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COUNTRY SHEET

DEMOCRATIC REPUBLIC OF CONGO (DRC)

JUNE 09

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CRI-country sheets are prepared mainly on the basis of publicly available information, completed with data gathered by local partners in the specific countries, and will be updated periodically.

Our local partners in RDC are:

- Regional Programme of Development Training and Exchanges (Prefed) ; a non-governmental organization for development based in Kinshasa, with a radius of action in all the country ;
- La Voix des Sans-Voix pour les Droits de l'Homme (VSV) ; a non-governmental organization for human rights based in Kinshasa with a radius of action in all the country ;

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1. Access to territory (from country of asylum to return area) ¹

1.1. Documentation

The following information has been taken from the Ministry of Foreign Affairs and International Cooperation, from the Directorate General of Migrations (DGM) and the Ministry of the interior. These institutions are qualified to either to give or to control travel documents.

1.1.1. Travel documents needed for returnees ²

- Entry permission
- Passport
- Passport substitute (abolished in some countries such as France)
- Polling card or national identity card
- Consular registration card
- Vaccination certificate
- Full residence permit or residence card or another identity card from the country of asylum delivered by the Ministry of Interior or the relevant departments of the country of asylum.
- Certification of final return
- A list for the Congolese returning in groups

1.1.1.1. Refugees protected by UNHCR

The required document, delivered by the Office of the UN High Commissioner for Refugees (UNHCR) is entitled “UNHCR Voluntary Repatriation Form (VRF)”.

The repatriation candidate receives it in the host country. The UNHCR of the asylum country informs UNHCR Kinshasa³ and the latter contacts the Ministry of Interior through the National Commission on Refugees (NCR). This Commission takes care of the tracing before the repatriation. It consists of the identification of family bonds through questioning. To put in a nutshell, it is the verification of the hosting address based on the information provided by the candidate to voluntary return. The NCR works closely with the Directorate General of Migration (DGM) and the National Information Agency (ANR). Generally, there are fewer problems for the

1 The Voix des Sans-Voix pour les Droits de l’Homme (VSV) organized many missions -between November and December 2006- with Congolese officials willing to provide information relative to return concerns. These elements are used in this document.

2 Interview of VSV with Mr Noël Kikwa, legal advisor CNR (ministry of the Interior), National Commission for Refugees (CNR), Monday 27 November 2006, 216 Kalembelembe avenue, close to the city office of Lingwala, phone: (243)998114936

3 The HCR Kinshasa is located : OUA avenue n° 6729, Ngaliema municipality Kinshasa/DRC

candidates returning to Kinshasa. Problems can occur if there are wrong address information or if changes have taken places without traces of the new address.

1.1.2. Documents needed in the country of return (e.g. residence permit, obligatory ID)

Same documents as in 1.1.1.

1.1.3. How to obtain necessary documents (conditions, processing time)

In the asylum country

→ Passport, entry permission, passport substitute, consular registration card and the certification of final return are delivered by the Embassy, the Consulate or at the cultural services of the DRC.

Among the conditions for acquiring these documents there are:

-Proof of Congolese identity

-Fill in a form explaining the nature of the documents applied for.

-Presentation of the residence permit from the host country (in the case of final return) and the reasons for returning addressed by regular mail to the DRC Embassy.

-Justification by which the returnee assures he can really come back (prove he has means to make the trip)

-For students, the papers certifying the completion of their studies are necessary.

→ Residence card delivered by the asylum country

In the country of return (in DRC)⁴

→ Polling card: IEC (Independent Electoral Commission). This document was delivered during the registration and the identification for the 2006 elections and is considered as a temporary identity card.

→ Certification of loss: document delivered by the services dependent of Ministry of Interior (notably in the local office).

Today, the site for information relative to the obtaining of an identity card is the site of the Independent Electoral Commission (IEC). This identity card is the polling card also considered as a temporary identity card⁵. Other documents are necessary to obtain a passport:

-Extract of criminal record. The price varies between 25 and 50 USD.

-Certificate of nationality

⁴ Websites for information : www.amba-RDC.be, www.ccre.cd, www.ccf-rdc.com, www.cei-rdc.org

⁵ Website for information : www.cei-rdc.cd

-Form (for the certificate of nationality) at the equivalent price of 10 USD

-Banking fees at the equivalent price of 2 USD

→ The vaccination certificate delivered by the health service of the borders

Obligatory vaccinations: vaccine against yellow fever (from the age of 6 months). However there are other recommended vaccines such as typhoid fever (from the age of 2 months) and against hepatitis A (from the age of 1).

It takes (in Paris and Brussels) at most 24 hours.

1.1.4. Price of necessary documents ⁶

The prices for the Congolese documents to obtain from the host country vary from an Embassy or a consulate to another.

Generally, the price for the passport is up to 150 USD+.5USD Bank Fees

Identification at the Agence Nationale des Renseignements (ANR) : physical presence is required

Internally (in DRC):

→ Passport: 50 USD

→ Polling card: free

→ Certification for the loss of papers: 3500 FC

→ Vaccination Certificate (required): 20 USD

1.2. Travel to country of origin (means, approximate prices, duration, luggage limits, contacts, etc.)

1.2.1. By air

→ Approximate prices

Table of national operating flights

Destination	Airline	Price	Flight time	Luggage limits	Contacts or Agencies
Lubumbashi	CAA	210 USD	3h00	30 Kgs	0998446683

⁶ Information gathered by VSV.

Sources :

→ General Directorate of Migrations (DGM)

→ General Directorate for Administrative, judicial, property and share revenues(DGRAD)

→ Ministry of Foreign Affairs

	BRAVO HBA	255 USD 200 USD	3h05	30 Kgs 30 Kgs	0996012000 0817005000
Goma	CAA BRAVO	210 USD 235 USD	5h00 via Kisangani 3h00	30 Kgs 30 Kgs	0998446683 0996012000
Kisangani	CAA BRAVO	160 USD 185 USD	4h00 4h45	30 Kgs 30 Kgs	
Kindu	CAA BRAVO	160 USD 245 USD	3h07		
Mbandaka	CAA BRAVO	110 USD 160 USD	1h00 3h15 via Gemena	30 Kgs 30 Kgs	
Bukavu	BRAVO	265 USD	4h10 via Kindu	30 Kgs	
Gemena	BRAVO	185 USD	4h10 via Goma		
Mbuji-Mayi	CAA BRAVO HBA	130 USD 150 USD 125 USD	3h00 2h10	30 Kgs 30 Kgs	
Kananga	CAA BRAVO HBA	120 USD 150 USD 125 USD	2h00 2h10	30 Kgs 30 Kgs	
Matadi	AIR TROP FILAIR	130 USD 121 USD	45'	15 Kgs	0898949904 0818108613
Boma	AIR TROP FILAIR	150 USD 145 USD	55'	15 Kgs	0898949904 0818108613
Moanda	FILAIR AIR TROP	190 USD 180 USD	2h00	15 Kgs	0898949904 0818108613
Bandundu	Malu Aviation	110 USD	55'	25 Kgs	0998313414
Kikwit	Malu Aviation	125 USD	1h20'	25 Kgs	0998313414
Tshikapa	Malila	160 USD	1h30	25 Kgs	0999929720
Lodja	Malila	195 USD	2h30	25 Kgs	0999929720
Ilebo	Malila	200 USD	1h30		
Basankusu Bumba Lisala	FILAIR	360 USD			0999078913 0998487373

→ Luggage limits

The maximum weight allowed varies from 15 to 20kg. The overweight price varies from 2 to 4 dollars a kilo as indicated in the price table of the Hewa Bora(HBA)⁷ airline.

⁷ Source : the travel agencies and Congolese airlines Travel Service LLC (CTS) and Hewa Bora (HBA), Tél:

National Flights

<i>Cities</i>	Ticket price	Price for overweight
LUBUMBASHI	240 USD	4 USD
KISANGANI	172 USD	3 USD
GOMA	250 USD	4 USD
MBANDAKA	120 USD	2 USD
GEMENA	140 USD	3 USD
MBUJI-MAYI	139 USD	3 USD
KANANGA	139 USD	2 USD

1.2.2. By land⁸

The repatriation candidate arriving by land will be presented to the Agents of the Directorate General of Migrations (DGM) at the borders. He will be checked and heard on the record.

Kinshasa has only one public transport company: the STUC.

Kinshasa Town Hall has fixed the official price at 150 FC (0,3 USD) by intercomunal fare.

The Town Hall also has buses where the bus fare costs 300 FC (USD 0,6).

There are no public transport companies connecting the major routes leading to the provinces. Only private individuals or private companies work in that sector.

To go to the lower Congo there are three (3) parkings: Bandal/Moelart, Mariano and Ngaba roundabout.

1. Parking Bandal Moelart is in the Bandalungwa municipality
 - Route Kinshasa-Kisantu (120 km):3000 FC (USD 3.8)
 - Route Kinshasa-Mbanza-Ngungu (150 km):7500 FC (USD 9.6)
 - Route Kinshasa-Matadi (366 km):15000 FC (USD 19.2)

The transport is provided by private individuals. It is generally not very comfortable. The comfortable bus is expensive, more or less the double price and sometimes even mor.

2. Parking Mariano/Kalamu municipality
 - Route Kinshasa-Matadi-Boma-Moanda
3. Parking Ngaba roundabout/Ngaba municipality
 - Kinshasa-Matadi : 15000FC (soit USD 19.2).
 - Kinshasa-Boma :15000FC by bus and 35 USD by auto-taxi

243 0999902246 (HBA)

⁸ Interview of VSV with M. Patrice Nianga, Secretariat of Congo Drivers Association (ACCO)/ Bandalungwa municipality, phone: 0998342928

- Kinshasa-Muanda : 25000FC (soit 32 USD)
- Kinshasa-Tshela : 20000 FC (USD25.6)
- Boma-Muanda : 8500 FC (USD 10.8)

The journey is often done onboard large-ton trucks. There is no comfort.

Travel to the bandundu province

- Route Kinshasa-Bandundu/ville : 31000 FC (USD 39.7) by jeep
- Route Kinshasa-Kikwit (525 km): 50 USD
- Route Kinshasa-Idiofa (650 km): 60 USD;
- Route Kinshasa-Kahemba: USD 120
- Route Kinshasa-Bulungu : 15000 FC (USD 19.2)
- Route Kinshasa-Kasongo-Lunda: 80 USD by Jeep

1.2.3. By sea ⁹

Travel by sea to the Ecuador and Oriental provinces.

State-owned company ONATRA boats (National Transport Authority) :

1. Kinshasa-Mbandaka-Kisangani:

- Kinshasa-Mbandaka:12000 FC (USD 15.3) + CCA (contribution to the benefit of the company) de 6%
- Kinshasa-Ilebo : 15 000 FC (USD 19.2) + CCA de 6%
- Kinshasa-Lisala:SD 22,88+6%CCA
- Kinshasa-Bumba:USD 15 000 FC (19.2) +6%CCA
- Kinshasa-Kinsangani:20000FC (USD 25.6) +6%CCA

Luggage : big suitcase, etc.: 7.000FC (USD 8.9)

The traveller must have his own equipment, of a mosquito net and a tent.

The trip is done with minimum comfort by cargo boat for packages or luggage. The traveller must sign an arrival notification (Mod.I) and he has the responsibility of his merchandise or goods.

Billing: after weighting of the package or luggage.

The handling costs according to tonnage to add to the luggage billing.

⁹ Interview of VSV with M. Abishi, supervisor at the riverside station of Onatra and union steward
Phone : 00243-0999919612

Bandundu province and Kasai province

Kinshasa-Ilebo:

The ONATRA (national Office for Transportation) has suspended every boat on that route because they are tied up in Ilebo sometimes for up to 2 months in the waiting for the SNCC train from Katanga province.

1.3. Entry procedure (proceeding authority, interrogation, control, detention, bribes, etc.)

1.3.1. By air¹⁰

Upon arrival at the airport, immigration agents will wait for the returnee and identify him before taking him to the litigation office of the DGM for the formalities before the hearing.

The returning Congolese candidates are sometimes subject to hassle from the DGM agents (systematic searches and extortion of their private belongings : shirts, pants, shoes, watches, lighters and many others as well as money if for example the vaccination certificate isn't valid) This hunt continues in the parking as well, after leaving the passenger zone of the airport they risk hassle from zealous agents (police, military...) as they rightly or wrongly believe that returnees have a lot of money and goods with them.

1.3.2. By land and by sea

These procedures aren't used by the countries expelling people or by those returning voluntarily from Europe to live in their country of origin.

1.4. Impacts of former acts and statuses upon entry¹¹

1.4.1. Impacts of former refugee or subsidiary protection status

The impact is purely humanitarian. The returnees with refugee status or any other protection are taken care of (accommodation in transit before final destination is reached). The National Commission on Refugees (NCR) takes care of these services. According to the case, they receive kits with medical care and school fees for their children when they have reached their final destination. The NCR is supported by UNHCR/Kinshasa.

Physical address: NCR, 216 Kalembembe Street, municipality of Lingwala, Kinshasa.
Phone: 00243.998.114.936. E-mail: cnrkin@fr

¹⁰ VSV. VSV manages the observation, information and welcoming of Congolese nationals from abroad deported back to Kinshasa. This program allows VSV to be in N'djili airport since 2004.

¹¹ Interview given to VSV by M. Simon (in charge of external relations and public information at the HCR, Phone : 00243.81.555.49.10), and information from Mr Emery of OIM (8 Gombe avenue, Gombe municipality, Kinshasa) and CICR (Cooperation service, 32 Papa Ilele Avenue(former Cliniques avenue), B.P. 7325 Kin I , Kinshasa/Gombe. E-mail : kinshasa.kin@icrc.org)

1.4.2. Impacts of unsuccessful asylum claim

The candidate does not get any assistance from the public services. Generally, he is not prosecuted unless he has earlier committed a crime for which he has not been pardoned or amnestied. However the candidate can be hassled by agents willing to take some of his goods or personal effects.

1.4.3. Impacts of former illegal exit from country of origin

Except in the case of people leaving the country to avoid prosecution, the illegal exit from the country of origin has no negative consequence. Illegal exit from the country for escaped convicts or defendants with a case on trial can have severe consequences. They might charge with new proceedings upon return. This is also the case for offenders or alleged offenders of imprescriptible crimes (crimes against humanity, war crimes, genocide...) and serious crimes such as murder, assassination or security offence.

