “Cour d’Ordre Militaire”, which disrespected basic due process rules.⁷⁸ HRW and AI recommended prohibiting, in accordance with Congolese law, trial of civilians by military courts.⁷⁹

28. Impunity and the slow progress in reforming and training security forces underpin the persistence of gross human rights violations throughout the country, as indicated by AI.⁸⁰ Despite credible allegations of serious human rights violations against senior officers of FARDC and other branches of security forces, the Government has taken no steps to investigate these allegations or to suspend personnel from duty.⁸¹ In particular, according to AI and joint submission 5, the Government failed to investigate alleged human rights violations committed by the police and army in Bas-Congo in 2007 and 2008, mainly targeting members of the politico-religious group Bunda dia Kongo (BDK), or to initiate criminal proceedings against those allegedly responsible.⁸² Noting that a parliamentary commission was established in January 2009 to investigate human rights violations by security forces, joint submission 2 recommends that the commission should carry out its mandate in earnest and that its final report should be made public.⁸³

29. Joint submission 5, AI and FIACAT/ACAT-RDC report that few perpetrators of sexual violence have been brought to justice.⁸⁴ The Government has not taken the steps needed to ensure that the laws on violence against women are enforced, according to joint submission 4, AI and

HRW.⁸⁵ AI recommends ensuring that all victims of sexual violence enjoy equal and effective protection under the law and have equal access to justice, facilitating prosecution of perpetrators and providing full reparation for victims and survivors.⁸⁶ ICCB recommends imposing more severe penalties on child sex offenders.⁸⁷

30. HRW reported that only a handful of soldiers responsible for crimes had been arrested and punished and that no commanding officers had been held to account.⁸⁸ AI and HRW referred however to Gédéon Kyungu Mutanga, a Mayi-Mayi militia leader, who was sentenced in March 2009 for crimes against humanity, insurgency and terrorism.⁸⁹ HRW recommended that the State establish an independent vetting mechanism to remove and exclude members of the security forces responsible for serious human rights violations.⁹⁰ According to joint submission 6, the absence of a law implementing the Rome Statute partially impedes efforts by the Congolese courts to try certain persons accused of serious crimes.⁹¹

31. Joint submission 1 stated that three individuals were currently in custody of the International Criminal Court (ICC).⁹² AI and the International Center for Transitional Justice (ICTJ) stated, however, that the Government refused to arrest and surrender General Bosco Ntaganda to the ICC,⁹³ while joint submission 4 and HRW have emphasized his integration within the army.⁹⁴ AI recommended arresting General Bosco Ntaganda and surrendering him to the ICC.⁹⁵

32. According to ICTJ, the Government has requested a stay of proceedings against members of the Congrès national pour la défense du peuple (CNDP) for the sake of peace in North Kivu.⁹⁶ ICTJ refers to an amnesty bill that excludes international crimes but that jeopardizes efforts to combat impunity as it fails to specify the “acts of war” covered by the amnesty.⁹⁷ AI recommends ensuring that individuals, including members of FARDC, police and intelligence services, suspected of committing crimes under international law or other serious human rights abuses are brought to justice.⁹⁸

33. Victims of human rights abuse almost always lack access to justice, medical and psychosocial care, reparations and redress, according to AI. Essential programmes of institutional reform to address these concerns remain largely unimplemented.⁹⁹ ICTJ notes that the State has not contemplated any policy on reparations.¹⁰⁰

34. AI recommends establishing an independent transitional justice mechanism, in consultation with national and international bodies, addressing grave human rights violations committed in the country since 1993; and incorporating the provisions of the Rome Statute promptly into national law.¹⁰¹ Joint submission 5 reports that a national truth and reconciliation commission has been established. However, criticism over its operational standards, independence and transparency has been expressed and the commission has not produced any substantial output.¹⁰² ICTJ recommends establishing a truth and reconciliation commission with a well-defined mandate, credible and independent members and sufficient resources.¹⁰³

