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Democratic Republic of the Congo*

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Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Land and people	1–21	3
A. Land	1–7	3
B. People	8–21	3
II. Socioeconomic indicators	22–36	6
A. Social situation	22	6
B. Economic situation	23–36	6
III. Political situation	37–44	14
IV. General legal framework for the protection of human rights	45–61	16

I. Land and people

A. Land

1. The Democratic Republic of the Congo is a central African country, situated on both sides of the equator. It is bordered on its north side by the Central African Republic and South Sudan, in the east by Uganda, Rwanda, Burundi and the United Republic of Tanzania, in the south by Zambia and Angola and in the west by the Atlantic Ocean, the Cabinda enclave and the Republic of the Congo.
2. The Democratic Republic of the Congo is a vast country the size of a continent, with a total area of 2,345,409 square kilometres; the land is mostly flat. In the centre is a broad basin (cuvette), with an average altitude of 230 metres; it is covered in equatorial forest interspersed with numerous marshy areas. This central basin is bordered by layered plateaux, except in the east, where mountains of volcanic composition predominate, their average height is over 1,000 metres.
3. Traversed by the equator, the Democratic Republic of the Congo has a hot, humid climate with an average temperature of 25°C and abundant, regular rainfall.
4. Rainfall and temperatures gradually decline as one moves eastward. The year is divided into two seasons: a dry season of almost four months, and a long rainy season lasting approximately eight months.
5. The country has an extensive network of rivers. The Congo river crosses the country from south-east to north-west before emptying into the Atlantic Ocean; it is 4,700 kilometres long with a flow rate exceeded only by the Amazon. Fed by several river tributaries, the Congo is navigable along most of its length.
6. The soil and subsoil offer a plentiful variety of agricultural and mineral resources.
7. The diverse and abundant wildlife includes endangered species, such as mountain gorillas (in Virunga National Park) and elephants; and other large mammals, among them lions, leopards, giraffes, hippopotami, okapis, zebra and buffalo. Among the rarer species are okapis and bonobos.

B. People

1. Demographic characteristics

8. According to demographic statistics available per province and provided by the Ministry of the Interior, there was a total of 58,556,837 inhabitants in 2003; that figure rose to 59,829,882 in 2004. For technical reasons, the 2004 census did not include data from two provinces, Orientale and Sud-Kivu.
9. Using 2003 statistics from Orientale and Sud-Kivu, which had 6,807,224 and 3,363,936 inhabitants respectively, and incorporating a 3 per cent annual growth rate, the following numbers emerge:
 - 7,078,390 (Orientale) plus;
 - 3,464,854 (Sud-Kivu) equal 10,543,244 which, when added to the 2004 census results brings the Congolese population to 70,373,126. Using the same formula, based on the 3 per cent growth rate that obtained between 2004 and 2010 gives the following results:

- 2003: 58,556,837 inhabitants (available census results);
- 2004: 70,373,126 inhabitants;
- 2005: 70,374,126 + 2,111,193 = 72,485,319 inhabitants;
- 2006: 72,485,319 + 2,174,559 = 74,659,878 inhabitants;
- 2007: 74,659,878 + 2,239,796 = 76,899,674 inhabitants;
- 2008: 76,899,674 + 2,306,990 = 79,206,664 inhabitants;
- 2009: 79,206,664 + 2,376,199 = 81,582,863 inhabitants;
- 2010: 81,582,863 + 2,447,485 = 84,030,348 inhabitants;
- 2011: 84,030,348 + 2,520,910 = 86,551,258 inhabitants.

10. The Democratic Republic of the Congo is one of the most densely populated countries in Africa. A population diagram by age and sex would be shaped like a pyramid, broad at the base and narrow at the summit, and with concave sides, reflecting a young population. In 1997, 25.9 million inhabitants were under 18. The natural growth rate was 3.4 per cent between 1990 and 1998, with a fertility rate of 6.4 per cent.

11. As for the years prior to 1960, a general population survey was conducted between May 1955 and late 1957; the results were broadly consistent with the 1958 administrative census. Surveys were also conducted, starting in 1925, among typical demographic groups. These show that the population stabilized around 1925 and then began to grow, slowly at first, attaining an annual growth rate of 1 per cent in 1947, 2 per cent between 1955 and 1957, when the surveys were conducted, and 3.1 per cent in 1984.