1.4.4. Impacts of crime committed outside the country of origin

Persons having purged their sentence in the asylum country after sentence do not risk prosecution from Congolese courts.

Person shaving committed a crime in the asylum country risk being arrested upon return if the asylum country has acted against them through international legal mechanisms.

In the case of legal proceedings, the UNHCR does not intervene and declares the issue is not of her responsibility or her mission.

1.5. Customs regulation

Any concern related to the customs payment is dealt with (exemption) on demand of the Ministry of Interior to his Finance counterpart. The Minister of Finance calls on the OFIDA CEO who instructs its services on the measures to be taken in favour of the plaintiffs. Solutions can easily be found and a special procedure can be envisaged if needed. Sometimes, more often than not, the Ministry of Transport also intervenes to make sure the concerned parties get the necessary facilities.

Taxes

The returnees benefit from taxation exemption on the customs clearance of their personal belongings. They do not have to pay the existing taxes. For example, families have the right to an exemption of 350kg. The persons travelling alone have exemption from 40 kg to 65kg. There can be taxation withdrawal for a production unit or a working tool belonging to the returnee. The zealous or corrupted agents often wish to have the returnees pay taxes. The latter should resist and ask for the intervention of the hierarchy. The UNHCR takes care of transportation¹².

The DRC through the Office of Customs and Excise (OFIDA) enforces a custom legislation modelled on the colonial text. This text is based on a decree from 29th January 1946, in the

¹² Note : This is only for repatriation of refugees under UNHCR protection. The volunteer candidates are not concerned.

order N° 33/09 of 6th January 1959, in the articles 135, 136, 137 and 138 below.

However, the Application of the articles is completed by internal texts placed at the disposal of the concerned service staff (sub-division of tax exemptions). This legislation and the internal related texts apply to Congolese persons wishing to return to Congo.

Administrative bulletin of Belgian Congo 1950 ¹³

Edict N°33/9 from the 6 January 1950 with enforcement from the decree of 29 January 1949, coordinating and reviewing the customs system of the colony.

Moving of items :

→ Article 135 : may claim admission with exemption of entry tax :

a) Persons moving or establishing residence in the colony ;

b) He employees in the public or private sector that come to work for a given period of time stated in a contract or by status of at least two years, without distinguish if it is the first stay or a subsequent one.

→ Article 136: To be admitted on the benefice of exemption, the items to be moved must show traces of use and be in relation to the social status and the family situation of the concerned. Commodities, merchandise, trade items and munitions can in no case be freely admitted.

→ Article 137: They must be imported in one expedition in the three months preceding of following the owners arriving on the territory of the colony.

When the expedition is prior to the arrival of the passenger in the colony the removal of the items must be done for a fee covering the eventual duties.

→ Article 138: Regarding vehicles, exemption is granted when these are the property of the concerned and when they have used them abroad for at least 6 months.

This exemption is granted to vehicles bought by colonials during holidays in Belgium or elsewhere only if there is proof that the vehicle comes from one of these countries and that they have been nationalized by paying entrance fees.

1.6. Access to return area

1.6.1. Limitations on internal travel

1.6.1.1. Administrative restrictions

There are no identified administrative restrictions.

¹³ Interview of VSV with M. Mbuyi Malio, Head of division at DRC Official Journal, 7, Lukusa avenue
Source: DRC Official Journal; Administrative Bulletin of Belgian Congo 1950, pages 740 and 741. Other sites for information : www.minfinrdc.cd, www.rdc-humanitaire.net, www.glin.gov, www.anapi.org, www.societecivile.cd/node/3228, www.dsrp-rdc.org

1.6.1.2. Practical obstacles

There are no identified practical obstacles.

1.6.2. Territories impossible or dangerous to approach

Land mines

The cities of the Democratic Republic of the Congo included the capital Kinshasa do not present any risk relevant to land mines. The city of Kisangani, principal town of the Oriental province has been cleared of mines after the confrontations between Uganda and Rwanda troops.

However, there might be anti-personnel land mines on the Bokunga-Ikela route in the Ecuador province. The inhabitants of that region fear that area presumably mined during the rebellion that took place between 1998 and 2003¹⁴.

1.6.3. Means of internal travel

See point 1.2.1., 1.2.2., 1.2.3.

¹⁴ Interview VSV. The information source does not wish to publish its address and phone number. However, there is current information on mines throughout the world on the Website of "International Campaign to Ban Landmines" <http://www.icbl.org>.

2. Physical security (in return area)

Amnesty International¹⁵ has notices that the killings carry on despite the numerous peace agreements. Massive human rights violations are a consequence of that disaster, murder of civilians, extra-judicial executions, unfair treatments, torture and rapes, political detention, intimidation towards the journalists, human rights defenders and opposition. There is a complete impunity in the country. This impunity is incorporated in the spiral of violence to which there seems to be no ending. The physical security cannot be guaranteed.

2.1. Ongoing armed conflicts ¹⁶

The regional war plaguing the DRC for five years (1998-2003) ended with the signing of the Peace Agreement in South Africa (2003). However, because of the persistence of the militias in the East, the civilians still pay with their lives. Armed conflicts continue in the East of Congo Democratic Republic and particularly in North-Kivu and in Ituri, in the Oriental province. The conflicts in the East are conducted by Rwanda soldiers from the Democratic forces for the Liberation of Rwanda (FDLR), those in Ituri are conducted by rebels from the Lord Resistance Army (LRA). The FDLR rape women and young girls, kill populations, attack workers and humanitarian convoys, burn houses and force thousands of people to move massively. The joint military operation by DR Congo Armed Forces (FARDC) and Rwanda Army taken from 20 to 25 January 2009 to track FDLRs has not brought peace to the East Congo. Following the repeated abuses against populations, FARDC, with the support of the MONUC Blue Helmets decided to launch the Kimya operation II on Thursday 28 May 2009. The Uganda rebels from LRA were neither disarmed nor defeated following the joint military operation taken by FARDC and Uganda military on 15 February 2009.

In the Kinshasa region there are no so called armed conflicts ongoing.

2.2. Regions with high insecurity risks ¹⁷

“Almost all Congolese face judicial, physical and social insecurity. The massive population movements have demographic, social, sanitary, psychological and economic. The physical insecurity is also very common in the cities and the suburb cities. Women, children and elderly people are the most affected.”¹⁸

« The FDLR and other militias as well as LRA soldiers are a menace to the stability of the country in territories such as Rutshuru, Masis, Lubero in the North Kivu, Shabunda in the South-Kivu and in Ituri. »

Kinshasa, the capital of the Democratic Republic of Congo and the city of Kisangani in the Oriental province also experience this insecurity especially with the “Kuluna” phenomena:

¹⁵ Amnesty International (AI), Democratic Republic of Congo, report 2005.

<http://Web.amnesty.org/report2005/cod-summary-fra>, date accessed on 30 November 2006.

¹⁶ Also see column « Régions sans opportunité de réintégration et de retour ».

¹⁷ Also see column « Régions sans opportunité de réintégration et de retour ».

¹⁸ Interview with Marie Thérèse Kalonda, administrative director in charge of the women and children programme at ANMDH.

ANMDH : Friends of Nelson Mandela for the Defence of Human Rights

urban organized crime conducted by young and/or marginalized offenders.

These offenders do drugs, smoke large amounts of hemp and get drunk with ethyl-loaded drinks. They get into fights in the city neighbourhoods, often for no reason, and terrorise the population by attacking them with bladed weapons such as machetes, knives, sticks, cullets, bush-knives, iron bars, razor blades etc.

Martial art sportsmen, boxers, weightlifters, former military and police officers make up these groups. In Kinshasa, these youth who defy the police forces are recruited in the municipalities of Barumbu, Kinshasa, Lingwala, Matete, Ngaba, Kalamu, Makala... In Kisangani, they have their stronghold in the municipality of Mangobo (most populated municipality of the city).

After the signature on 23 March 2009 in Goma of the Peace Agreement by the Congolese government and the National Congress for the Defence of the People (CNDP) ; the President, Mr. Joseph Kabila proclaimed, on Saturday 9 May 2009, an amnesty law for war and insurgency acts in the North-Kivu and South-Kivu. However, this law does not include crimes falling under the jurisdiction of the International Criminal Court (ICC) such as war crimes, crimes against humanity and genocide.

The provinces of Kinshasa, Ituri in the oriental province, the Southern Kivu, Northern Kivu, Maniema and Katanga are the provinces present a high risk potential. However, this does not mean that the other provinces are safe from acts of violence¹⁹.

In Kinshasa, "the agreements regarding the security in the capital has created a violent climate. Le Sun City peace agreement has not resolved the security problem during the transition"²⁰. One can also read in the ICG report that « one of the main issues is the presidential guard. The deployment of 5000 men in Kinshasa gives Kabila an important advantage in the political violence regarding the last presidential elections"²¹.

Red areas such as the municipality and districts in Eastern Kinshasa, close to the airport of N'djili in Masina, Kimbanseke...²²

As mentioned above, militias tend to foster violence. In Ituri, illicit gold mining has aroused the interest of warlords. Moreover, the inter-ethnic violence opposing Lendu to Hema's has required intervention of the international community to end the killings²³. The exploitation of natural resources generates large incomes to the warlords and their partners. Amnesty International

19 International Crisis Group (ICG), Briefing Afrique n° 42, « La sécurité des élections au Congo : la leçon des affrontements de Kinshasa », Nairobi/Bruxelles, 2 octobre 2006, pp. 3-7.
http://www.crisisgroup.org/library/documents/africa/central_africa/b042_securing_congos_elections_french.pdf date accessed on 8 August 2007

20 International Crisis Group (ICG), Briefing Afrique n° 42, « La sécurité des élections au Congo : la leçon des affrontements de Kinshasa », Nairobi/Bruxelles, 2 octobre 2006, pp. 3-7.
http://www.crisisgroup.org/library/documents/africa/central_africa/b042_securing_congos_elections_french.pdf p. 3. Date accessed on 8 August 2007

21 International Crisis Group (ICG), Briefing Afrique n° 42, « La sécurité des élections au Congo : la leçon des affrontements de Kinshasa », Nairobi/Bruxelles, 2 octobre 2006, pp. 3-7.
http://www.crisisgroup.org/library/documents/africa/central_africa/b042_securing_congos_elections_french.pdf p. 3. Date accessed 8 August 2007

22 Interview of VSV with Mr Quentin Laurent, political advisor, European Union-led Forces, EUFOR in DRC, Monday 20 November 2006. The date accessed concerns the region of Kinshasa.

23 Human Rights Watch (HRW), Presentation of the conflict between Hema and Lendu, in the regions of Congo under control of Uganda, January 2001 ;
<http://www.hrw.org/french/press/2001/hemalendu.htm>; date accessed , 31 January 2007

claims that « Coltan, gold, diamonds and wood are still contributing to the personal enrichment of a small elite from the internal and external political and military circles as well as from the business world.²⁴

The identity issue that shook Katanga in the early 90s (conflict between the Kasai Lubas) is an issue for all of those coming from elsewhere. “The Katanga province is one of the most violent regions of the Democratic Republic of the Congo”²⁵. In favour of the election of Laurent Désiré Kabila, internal struggles re-emerged between the people from the North and the South of Katanga.

Rwanda and Uganda, by economic and political opportunism stir up local ethnic conflicts. The cohabitation in the South and North Kivu between the different communities existing is also difficult because of their manipulation. The locals feel they are victims of injustice as they do not benefit from the financial contributions coming from the exploitation of the soil and sub-soils. The provinces currently exploiting mining and natural resources are potentially areas with high insecurity risk²⁶.

Agence France Presse²⁷ puts forward on the 24th November 2006 that 2700 people have fled this province to seek refuge in neighboring Congo. According to evidence gathered by the Agency in Bouemba (Congo-Brazzaville) from refugees in the plateau province, bordering the DRC, confrontations between the Tende and Nunu communities in the Bolobo locality (county town of the territory) have made between 8 and 15 victims in the first part of November. According to sources, the causes are many but the main ones are political as the Nunu are in favor of vice-president Bemba and the Tende support Joseph Kabila.

During the 2nd round of the presidential election campaign the antagonism between communities have been exacerbated by some politicians with unclear positioning. Violent breakouts have been perpetrated by machete or shotguns between the Nunu (69% of the population) and the Tende (30% of the population). Ever since, thousands of people, mostly members of the Nunu community have found refuge in the Republic of Congo.

2.3. Crime

The International Convention on the Non-applicability of Statutory Limitations to War Crimes and Crimes against Humanity signed on 26 November 1968 and adopted by the UN General Assembly in its 2391 (XXIII) resolution of the 26 November 1968 reminds the States the

²⁴ Amnesty International (AI) , Democratic Republic of Congo ; report 2005.

<http://Web.amnesty.org/report2005/cod-summary-fra> , date accessed on 30 November 2006.

²⁵ International Crisis Group, « Katanga : la crise oubliée de la RDC », in Rapport Afrique n° 106, 9 janvier 2006, p. 1. <http://www.crisisgroup.org/home/index.cfm?l=2&id=3861> , date accessed 8 August 2007

United Nations Office for the Coordination of Humanitarian Affairs (OCHA); Situation humanitaire en RDC (Katanga) - Rapport hebdomadaire ; 04 May 2007; <http://www.reliefWeb.int/rw/RWB.NSF/db900SID/YSAR-732RP9?OpenDocument>; Date accessed 31 May 2007

²⁶ Human Rights Watch, Présentation générale du conflit entre Hema et Lendu, dans les régions du Congo sous contrôle de l'Ouganda,, janvier 2001 ; <http://www.hrw.org/french/press/2001/hemalendu.htm>; date accessed on 31 January 2007

²⁷ AFP , « Violences interethniques en RDC: plus de 2.700 personnes ont fui au Congo », 24 novembre 2006, http://www.7sur7.be/hlns/cache/fr/det/art_307473.html , date accessed 30 November 2006

obligation they have to punish these crimes because they have no statutory limits whatever date they were committed.²⁸

The International Federation of Human Rights Leagues (IFRM), based on United Nations report on DRC denounces the international crimes committed against civilians²⁹. Indeed, « all armed groups have committed war crimes against humanity and violations of human rights on a massive scale in Ituri. Unarmed civilians have systematically been killed, in breach of the article 3 of Geneva Convention, mostly because of their ethnicity. The attacks against villages go together with the massacre of thousands of civilians, general plundering and the destruction of houses and social structures, kidnapping of civilians, including women to become sex slaves, to be raped and tortured »³⁰.