35. AI indicated that conditions in prisons and detention centres often amounted to cruel, inhuman or degrading treatment, and that deaths of prisoners from malnutrition or treatable illnesses were regularly reported, adding that prisons were dilapidated and escapes were frequent.¹⁰⁴ FIACAT/ACAT-RDC recommends taking steps to address prison overcrowding, provide detainees with basic medical care and adequate food, and guarantee the segregation of men and women, children and adults, and remand and convicted prisoners.¹⁰⁵

4. Right to privacy, marriage and family life

36. WV, highlighting the further decrease of birth registration to 31 per cent in 2007, recommended removing all administrative costs relating to birth registration.¹⁰⁶

37. According to WV, the new Child Protection Law which outlawed the marriage of children before 18 years is a welcome step, but must be accompanied by awareness-raising measures.¹⁰⁷

38. Joint submission 7 reported that sexual activity against “morals” and “family life” was criminalized and recommended that the State bring its legislation into conformity with its international human rights obligations.¹⁰⁸

5. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

39. Detention-related violations are often directed against those perceived to be critics or opponents of the government, including human rights defenders, journalists and trade unionists, according to AI.¹⁰⁹ Scores of army personnel, police officers and civilians, most appearing to be supporters of Jean-Pierre Bemba, are reported to have been the victims of enforced disappearance since 2006. The authorities have taken no measures to investigate these allegations or to clarify the whereabouts of the persons missing.¹¹⁰ HRW also referred to the killing, summary executions, enforced disappearance and arbitrary detention of hundreds of supporters of Bemba or BDK, stressing in particular that Republican Guard soldiers summarily executed or caused the enforced disappearance of more than 125 people, many of whom were killed at Camp Tshatshi.¹¹¹ Joint submission 1 also referred to military operations launched against Bemba’s supporters in 2007 and 2008 in Kinshasa, stressing that 600 persons were arbitrarily arrested and illegally detained while others were tortured and killed.¹¹² HRW further referred to arbitrary arrests of individuals suspected by security forces of supporting CNDP.¹¹³ Joint submission 4 mentions the attacks on the President of the National Assembly in March 2009.¹¹⁴

40. The releases, in July 2008, of 258 detainees held unlawfully without trial for long periods were noted by HRW and AI, which stressed however that they appeared to follow no organized or transparent judicial process.¹¹⁵ The ICJ was extremely concerned at the rate of arbitrary detention of political opponents,¹¹⁶ who, according to HRW, still amount to at least 200 persons.¹¹⁷

41. As underlined by Front Line, the International Foundation for the Protection of Human Rights Defenders (FL), HRW and AI, restrictions on freedom of expression are regularly reported, with repeated closures of radio stations linked to the political opposition, confiscation of media equipment, and arbitrary arrests of or threats against journalists.¹¹⁸ This often happens in relation to articles alleging corruption by State officials, according to AI.¹¹⁹ As indicated by joint submission 2, six journalists were killed between 2005 and 2008.¹²⁰ In particular, FL mentioned the killing of two journalists from Radio Okapi, Serge Meheshe and Didace Namujimbo.¹²¹ HRW, noting that three civilians were convicted and sentenced to death in the Meheshe case, stressed that Congolese and international observers who raised alarm at the lack of fair trial as well as defence lawyers were threatened and harassed.¹²² Human rights organizations that defend journalists and freedom of expression have themselves received death threats and been threatened by the authorities with removal of their NGO status, as further reported by AI.¹²³ Joint submission 2 recommends adopting the law establishing the Supreme Audio-visual and Communications Council specified in the Constitution and decriminalizing press offences.¹²⁴

42. As indicated by joint submission 2, the Constitution guarantees the freedom to demonstrate provided that the competent authority is given prior notice. In practice, the authorities interpret this provision as a prior authorization requirement and systematically oppose demonstrations expressing opinions contrary to those of the authorities.¹²⁵

43. Joint submission 2 explains that cooperation between the State and national NGOs is rather weak and that the administration is very slow in granting them final operating permits. In August 2008 the Ministry of Justice published a list that classified NGOs with provisional permits as illegal; this was viewed as an effort to intimidate them.¹²⁶ HRW reported that on 21 March 2009 the Government revoked the authorization of BDK to operate as a social and cultural organization, effectively making it illegal.¹²⁷