12. Traditionally, the densely populated areas have remained extremely stable, and have tended to expand. Estimates for 2010 are based on the 1984 census and on established growth rates for each territory. The urban population now comprises approximately 24.5 million inhabitants. The land area of cities and national parks is not included in these calculations. The table below shows that 2.4 per cent of the rural population now lives in areas with more than 100 inhabitants per square kilometre. Since 1948 there has been a steady and rapid rise in population density.

Table 1
Percentage of the rural population living in areas with more than 20 inhabitants per km²

<i>Years</i>	<i>%</i>	<i>Rural population</i>
1948	21.5	9 718 809
1970	39.2	16 357 866
1984	47.6	21 970 984
2010	71.0	44 893 366

13. A broad swath of heavily populated land — noted since the earliest colonial incursions — stretches from the Atlantic Ocean to Kabinda, passing through the Mayombe, over the Cataractes Plateau, through Kwilu, and the south of Kasai Occidental and Kasai Oriental. Here live 11.8 million people in areas with a density of more than 20 inhabitants per square kilometre (in a land area of 302,000 square kilometres). If the cities are included, the population of this swath comes to 26.4 million inhabitants, with an average density of 84 inhabitants per square kilometre. Not included is Sankuru, ancient home of the great kingdoms of the savannah south of the forest, the Kongo, Yaka, Kuba, Pende, Luba and

Lunda, where dense populations are related to kinds of commerce and the locations of main thoroughfares.

14. There is a second high-density swath in eastern Congo, from Kake Tanganyika to the South Sudan border. Here 12.7 million people live in areas with a density of more than 20 per square kilometre, or, on average, 142 per square kilometre.

15. There are also pockets of high population density, at more than 500,000 inhabitants (exclusive of the populations of urban centres), north and south of the forest: on the Gemena Plateau between Kungu and Bumba (2.7 million inhabitants within 67,500 square kilometres); in the Upemba Depression in Katanga Province, between Bukama and Malemba-Nkulu (1 million inhabitants within 31,000 square kilometres); between Kongolo and Kasongo, at a strategic vantage between the two swaths of high population density mentioned above (785 million inhabitants within 30,000 square kilometres); to the west and south-west of Kisangani, between Boende and Isangi (725,000 inhabitants within 52,000 square kilometres); and on the Isiro Plateau as far as Wamba (525,000 inhabitants within 19,000 square kilometres).

16. There are other, smaller pockets, south of Mbandaka between Bikoro and Inongo, and, in Katanga Province, on the Marungu highlands in Moba territory, and along the Luapula River.

17. The Upemba Depression has had a high population density since at least the eighth century, as shown by the abundance and richness of tombs discovered there. In the area around Isiro, high population density continues to hold despite low fertility rates.

2. Ethnic groups

18. The population is made up of more than 450 ethnic groups, which can be clustered into larger groups, each in a clearly demarcated area. The largest group is the Luba or Baluba, living in south central Congo (at 18 per cent); the next largest is the Kongo, living in Bas-Congo (at 16 per cent). The north-west is inhabited by the Mongo (at 13.5 per cent) and the Zande (at 6.1 per cent); the north by the Mangbetu, the Hema, the Lendu and the Alur (at 3.8 per cent), and the east by the Nande, the Rega, the Hunde, the Bashi, the Bafulero, the Tutsi and many other ethnic groups. The Chokwe and Lunda live along the border with Angola. The Pygmies (less than 0.5 per cent) are to be found in all provinces except for Bas-Congo and the city-province of Kinshasa.

3. Languages

19. French is the official language of the Democratic Republic of the Congo. Another 250 languages and dialects are spoken, 90 per cent of Bantu origin. Four are referred to as “national languages”:

- Swahili, spoken by 40 per cent of the population, in the eastern provinces of Nord-Kivu, Sud-Kivu, Katanga, Maniema and Orientale;
- Lingala, by 27.5 per cent, in and around the capital city of Kinshasa, as well as in Equateur and Orientale;
- Kikongo, by 17.8 per cent, in Bas-Congo and Bandundu;
- Chiluba, by 15 per cent, in Kasai-Oriental and Kasai-Occidental.

20. Many of the languages spoken in the northern part of the country belong to the Niger-Congo family (Ubangian subgroup) and the Nilo-Saharan family (central Sudanic group and Nilotic subgroup).

4. Religion

21. The Democratic Republic of the Congo is a secular State. There are, however, six traditional religious denominations, Catholic, Kimbanguist, Protestant, Orthodox, Islam and Salvationist, several independent denominations, and a number of animist sects.