In June 2004, the city of Bukavu suffered a great outburst in war crimes as describes below. “The two renegade majors, General Corporal Nkundabatware and Mutebesi pretended taking control of Bukavu to put an end to the Banyamulenge massacres but their forces also killed civilians and committed sexual assaults and general plundering”³¹. According to Tawanda Hondora, deputy director to Amnesty International-Africa, « in September 2006, the first integrated brigade of the new army killed at least 32 persons in Bavi and Ituri. Seven out of the ten soldiers arrested were arraigned for war crimes. More recently, on the 11 January 2007, more than 250 military from an integrated unit of the FARDC based in Bunia spread terror all night in the city, plundering houses, shops and raping many women »³². These crimes have been committed with total impunity. Few military have been condemned by military justice.

2.3.1. Regions with extremely high crime rate

Poverty, bad re-distribution of national resources and the management of the post-electoral period are some of the factors that might plunge the country into violence again. With the generalized poverty (people live with 1 dollar per day) many Congolese rightfully hope the new government will deal with the expectations of the population suffering from war and other disasters. All the human development indexes (life expectancy, unemployment rate, GNP ...) are on the red. Generalized poverty is a time bomb.

28 a) War crimes, as defined in the charter of the International Military Tribunal of Nuremberg on 8 August 1945 and confirmed by resolutions 3 (I) and 95 (I) of the General Assembly of the United Nations on 13 February 1946 and 11 December 1946, in particular the « serious offences » listed in the Geneva Conventions of 12 August 1949 for the protection of war victims ;

b) Crimes against humanity, during war or during peace as defined in the charter of the International Military Tribunal of Nuremberg on 8 August 1945 and confirmed by resolutions 3 (I) and 95 (I) of the General Assembly of the United Nations on 13 February 1946 and 11 December 1946, eviction by armed attack or occupation and inhuman acts resulting from apartheid policy, and genocide, as defined in the 1948 Convention on the prevention and punishment of the crime of genocide, even if these acts are not a violation of national law in the country where it was committed.

29 FIDH, l'actualité des droits de l'homme dans le monde ; 2005 ;
www.aidh.org/Actualite/Act_2004/Somm3.htm , date accessed 8 August 2007

30 Special report on the events in Ituri, January 2002- December 2003
www.monuc.org/downloads/S_2004_573_2004_Francais.pdf , date accessed , 8 August 2007

31 Human Rights Watch, Crimes de guerre à Bukavu, RDC ; juin 2004
hrw.org/french/docs/2004/06/12/congo8808.htm, Date accessed , 8 August 2007

32 Amnesty International, « RDC. Pas de stabilité sans véritable réforme de l'armée » ; 25 janvier 2007 ;
Web.amnesty.org/library/index/fraAFR620022007?open&of=fra-2f2, Date accessed 8 August 2007

In its 2006 Annual report, Reporters without Borders writes the following to describe the situation of the press: « The outrageousness of the Former Zaire territory is like the problems the journalist of the country face. In Kinshasa, where the press is plethoric, controversial and unruly, the death threats, the improper arrests and police violence have been a black year for freedom of expression...»³³. Kinshasa is a high risk province. The physical violence followed by death is frequent and journalists have had to pay a heavy toll. In the end of 2005, Journalists in Danger (JED) noted that Franck « Ngyke » Kangundu and H el ene Mpaka were killed by strangers in awful conditions³⁴.

Reporters without Borders continues saying that the situation isn't better in the province. In areas where improvised armies with unclear political objectives are rampant the insecurity for journalists is total... ». They add that in Lubumbashi (Katanga province, South), no investigation on the murder attempt on the journalist Jean Ngandu from Okapi radio on 28 May 005 has been taken nor have they elucidated the targeted assassination of some business men. This is also the case in Bukavu where the human rights violations are denounced by NGOs. Pascal Kabungulu Kibembi, Executive Secretary of "H eritiers de la Justice" has been killed by three men in his home, in Bakavu, in the South-Kiv province in DRC on the morning of 31 July 2005. His is not an isolated case³⁵.

Individual and collective assassinations have become common as indicated by the discovery of three communal graves with remains from 30 persons killed between August and October 2006 in Bavi³⁶ with bodies of men, women and children not even decomposed³⁷. It is horrible he added, adding that the graves probably contained the remains of civilians reported missing between August and October. Two officers, the chief of the Battalion deployed in Bavi and a captain responsible for the discipline of the battalion, are under arrest » explained M. Penza. He claims one of them has admitted his involvement. Monuc's human rights division and military auditorat of Bunia had opened an investigation after local and international human rights organizations denounced the kidnapping of many civilians in the Gety area, close to Bavi. Human Rights Watch (HRW) had reported the "disappearance" on 17 September of nine civilians, including four women and two children "abducted by soldiers from the national army" and also the disappearance of 20 other civilians on 11 August³⁸.

The crimes are both perpetrated by government forces and militias very active in the East of the country and who act in total impunity. However, to escape from justice, the leaders negotiate amnesty for their men. This is the price for peace for example in Ituri. Justice is scorned. As mentioned above, militias and governmental forces commit crimes in areas under

33 Reporters sans fronti eres (RSF) , R epublique Democratic Republic of Congo, Annual report 2007, www.rsf.org/article.php?id_article=20635 , Date accessed , 8 August 2007

34 Observatory for the Protection of Human Rights Defenders, Democratic Republic of Congo Menace grave/ harc ement, Bulletin Janvier-Mars 2006 , page 14, 14 f evrier 2006 www.fidh.org/IMG/pdf/Bulletin_janvier-mars_2006.pdf , Date accessed , 8 August 2007

35 Reporters sans fronti eres (RSF) , Democratic Republic of Congo, Annual report 2007, www.rsf.org/article.php?id_article=20635 , Date accessed , 8 August 2007

36 Survey conducted by MONUC. Bavi : situated 40 km of Bunia under control of Armed Forces of Democratic Republic of Congo (FARDC).

37 Radio Okapi (MONUC), 24/11/2006, Ituri: discovery of three communal graves in an FARDC camp in Bavi, <http://www.radiookapi.net/article.php?id=6047>, infos obtenues sur le Web le 8 ao ut 2007

38 HRW; RD Congo : The army kidnaps civilians and forces them to work. Soldiers force many persons to work in the fields and gold mines of Ituri ; 16 October 2006 ; <http://hrw.org/french/docs/2006/10/13/congo14392.htm>; infos obtenues sur le Web le 8 ao ut 2007

their control³⁹.

In Kinshasa, the risk varies from one community to another. The “red areas” and certain municipalities have a high level of criminality especially at night. These areas are dark, remote, with difficult access and controlled by violent armed groups.

There are general Intelligence services including the National Information Agency (NIA) and the General Intelligence Directorate and police special forces (DGRS). These services are not easy to access.

2.3.2. Risk of becoming a victim of human trafficking or forced prostitution

Sexual exploitation of boys and girls is a recurrent problem as long as war continues. The phenomenon of sexual violence in Congo in general and in the South Kivu in particular is nothing new and the issue is often discussed and reported from various governmental organizations such as UNICEF.

Children have often been victims of predators. “Armed groups don’t hesitate to enlist young girls to satisfy their sexual needs and impose all sorts of cruelties”⁴⁰. In Bukavu for example, statistics gathered at the Panzi hospital are very indicative and sexual violence are gaining ground in the entire province. Onlu in October 2005, almost 50 new rape cases have been reported in the health area of Irangi in the North Bunyakiri in the Kalehe territory. According to IMC that conducted a survey in the locality, 46 new rape cases were identified in Irangi in October 2006 out of 118 cases listed among the IDPs of the entire territory. The age of the victims varies between 18 and 47. Moreover, 36 of them have been abandoned by the husband⁴¹.

In Kinshasa, the Monuc does not handle any case of forced prostitution, as in Beni, Butembo where the activity is organized by notorious pimps.

Regions with rebellions or other armed groups at the East of the DRC suffer from “sexual slavery” cases.

2.3.3. Risks men face

“Many people have left the country after violent and sad events and have asked for asylum in foreign countries while others have just left to find an El Dorado. Many of our fellow countrymen dream of Europe renowned for its standing and for its life being easy and comfortable. They do not wish to return to their home country and try in every way to regularize they stay abroad.

Given the Congolese immigration service works together with the foreign ones, the illegal migrants coming in back in their country risk being arrested when they have earlier tried to get

³⁹ Human Rights Watch ; RD Congo : The army kidnaps civilians and forces them to work. Soldiers force many persons to work in the fields and gold mines of Ituri, October 2006;
<http://hrw.org/french/docs/2006/10/13/congo14392.htm> , infos obtenues sur le Web le 8 août 2007

⁴⁰ OCHA ; RD Congo : Note of plea regarding sexual violences at South Kivu Bukavu on 31/11/2006.
<http://www.reliefweb.int/rw/rwb.nsf/d900SID/LSGZ-6VXJN2?OpenDocument&nostyle=1&HTML=02> , infos obtenues sur le Web le 15 décembre 2006

⁴¹ Ibidem.

their papers in order by claiming political reasons. Anyone leaving the country and having been regularized because his/her life was in danger for being involved directly or indirectly in a crime or in the settling of political scores might have to justify.

Today, in our country some people have both Congolese and another nationality while the constitution states there can only be one. Those finding themselves in such a situation can benefit from a moratorium from the national assembly in order to choose what nationality they wish to keep.”⁴²

2.3.4. Effectiveness of protection

2.3.4.1. Police forces

For many years, even decades, “police forces did not protect or maintain security but were predators in the pay of politicians and officers with personal political and economic goals violating human rights massively”⁴³. After seven years of armed conflicts (1996-2003) during which fundamental rights were neglected, the police forces, the prison system and the courts have been completely wiped out in DRC

Throughout the country, detention and incarceration conditions in overcrowded, squalid and dangerous cells are also mixed with cruel, inhuman and degrading treatments. Testimonies from all over the country describing arbitrary arrests and illegal detentions constantly arrive at Amnesty International⁴⁴.

Monuc, through the civil police component (CIVPOL) provides the national police with technical assistance since October 2001. CIVPOL is training and reforming the Congolese police; it evaluates its institutions, its needs and means and deploys police officers in the regions where necessary. In some cases, members of police forces from other regions have been sent to the divided communities. The Monuc had planned to train 1200 police officers before the end of 2003 to facilitate the political transition of the country. However, unfortunately, the finances of the training centres do not allow the goal to be achieved. There are no sources to measure the outcome today.

To avoid breaches of fundamental liberties, all the security forces, especially the police have to be held responsible for their acts towards persons they have the obligation to respect and protect. Through the years, United Nations have adopted certain treaties, codes and declarations to prevent the infringement of human rights such as arbitrary arrests, detention

⁴² Interview with Mukuna Maceko Jean Claude, member of the investigation management of ASADHO
ASADHO : African Association for the Defense of Human Right is a national NGO, established in many provinces, and fights for the protection and the promotion of human rights.
Head Office : Kinshasa, Gombe , 12 av. de la paix

⁴³ International Crisis Group, « La réforme du secteur de la sécurité en RDC », in Rapport Afrique n° 104, 13 février 2007, p. 8.
<http://66.102.9.104/search?q=cache:HjifBN6qgNAJ:www.crisisgroup.org/home/index.cfm%3F1%3D2%26id%3D3946+La+r%C3%A9forme+du+secteur+de+la+s%C3%A9curit%C3%A9+en+RDC&hl=nl&t=clnk&cd=1&gl=be>, infos obtenues sur le Web le 8 août 2007

⁴⁴ Amnesty International (A.I.), Democratic Republic of the Congo (DRC): Kinshasa must meet its responsibility to protect civilians; 8 février 2006, <http://news.amnesty.org/index/ENGAFR620032006> , date accessed on 8 August 2007

without charge, unfair treatment and torture, “disappearances” and extrajudicial executions⁴⁵.

The Congolese police “has never been able to maintain order or guarantee law enforcement and is moreover one of the principal responsible for the violation of the citizen’s fundamental rights. As it has continually been restructured, reorganized and purged the police was never able to become a coherent force. Since the colonial period it has been fragmented, unequipped and untrained, the police is the poor part of the army”⁴⁶.

2.3.4.2. Judiciary

The Congolese legal system is just as lethargic as the other sectors of national life. Instead of giving fair rulings, the legal institutions have become a source of conflict. For the common run of people, justice is just another system that makes those involved get more money: “the legal system isn’t working in Congo, the judges are corruptible...”⁴⁷. Persons fearing for their life and avec having lacked protection from judicial authorities and the national judicial Congolese police ask for MONUC intervention.

Amnesty International mentions that the arrests often are not organized or supervised by an independent judge. Many people have been held for long periods of time without being charged or judged. Acts of torture and unfair treatments on detainees are frequent in DRC and death cases during detention are often reported. Women have reportedly been raped during their detention. People allegedly linked with armed political groups of the opposition, human rights defendants or journalists, and anyone investigating official acts and criticizing them are targeted and victims of torture⁴⁸.

⁴⁵ International Crisis Group, « La réforme du secteur de la sécurité en RDC », in Rapport Afrique n° 104, 13 février 2007, p. 4.

<http://66.102.9.104/search?q=cache:HjifBN6qgNAJ:www.crisisgroup.org/home/index.cfm%3F%3D2%26id%3D3946+La+r%C3%A9forme+du+secteur+de+la+s%C3%A9curit%C3%A9+en+RDC&hl=nl&ct=clnk&cd=1&gl=be>, infos obtenues sur le Web le 8 août 2007

⁴⁶ International Crisis Group, « La réforme du secteur de la sécurité en RDC », in Rapport Afrique n° 104, 13 février 2007, p. 4.