44. Human rights defenders are also routinely physically attacked, abducted, arbitrarily arrested and subjected to death threats and other forms of intimidation by government security forces and armed groups, as reported by AI.¹²⁸ Several submitting NGOs indicate that some defenders have been targeted because of their involvement in high-profile human rights cases,¹²⁹ their struggle for justice and the rule of law,¹³⁰ their campaign against the illegal exploitation of natural resources¹³¹ or their support for victims of sexual violence,¹³² in particular in eastern Congo.¹³³

45. FL reported that, with very few exceptions, serious investigations of attacks against defenders had not been conducted.¹³⁴ Human rights defenders are not protected by the national authorities and a national plan for the protection and security of human rights defenders does not exist, particularly in the east.¹³⁵ AI recommended that the State respect and protect the right of human rights defenders and lawyers to conduct their work without hindrance, intimidation or harassment; and ensure that violations of the human rights of journalists, defenders and independent civil society activists are fully and promptly investigated and that those found responsible are brought to justice.¹³⁶ FL made similar recommendations.¹³⁷

46. According to joint submission 3, political life in the Democratic Republic of the Congo continues to be dominated by men.¹³⁸ ICTJ recommends ensuring that women are represented in decision-making bodies,¹³⁹ and joint submission 2 recommends drafting a law to ensure parity, in keeping with the Constitution.¹⁴⁰

6. Right to work and to just and favourable conditions of work

47. Joint submission 1 reports that the Société minière de Bakwanga (MIBA), one of the country's leading mining companies, in which the State holds an 80 per cent stake, ceased its production at Mbuji-Mayi in 2008 and that the State contributed to its decline through the misappropriation of assets and high levies to finance the war effort.¹⁴¹ As a consequence, workers accumulated salary arrears. The jobs, electricity, water, major hospitals and schools provided by the company were affected by this crisis.¹⁴²

48. According to joint submission 1, the mining sector was liberalized without regulations or adequate protection for workers, leading to the breakdown of the official mining sector in favour of the informal sector.¹⁴³ Joint submission 5 stressed that where in the 1980s several major companies controlled the majority of the mining areas, these have all vanished and are now replaced by artisanal miners, who work independently or in groups of less than 10 persons and without any financial or social security system. The miners are totally dependent on buyers and middlemen, who dictate working conditions and prices for the products. Children of 10 years or even younger carry sacks with minerals for up to 12 hours a day. There are no protection measures in pits and tunnels, no health-care or security-system support in case of accident, and chemical substances are used.¹⁴⁴

Joint submission 1 also reports on the working conditions and the accidents at work of artisanal miners (of whom there are 700,000).¹⁴⁵ IIMA/VIDES describes the economic exploitation of the estimated several thousand children working in the mines of Katanga.¹⁴⁶

49. As workers are not organized in unions, they have no influence on their working conditions, as joint submission 5 indicates. Existing labour protections are not controlled, and international companies refuse to show social responsibility in relation to working conditions.¹⁴⁷ Joint submission 1 also notes the lack of oversight of the working conditions at the MIBA site.¹⁴⁸

50. Joint submission 1 adds that many mining areas are controlled by local militias, who steal products, force labourers to work or impose high taxes to finance their groups. Workers not willing to comply are threatened with displacement, torture or killing.¹⁴⁹ Joint submission 1 reports on similar problems with respect to the situation in Mbuji-Mayi in addition to the attacks on workers by rogue elements of the army, MIBA security agents still at the company site, and the national police.¹⁵⁰ Joint submission 1 recommends that the Government should implement the stimulus plan with a view to the immediate reopening of MIBA, ensure the strict enforcement of domestic laws, including the Labour Code and the Mining Code, and implement a development plan to provide the population of Mbuji-Mayi with basic services such as water, health care and electricity.¹⁵¹