II. Socioeconomic indicators

A. Social situation

22. The social fabric began to unravel in the 1970s, and further unravelled during a series of unfortunate events: the Zairianization campaign of December 1973, the riots of September 1991 and February 1993, and two wars, from 1996 to 1997 and from 1998 to 2002. These dire circumstances brought about a decline in production, along with widespread unemployment and severe poverty. The social sectors most affected by this crisis have been health, education, agriculture and basic infrastructure.

B. Economic situation

23. Although the Congolese economy is outward-looking, it suffers from a structural imbalance in the production of goods and services, and uneven development. From 1983 to 1989, the situation was relatively stable. Between 1990 and 1996, however, the country plunged into crisis, upsetting the economic equilibrium and causing inflation and rapid depreciation of the national currency.

24. Occurring in the final years of the Second Republic, this crisis largely arose from mismanagement in the form of unplanned spending and money-printing.

25. From May 1997 to July 1998, as the regime of the Alliance des Forces Démocratiques de Libération du Congo (AFDL) rose to power, the principal economic indicators showed a marked improvement in prices, currency and public finance. This prompted the Government to carry out a monetary reform and to launch the Congolese franc, which attracted an encouraging exchange rate vis-à-vis the principal foreign currencies.

26. Unfortunately, after 2 August 1998 the country's economic equilibrium was again upset by acts of aggression from the Rwanda-Uganda-Burundi coalition, in alliance with rebel movements and financed by multinationals. The war gave rise to hyperinflation, which had a serious impact on purchasing power, impoverishing the population and causing a noticeable decline in gross domestic product (GDP) (3.15 per cent). The inflation rate was 656.8 per cent in 1996, 13.7 per cent in 1997 and 2.2 per cent in July 1998.

27. Since production could not recover while the country was at war, any progress that had been achieved by 1998 was at risk. Inflation rose from 196.3 per cent in September 1999 to 489 per cent in December of that year. This state of affairs lasted until February 2001, when President Joseph Kabila came to power. Adopting vigorous economic and monetary measures, he revitalized the political scene by reopening the Inter-Congolese Dialogue, as called for by the Lusaka Ceasefire Agreement of 10 July 1999. Among other measures, he stabilized public finance and liberalized the exchange rate, prompting a renewal of cooperation with the Bretton Woods institutions.

28. The Inter-Congolese Dialogue culminated in the signing of the Global and Inclusive Agreement on 17 December 2002 in Pretoria, South Africa. On the basis of this political agreement, a constitution was adopted and promulgated on 4 April 2003, providing for the

establishment of a transitional Government in which all the belligerents as well as the political opposition and the civil society would participate. In the wake of this turbulent period, the Democratic Republic of the Congo resumed its efforts to achieve democracy. In a 2005 referendum, the Congolese people voted in favour of the new Constitution. According to statistics from the Central Bank of the Congo, the economic situation may be described as follows.

29. Investment: following the global economic crisis of 2009, a rise in both the GDP growth curve and in real income has been increasingly evident in 2010. There has also been a significant rise in investments, accounting for 3.2 per cent of GDP growth, as compared with 0.6 per cent previously.

30. These developments are attributable, in part, to the large-scale infrastructure projects being carried out by the Government in the context of its five priorities (“*cinq chantiers*”) policy (Source: Central Bank of the Congo, 2010).

31. As for economic governance, a number of reforms have been launched, on the one hand, to improve the collection of public revenue, and on the other, to rationalize public spending. The conclusion in December 2009 of a new IMF country programme, backed by a flexible credit line for the Business Federation of the Congo, reflects efforts by the Congolese authorities to balance its accounts and to spend in a more streamlined, transparent manner.

32. These reforms have enabled the Democratic Republic of the Congo to reach the completion point under the Heavily Indebted Poor Countries (HIPC) Initiative, bringing about a substantial decrease in the debt burden.

33. Under its medium-term plan, the Government aims to achieve strong, lasting and sustained growth in a stable macroeconomic environment, in accordance with strategic guidelines spelled out in the Growth and Poverty Reduction Strategy Paper (GPRSP 2).

- GDP growth rate: 7.2 per cent;
- GDP deflator: 23.5 per cent;
- Average inflation rate: 8.7 per cent;
- Average exchange rate: 950.6 CGF/US\$;
- Per capita income (generally very low) in 2010: US\$ 291;
- Gross national income per capita in 2010: 162,688.14;
- Revenue: 10 per cent;
- Expenditure: 3 per cent;
- Exports: 60 per cent;
- Imports: – 100 per cent;
- Increase in money supply 2006 to 2010: 49.4 per cent;
- Change in social spending.