<http://66.102.9.104/search?q=cache:HjifBN6qgNAJ:www.crisisgroup.org/home/index.cfm%3F%3D2%26id%3D3946+La+r%C3%A9forme+du+secteur+de+la+s%C3%A9curit%C3%A9+en+RDC&hl=nl&ct=clnk&cd=1&gl=be>, date accessed 8 august 2007

⁴⁷ SAINT MOULIN (de) L et al., La perception de la démocratie et de l’État de droit en RDC, Kinshasa, CEPAS, 2003, p. 26.

⁴⁸ Amnesty International (A.I.), Rapport 2006, République Démocratique du Congo, <http://Web.amnesty.org/report2006/cod-summary-fra> , date accessed on 8 August 2007

3. Social security and reintegration

3.1. Regions with no reintegration and return opportunities ⁴⁹

Here are some addresses providing updated information on the general situation in the Democratic Republic of Congo by regions:

- UN Office for the Coordination of Humanitarian Affairs (IRIN), Humanitarian news and analysis, general information on the region and the situation in DRC, <http://www.irinnews.org>
- United Nations Office for the Coordination of Humanitarian Affairs, Humanitarian Information Services (HIS) of DRC, information for the humanitarian community in DRC (security, needs, epidemics etc.) on the humanitarian situation and information, monthly bulletin : early humanitarian alert <http://www.rdc-humanitaire.net>
- United Nations Office for the Coordination of Humanitarian Affairs (OCHA), weekly reports, <http://ochaonline2.un.org/Default.aspx?tabid=4893&language=fr-FR>
- Website gathering press articles on DRC, <http://www.congopress.com>
- Radio OKAPI website : <http://www.radiokapi.net>

1. Katanga

Katanga province has been calm. However, the humanitarian community is worried about the outbreak of incidents in Moba.⁵⁰

“The situation is relatively calm in the two territories of Moba and Pweto. It is important to mention that there are firearms circulating and an officer has had his AK47 stolen. Investigations are ongoing to find the thieves as well as the weapon. It is also important to note that the disappearing of weapons is more and more frequent in Moba territory. They are said to be sold across the border in Zambia for a lot of money”⁵¹.

2. Oriental province⁵²

These territories are in constant insecurity, they are not recommended. Below we explain the events regarding security.

High-Uélé District

⁴⁹ Information gathered between January and February 2007.

⁵⁰ Report of OCHA on the humanitarian situation in the Province of Katanga from the 6 to 12 August 2008 ; date accessed on 2 October 2008

⁵¹ Humanitarian situation in DRC (Katanga), <http://www.reliefweb.int/rw/rwb.nsf/0900sid/EVOD-7HWHRG?OpenDocument>, information of 26 August 2008 and gathered on the web on 30 September 2008

⁵² Humanitarian situation in DRC (oriental province), <http://www.reliefweb.int/rw/rwb.nsf/0900SID/KLMT-7JT8TL?OpenDocument&RSS20=22-P>; information from 22 September 2008

Intense activities have been led by rebels from Lord Resistance Army (LRA):

From the 20 to 21/09, terrified people from Dungu and the displaced newly arrived from the North fled towards the South of Dungu centre. According to a rumour, the LRA will move towards Dungu centre on the pretence that the territory extending from the border to the Kibali River (in Dungu) has been sold to them. The Territory Administrator has recommended the population to remain calm and stay, he has also asked those who fled to come back.

Two FARDC companies are currently based in Kiliwa (45 km N of Dungu), in order to secure that locality and part of the Dungu-Duru route. At present, there are 246 civilians gathered in the chapel of the catholic mission, one of the only buildings still standing after the LRA attack. These civilians have nothing to eat and the center of Kiliwa has been completely plundered.

1. Ngilima: This locality (11.000 inhabitants before the crisis) has since 20/09 received 2500 displaced from the Tongotongo group (Naweneangwa, Dikpoto, Mbomu, Bitima, and Kapili localities). In Tongotongo, the LRA beat the chief and have allegedly kidnapped 30 children and women. The village of Naweneangwa has been plundered and burnt down, motorcycles and bicycles have been burnt and many other things destroyed. According to the chief of the Wando “chefferie” the LRA have gathered many children in a house in Mbomu and set fire to it. Moreover, the LRA attacks from 22/09 in the localities of Gungu and Manbilo situated respectively at 12km SO and 12Km S of Ngilima might cause the population of Ngilima to leave and seek refuge close to Dungu. Nonetheless, the plan is that FARDC take position in Ngilima to secure the population.

2. Bangadi: The LRA have attacked Li-Molo and Bangbi and the population is heading towards Napopo and Bangadi. Bangadi population, (10.000 habitants before the crisis) fears when it sees the displaced coming to their locality but also because of the violent fights on the 20/09 in Sakule (South Soudan locality, situated at less than 10km from the border near Bangbi, situated at 40 km NE of Bangadi) between LRA and SPLA.

3. Doruma: the population in that locality is worried because they hear of what is going on around Bangadi. They cannot forget that around 150 LRA members going to Sanango (80km NO of Doruma) passed through their village on 23/08.

The fear of the population on that route is justified by the fact that there are no FARDC or even national police to protect them. A discussion should be brought up to place FARDC-MONUC in Ngilima, Bangadi and Dorum as soon as possible.

Ituri district

“All the inhabitants of the village of Bogoro, situated at 25km South of Bunia have left this Tuesday morning. They fled the progress of the militiamen from the front for patriotic resistance of Ituri (FRPI) who have been seen this same day at Medu, 14 km of Bogoro according to radiokapi.net.”

According to sources, everybody panicked with the massive arrival of civilians and a group of FARDC soldiers from Bavi and Tsheyi. These two localities are situated 45 and 80 km South of Bunia respectively. They were taken over by militiamen on Monday after they dislodged loyalist troupes. This caused the fleeing of many civilians carrying personal belongings and mattresses. They were heading to Bunia. Others however camped temporarily in Kotoni, 18 km from the principal town of ituri district and other took refuge in Bogoro, right next to the Monuc facilities. On the same Monday, militiamen also took control of Gety, principal town of

Walendu/Bindi community were, according to sources, there were no FARDC. They also occupied the locality of Medu at around 10 km from Bogoro that same Monday. This Tuesday, fighting were reported in Burkiringi, and according to some officers of the 82nd Battalion of the FARDC, the loyalist troupes took back the village after losing it on Sunday. This has been confirmed by civilian sources from the region”⁵³

City of Bunia:

The central prison hosts 665 people (with a capacity for 112) out of which 235 serve their sentence and all the others wait for trial. The prison also has 35 women and 16 under-age.

Djugu territory:

Some FARDC military are taken money from the population near the Mbi River (more or less 5km E of Fataki). Sources in Fataki claim that pedestrian pay 100 FC and cyclists 200 FC, especially on when the market is in Fataki.

HUMANITARIAN NEWS

Moving of the population in Dungu and surroundings: According to a survey mission sent by OCHA/Dungu and Caritas Diocésaine on 22/09, there are 17.710 displaced (3.522 families). They come from the Kiliza-Duru route and Dungu center. More precisely, the statistics are as follows : Ngilima (2500 persons out of which some were trying to reach dungu) ; Li-IKA (30 km NO of Dungu) : 3000 ; Dungu center : 2975 ; Mbengu (22 km SO of Dungu) : 4460 ; Mangilingili (15 km SE of Dungu) : 1705 ; Kpezu (15 km S of Dungu) : 1820; Naidu (20 km S of Dungu) : 1250.

Health: regarding the cholera outburst reported in the health areas of Fataki and Linga (ter. of Djugu), during last week, MSF (Doctors without Borders) estimated after exploring the areas Uvire and Ruzinge, that there is a misdiagnose which leads to the fact that all cases haven't been confirmed. According to the BCZ of Fataki and Linga, the cholera situation during week 37 (from 15 to 22/09) is as follows : 42 cases out of which 2 deaths including one child less than 5 years old and BCZ Linga : 28 cases out of which 5 deaths.

3. Kivu

South-Kivu⁵⁴

Difficult areas:

- Kalehe territory: Rough climate in Minova and surroundings following confrontation between CNDP and FARDC since 8 September: population movement and low level of security.
- Uvira territory: Clash in Kanihura (South-East of the high plateaus of Uvira) between a Mayi-Mayi group constituted of Banyindu and the Banyamulenge rebels from the 47 group on 1 September.
- Fizi territory: Clash in the Minembwe area on 4 September between FARDC and Mayi-Mayi.

Kalehe territory

⁵³ Revue 2 presse,Ituri : resumption of hostilities between FARDC and FRPI militia in Bogoro, http://www.revue2presse.net/affichage_article.php?id=1318&rubrique=Politique, information from 1 October 2008, gathered on the web on 2 October 2008

⁵⁴ Humanitarian situation in DRC (Sud-Kivu), <http://www.reliefweb.int/rw/rwb.nsf/db900sid/VDUK-7JDRZX?OpenDocument>; information from 9 September 2008

- Tension between FARDC and CNDP might make the humanitarian situation worse in the Minova area; there are tensions in Minova and surroundings since the confrontations between CNDP and FARDC. The confrontations reported since 8 September in the villages of Numbi, Luzirantaka, Ufamando, Rwizi, Rwangara and Lumbishi have resulted in population movements in the area. After the calm-down on 9 September, evaluations are expected to bring assistance if the security situation allows it.

- Burnt houses during confrontation between the « Vumilia Nyuki » group and the Mayi-Mayi from Kiriritcho. An armed group entitled « Vumilia Nyuki » has just seen the light in Tushunguti, in the high plateaus of Numbi. On the 1 and 2 September, this group confronted the Mayi-Mayi in the Kasake, Kamatare and Kazingo localities. The temporary humanitarian consequences put forward 14 burnt houses and many displaced families. The Vumilia Nyuki group has allegedly been repelled to the CNDP positions around Ufamando.

Uvira territory

- Clash in Kanihura (South-West of the high plateaus of Uvira) between a Mayi-Mayi group constituted of Banyindu and the rebels from the group of 47. According to a Human right's defender, shots have been fired between a Mayi-Mayi of Banyindu and the rebels from the group of 47 on 1 September 2008 around the Kanihura forest (Uvira territory), one hour by foot North of Kamombo, headquarters of rebels in Fizi territory. The establishment on 26 August 2008 of the Mayi-Mayi in the area under control of the rebels is the source of the incident. This led to fifty families moving towards Kabara(village situated at 5 hours from Kanihura and 1 hour from Bijombo).

- Arbitrary arrests in Uvira: 13 students from the OSOKO school complexe of the agronomy and veterinary section in Minembwe, were arrested on their way back from an internship by members of the National Intelligence Service (ANR) in the night of the 2 September. They were released on 3 September thank to the intervention of Human rights NGOs after spending one night in Uvira, in a dungeon. According to a human rights defender on site, this could rekindle inter-ethnic tensions.

- Crop theft start again in the Ruzizi plain in Uvira Territory. According to a humanitarian source, the military having finished their training in the Luberizi centre and waiting to be deployed somewhere else steel crops from the fields. Four months ago, the intervention by Fao in favour of 150 families of military dependants in Luvungi and Kamanyola had reduced the crop theft in the area. For the moment, FAO is facing the difficult task of assisting military families in constant moving.

- Towards finding a solution to the conflict opposing the locals to a stock breeder in the Ruzizi plain regarding cassava fields ruined by his cattle. To calm the tension, the agriculture inspection, the Fao, the ONGL OPAD (African farmer's organization towards development) visited the field on 6 September 08. The report mentions an area of 8,5 acres (1 of sweet potatoes), belonging to FAO, INERA Mulungu partners and farmers which were destroyed by the cattle of the breeders. Agricultural inspection in Uvira should discuss with the breeders in order to find a solution to the harm done and establish long-lasting mechanisms to protect agricultural activities often disregarded by the stock breeders.

Fizi territory

- One more case of stolen cow in Fizi: Three cows have been stolen in the night of 2 to 3

September by presumed Mayi-Mayi armed with spears on the Malinde-Simbi route (along the Mukyobwe River). For the record, these Sheppards have had to interrupt the move to summer pastures in the locality of Nemba, on the Ubwari peninsula at the end of August after the robbing of ten cows by the Mayi-Mayi. The silence of the local authority and Babembe notability might worsen the Babembe-Banyamulenge conflict in the area.

- Confused security situation in the health area of Aleba Itombwe sector, in the high plateaus of Mwenga territory. A local source reports confrontations on 2 September opposing the Banyamulenge of FRF to a Mayi-Mayi faction in the Aleba locality; village located around 15 km from Mikenge (principal sector of Itombwe).

Reported clash in the Minembwe sector: Official sources from Minembwe report clashes on 4 September 08 between a Mayi-Mayi group and FARDC militaries from the 112th, essentially Banyamulenge, in the Kitumba and Kinyokwe sector, around 25 km South-East of Minembwe. According to local sources, the unresolved murder of a man of Bafulero ethnicity by presumed Banyamulenge has triggered hostilities. The toll from the fights that ended 8 September is 2 dead on Mayi-Mayi side and 3 dead and 3 injured on the opposite camp. There is currently no information available regarding the moving of the populations. The latest news is that local leaders discuss and are trying to bring back calm in the area.

- The chief of the Kamombo locality, in the high plateaus of Fizi has been kidnapped from his home. Suspected by the rebels of working for the central government, the poor man was kidnapped from his home on 27 August 08. The kidnapping was attributed to FRF members according to corroborating sources. Note that the chief of Kamombo locality of Bafulero ethnicity lived in Minembwe center for safety reasons. His kidnapping took place while he was visiting family in Kamombo.

Shabunda territory

National Assembly President is on visit in Shabunda. Vital Kamerhe visited the Shabunda territory last weekend. He promised to renovate the sanatorium (former hospital for isolation of TB patients) to install university institutions of Shabunda. He also promised to discuss the renovation of the roads by the Chinese and Nyapengele primary school already targeted by Pooled Fund through Unicef and Midima.

North-Kivu⁵⁵

1) The humanitarian situation in North and South Kivu is very worrying. Indeed, the fighting that have been going on since 28 August have forced 100 000 persons to move. This number is an estimate and not yet confirmed as the humanitarian organization cannot access the critical areas.

It seems that many of these people have had to change refuge many times because of fights, especially in Kanyabayonga, Kitchanga, Rutshuru, Minova, Masisi, in the Mugunga camps, in the outskirts of Goma and in the villages South of Minova, in South Kivu.