7. Right to social security and to an adequate standard of living

51. Joint submission 3 underscores the people's extreme poverty despite the country's vast natural wealth. The lack of transparency and corruption in the signing of mining contracts, the absence of mechanisms to oversee mining operations and the mismanagement of mining companies have squandered revenues further. The current review of mining contracts does not seem to guarantee genuine transparency.¹⁵² Joint submission 2 adds that civil society was barely involved in the renegotiation of contracts identified as contentious and that the procedures established for the review and renegotiation lacked transparency. It recommends combating economic crimes and publishing the terms and conditions of the renegotiated contracts.¹⁵³ Joint submission 3 recommends the regular publication of information on the revenues from the exploitation of resources.¹⁵⁴ EEC/MEU reports that timber and mining companies are not concerned with the development of the local population.¹⁵⁵

52. According to joint submission 3, while the country's water resources could meet the needs of all sub-Saharan Africa, water supply coverage extends to just 45 per cent of the country, and only 26 per cent of rural areas. The poor water quality is a cause of illness.¹⁵⁶ Joint submission 3 recommends taking every step necessary to achieve the goals of the International Decade for Action, "Water for Life" (2005-2015) and African Water Vision 2025.¹⁵⁷

53. Although the Inga Dam has the capacity to supply Southern Africa with electricity, according to joint submission 3, access to electricity is an ordeal even in Kinshasa because of the poor management and inadequate maintenance of the structure over a number of years. People go without electricity for weeks and even months in the provinces, particularly in rural areas.¹⁵⁸

54. According to joint submission 4, the indicators for health, nutrition and food security are near crisis point in many parts of the country.¹⁵⁹ According to joint submission 3, 71 per cent of the population of the Democratic Republic of the Congo has no access to adequate sanitation facilities and the health system offers no guaranteed standards of quality, even for basic care.¹⁶⁰ The issue of nurses' pay has led to the development of a corrupt alternative system, which is compounded by the lack of oversight of hospital and health-centre operations.¹⁶¹

55. WV indicated that the alarmingly high levels of infant, under-five, and maternal mortality and malnutrition rates were of great concern and that only 31 per cent of children under the age of 5 received the vaccinations available for preventable diseases. WV stated that the Government was to be commended for its 2008 decision to launch a mosquito net campaign but that it was imperative that this campaign be accompanied by efforts to improve access to and affordability of malaria treatment.¹⁶²

8. Right to education

56. Joint submission 3 reports that primary education is neither free nor compulsory, that the crisis in the educational system is affecting educational facilities and the operation of the system itself, and that there is a need to address the issue of the training and retraining of teachers and their salary and living and working conditions. This situation should prompt the State to embark on an ambitious action plan to achieve free and compulsory primary education.¹⁶³

57. According to IIMA/VIDES, poverty is among the leading causes of the large number of children not enrolled in school. Families are obliged to pay various school fees.¹⁶⁴ WV recommends increasing the budget allocation to the education sector.¹⁶⁵

9. Minorities and indigenous peoples

58. Joint submission 2 reports that the Pygmies of Equateur and Orientale provinces are adversely affected by the misuse of forest resources, which threatens their way of life, and that they are being marginalized socially as they become more settled.¹⁶⁶ It recommends drafting legislation to recognize the status of indigenous peoples and putting in place official programmes to promote and protect minorities in order to encourage them to participate in political life.¹⁶⁷

10. Internally displaced persons and refugees

59. Joint submission 4 reports that the renewed fighting between the FARDC and CNDP rebels in the east at the end of August 2008 has driven an estimated 250,000 persons to take to the road.¹⁶⁸ Joint submission 5 adds that human rights groups, international humanitarian organizations and the United Nations could not address adequately the needs of up to 2.5 million internally displaced persons and refugees as of January 2008.¹⁶⁹ According to joint submission 6, most of the internally displaced persons in North Kivu are living with host families without any assistance.¹⁷⁰

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

N/A.

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

N/A.