Table 2
Change in social spending

	2008	2009	2010
Health			
Provision of services	5.6	5.6	5.8
Investments	5.1	11.4	10.6
Education			
Provision of services	26.5	24.5	21.1
Investments	6.5	4.2	1.3

Table 3
Government financial operations

	2010	2011
(in billions of CGF)		
Revenue and grants	3 929.3	4 274.9
Tax and non-tax revenue	2 253.3	3 006.4
Tax revenue	1 531.9	1 997.5
Non-tax revenue	721.4	1 008.8
Grants	1 676.0	1 268.6
Total expenditure	3 647.3	5 308.6
Current expenditure	1 724.2	2 491.1
Wages	696.7	982.9
Goods and services	461.9	682.9
Subsidies and transfers	302.2	451.6
Debt interest payments due	263.5	373.7
Capital expenditure	1 677.6	2 406.3
Domestic financing	307.0	580.6
External financing	1 370.6	1 825.8
Exceptional expenditure	245.5	322.4
Domestic financing	203.7	148.7
External financing	41.7	173.7
Reserves for emergencies and disasters	-	88.7
Balance and financing		
Overall balance (payment order basis)	282.0	1 033.6
Overall balance (cash basis)	138.7	1 099.1
Total financing	138.7	1 099.1
External financing	425.0	987.8
Domestic financing	1 049.9	120.6
(as a percentage of GDP)		
Revenues and grants	32.2%	29.0%
Tax and non-tax revenue	18.5%	20.4%

	2010	2011
Tax revenue	12.5%	13.5%
Non-tax revenue	5.9%	6.8%
Grants	13.7%	8.6%
Total expenditure	29.9	36.0%
Current expenditure	14.1	16.9%
Wages	5.7	6.7%
Goods and services	3.8	4.6%
Subsidies and transfers	2.5	3.1%
Debt interest payments due	2.2	2.5%
Capital expenditure	13.7	16.3%
Domestic financing	2.5	3.9%
External financing	11.2	12.4%
Exceptional expenditure	2.0	2.2%
Domestic financing	1.7%	1.0
External financing	0.3	1.2%
Reserves for emergencies and disasters	0.0	0.6
Balance and financing		
Overall balance (payment order basis)	2.3%	-7.0%
Overall balance (cash basis)	0.3%	-1.8%
Total financing	-1.1%	7.5 %
External financing	3.5%	6.6%

Source: Growth and Poverty Reduction Strategy Paper (GPRSP 2).

Table 4
Monetary survey

	2010	2011
(annual growth, percentage)		
Net external assets	2 116.5%	20.6%
Net domestic assets	-30.5%	23.8%
Credits to the Government	-328.7%	-11.8%
Credits to the economy	19.0%	29.4%
Credits to public enterprises	12.0%	10.7%
Money supply (M2)	30.7%	22.5%
Money in circulation (M1)	46.9%	25.9%
Quasi-money	23.1%	20.6%
Time deposits in national currency	142.6%	27.1%
Foreign currency deposits	22.7%	25.0%
Provisions for imports	8.0%	20.2%
(as a percentage of GDP)		
Net external assets	7.6%	7.6%

	2010	2011
Net domestic assets	9.2%	9.5%
Credits to the State	-3.3%	-2.4%
Credits to the economy	6.6%	7.0%
Credits to public enterprises	0.3%	0.2%
Money supply (M2)	16.5%	16.7%
Money in circulation (M1)	5.9%	6.2%
Quasi-money	10.6%	10.5%
Time deposits in national currency	0.1%	0.1%
Foreign currency deposits	10.5%	10.5%
Provisions for imports	0.4%	0.4%
Key ratios		
Velocity of money (GDP/M2)	6.22	6.13
M2/GDP	0.16	0.16
M1/GDP	0.36	0.37
As a ratio of money supply (M2)		
Currency in circulation	0.25	0.26
Sight deposits	0.11	0.11
Time deposits (CGF)	0.00	0.00
Foreign currency deposits (USD)	0.64	62.7%

Source: Growth and Poverty Reduction Strategy Paper (GPRSP 2).