The truce that followed the unilateral ceasefire of the CNDP on 11 September allowed a movement of return of population, particularly in the Nyanzale area. Precise figures aren't

⁵⁵ Humanitarian situation in DRC, <http://www.reliefweb.int/rw/rwb.nsf/db900sid/VDUX-7JKMVV?OpenDocument>; information from 17 September 2008 and gathered on the web on 29 September 2008

available yet.

Unfortunately, more to the South, the resumption of hostilities since Monday 15 September led to population movements, especially in Ngungu where 16 000 people took refuge around the mobile MONUC base as well as in the Minova region, in South Kivu.

2) The entire humanitarian community is worried about the hindrance to assist vulnerable citizens and displaced families in the conflict areas of Rutshuru, Masisi and Kalehe. Indeed, the fights, the unstable security and the mistrust of the civilians make the access to these people more difficult.

3) Moreover, there are constant plundering cases of the sanitary structures in the fighting areas. These are committed by all present forces with no exceptions. You can imagine the impact of such acts: absence of medical care for people in need and absence of drugs. The medical NGOs and the WHO try coping by distributing drugs and surgery equipments in areas where security is guaranteed.

4) Actions taken by humanitarian organizations:

Despite the difficulty of access, missions of rapid evaluation of the needs are ongoing in the South Lubero in the framework of the rapid response mechanism. Other should begin tomorrow in the other affected areas.

3.2. Housing, accommodation

Kinshasa is a megalopolis with almost no social housing infrastructures. Finding accommodation matching with expectations calls for many strategies, both formal and non-formal:

A. Non-formal strategies

There are many small real-estate agencies around Kinshasa, however, they are informal and most of them do not have the money or the means to fulfil their mission.

Sometimes, only a sign mentioning « real-estate Agency » shows there is an office in the area or a person that might inform you about a house for rent or for sale in return for a standard amount called « right of visit » in the jargon. This strategy is a kind of bargaining between the informant and the possible tenant or buyer. One must bear in mind that this kind of information only circulates among a network of agents, that share percentage (10% of the rent guarantee or of the selling price) in case of a profitable operation between the buyer and the seller or the lessor.

Moreover, the lessor can evict anyone from the rented house. Very often, after giving notice, he is impatient for the tenant to leave as he often has already taken the rent guarantee from the new tenant. The house for rent shortage is a fact and very often one ends up taking a house not corresponding to the expectations.

These days, according to the innovative government programme for the rehabilitation and construction of infrastructure, construction enterprises and construction materiel reappear on the market. This concerns mainly Ledy, Rakeen Congo, Congo Futur, Safrimex, General Consult, Procoki and Rimokin. The latter is specialized in the promotion of social housing.

B. Formal strategies

The real-estate agencies liable to offer these kinds of services, acting between the seller and buyer or lessor and tenant are very few as this sector taken over by informal middlemen.

Real-estate agencies, especially those from the formal sector, make-up a housing compromise based on 20 USD non refundable. This form contains questions regarding the criteria for finding a house. It is important to mention that the fee for the real estate agency is equivalent to a month's rent. This sum, if important, may be discussed between the two parties.

The agencies recognized by the State are often located in the Gombe municipality. For example:

- BTS- IMMOBILIER 9 on 9 Nation Avenue (behind the presidential galleries) in the municipality of Gombe: phone number 0898111111 and 0818484840

3.2.1. Property restitution and/or compensation (in the conflict or disaster areas)⁵⁶

During the plenary session of the National Assembly of transition on 24 April 2004, the resolution AN/P/COM.SP/02/04 was adopted. It is about the creation of a special Commission in charge of restitution of properties seized or confiscated to citizens and the recovery of property despoiled at the expense of the State.

At the end of this resolution, the missions given to the special Commission were the following:

- Review and examine the complaints of the victims as well as the denunciation regarding the property despoiled at the expense of the State;
- Define the principles to solve the litigation of the illegally seized and/or confiscated properties as well as the property despoiled at the expenses of the State;
- Make sure the victims get compensation and/or restitution in their right;
- Propose or have propose to whom it may concern any measure or initiative that might speed up the compensation and restitution;
- If need be, refer to the courts and tribunals.

In regard to these recommendations, the special Commission has put forward the following principles to deal with the seized or confiscated properties as well as the property despoiled at the expenses of the State:

- a) Confirmation of property respect of the private and the State;
- b) Responsibility of the Congolese State for the material, physical and moral prejudices undergone by the populations during wars in the Democratic Republic of Congo. According to the resolutions of the Inter-Congolese Dialogue no DIC/CEF/01 relative to the costs of the two wars (1996 and 1998), the Congolese State must repair the prejudices except if the natural authors of the prejudices are clearly identified.

⁵⁶ Special Commission in charge of restitution of properties despoiled or State prejudice, general report, June 2005, pages 14-15

Therefore, the plundering by a competent authority, the requisitions duly proven by a decision, property extortion proven by means of legal procedures must be compensated by the Congolese State ;

c) The restitution without delay and conditions of the private properties still in the hands of OBMA (Improperly Acquired Property Office). The OBMA, having placed property under its care in order to protect them must return them to their lawful owner without condition after they have proven ownership;

d) Given the false character of the concept of property without owner, consider null the acts referring to that;

e) The nullity, regarding the management of the State public and private properties, of the acts taken by Ministries that were not competent. The application of this principle must be made according to the attributions of the decree n°03/025 from 16 September 2003 regarding the organization and functioning of the transition government as well as the modalities of collaboration between the president, the vice-presidents, the ministers and vice-ministers ;

f) Restitution of State property illegally acquired by private persons;

g) Respect of final court decisions;

h) Execution without delay of court decisions having obtained the force of « res judicata »;

i) Refer, according to the case, to courts and tribunals or any competent authority, files not in the special Commission's area of responsibility ;

k) Confirmation of indefeasibility of the registration certificate from the moment it has been obtained lawfully;

l) Restitution of properties seized and/or confiscated following a ruling on the condition that the victim received amnesty;

m) Encourage parties to solve their litigation out of court;

n) Settlement at the Council of Ministers of the litigations regarding the properties various ministers claim as theirs;

o) Put an end to the gratis use of public companies properties by the government, the armed forces and the national police.

Today, all properties confiscated should have been returned to the owners because the commissions have received 1575 files out of which 1274 have been dealt with. The special Commission through the OBMA returned all the seized property and the latter only handles properties that belong to the State. Anyone willing to get back his property will have to wait for the creation of an ad hoc Commission because the one from the transition parliament does not exist anymore.⁵⁷

⁵⁷ Interview of Prefed with Emile Boweya Boboto, Administrative director at the Improperly Acquired property Office (OBMA) information gathered 9 February 2007

3.2.2. Housing programs by return area

Today, the number of apartments has not improved in the big cities such as Kinshasa or even in the smaller cities.

According to the Ministry of town planning and housing estimates included in the national housing planning, the DRC, because it lags behind, must build at least 2,4 millions houses in the ten years. Out of these, 500.00 will be for the city of Kinshasa.

One of the main facts slowing the housing development in DRC is the low solvency of Congolese households. With the household purchasing power being low even public intervention initiatives are bound to fail as the beneficiaries will not be able to repay their debt. Therefore, there is a need to find alternative solutions based on less expensive practices such as: assistance to self-help housing, microcredit or even cooperatives. »⁵⁸

«With its 10 million inhabitants, Kinshasa has a deficit housing deficit of 4 million units. The housing policy initiated by the central government only plans 4500 units currently under construction in Mitendi and Kinkole. An executive from the Ministry of town planning and housing believes this is insignificant and will not eliminate the deficit.

In the old municipalities, constructions of new units come from private initiatives. All contacts undertaken at the urban divisions of town planning and housing for data regarding ongoing construction or building permits granted since 2007 in Kinshasa were vain.

Because there isn't any space left, the real-estate investors buy plots from those less well-off to build high complexes for commercial use. Most of these will become hotels, flats, restaurants, bars or conference rooms, and shops at prices not accessible to everyone. If a luxury hotel in the outskirts costs around 25 to 60 USD a night, in town, it varies around 100 and 250 USD a night, while a high-standing apartment in the city-centre costs around 1000 and 1500 USD a month.»⁵⁹

“Regarding housing programs for the elders: Kinshasa has 7 old-age homes out of which 2 belong to the State. These facilities take in less than 200 guests. This number is insufficient.

After visiting some of Kinshasa's old-age homes, especially the two managed by the State the conclusions are terrifying. The guests are living in squalid conditions and lack everything. Food isn't provided every day. Very often, these elder people have to go out of the home and give alms on the streets. In general, women from catholic legion coming from neighbouring parishes or people of good will help them.

The situation is by far better in the private old-age homes held by monks. Living rooms and bedrooms are maintained by devoted personnel. The clothes and linen are regularly washed.»⁶⁰

58 AMEEDÉ MWARABU KIBOKO, « Des contraintes à l'amélioration des conditions de l'habitat en RDC », le Potentiel, http://www.lepotentiel.com/afficher_article.php?id_edition=&id_article=19760 , édition n° 3609 du lundi 19 décembre 2005, date accessed 5 May 2007

59 Le boom immobilier à Kinshasa ;<http://www.digitalcongo.net/article/52017>; information of 18 June 2008 and gathered on the web on 26 September 2008

60 Eyenga Sana et Delphin Bateko, « Kinshasa : trop peu d'hospice pour personne de 3ème âge », in Le Potentiel, http://www.lepotentiel.com/afficher_article.php?id_edition=&id_article=16962 , édition n° 3567 du lundi 31 octobre 2005, date accessed on 7 May 2007

For more information regarding the address and a brief description of Kinshasa's 7 old-age homes please refer to footnote below.⁶¹

3.2.3. Opportunities of building a house

3.2.3.1. Conditions of obtaining land property

«According to an IOM report made in Congo in 2002, even if renting is the most common, those who have money and opportunities often by a plot of land where they build a small house. According to this report, there are no administrative constraints related to buying or selling of land however caution is required. Indeed, some people have been swindled when purchasing properties.»⁶²

3.2.3.2. Relevant approximate prices

The information varies according to the locality one wished to build in. As it is difficult to find vacant plots in high-standing areas, many people go for buying houses, demolish them and build properties with great accommodation capacities. This is also the case in the planned neighbourhoods inherited from independence. However, in the self-help housing neighbourhoods it is still possible to find vacant plots and the price varies between 30 and 70 USD per square meter. Nonetheless, prices vary and depend on demands and on the area as real estate investment is a very profitable in those areas.»⁶³

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- ⁶¹ – Old-age home of Kabinda, in front of the Congolese radio and television on Kabinda Avenue. Life conditions are very harsh. Accommodation capacity of 11 persons, this old aged home is almost abandoned.
- Old-age home of Kintambo, managed by the State, is located at the crossing of Komoriko and Lomami. The living conditions are terrible, despite its recent rehabilitation by a private body. It has an accommodation capacity of 11 persons.
- Old-age home Saint François de Sales, managed by Franciscan nuns of Marie, located in the convent of the nuns and the secondary school Bolingani in Kintambo. Its can accommodate 17 persons in good conditions.
- Salvation Army old-age home, on 23 bo-boliko Avenue in the municipality of Kintambo, it can accommodate 30 persons in good conditions.
- Old-age home Saint Pierre on Kongolo Avenue, in the municipality of Kinshasa (archdiocese of Kinshasa). It accommodates around 40 persons in good conditions.
- Old-age home Saint Marc, on Kimpioka Avenue, in the neighborhood III of the municipality of Kimbanseke. It is managed by the Italian nuns' congregation in Bergam. This home accommodates 35 persons.
- Old-age home Bolingani, located at 21-23 Kibambi Avenue, in Kingabwa, in the municipality of Limete. It is managed by the women from catholic legion from the parish of Saint Kizito. 13 persons are accommodated.
- ⁶² International Organization for Migration (IOM), « Information for Returnees to the Democratic Republic of Congo », Report September 2002, page 3.
- ⁶³ Interview of Prefed with M. Kamande, Secretary general of the Real Estate association of Congo (ASSIMO). Assimo is an association of specialized and autonomous real estate agencies intermediary between seller and buyer of lessor and tenant during signing of contracts in return of a fee (10% of the amount). Date accessed 9 February 2007 at 14.15.

«Regarding construction materials, a list of prices for building shell is available on demand.”⁶⁴
This list gives an idea of the price in USD by m³ (labour force and material included) for the construction of the house foundation, its elevation, roof and coating”⁶⁵.

3.2.3.3. Available credits, subsidies and other forms of help

« The introduction of leasing in DRC in the coming months is a project lead by the government with the help of the International Finance Corporation (IFC), member of the World Bank in charge of the private sector. The setting up of this programme requires a stable and clear legal framework. Leasing allows the company to use through rent, movable or immovable property that she needs or looks for. This also allows the acquisition of the property from the leasing company the latest at the acquisition of the contract.”⁶⁶

3.2.4. Opportunities of buying real estate

3.2.4.1. Legal conditions

What legal formalities are needed to buy a plot or a house in a city centre from a Congolese agreeing to sell?⁶⁷

1. Verification of title deeds

The seller is he really the owner of the plot or the house? Does he have the right to sell it? Does the title deed correspond to the property he wishes to sell?

In theory, today all property titles should be confirmed by title deeds; however, the setting up of title deeds for the existing plots can take a lot of time.

“Many houses and plots belonging to the State in the municipalities of Gombe, Ngaliema and Limeta have been despoiled. The government set up a commission to get back these State properties sold at a very low price. The buyers of these properties feeling the danger approaching have sold them to others. The minister of town planning and housing is warning the possible buyers. Before buying a house or a plot in those municipalities, they should check in the minister’s office if that house or plot is not about to be returned to the State. Those who do not listen to this advice will be throwing money out the window and can only blame themselves. The DRC has lived for years as a property without owner and that is how many

⁶⁴ For more information about the prices for construction of rough plastering please contact our information office : HELPDESK RETOUR : +32/2-274 00 23
return@vluchtelingenwerk.be

⁶⁵ Interview of Prefed with Yvon Tshilumba Bingwa: responsible of CARTEC-CONGO, animation and building technological research center. Date accessed 13 February 2007.
N.B: As this sheet has been updated, some prices have been modified.