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

60. Joint submission 6 and ICTJ recommend that the international community should help the country in its reform of the security sector, including the army, police and intelligence services.¹⁷¹ Recommendations for the international community have also been put forward by joint submission 3 and WV.¹⁷²

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

Civil society

AI	Amnesty International, London, United Kingdom*;
BICE	Bureau international catholique de l'Enfance, Brussels, Belgium*;
DEI-Congo	Défense des enfants international-Congo, Kinshasa, DRC;
ECC/MEU	Coordination de Commissions Justice, Paix et Sauvegarde de la Création de l'Église du Christ au Congo/Mission évangélique unie; Kinshasa, DRC;
FIACAT/ACAT-RDC	International Federation of Action by Christians for the Abolition of Torture*, Action by Christians for the Abolition of Torture-RDC, Paris, France;
FL	Front Line, The International Foundation for the Protection of Human Rights Defenders; Dublin, Ireland*;
GIEACPC	Global Initiative to end All Corporal Punishment of Children, London, United Kingdom;
HRW	Human Rights Watch; New York, USA*;
ICJ	International Commission of Jurists, Geneva, Switzerland*;
ICTJ	International Center for Transitional Justice, New York, USA;
IIMA/VIDES	Istituto Internazionale Maria Ausiliatrice*, International volunteerism, Organisation for Women, Education, Development*; Rome, Italy;
Joint submission 1	Conseil Régional des Organisations Non Gouvernementales de Développement, Groupe d'Appui aux Exploitants des Ressources Naturelles, Centre d'Études et de Formation Populaires pour les Droits de l'Homme, Global Rights, Clinique internationale de défense des droits humains de l'UQAM; Washington, DC, USA;
Joint submission 2	Submission by Maison des droits de l'homme; <i>composed of</i> : Alliance pour le Développement Intégré des Pygmées (ADIP CONGO), Espoir Pour Tous (EPT), Femme Solidaire Pour la Paix et le Développement (FSPD), Ligue des Femmes pour le Développement et l'Éducation à la Démocratie (LIFDED), Réseau Action Femme (RAF), Carrefour des Femmes et Familles (CAFÉFA), Coalition des ONG pour les Droits de l'Enfant (CODE), Projet Intégré pour les Droits de la personne dans les Entités Nationales (PIDEN), Action d'Aide Sanitaire et de Développement aux plus Démunis (AASD), Défense des Enfants International-Congo (DEI-Congo), Groupe d'Action pour la Démobilisation et la Réinsertion des Enfants Soldats (GADERES), Charité et Secours, Jeunesse pour la Paix et la Défense des droits de l'Homme (JPDH), Journaliste En Danger (JED), Association Africaine des Droits de l'Homme (ASADHO), Observatoire Congolais des Droits Humains (OCDH), Croix rouge, Centre de Recherche des Voies pour l'Epanouissement et l'Autonome (CERVEAU), Centre National d'Appui au Développement et à la Participation Populaire (CENADEP), Avocats Africains pour la protection de l'environnement et la défense des droits des communautés locales (Avocats verts); Kinshasa, DRC;
Joint submission 3	Franciscans International*, <i>co-written with</i> Action Sociale pour la paix et le développement, Global Rights Congo, Justice and Peace Netherlands; <i>co-signed by</i> Action Sociale et Conseils pour la Paix, l'Environnement et le Développement, Action Chrétienne pour l'Abolition de la Torture/Nord Kivu, Aide et Action pour la Paix, Bureau International Catholique de l'enfance*, Centre de Recherche sur l'Environnement, Démocratie et Droits de l'Homme, Cordaid*, Dynamique Femmes Juristes, Groupe Martin Luther King, Promotion et Appui aux Initiatives Féminines, Observatoire Congolais des Prisons, Comité des Observateurs des Droits de l'homme,