Table 5
Balance of payments

	2010	2011
(in millions of US dollars)		
Current account	-897.75	-418.93
Trade balance	520.38	1 910.41
Exports of goods, FOB	8 349.88	10 931.00
Products of mining	8 153.97	10 680.88
Other products	195.90	250.12
Imports of goods, FOB	-7 829.49	-9 020 259
Consumer goods	-1 867.14	-2 151.19
Capital goods	-4 849.37	-5 587.10
Intermediary goods	-1 112.98	-1 282.30
Balance of services	-1 644.59	-1 796.12
Balance of revenue	-881.14	-1 491.31
Balance of current transfers	1 107.60	958.09
Capital and financial account	1 644.50	509.33
Overall balance	746.74	90.40
Financing	-5 299.81	-102.78

	2010	2011
(as a percentage)		
Current account	-6.7%	-2.7%
Trade balance	3.9%	12.5%
Exports of goods, FOB	62.5%	71.3%
Products of mining	61.0%	69.6%
Other products	1.5%	1.6%
Imports of goods, FOB	-58.6%	-58.8%
Consumer goods	-14.0%	-14.0%
Capital goods	-36.3%	-36.4%
Intermediary goods	-8.3%	-8.4%
Balance of services	-12.3%	-11.7%
Balance of revenues	-17.0%	-17.1%
Balance of current transfers	0.0%	-0.0%
Capital and financial account	0.5%	-0.2%
Overall balance	-0.2%	-0.1%
Financing	0.0%	-0.0%
Financing need before exceptional assistance	6.6%	-5.1%

Source: Growth and Poverty Reduction Strategy Paper (GPRSP 2).

Table 6
Main indicators

	2010	2011
GDP (nominal value, billions of CGF)	6 353.0	7 568.7
GDP per capita (in USD)	193.1	215.2
GDP per capita (in CGF)	176 444.6	206 957.6
(annual growth rate, unless otherwise indicated)		
Production and prices		
Real GDP	7.2%	6.5%
of which agriculture	3.0%	3.5%
of which mining	24.9%	10.1%
Consumer price index, annual average	23.5	12.0
Consumer price index at year end	9.8	13.0
GDP deflator	22.5%	13.4%
(as a percentage of GDP, unless otherwise indicated)		
Consumption	80.6%	69.4%
Public	11.8%	13.8%
Private	68.8%	55.5%
Capital investment	27.0%	32.8%
Public	14.1%	16.8%

	2010	2011
Private	12.9%	16.0%
Savings	19.4%	30.6
Government		
Total revenue	32.2%	29.0%
Revenue excluding grants	18.5%	20.4%
Grants	13.7%	8.6%
Total expenditure	29.9%	36.0%
Current expenditure	14.1%	16.9%
Capital expenditure	13.7%	16.3%
Domestic fiscal balance (cash basis)	0.3%	-1.0%
Consolidated fiscal balance (cash basis)	1.1%	-7.5%
External sector		
Exports of goods and services	69.7%	74.8%
of which mining	57.2%	61.0%
Imports of goods and services	77.3%	76.9%
Trade balance	-3.9%	13.3%
Current balance	-15.8%	-2.9%
	(Annual variation)	
	Money and credit	
Money supply (M2)	30.7%	22.5%
Net external assets	2 116.5%	20.6%
Net domestic assets	-30.5%	23.8%
Credits to the economy	19.0%	29.4%
Net claims on Government	-328.7%	-11.8%
Millennium Development Goals (MDG indicators)		
Goal 1: Eradicate extreme poverty		
Poverty incidence	69.6%	69.6%
Goal 2: Achieve universal primary education		
Literacy rate (% of adults over 15 years of age)	83.2%	89.7%
Net enrolment rate in primary education	75.0%	82.8%
Goals 4 and 5: Reproductive health		
Life expectancy at birth	48.0	49.3
Maternal mortality ratio (per 100,000 births)	413.2	355.4
Infant and under-5 mortality rate	111.1	95.4
Exchange rate		
Annual average	913.90	961.64
End of year	925.20	973.53

Source: Standing Committee on the Macroeconomic Framework.

Table 7
GDP and its uses

	2010	2011
GDP per capita		
Nominal GDP (in billions CGF)		
Nominal GDP (in millions US\$)		
Population (in millions of inhabitants)		
GDP per capita (CGF per inhabitant)		
GDP per capita (US\$ per inhabitant)		
Real GDP (annual growth)		
Prices		
GDP deflator (annual growth)		
Consumer price (annual growth)		
Exchange rate (CGF/USD)		
	Annual growth	
GDP sources		
Real GDP (market price)		
Primary sector		
Agriculture		
Forestry		
Mines		
Secondary sector		
Tertiary sector		
Commercial services		
Non-commercial services		
GDP uses		
Consumption		
Public		
Private		
Exports of goods and services		
Mining		
Other goods		
Services		
Imports of goods and services		
Consumer goods		
Capital goods		
Intermediary goods		
Services		

Source: Growth and Poverty Reduction Strategy Paper (GPRSP 2).