⁶⁶ Central Bank of Congo, leasing to be launched throughout the country
http://www.bcc.cd/index.php?option=com_content&task=view&id=197&Itemid=1; information from 16 March 2009 accessed on the web on 17 June 2009

⁶⁷ Pierre de QUIRINI, « Comment procéder pour acheter une parcelle et louer une maison ? », éditions CEPAS (centre d’études pour l’action sociale), Kinshasa, 2002, pages 23-27. dépôt légal n° 133/87-2 Trimestriel.

State owned houses and properties have changed hands at a very low price.”⁶⁸

Anyone buying a plot or a house can find himself in two different situations.

- If the plots are registered in the land survey register

These are plots independent of title deeds. They are governed by a registration certificate or a hiring contract (lease) conferred by the State. The registration certificate is the final title deed in Democratic Republic of Congo. The hiring contract is a right of possession for the duration and under the conditions stated in the contract.

a) Verify if the registration certificate or the hiring contract is at the name of the seller.

Does the seller have to right to sell the plot or the house? If there are other names it means he is not the only owner. He can only sell the property if he has a written consent of the others owners on the certificate.

b) The authenticity of the registration certificate or the hiring contract must be done at the department of title deeds. Does the certificate correspond to the specifications of the registrar of deeds? Are the specifications relative to the plot or the house (cadastral number and description of the property)?

- If the plots are not registered in the land survey register

These plots will one day have to be registered at the Title Deeds, but that are still depending on urban authorities. There are governed by the following documents:

a) Landlord leaflet (formerly delivered by the municipal work and regional policy service - town planning and housing - but it should be delivered by them since land law of 1973);

b) Allotment leaflet (delivered by the municipality or the municipality office);

c) Certificate of allotment occupation sometimes entitled property certificate (delivered by the municipality);

d) Certificate of allotment right of occupancy (delivered by the municipal work and town planning service);

Verify, with the identity card of the seller, if the documents are in his name.

Verify the authenticity of the landlord and the allotment leaflet with the municipality office and the municipal work and town planning service. Moreover, the seller must get an allotment occupation certificate (or property certificate) from the municipality if he does not already have one. This document should not be older than three months. This document must bear the mayor's signature.

2. Sale contract for the allotment

After the verifications above, it is important to draw up correctly the sale documents: bill of sale or leaseback, that will thereafter have to be made official by the municipality and a

⁶⁸ Acheter une maison ou un terrain à Gombe, Ngaliema et Limete : un risque à éviter in Congo mon amour; <http://congoдебout.blog.mongenie.com/index.php?idblog=439109>; information of 25 August 2007 date access 27 September 2008.

solicitor.

Which information should the sale contract contain?

- The seller's and buyer's identity;
- All details regarding the allotment or the house: cadastral number, date of registration certificate, complete description of the allotment and constructions on it;
- The sale price; in full, were the payment modalities and time limits are mentioned;
- The place, date and signature of all contractors.

N.B.: For the city of Kinshasa, the circular n° 1189/05/82 is taken into account. It specifies that the allotment sales must be concluded in the presence of the mayor, the neighbourhood chief and witnesses well aware of the situation. The municipality delivers a certificate to be presented to the solicitor at the time of the authentication of the bill of sale. This certification making the sale official is subject to 10% tax on the sale price.

3. Authentication of the bill of sale

The buyer and the seller present themselves in person to the solicitor. They vouch they agree with the bill of sale. The solicitor writes that down on the contract, signs, dates and affixes his stamp. This contract then becomes a notary act. All contractors must be present for the authentication of the bill. The solicitor writes it down in his register.

4. Registration of the authenticated contract

If it is a plot registered in the title deed, the parties must present themselves in front of the keeper of title deed from the building's district. The keeper puts all relevant information in the title deed register. He then delivers a mobile certificate to the new owner proving his ownership and deletes the old inscription with the name of the seller.

It is with this last action that the buyer receives the title and the right to make use of his property.

Without the registration the owner cannot oppose his right to third parties. If the seller isn't honest and sells the same property for the second time, the buyer will not be able to enforce his property title for lack of registration.⁶⁹

3.2.4.2. Vulnerable groups

«According to Ignace Tambwe Nkanka, a real estate agent, minorities and single women do not face difficulties when buying a property. The buyer and the seller are more preoccupied about the respect of the legal provisions.»⁷⁰

3.2.4.3. Relevant approximate prices

« The prices depend on the area and on supply and demand. However, precise information is

⁶⁹ Pierre de QUIRINI, opcit

⁷⁰ Interview of Prefed with Ignace Tambwe Nkanka, realtor at Interimmo agency, located on 1024 Boulevard du 30 juin , date accessed 20 February 2007, 14.15min

not available for the moment as not real estate agency has ever conducted a detailed study on the prices of real estate »⁷¹

3.2.4.4. Available credit and subsidies

«Financing of allotments and construction unities:

Financing arrangements for the acquisition of allotments is the same for the cities of Kinshasa and Bandundu and work according to the following financing schemes: the buyer finances 90% of the plot and gets the difference from family members.

By city, the repartition of the flow of funds is as follows:

The own funds contribution are on average 90% of the purchase price, the family contribution varies between 3 and 8%, the bank credit varies between 0% and 0,1%, the institutional credit varies between 0 and 1,5% and the other contributions vary between 0 and 4,3%.⁷²

The institutional financing of plots by bank credit and lending agencies are derisory. After analyzing the situation one notices that there is no housing credit mechanism and it is substituted by personal resources and help of family members. Lending agencies do not participated much in the financing of plots in Kinshasa (0,1% on bank credit : 1,5% on institutional credit). The development of self-help housing financed by personal capital is resulting from the lack of social housing construction policy in the institutional housing financing organisms. Self-help housing is adapted to the modalities and the incomes of the households.

3.2.5. Opportunities of renting a house or apartment

3.2.5.1. Vulnerable groups

«According to Ignace Tambwe Nkanka, real estate agent, no groups face obstacles when renting or buying a house. However, sometimes, lessors often set barriers for certain group (large families, too or three singles girls living together, one person known for it's membership to a mystical religious group, in order to protect either their house from accelerated depreciation or their own family when the lessor shares the same plot with the tenants.»⁷³

«Finding a house for rent in the capital is not an easy task. If the expatriate workers and those getting a great salary are often welcome, all the others face a tough journey. In fact, many lessors raise a never-ending list of conditions to their potential clients. By fear of being overcrowded they only accept married couple with one child maximum. Others try and find out the ethnic origins of the future tenants before accepting. What can they do? They

71 Interview of Prefed with M. Kamande, Secretary General of ASSIMO, date accessed 9 February 2007.

72 National unit of infrastructure rehabilitation and housing promotion (CNR/Habitat), National survey on housing and the socio-economic profile in urban environment, « Principaux Résultats globaux » ; Ministère des Travaux Publics, Aménagement du Territoire, Urbanisme et Habitat, avec l'assistance financière du PNUD et technique du CNR/Habitat, 1999, pages 59 et suivantes.

73 Interview of Prefed with Ignace Tambwe Nkanka, realtor at Interimmo, 1024 Boulevard du 30 juin, date accessed 20 February 2007

submit to the lessor's whim."⁷⁴

3.2.5.2. Relevant approximate prices

« Housing approximate prices in Kinshasa vary according to the salubrity of the neighbourhood, the regularity of water and electricity supply, the location and the house condition. Regarding house renting, Kinshasa is divided into three areas:

The first area is of « high standing » includes Gombe, Limete and Ma Campagne. The rent varies between 200 and 5000 USD a month according to the surface area, the comfort and the use of the house. The second planned area, built during the independence years includes Bandalungwa, Lemba, Ngaba, Kintambo, Ngaliema, Matete and Matonge. The price varies between 50 and 500 USD a month. Finally, the third area of self-help housing includes Masina, N'djili, Kingasani, Selembao and Mont Ngafula. The price ranges between 10 and 200 USD a month."⁷⁵

«Sometimes tenants do not get their rents guarantee back, sometimes the lessor decides to raise rents and don't respect the notice... All these issues are registered at the housing associations in the various neighbourhoods of Kinshasa. The issue is the lack of respect of the statutory texts regarding relations between lessors and tenants.

And strangely enough, the State, which was supposed to conduct a good housing policy instead passively watch the corrupted lessors do their thing and make the life of the tenants difficult, even unbearable.

Visits to the neighbourhoods of Lemba, Kimbanseke, N'djili, Masina, Kinshasa, Kasa-Vubu, Ngaliema, Bandalungwa, Bumbu, Kalamu, Ngaba show that there are many conflicts registered between lessors and tenants.

First of all, this is due to the non observance of the lease between the two parties, which is often verbal, out of the municipality housing Service. This is a violation of the statutory texts. They set the guarantee at three months for the renting of a house for personal use and at six months for commercial use.

According to Gilbert Boketa Mawulu, in charge of the housing service in Lemba, the renting guarantee is high because of the absence of houses for rent in the area."⁷⁶

3.2.5.3. Available subsidies

According to the Regional Program for Development Training and Exchanges (PREFED) there are no subsidies available for that purpose in Kinshasa.

⁷⁴ Mankenda S et Bukasa T ;le calvaire de locataires ;in le Citoyen;infos du 18 juin 2008

⁷⁵ Interview of Prefed with M .Kamande, Secretary General of ASSIMO, Assimo is an association of specialized and autonomous real estate agencies intermediary between seller and buyer of lessor and tenant during signing of contracts in return of a fee (10% of the amount). Date accessed 9 February 2007.

⁷⁶ TSHAILAD et N'LANDU F ,locataires à la merci des bailleurs ; in Le Potentiel http://www.lepotentiel.com/afficher_article.php?id_edition=&id_article=43190, Date accessed on 2 October 2008

3.2.6. Other middle term accommodation possibilities

«Anyone wishing to stay in reception centres belonging to churches and NGOs must pay a fee, as in the hotels, but it is lower. To have access to these one must be an affiliated or recommended member.»⁷⁷

3.2.7. Temporary shelters available until being able to ensure long-term accommodation.

According to PREFED, there are no temporary shelters in DRC. The returnees stay with family members or friends.

3.3. Livelihood - basic « survival »

3.3.1. Employment

The lack of jobs, mostly because of the destruction of industrial structures, the plundering of the 90's and the political mismanagement of the government has become a national problem. Skilled degree holders leave the country while others become taxi drivers, delivery personnel, shopkeepers and dealers.⁷⁸

According to Paul Luwansangu, assistant at Unikin, the job crisis explains the current poverty. For example, in 2000, those having a formal job represented only 2% of the total DRC population, 4% of the active population and 8% of the active male population against respectively 8%, 18% and 35% in 1958.⁷⁹

3.3.1.1. Unemployment

According to Mr Mavinga, deputy director of the national system for developing statistics (SNDS), based on the poverty indicators from a survey for the city of Kinshasa, the activity rate is 47,7%, the unemployment rate of the population is 14,9% the unemployment rate of the broader population is 23,8% and the informality rate is 72,5 %.⁸⁰

«Today, only 4% of Congolese get a structured, paid and long-lasting job. These 4% represent 1 million persons in age working age.

For the vice-minister of labour and social welfare, Marie Ange Lukiana, « 80% of the Congolese

⁷⁷ Interview of Prefed with Mr Adonis Itindja, Secretary of the diacony of Christ Church in Congo (ECC), date accessed 18 February 2007.

⁷⁸ Kabengele Lubambala Christian, « Diplômé : un parcours difficile », Afrique espoir, <http://www.afriquespoir.com/Ae22/page6.html>, janvier 2003, date accessed on 6 May 2007.

⁷⁹ Paul Luwansangu, assistant à l'UNIKIN, « La lutte contre la pauvreté par l'emploi ou la quadrature du cercle », Le Potentiel, http://www.lepotentiel.com/afficher_article.php?id_edition=&id_article=17355, édition n° 3574, le 8 novembre 2005, date accessed on 20 February 2007.

⁸⁰ Interview of Prefed with Mr Mavinga, deputy director of the national system of statistic development, unit of the statistic national institute attached to the ministry of plan, date accessed 3 May 2007

live in the insecurity of informal work or are unemployed”⁸¹.

Which sectors are most affected by informal work? hairdressers, cobblers, quados, car washers, street sellers, tailors, metal workers, sellers of petroleum products, polishers, shopkeepers, those selling traditional medicine, carters, diggers”⁸².

«In this country, women mainly do trade and specialize in food or clothes. They are also very present in the parallel market of exchange and they have established a kind of informal banking system. Female entrepreneurship exists in sewing, hair-dressing, catering, salting fish, production and selling of coal or soap, etc. In a way, women make and/or distribute the everyday products while men find themselves mostly in manufacturing and/or repairing of tools, utensils, in mechanics, etc. Except in some rare cases, those involved in formal and informal economy remain poor and many are only at a stage of survival. Today more than ever, this fight is common and requires family solidarity in a nuclear family as well as in a large family. The proliferation of associations, cooperatives shows how important it is to create bonds and find allies on an ethnical, regional or religious base. For example, women create tontines or likelembas where they pay contributions regularly so that the members of the association can get money if needed (start a business, pay school fees, get treatment for a family member, pay for the funeral of a family member, etc.) The one who lent the money must reimburse the money later»⁸³.

3.3.1.2. Labour market programs

«The National Employment Office (ONEM) created in 2002 and under the supervision of the Ministry of labour and social welfare has been appointed to organize the labour market. It is in charge of registration any Congolese capable of doing a remunerative job.”⁸⁴.

« It provides intermediation, in-house training and support to self-employment and micro firms.”⁸⁵

«This office receives the job seekers with 2 pictures, their original diploma or any other document proving their skills.

The job seeker must fill in a form with information (such as identity, type of job seeking, salary expectations, studies, foreign languages) which will be processed by a psychologist. Through its prospection service, the ONEM proposes a candidate to the companies (they have to give all their vacant positions to the ONEM) and the service that delivers visas ratifies the signed contracts.

According to Monsieur Kambidi, ONEM provincial deputy director, « it is unlikely that ONEM is

⁸¹ « Marie Ange Lukiana s’engage à revaloriser le travail des Congolais », la Prosperité n°1041 du 23 avril 2007, page 6, <http://fr.redtram.com/go/55854725/>, date accessed on 5 May 2007.