	Solidarité pour la Paix et le Progrès Social, Synergie des Femmes pour les Victimes des Violences sexuelles, Synergie pour l'Assistance Judiciaire; Geneva, Switzerland;
Joint submission 4	Fédération internationale des ligues des droits de l'homme*, Association africaine des droits de l'homme, Ligue des électeurs, Groupe Lotus; Paris, France;
Joint submission 5	Ökumenisches Netz Zentralafrika, MISEREOR, Brot für die Welt, Vereinigte Evangelische Mission, Diakonie, Pax Christi*; Berlin, Germany;
Joint submission 6	<i>Submitted by:</i> Synergie des Femmes pour les Victimes des Violences Sexuelles (SFVS); <i>co-signed by:</i> Action pour la promotion et le développement (APRODEPED), Centre de Recherche sur l'Environnement, la Démocratie et les Droits de l'Homme (CREDDHO), Solidarité pour la promotion de la Paix (SOPROP), Centre pour la Promotion des droits Humains (CPDH), Campagne pour la Paix (CPP), Justice et Paix et la Sauvegarde de la Création (JPSC), Réseau des Initiatives pour le développement (REID), Action globale pour la promotion social de la Paix (APSP), Action pour la Promotion socio-économiques des ménages (APROSEM); Kinshasa, DRC;
Joint submission 7	International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), ILGA Europe*, Pan Africa ILGA, International Gay and Lesbian Human Rights Commission, ARC International; Brussels, Belgium;
WV	World Vision, Monrovia, USA*.

² DEI-Congo, p. 1.

³ BICE, p. 4.

⁴ Joint submission 1, p. 8.

⁵ Ibid., para. 10.

⁶ AI, p. 3; see also Joint submission 5, p. 4; Joint submission 3, para. 33.

⁷ AI, p. 4.

⁸ DEI-Congo, pp. 3-4; joint submission 2, para. 16.

⁹ Joint submission 2, para. 17.

¹⁰ Joint submission 3, paras. 7-9.

¹¹ Joint submission 4, pp. 2 and 5.

¹² ECC/MEU, p. 2.

¹³ Ibid., p. 4.

¹⁴ Ibid., p. 4.

¹⁵ BICE, p. 4.

¹⁶ Joint submission 4, p. 2.

¹⁷ Joint submission 5, pp. 1 and 6.

¹⁸ AI, p. 4. See also HRW, pp. 1-2. Joint submission 6, pp. 5-6.

¹⁹ HRW, pp. 1-2; Joint submission 6, pp. 5-6.

²⁰ AI, p. 4.

²¹ Joint submission 5, p. 6.

²² Ibid., p. 6.

- ²³ AI, p. 4; Joint submission 3 also raised similar concerns in paras. 1-4; FIACAT/ACAT-RDC, p. 4, joint submission 4, p. 2.
- ²⁴ BICE, pp. 3-4.
- ²⁵ AI, p. 5; FIACAT/ACAT-RDC, p. 4.
- ²⁶ AI, p. 5; see also ECC/MEU, p. 3.
- ²⁷ FIACAT/ACAT-RDC, p. 4.
- ²⁸ Joint submission 2, para. 8.
- ²⁹ Joint submission 5, p. 4.
- ³⁰ Ibid., p. 5.
- ³¹ AI, p. 5.
- ³² Ibid., p. 7, see also recommendations made by EEC/MEU, p. 4.
- ³³ Joint submission 3, para. 38 (a).
- ³⁴ HRW, p. 4.
- ³⁵ AI, p. 5.
- ³⁶ Joint submission 5, pp. 2-3.
- ³⁷ WV, p. 1.
- ³⁸ Joint submission 2, para. 6. Joint submission 4, p. 5.
- ³⁹ AI, p. 5.
- ⁴⁰ Joint submission 5, pp. 3-4.
- ⁴¹ BICE, p. 2.
- ⁴² WV, p. 1.
- ⁴³ AI, p. 7; BICE, p. 4.
- ⁴⁴ AI, p. 3.
- ⁴⁵ HRW, p. 6; joint submission 2, para. 11.
- ⁴⁶ FIACAT/ACAT-RDC, p. 2.
- ⁴⁷ Ibid., p. 5.
- ⁴⁸ AI, p. 5; similar information was reported by joint submission 2, para. 12.
- ⁴⁹ FIACAT/ACAT-RDC, pp. 3-4.
- ⁵⁰ AI, p. 5.
- ⁵¹ Ibid., pp. 7-8.
- ⁵² Ibid., p. 6.
- ⁵³ Ibid., p. 4, see also HRW, p. 2.
- ⁵⁴ ICJ, p. 5.
- ⁵⁵ FIACAT/ACAT-RDC, p. 2.