Table 8
Selected indicators as percentages of GDP: System of National Accounts (SNA)

	2009	2010	2011
GDP			
Growth rate			
	As a % of GDP		
Total revenue			
Total expenditure			
Public investment			
Fiscal balance, cash basis			
Exports			
Imports			
Current balance			

Source: Growth and Poverty Reduction Strategy Paper (GPRSP 2).

34. As for external debt, when the country reached the Heavily Indebted Poor Countries (HIPC) completion point in 2010, it was granted a cancellation of 90 per cent of its external debt, or approximately 10 billion US dollars.

35. This significant debt reduction has restored the country's borrowing capacity, and has been a contributing factor in the country's economic growth.

36. On 30 September 2010, the outstanding external debt stood at 3 billion US dollars, meaning that 90 per cent of the debt of 13 billion US dollars accumulated since the end of the Second Republic had been forgiven.

III. Political situation

37. Following independence on 30 June 1960, the Democratic Republic of the Congo underwent a period of political instability, marked by secessions and rebellions over much of its territory. This unrest prompted the National Congolese Army (ANC) to take power on 24 November 1965, under the leadership of Lieutenant General Mobutu.

38. Mr. Mobutu instituted a single-party regime, which remained in place until 24 April 1990, the projected date for the restoration of a multiparty system. In 1992, the leading members of Congolese society joined together in the Sovereign National Conference to debate the future of the nation and to establish democratic institutions that would guarantee to citizens the enjoyment of fundamental rights and national development. The democratization process however, turned out to be unexpectedly lengthy, and on 17 May 1997 the Alliance des forces démocratiques pour la libération du Congo (AFDL) took power and dissolved the institutions that had arisen from the Sovereign National Conference.

39. A new, two-year transitional phase was announced pending the holding of elections. However, the war of 2 August 1998 disrupted the political agenda, and diverted all attention away from it. This situation lasted until the conclusion of the Sun City Global and All-Inclusive Agreement, and the promulgation of the new transitional Constitution on 4 April 2003, which provided for the establishment of political institutions and democracy-sustaining institutions.

40. The political institutions were:

- A President of the Republic, whose executive authority was shared with four Vice-Presidents;
- A transitional Government comprising the belligerents, the political opposition and civil society;
- A bicameral Parliament: the National Assembly and the Senate; and
- The courts.

The democracy-sustaining institutions had the mandate of guaranteeing neutrality and impartiality in the exercise of free, democratic and transparent elections, ensuring the neutrality of the media, consolidating national unity on the basis of genuine reconciliation between the Congolese peoples, promoting and protecting human rights, and fostering the practice of moral and civic values. These institutions were:

- The Independent Electoral Commission;
- The National Human Rights Monitoring Centre;
- The Media Authority;
- The Truth and Reconciliation Commission; and
- The Ethics and Anti-Corruption Commission.

41. Article 196 of the transitional Constitution called for a 24-month transitional phase, with a 6-month extension renewable once only for the purpose of holding elections. The new Constitution, adopted by referendum in December 2005 and promulgated on 18 February 2006, establishes rules for the transitional phase. However, the institutions set up under the transitional Constitution continued to operate until the corresponding institutions provided for under the Constitution of 18 February 2006 were able to function effectively. They carried out their mandate in conformity with the provisions of the transitional Constitution and guided the country toward the presidential and legislative general elections, which were held in July and November 2006, and then in January and February 2007. To date, local elections have not been held.

42. With regard to the second legislature, article 71 of the Constitution of 2006 was amended, pursuant to article 1 of Act No. 11/002 of 20 January 2011 amending several articles of the Constitution, to provide that the President of the Republic shall be elected by a simple majority of the votes cast.

43. The Constitution of 18 February 2006 called for a highly decentralized Government with central, provincial and democracy-sustaining political institutions.

44. Presidential and legislative elections were held in November 2011; local and provincial elections will be held at a later date. Under the terms of the Constitution of 18 February 2006.