⁸² Lomami Shomba, op.cit.

⁸³ Rosalie Malu Muswamba, op.cit

⁸⁴ Interview of Prefed with Mr KAMBIDI, provincial deputy director of ONEM (National Employment Office), date accessed 12 February 2007

⁸⁵ Coördination et initiatives pour Réfugiés et Etrangers (CIRE) et Overlegcentrum voor Integratie van Vluchtelingen (OCIV), « Étude de cas sur la République Démocratique du Congo » non publiée et annexée à l’ étude conjointe : « Aide au Retour Volontaire : Constats et Perspectives ”, pages 37-39, 2005, disponible sur le site www.cire.irisnet.be

really capable of really helping those returning to DRC, especially those not qualified. On one hand (...) there is only one office for the whole country, in Kinshasa and on the other the diffusion of the jobs is not organized. »⁸⁶

3.3.1.3. Labour conditions

Gender equality in labour

“A new Constitution, adopted in February 2006 has a clause concerning explicitly the State’s responsibility in the respect of gender equality even during transition. Awareness campaigns have been undertaken to fight against discrimination and support women’s competences and projects”⁸⁷

“The NGO “Freedom House”, qualifies the issue regarding gender equality and expresses in its report on freedoms in the world in 2005, that women in Congo do not take advantage of the education and work opportunities as men and that they do not receive the same salary for the same work.⁸⁸ «The United States State Department (USDS) in 2005 also confirms there is a discrimination regarding the work. Congolese women work mostly in primary agriculture and in small businesses. In the formal sector, there are often less paid than a man doing the same activity”⁸⁹.

Regarding right of association, of collective bargaining regarding working and salary conditions

- Right of Association

By law, all workers, except judges and senior officials, corporate managers from private sector and members of security forces, can set up a union or join one without prior authorization.

According to the Solidarity Centre there are 24 million adults in working age out of which 128 000 join a union.

The law forbids the discrimination of unions but this is not effectively implemented. Indeed, according to MONUC, the security forces have arbitrarily arrested and detained the union leader of “Prospérité”, following a meeting during which he denounced irregularities in the payment of salaries in the public sector.

By law, employers have to re-employ those who were dismissed because of union activity.

There is an inter-union committee, made up of private and public sector unions but without

⁸⁶ Coordination et initiatives pour Réfugiés et Etrangers (CIRE) et Overlegcentrum voor Integratie van Vluchtelingen(OCIV), « Étude de cas sur la République Démocratique du Congo » non publiée et annexée à l' étude conjointe : « Aide au Retour Volontaire : Constats et Perspectives ”, 2005, disponible sur le site www.cire.irisnet.be , pages 37-39

⁸⁷ United Nations General Assembly, Women’s Anti-Discrimination Committee, «Report of Democratic Republic of Congo”, <http://www.un.org/News/Press/docs/2006/wom1571.doc.htm>, date accessed 11 October 2006, Country of origin information report October 2006, Home office, 2006 http://www.homeoffice.gov.uk/rds/country_reports.html, Date accessed on 24 February 2007

⁸⁸ Freedom in the World Survey 2006, «Country Report DRC, 2006 ” <http://www.freedomhouse.org/template.cfm?page=22&year=2006&country=704> , date accessed on 22 February 2007

⁸⁹ USDS, «Report on Human Rights Practices - DRC - Reports for 2005” dated 8 March 2006.<http://www.state.gov/g/drl/rls/hrrpt/2005/61563.htm> , Date accessed on 23 February 2007

legal mandate. However, the transition government has accepted to negotiate with it and the employers regarding working policies and legislation. However, the transition government has never met this body.

Private companies often hire “fake” unions to discourage the authentic ones of getting involved and of confusing the workers. According to Solidarity Centre, out of the 400 unions, many from the private sector do not have members and have been established by the management mostly in the natural resources sector”⁹⁰.

– Right to organise and right of collective bargaining

The law provides the unions can conduct activities without disturbing or interfering and negotiate collectively. However in practice the transition government does nothing to protect these rights.

In practice, the collective negotiations have shown to be inefficient. In the public sector, the salary is fixed by governmental decree and the law does only allow unions to act as advisors. Most of the unions in the private sector have collected the contributions of the workers but have not been able to negotiate collectively in their name.

– Right to strike”⁹¹

The Constitution recognizes the right to strike and the workers have gone under strike before. In small and medium-sized enterprises, workers cannot go on strike. Indeed, because of all the jobseekers, the managers can replace the workers trying to create a union, to bargain collectively or go on strike.

Before going on strike, the law requires from the unions that they get a prior authorization and that they accept a compulsory arbitration. The law forbids employers and government to turn against strikers. However, in practice, the transition government has never respected that point and has sometimes imprisoned employees of the public sector that went on strike.

According to Solidarity Centre, during 2006, union leaders have tried to organize a strike in the mining company MIBA in the Kasai-oriental province and they all got fired”⁹².

3.3.1.4. Accessibility of short-term occasional jobs

See point 3.3.1.2.

3.3.1.5. Lack (high demand) in specific professions

According to a study on voluntary return and its prospects in Congo, jointly conducted by CIRE and OCIV, the developing sectors in Congo are IT and communications.⁹³

⁹⁰ Information gathered by Malikha Nsarhaza, consultant at the PREFED, 7 May 2007.

⁹¹ For a list of employers organizations and unions, see International Labour Organization <http://www.ilo.org/public/french/region/afpro/kinshasa/country/drc.htm> , and <http://www.icftu.org/survey>

⁹² US Embassy, report on human rights in DRC in 2006, http://kinshasa.usembassygov/rdc_droitshumains2006.html , date accessed 6 May 2007.

⁹³ Coordination et initiatives pour Réfugiés et Étrangers et Overlegcentrum voor Integratie van Vluchtelingen (OCIV, « Étude de cas sur la République Démocratique du Congo » non publiée et

According to a report by IOM in 2002, the NGOs and international organization also represent a major employer and most of the jobs are in development. The most common activities are project management, logistics and radio operations.⁹⁴

The agri-food sector is also one of the sectors with high potential of demands such as the public works sector with the rehabilitation and reconstruction of infrastructures. In the agri-food sector, there are possibilities in the small animal farming business with conditioning, processing and marketing, as well as the processing of agricultural products in general.

Other sectors that might grow are the small industry of processing and the transport sector.

The administration of the technical directorate of OPEC (Office for Promotion of small Congolese enterprises) indicates that small enterprises encounter great difficulties in accessing credit. Indeed, microcredit and the credits of the IPF (Industry Promoting Fund) ask for guarantees most of these small enterprises do not have.

3.3.1.6. Practical and contact information for finding a job

There are no employment agencies and the offers are not published in newspapers or any other medium. The offers are often given the informal way, through family and friends. Most of the time, the different companies post job offers internally.⁹⁵

It is worth bearing in mind that sometimes, certain international bodies or public services working with the latter post job offers in local newspapers.⁹⁶

You can find a few recruitment companies or head hunters in RDC.⁹⁷

3.3.2. Contact information relevant to the issue of recognition of degrees obtained elsewhere

Regarding the issue of higher education and university diploma equivalence obtained outside the country, information can be obtained at the Ministry of higher education and at the Secretary General of the Study Sanding Committee. To do so, the person concerned must hand photocopies of all diplomas, degree or programmes attended at the Secretary General of the Standing Committee for an ad hoc commission to study the case and decide if they should grant a temporary certificate of equivalence of national diploma until a thorough inquiry has been conducted to verify the curriculum of applicant.⁹⁸

annexée à l' étude conjointe " Aide au Retour Volontaire : Constats et Perspectives ", 2005, infos disponibles sur le site www.cire.irisnet.be , pages 37-39.

⁹⁴ International Organization for Migration (IOM)« Information for Returnees to the Democratic Republic of Congo », septembre 2002, page 3.

⁹⁵ International Organization for Migration (IOM)« Information for Returnees to the Democratic Republic of Congo », septembre 2002, page 3.

⁹⁶ Information gathered by Malikha Nsarhaza, consultant at PREFED on 8 May 2007

⁹⁷ For more information, consulte the Guide « Vivre et travailler en RDC » published on www.mobilitecongo.be,consulted on the 10 of june 2009.

⁹⁸ Ministry of higher education and universities, permanent study Commission, Vademecum du gestionnaire d'une institution d'enseignement supérieur et universitaire, C.E.P; Kinshasa ;2005; pages 119-121.

Regarding equivalence for primary, secondary and professional degrees obtained outside the country the person concerned has to enquire at the general inspector of primary, secondary and professional education (EPSP).⁹⁹

It is difficult to say exactly how long time this procedure can take because the Congolese administration works very slowly.”¹⁰⁰

It's also useful to see the « Maison des Congolais de l'Etranger et des Migrants » at the Ministry of Foreign Affairs. This center is in giving informations on the equivalence procedure and on the recognition of the academic grades to the educative authorities of the RDC and of the countries of destination.

3.3.3. Education and retraining programmes

«Regarding primary education: there is only one programme with many mandatory disciplines: Congolese language, French, maths, civic and moral education, education for health and environment, environmental studies, history, geography, natural sciences, drawing, calligraphy, singing/music, education.”¹⁰¹

Secondary education:

Regarding secondary education, there are around 40 different programmes. The list of courses and hour volume differ according to the sections. Here are some of the training curriculum available : Agriculture, English, biology, chemistry, commercial sciences, construction, cut and sewing, drawing (art), scientific drawing, political economy, civic and moral education, electricity, design, French, geography, history, hotel and catering business, IT (discipline), IT (commercial), Latin, outline law, maths, general mechanics, diesel car mechanics, automobile mechanics, carpentry, music, nutrition, education, philosophy, physics, African sociology, technology, veterinary science, secretariat, receptionist, physical education, civil aviation, agro forestry, petro chemistry”¹⁰²

Regarding universities and colleges:

In Democratic Republic of Congo, there are around 130000 students in universities and colleges. They are distributed as following: university, 45%; professional colleges 38%; normal schools 14 %; human science schools 3 %”¹⁰³.

The Congolese system of higher education and the universities don't function correctly. In 2003, the education and training budget corresponded to 1% of the State's global budget. Teachers only get paid once in a while. Students and their family have paid themselves for the entire

⁹⁹ The Inspectorate General of EPSP is located on 30 Uvira avenue (close to the Grand hotel of Kinshasa) municipality of Gombe.

¹⁰⁰ Interview of M. Mambwe, inspector at general inspection of EPSP, date accessed 7 May 2007.

¹⁰¹ Ministry of National Education, « Programme National de l'Enseignement Primaire », Kinshasa, Gombe, Edideps.

To receive the list of courses given in primary school and the time table, contact our information office : HELPDESK RETOUR : +32/2-274 00 23 [return@vluchtelingenwerk.be](mailto:retour@vluchtelingenwerk.be)

¹⁰² Interview of Prefed with M. Adolphe, in charge of secondary education of the General Secretariat of primary, secondary and professional education, date accessed 7 May 2007.

¹⁰³ Kabengele Mubambala Christian, «Diplôme : un parcours difficile», Afrique Espoir, Janvier 2003

official and private education system. In institutions under public education, the State does not finance for the equipment, documentation, scholarships or internships abroad.

The city of Kinshasa has one university and eleven state institutions of higher education : faculty of informatics science and communication, three higher educational institutes (ISP) and seven higher technical institutes (IST). These twelve institutions have around 80 000 students. 80% of the academic personnel are in Kinshasa. There are also 20 private universities and higher education faculties. The most important are the catholic faculties of Kinshasa, the protestant university of Congo, the William Booth university, the Simon Kimbangu University and the higher agro-veterinary Institute¹⁰⁴.

“In the universities and higher institutes of Kinshasa the tuition fees vary between 60 and 250 USD a year, according to the option chosen, the year, and the institution category. In the University of Kinshasa, the law and medicine faculties have the most students. This success is due to the fact that they result in well-paid professions. However, many students drop out because the costs are too high¹⁰⁵.

3.3.4. Starting a new business

The industrial sector established in Kinshasa covers 20% of the gross domestic product.

Factories are often grouped and seem very active. Kinshasa produces food, textile, steel furniture, soap, margarine, paints, printed fabrics, shoes, cigarettes, all kinds of plastic and pharmaceuticals.

Half the supply in food products comes from abroad. The structure is therefore fragile. But to tell the truth, the city is mostly about services.

Since the plundering in 1991 and 1993, the economic situation is still difficult. The infrastructures keep getting worse: the roads are impassable, the public buildings worn down, and the road systems inefficient. The informal sector becomes dominant and provides an economy of survival.

The conditions for starting and managing an economic activity in Kinshasa are difficult and complex. Here are some of the difficulties encountered:

- Water and electricity supply...
- Lack of public transport and communication systems;
- Gap in local food production (onions imported from Europe, chickens from Brazil...);
- Dependence towards importation of intermediary products and the monopoly of certain big

¹⁰⁴ The International Association of Universities Database 2004 List of Universities (via United Nations Educational Scientific and Cultural Organisation)
http://www.unesco.org/iau/onlinedatabases/list_data/c-nwhtml#Congo_Democratic_Republic, Date accessed 28 September 2005.

Names of institutes and universities in Congo are available on this site:

http://www.unesco.org/iau/onlinedatabases/list_data/cnwhtml#Congo_Democratic_Republic

¹⁰⁵ Willy Bongo-Pasi Moke Sangol et Téséphore Tsakala Munikengi, « Réinventer l'université ou le paradoxe du diplôme à l'université de Kinshasa », in « Ordre et désordre à Kinshasa » sous la direction de Theodore Trefon , n° 61-62 , cahiers africains, pages 102 et suivants, édition l'Harmattan, 2004

importers (fish, chickens...)

- Administrative and legal difficulties (reason why so many activities are informal);
- Prohibition of custom clearance charges;
- The exorbitant cost of transportation of persons and goods between asylum country and Kinshasa.