- ⁵⁶ BICE, p. 2; see also Joint submission 3, paras. 10-11; IIMA/VIDES, paras. 10-12; WV, p. 4.
- ⁵⁷ Joint submission 3, para. 38 (c).
- ⁵⁸ IIMA/VIDES, paras. 32-5.
- ⁵⁹ GIEACPC, p. 2.
- ⁶⁰ *Ibid.*, pp. 1-2.
- ⁶¹ Joint submission 3, paras. 12-13.
- ⁶² BICE, p. 1.
- ⁶³ IIMA/VIDES, paras. 7-9.
- ⁶⁴ *Ibid.*, paras. 17-18.
- ⁶⁵ Joint submission 3, para. 14.
- ⁶⁶ AI, p. 4 ; ICJ, p. 4.
- ⁶⁷ Joint submission 5, p. 2.
- ⁶⁸ HRW, p. 6.
- ⁶⁹ Joint submission 5, p. 2.
- ⁷⁰ Joint submission 2, para. 18.
- ⁷¹ ICJ, p. 4.
- ⁷² Joint submission 5, p. 2. Joint submission 3 made reference to similar issues in para. 35. See also FIACAT/ACAT-RDC, pp. 1-2.
- ⁷³ Joint submission 3, para. 38 (g). See also AI, p. 7.
- ⁷⁴ Joint submission 2, para. 5.
- ⁷⁵ *Ibid.*, para. 18.
- ⁷⁶ DEI-Congo, p. 2.
- ⁷⁷ AI, p. 4; similar information was reported by joint submission 6, p. 5.
- ⁷⁸ Joint submission 5, p. 2.
- ⁷⁹ HRW, p. 6. AI, p. 7.
- ⁸⁰ AI, p. 4.
- ⁸¹ *Ibid.*, pp. 4-5.
- ⁸² *Ibid.*, p. 5; Joint submission 5, p. 5; see similar information provided by HRW, p. 3.
- ⁸³ Joint submission 2, para. 12.
- ⁸⁴ AI, p. 5; joint submission 5, p. 4. FIACAT/ACAT-RDC, p. 4.
- ⁸⁵ Joint submission 4, p. 2; AI, p. 5; HRW, p. 4.
- ⁸⁶ AI, p. 7, see also recommendations made by EEC/MEU, p. 4.
- ⁸⁷ BICE, p. 5.
- ⁸⁸ HRW, p. 1.
- ⁸⁹ AI, p. 5; HRW, p. 4.

- ⁹⁰ HRW, p. 6, similar recommendation was made by AI, p. 7.
- ⁹¹ Joint submission 6, p. 5.
- ⁹² Joint submission 5, p. 4.
- ⁹³ AI, p. 5; ICTJ, para. 3; Similar information were provided by Joint submission 4, p. 4, joint submission 5, p. 4, and ICJ, p. 3.
- ⁹⁴ Joint submission 4, p. 4; HRW, p. 5.
- ⁹⁵ AI, p. 7.
- ⁹⁶ ICTJ, para. 4.
- ⁹⁷ Ibid., para. 5.
- ⁹⁸ AI, p. 7.
- ⁹⁹ Ibid., p. 4.
- ¹⁰⁰ ICTJ, para. 12.
- ¹⁰¹ AI, p. 7.
- ¹⁰² Joint submission 5, p. 2.
- ¹⁰³ ICTJ, paras. 7 and 24.
- ¹⁰⁴ AI, pp. 4 and 6.
- ¹⁰⁵ FIACAT/ACAT-RDC, p. 5.
- ¹⁰⁶ WV, p. 4.
- ¹⁰⁷ Ibid., p. 3.
- ¹⁰⁸ Joint submission 7, pp. 1-2.
- ¹⁰⁹ AI, p. 4.
- ¹¹⁰ Ibid., p. 6.
- ¹¹¹ HRW, p. 2.
- ¹¹² Joint submission 5, pp. 5-6.
- ¹¹³ HRW, p. 2.
- ¹¹⁴ Joint submission 4, p. 4.
- ¹¹⁵ AI, p. 6, HRW, p. 3.
- ¹¹⁶ ICJ, p. 5.
- ¹¹⁷ HRW, p. 3.
- ¹¹⁸ AI, p. 4 and 6; HRW, p. 3; FL, p. 2.
- ¹¹⁹ AI, p. 6.
- ¹²⁰ Joint submission 2, para. 10.
- ¹²¹ FL, p. 4.
- ¹²² HRW, pp. 3-4
- ¹²³ AI, p. 6.
- ¹²⁴ Joint submission 2, para. 4.
- ¹²⁵ Ibid., para. 13.
- ¹²⁶ Ibid., para. 15; see also joint submission 4, p. 3.
- ¹²⁷ HRW, p. 3