(a) The national institutions are:

- The President of the Republic;
- The bicameral Parliament: National Assembly and Senate;
- The Government, directed by a Prime Minister, the Head of Government accountable to Parliament;
- The civil and military courts;

(b) The provincial political institutions are:

- The provincial Assembly;
- The provincial Government;

(c) The democracy-sustaining institutions are: the National Independent Electoral Commission, established under Act No. 10/013 of 28 July 2010, and the Audiovisual and Communications Council, established under Act No. 10/001 of 10 January 2010. These institutions are mandated to ensure the regular holding of elections and referendums, and to protect freedom of the press and of other forms of mass media.

IV. General legal framework for the protection of human rights

45. The protection of human rights and fundamental freedoms is guaranteed in the Constitution of 2006, as well as in the national laws and duly ratified international conventions; and it is also guaranteed by the institutions of the Republic founded for this purpose.

46. The preamble to the Constitution solemnly affirms the commitment of the Democratic Republic of the Congo to the principles of democracy and human rights as defined in the Universal Declaration of Human Rights of 10 December 1948, to the African Charter on Human and People's Rights, adopted on 18 June 1981, and to all international and regional legal instruments adopted within the scope of the United Nations and the African Union and duly ratified by the Democratic Republic of the Congo. The Constitution also guarantees fundamental freedoms to all Congolese citizens, and defends, first and foremost, the rights of women and children, while at the same time upholding the principle of parity between men and women.

47. Title II of the Constitution guarantees that the fundamental freedoms and rights of every human being are inviolable, and renders null and void any law that does not adhere to its precepts.

48. Title II of the Constitution also sets forth provisions ensuring the protection of civil liberties and the fundamental rights and obligations of citizens. Attention should be drawn to rights related to the protection of life and limb; and the equal status of all persons before the law; the guarantees of justice and civil liberties; the right to work and to just and satisfactory remuneration; protection against unemployment; the right to property and to the inviolability of the home; the right to marry; the right to education and culture; the freedom to engage in intellectual and artistic pursuits and to conduct scientific and technological research; the right of citizens to live in peace and security and in a healthy environment conducive to their self-fulfilment; the right to enjoy the riches of the nation and of the shared heritage of humanity; and the protection of children, women and older persons.

49. The Constitution recognizes that all persons have the right to the free development of their personalities, without detriment to the rights of others, or to public order and public morality. Article 16 stipulates that no one may be held in slavery or servitude, or in a similar condition, or subject to forced or compulsory labour, except as provided by law.

50. The Constitution also contains provisions limiting the exercise of certain rights and freedoms, taking into consideration national security, public order, territorial integrity, respect for public morality, the prevention of social unrest and criminality, and the protection of the rights of persons and their property.

51. Article 32 of the Constitution recognizes the right of all foreigners legally present in the national territory to enjoy the same rights and freedoms as Congolese nationals with the exception of political rights, provided that the principle of reciprocity is upheld. They also

enjoy protection accorded to persons and their property under the conditions set forth in treaties and laws. It also obliges them to abide by the laws and regulations of the Republic.

52. Attention should be drawn to laws governing the administration of justice, *inter alia*, the Code of Judicial Organization and Jurisdiction, the Civil Procedure Code, the Criminal Procedure Code, the Criminal Code, the Family Code and the Labour Code; and to those laws on social and political governance, *inter alia*, the Media Act, the Framework Law on Education, the non-profit Organizations Act and the Political Parties Act.

53. In its concern for the protection of human rights, the Democratic Republic of the Congo has become a party to a number of international human rights instruments and their protocols:

- The Universal Declaration of Human Rights;
- The International Covenant on Economic, Social and Cultural Rights (accession 1 November 1976);
- The International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights (accession 1 November 1976);
- The International Convention on the Elimination of All Forms of Racial Discrimination (accession 21 April 1976);
- The Convention on the Elimination of All Forms of Discrimination against Women (ratification 17 October 1986);
- The International Convention on the Suppression and Punishment of the Crime of Apartheid;
- The Convention on the Prevention and Punishment of the Crime of Genocide;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratification 18 March 1996);
- The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;
- The Convention relating to the Status of Refugees;
- The Protocol relating to the Status of Refugees;
- The Convention on the Political Rights of Women;
- The Convention on the Rights of the Child (ratification 28 September 1990);
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (ratification 11 November 2001);
- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography (accession 11 November 2001).

54. The Democratic Republic of the Congo has also ratified:

- The Rome Statute of the International Criminal Court (11 April 2002);
- The four Geneva Conventions of 1949 on international humanitarian law (accession 20 February 1961), and the Additional Protocols I and II of 1977 etc.

