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Universal Periodic Review

Written statement* submitted by the International Federation of Action of Christians for Abolition of Torture (FIACAT), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2010]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Universal periodic review (UPR) for the Democratic Republic of Congo (DRC)¹

The International Federation of Action of Christians against Torture (FIACAT) has contributed to the first universal periodic review of the Democratic Republic of Congo, submitting a report on torture and ill-treatment and prison conditions in the country.

1. Prison conditions

FIACAT welcomes the fact that many countries (Switzerland, Netherlands, Sweden, USA, Spain) have expressed their concerns regarding prison conditions in the DRC.

Important recommendations to improve these conditions have been accepted by the Congolese Government. FIACAT welcomes this and calls on the Congolese Government to implement them as soon as possible.

However, FIACAT regrets that the DRC has rejected the recommendations of France and the USA on free and regular access to places of detention for independent monitors.

FIACAT wishes to emphasise the many shocking aspects of prison conditions in the DRC. Prisons are overpopulated, and prisoners are not separated by sex, age or status (military or civilian). Many prisoners suffer malnutrition and have no access to adequate medical care. Members of ACAT Sud-Kivu state that, in that region's prisons, food is not distributed regularly. The only sources of food are the families of prisoners, NGOs and churches, and they are often pilfered by prison warders. Moreover, the prisoners often have no access to drinking water.

The ACAT Nord-Kivu has observed that the food ration at Goma prison is meagre, comprising just a cup of corn or beans per day, with prisoners often spending up to three days without food until charities or other organisations intervene. Malnutrition is one of the main causes of death in prison, alongside tuberculosis.

Several Congolese ACATs also report corporal punishment, such as beatings, in prisons.

2. Combating impunity

FIACAT welcomes the many questions asked of the DRC, in particular that from the USA on the measures taken by the government in 2009 to end impunity for serious crimes, in particular torture. It would encourage the DRC to implement the many recommendations it has accepted in this area, in particular those of the Netherlands, Denmark, Canada, the Czech Republic and Italy.

FIACAT recalls that, since the criminalisation of violence towards women by the Act of 20 July 2006, victims can, in theory, go to court to assert their rights and bring perpetrators to justice. However, cases are seldom referred to the competent courts because of the high cost of doing so, which must be borne by the victim. Furthermore, victims of violence often prefer to remain silent so as not to compromise their position in society. There have been many cases of women who have been raped then being rejected by their husband, who is worried about catching AIDS, or unable to contribute to the household because they dare not leave the house for fear of attracting public opprobrium. Out-of-court settlements are common so as to shield the perpetrator from justice.

¹ ACAT DRC (Action of Christians against Torture), a member of FIACAT, shares the opinions expressed in this declaration.

ACAT Nord-Kivu has observed this practice frequently, in many concrete cases brought to its attention.

Soldiers and police officers, the usual perpetrators, are not usually punished. Even if prosecuted, they are sentenced leniently. The penalisation of violence towards women, introduced by the Act of 20 July 2006, can lead in theory to sentences of up to 15 years in prison, but, in reality, sentences for rape are usually less than five years.

At the thirteenth ordinary session of the Human Rights Council, FIACAT calls on the DRC to accept Austria's recommendation to guarantee access for all prisoners to legal assistance and to ensure effective investigation and the prosecution of those responsible for torture committed by the security forces.

FIACAT regrets that the government has not accepted the recommendations of Ireland and Canada to prevent perpetrators of human rights violations being recruited to official posts.