- ¹²⁸ AI, p. 6.
- ¹²⁹ Ibid., p. 8 ; FL provided similar information (p. 1) and provided specific examples (p. 3).
- ¹³⁰ Joint submission 4, pp. 2-3.
- ¹³¹ Ibid., p. 3.
- ¹³² Ibid., pp. 2-3.
- ¹³³ FL, p. 4.
- ¹³⁴ Ibid., p. 2; for similar information, see AI, p. 6; joint submission 4, p. 3.
- ¹³⁵ FL, p. 2.
- ¹³⁶ AI, p. 8.
- ¹³⁷ FL, p. 5.
- ¹³⁸ Joint submission 3, para. 6.
- ¹³⁹ ICTJ, para. 28.
- ¹⁴⁰ Joint submission 2, para. 2.
- ¹⁴¹ Joint submission 1, paras 1-2; 11-13. See also joint submission 3, para. 24.
- ¹⁴² Joint submission 1, paras. 11; 14-15.
- ¹⁴³ Ibid., paras. 3 and 16.
- ¹⁴⁴ Joint submission 5, p. 7.
- ¹⁴⁵ Joint submission 1, para. 17.
- ¹⁴⁶ IIMA/VIDES, paras. 14-16.
- ¹⁴⁷ Joint submission 5, p. 7.
- ¹⁴⁸ Joint submission 4, para. 20.
- ¹⁴⁹ Joint submission 5, p. 7.
- ¹⁵⁰ Joint submission 1, paras. 18-19.
- ¹⁵¹ Ibid., p. 9.
- ¹⁵² Joint submission 3, paras. 24-26.
- ¹⁵³ Joint submission 2, para. 14.
- ¹⁵⁴ Joint submission 3, para. 38 (d).
- ¹⁵⁵ EEC/MEU, p. 6.
- ¹⁵⁶ Joint submission 3, paras. 19-20; see also EEC/MEU, p. 7.
- ¹⁵⁷ Joint submission 3, para. 38 (e).
- ¹⁵⁸ Ibid., paras. 21-23.
- ¹⁵⁹ Joint submission 4, p. 1.
- ¹⁶⁰ Joint submission 3, para. 30
- ¹⁶¹ Ibid., para. 31.
- ¹⁶² WV, pp. 4-5.
- ¹⁶³ Joint submission 3, paras. 28-29.
- ¹⁶⁴ IIMA/VIDES, para. 23-25.
- ¹⁶⁵ WV, p. 3.

¹⁶⁶ Joint submission 2, para. 9.

¹⁶⁷ Ibid., para. 2.

¹⁶⁸ Joint submission 4, p. 1.

¹⁶⁹ Joint submission 5, p. 7.

¹⁷⁰ Joint submission 6, p. 6.

¹⁷¹ ICTJ, para. 23; Joint submission 6, p. 5.

¹⁷² Soumission conjointe 3, para. 40; WV, throughout document.