55. With respect to the incorporation of international human rights instruments into national legislation, it is worth noting that the Democratic Republic of the Congo is a monist State, and as such recognizes the primacy of international law over domestic law. Article 215 of the Constitution provides that, “regularly concluded treaties and agreements

shall have, upon publication, higher authority than that of laws, provided that each treaty or agreement is applied by the other party". Article 216 of the Constitution stipulates that "If, in consultation with the President of the Republic, with the Prime Minister, the President of the National Assembly or the President of the Senate, or with a tenth of the members of the National Assembly, or a tenth of the members of the Senate, the Constitutional Court declares that an international treaty or agreement contains a clause that contravenes the Constitution, it may not be ratified or adopted without a constitutional amendment."

56. Again with reference to article 216, any persons who have been victims of a violation of their rights and freedoms may evoke, pursuant to article 150, paragraph 1 of the Constitution, which stipulates that the judiciary is the guarantor of the civil liberties and fundamental rights of citizens, the applicable provisions of international conventions before the courts; they may also file an administrative appeal with the same or a higher authority.

57. In accordance with the general rules on civil liability set forth in articles 258 to 260 of book III of the Civil Code, the victim has the right to compensation and, where appropriate, to rehabilitation under provisions related to his or her professional status.

58. The Ministry of Justice and Human Rights, began as the Department of Citizens' Rights and Freedoms, as established under Ordinance No. 268/86 of 31 October 1986, later becoming the Ministry of Human Rights in 1998. Its current terms are provided in Ordinance No. 12/007 of 11 June 2012 on the organizational structure and modus operandi of the Government, which sets out practical strategies for collaboration between the President and the Government, and among members of the Government.

59. Under this Ordinance, the Ministry has the following mandate:

- To promote and protect the fundamental right of Congolese nationals and foreigners residing in the territory of the Democratic Republic of the Congo, to know what those rights are and to uphold them in all circumstances;
- To investigate, by way of their own procedures, any flagrant cases of the violation of human rights, without, however, acting in the place of the courts or serving as a substitute for administrative or judicial mechanisms whose purpose is to restore the rights of citizens whose rights have been impaired;
- To advise the Government on the promotion and protection of human rights. In that role, the Ministry ensures that domestic law and Government practice conform to the international obligations entered into by the Democratic Republic of the Congo;
- To manage all activities related to the promotion and protection of human rights in all parts of national territory, in accordance with domestic and international human rights standards;
- To collaborate with the United Nations, the African Union and other international, regional and national institutions whose mission is the promotion and protection of human rights.

60. In addition to the Ministry of Justice and Human Rights and its specialized bodies, there are non-governmental organizations that participate in upholding and advocating human rights:

- *Voix des sans voix* (Voice of the Voiceless);
- *Ligue des électeurs* (League of Voters);
- *Droits et justice pour toujours* (Rights and Justice Forever);
- *Communauté pour la promotion des droits humains* (Community for the Promotion of Human Rights);

- *Chrétiens pour la Justice* (Christians for Justice);
- *Femme juristes pour les droits de la femme* (Women Lawyers for Justice);
- *Observatoire congolais des droits humains (OCDH)* (Congolese Human Rights Observatory);
- *Groupe d'associations de défense des droits de l'homme et la paix (GADHOP)* (Group of Associations for the Defence of Human Rights and Peace);
- *Voix des opprimés (VO)* (Voice of the Oppressed);
- *Centre de formation internationale en droits humains et développement (CFIDH/D)* (International Training Centre for Human Rights and Development);
- *Ligue congolaise pour la défense des droits des sinistrés toutes tendances confondues* (Congolese League for the Protection of the Rights of All Victims of Armed Conflict Regardless of Political Affiliation);
- *Campagne pour les droits de l'homme au Congo (CDHC)* (Campaign for Human Rights in the Congo (CDHC));
- *Avocats du Monde (ADM)* (Lawyers of the World).

61. The interministerial committee for the preparation of initial and periodic reports, established by the Ministry of Human Rights under Decree No. 013/CAB/MBK0005/2001 of 13 December 2001, oversees the drafting of human rights reports. Ministerial Decree No. 04/CAB/MDH/005/2001 of 9 June 2009 established an interministerial committee for the preparation and follow-up of initial and periodic human rights reports. The information before the Committee has been provided by Government agencies and non-governmental organizations. The reports are adopted in plenary meetings where non-governmental organizations play an active role.