These conditions make the starting-up and the pursuing of an activity a very difficult task.”¹⁰⁶

Description of the steps to take in order to start a Liability Limited Company¹⁰⁷

- Possession of legal statuses-They have therefore to be drawn up;
- Legalize the status documents at the solicitor at the Council House;
- Have it registered at the “TRADE REGISTRY” service at the regional court of Gombe in order to receive a new trade register;
- Be recognized by government by the proof of its publication in the official journal;
- Get the National Identification Number at the Ministry of National Economy;
- If necessary, get the “IMPORT and EXPORT” number at the Ministry of Foreign Trade;
- Get the “TAX” number at the General Office of Contributions;
- Have the three seats: main establishment, head office, administrative establishment.

In the starting phase of a poultry activity the creation of an LLC is not necessary. The authorizations for opening and use might be enough.

What are the conditions for an agricultural holding in the province of Kinshasa?”¹⁰⁸

- Customary law

To start an agricultural holding, the knowledge of customary law is imperative.

Getting the authorization to occupy or use land is a tough quest. It is important to secure the working area. To do so, a contract signed with the customary chief or the land chief must be signed, as well as a certified report of the minutes drawn up by the municipal authority and a registration certificate drawn up by the keeper of the land and property titles.

- National land-tenure system

In DRC, by the Bakajika law of 1996, the State became the only owner of the soil and sub-soil.

This ownership is purely formal because, in practice, the citizens first appeal to customary law and then to national services. There is therefore a dualism in the management of the land. As

¹⁰⁶ Guide pratique pour entreprendre à Kinshasa ; Migration & Développement; OCIV et Cedita; Bruxelles;2004

¹⁰⁷ ibidem

¹⁰⁸ Guide pratique pour une exploitation agricole située à Kinshasa et sa périphérie ; OCIV - M&D et Entreprendre-Cedita ; Bruxelles; 2005

the state doesn't establish its proper legislation, it sometimes has to negotiate the buying of a land with customary authority.

Actions that need to be taken to get agricultural land in Kinshasa:

- Get information from the customary chief. The price by acre is 150 USD in N'sele and in Maluku, it varies around 100 USD per acre. Prices can be discussed;
- Draw up a parcel or land index;
- Get the certificate of right of occupancy (the municipality gives the confirmation certificate).

The procedures at the Ministry of land Affairs

- Opening of the file starting by buying the form: land request, request of works at the land register service with two files. The applicant pays 5000 FC. The file is assigned to a land surveyor who gets paid for his trips. The prices vary whether it is a concession of an acre (50USD) or if it is more than one acre (up to 100USD).
- Technical works: establishment of a travel order in the name of the land surveyor, getting necessary material to go to the land and financial means (from the applicant), drawing up of statements, assignment of a land register number by the head of land register division, update of the title map of Kinshasa, the printing (layout), signing of the layout by the head of land register division;
- Drawing up the contract:
 - Calculation according to the surface of the land or plot. Price varies according to the categories : category A and category B. Category A : Lemba, Limete, Gombe, Kasa-Vubu, Bandal. Category B : Masina, Maluku, N'sele... The indications regarding the prices are up to the Ministry of land affairs' surveyor;
 - The first signature by the owner who will invite the occupant to pay at the bank. Before going there, he must go through the DGRAD to draw up the receipt note;
 - After the bank, go to accountant to countersign in order to validate the payment done at the bank;
- Acquisition of the contract.

The procedures at the urban division of the land affairs.

- Lease: precarious contract, provisional contract, lease transfer;
- Contract of perpetual grant: for natural persons, they give a registration certificate, for legal entities they give the registry of ordinary contract (R.C.O.); for a plot for agricultural use: get the amphiteosis certificate: the ministerial order on the municipalities depends on the category A or B¹⁰⁹.

3.3.5. Social security

"In order to assure a social protection to all Congolese, the existing social security system should be restructured in depth. His application field should be extended to all the persons not covered and the allowances require a qualitative and quantitative improvement insofar as out of the nine branches determined by the ILO Convention No 120, only six are covered by the National Social Security Institute (INSS), the organism in charge with social security system in DRC, since 1961.

The six covered branches are the following: sickness allowances, old age benefit, work injury benefits and occupational disease benefits, family allowances (those benefits are only available in Katanga), disability benefits, survivor benefit."¹¹⁰

"The 6/29/1961 statutory order establishes the Congolese social security system. The National Social Security Institute (INSS) is entitled to administrate and manage the system. This task is executed as a public service mission in a legal social security context."¹¹¹

"In view of this problem, some Congolese groups united on professional, regional or customs and tradition grounds in order to assure a social protection to their members. There are also private insurance policies. There are several groups of this type in Congo (about 200). In this context, protection is only based on member contributions in order to assure a mutual financial support in case of death or any other circumstance defined by the mutualist group status."¹¹²

« The national insurance company SONAS, has just launched a new subscription on the market:

¹⁰⁹ To illustrate, the steps regarding category B are done as follows:

¹¹⁰ Joseph Manzambi, directeur du PNPS (CJoseph Manzambi, PNPS director (CongoForum), Creation of the National Social Protection Support Program, PNPS, January 3rd, 2006, <http://www.congoforum.be/fr/interviewsdetail.asp?id=3334&interviews=selected>, date accessed March 6th, 2007

¹¹¹ Social Security Programs Throughout The World, Congo Kinshasa, Africa 2005, pages 64-66, <http://www.ssa.gov/policy/docs/progdesc/ssptw/2004-2005/africa/index.html>, date accessed on February 27, 2007

¹¹² Prefed interview with Edmond ARMSTRONG, country manager de SCAFICONGO s.p.r.l. SCAFICONGO is a company incorporated in Congo (DR) specialized in risk management, financial investments and in pension and contingency funds. Interview done on February 9th, 2007

health insurance. An extension and awareness campaign has been organized in the capital and has also reached the provinces.

According to the fire, accident and other risks service Director, this insurance covers the beneficiary with medical consultation, medicine, lab exams, radiology and scanner and the purchase of wheel-chairs and glasses. This new product from SONAS guarantees many advantages such as providing care in a centre even if the subscriber has no money or allowing him to choose a health centre from a SONAS list.

He adds the health insurance completes the already existing social insurance. Those aged from 6 to 65 can subscribe. However, this insurance does not cover the confirmed incurable diseases such as blindness or diseases following accidents or coma. It does not either cover diseases caused by interruption of pregnancy.

In order to subscribe one must first complete a document entitled "insurance proposition" where SONAS informs the identification and the number of persons the beneficiary wants to insure. The same document includes the medical consultation, the pharmacy fees, the medical exams, the diseases to report, and the transfer to another health centre or to another country. It is according to these items that SONAS will fix the price to pay. »¹¹³

3.3.5.1. Unemployment benefits and the eligibility conditions

There are no unemployment benefits in DRC or private insurance in case of unemployment.

However some informal assistance and support systems do exist. (Rotating Savings and Credit Association or tontines, mutual aid groups,..)¹¹⁴

3.3.5.2. Benefits in case of sickness, work accident or occupational disease

In case of sickness, the work regulations impose on the employer to provide medical care for his/her workers' and the persons they must support. The regulations state that the employer must pay 2/3 of the wages and family allowances in case of sickness. However no statutory benefits should be paid. These allowances are only available for workers who signed a work contract, in the formal sector. Medical cares are available for the retired workers and for workers with disabilities and the persons they must support. These cares are provided in state hospitals, in community clinics and in National Social Security Institute medical services.¹¹⁵

"Theoretically, in case of work accident or occupational disease, the Congolese legal system has prepared a social insurance system. The beneficiaries of this law are employees, domestics, seasonal workers, sailors, apprentices, professional and technical students and public sector employees. The employer's contribution amounts for 1,5% of the gross salary. If the sickness or the accident is proven to be of a professional cause according to the terms of the social security regulation, the employer's obligations are limited to the uncovered period for the National

¹¹³ La conscience :la Sonas lance l'assurance santé

Tuesday 16 September 2008, http://www.laconscience.com/breve.php?id_breve=1606, information from 16 September 2008 accessed on the web on 17 June 2009

¹¹⁴ Interview by Malikha Nsarhaza, PREFED consultant May 8, 2007.

¹¹⁵ Social Security Programs Throughout the world, SSPTW, Africa, 2005, pages 64-66, <http://www.ssa.gov/policy/docs/progdesc/ssptw/2004-2005/africa/index.html>, date accessed January 24, 2007

Social Security Institute's payments. The employer is not responsible for the medical cares if the sickness or the accident or a former sickness or accident aggravation cause a higher risk, i.e. if it has been established that the sickness or the accident cause a higher risk to which the worker willingly and exposed himself/herself when he/she was conscious of the danger or if, the worker, without any valid reason, refuses to use medical care at his/her disposal or disregard the rules prescribed in order to verify the existent damage. In case of accident or sickness involving a third party, the possibility to incur an action against a third party does not excuse the employer from respecting his obligations."¹¹⁶

Compensations:

In theory, any worker bound by a work contract will benefit from professional risk compensations, even if at the time of the accident, he/she was not an official worker or a NSSI member.

The reparation costs prescribed by the regulations only accounts for body damages and only if these damages prevent the worker to work, or if they caused his/her death. The professional risk must be declared by either

the employer, or by the victim or his/her assignee"¹¹⁷ .

In case of temporary incapability, the allowance amounts 2/3 of the daily wages the worker would have earned during the 3 months prior to the accident. The allowance will be reduced by 50% during the hospitalization period if the worker does not have any family member to support. In case of permanent incapability, the allowance will amount for 85% of the daily salary the worker would have earned during the 3 months prior to the accident".¹¹⁸

3.3.5.3. Family allowances and access to them

"The family allowances system is ruled by the 1961 statutory order on social security. The work regulations state that it is the employer's responsibility to give family allowances to his/her workers (except in Katanga). There is special family allowance system for civil servants.

The employer takes 4% of the gross salary amount for these allowances. In order to benefit from these allowances, children must be under the age of 16 and single (the age is postponed to 25 years for students and is unlimited

for people with disabilities). The allowance amounts for 10% of the minimal wage for each child.

However, for social employers and workers, specific terms are provided through negotiations and family allowances are fixed by mutual agreement (extra-legal family allowances)"¹¹⁹.

¹¹⁶ Code du Travail, Official Journal, October 25, 2002 - special edition, pages 32 and 179-182.

¹¹⁷ Tshilombo Munyengayi ASS, « Inss : une structure loin des attentes des retraités », Lawschool, UNIKIN, le Potentiel, March 11, 2005
http://lepotentiel.com/afficher_article.php?id_edition=&id_article=2765 , date accessed March 5th, 2007

¹¹⁸ Social Security Programs Throughout the world, Africa, 2006, page 64-66, <http://www.ssa.gov/policy/docs/progdsc/ssptw/>

¹¹⁹ Interview de PrefePrefed Interview with M'BOMPUKU, General Secretary of the Union Nationale des Travailleurs du Congo (UNTC), interview done on April 8th, 2007.

"By signing this order, the ministry wants to transpose into action the Head of State's will to guarantee social peace and to encourage workers to increase the production in an economy looking for a new wind.

The Employment, Labour and Social Contingency has also reached an agreement on the measures concerning family allowances and housing equivalent.

According to Art 5 in the n° 12/CAB.MIN/ETPS order concerning the SMIG applications measures, "the SMIG daily rate established in the Art 4 in the present order (1.680CF) is paid in two phases allocated as follows: 1.120 FC paid from the 1st of July 2008, the total amount of 1.680 CF paid from the 1st of January 2009».

The order specifies "the minimal amount under which worker cannot be paid;¹²⁰

3.3.5.4. Other social benefits

"Concerning maternity leave: The Work Regulation imposes on the employer to pay 14 weeks salary as a maternity leave. Moreover, regarding the recognition of the rights related to maternity, female civil workers do not have the right to take annual leave if they already have taken their maternity leave in the same year?"¹²¹

"Regarding retirement, disabilities and survivor benefits, consult the 1961 Social security statutory order."¹²²

- "Regarding survivor benefits: in order for the beneficiary to receive his/her benefits, the deceased must have met the retirement requirements or the beneficiary must have benefit from the allowances at the moment of death. The survivor must either be an unemployed widow or a widower, aged over 50 or with disabilities and dependant or either orphans under the age of 16 (25 years for students or unlimited for persons with disabilities).

- The widow or widower must have been married prior to the death for at least 6 months. The benefits are canceled in the case the widow/widower takes on the paid job.

The minimum of the retirement allowance must be equal to 50% of the legal minimum wage.

Concerning the benefits for permanent disabilities, it must be equal to 50% of the legal minimum wage.

Concerning survivor benefits, 40% of the covered deceased retirement must be paid to the widow/widower. It is canceled in case of remarriage and the basic allowance must be paid.

¹²⁰ The Minister of Employment, Labour and Social Contingency order, n° 12/CAB.MIN/ETPS (July 19th, 2008) determines the SMIG application measures.

¹²¹ United Nations General Assembly Women's Anti-Discrimination Committee Considers Report of Democratic Republic of Congo, <http://www.un.org/News/Press/docs/2006/wom1571.doc.htm>, Date of accessed 11 October 2006, Home office, Country of origin information report October 2006, http://www.homeoffice.gov.uk/rds/country_reports.html, date accessed 24 January 2007

¹²² Social Security Programs Throughout the world, SSPT Social Security Programs Throughout the world, SSPTW, Africa, 2005, pages 64-66, <http://www.ssa.gov/policy/docs/progdesc/ssptw/2004-2005/africa/index.html>, date accessed 24 January 2007.

Regarding the handicapped people's rights: The law forbids discrimination against handicapped people, but in practice, handicapped people do encounter discrimination in employment, education as well as for access to other services offered by the government.

The law does not force the government to make public buildings or official services accessible to the handicapped. There are private schools run with private funds and a governmental assistance to educate and train blind students or student with physical handicap¹²³.

3.3.5.5. Special benefits for returnees

« The Maison des Congolais de l'étranger et des migrants (the House of Congolese from abroad and migrants), is an assistance centre for migration candidates, situated in the premises of the Ministry of Foreign Affairs in Kinshasa. Those who wish to migrate must be correctly informed about the living conditions in transit and destination countries as well as on the difficulties and risks incurred with an illegal immigration. The Maison des Congolais de l'étranger et des migrants, is a centre working in close collaboration with consular services of various countries accredited in DRC to guarantee the updating of data regarding foreigners living in their respective countries.

This centre is also in charge of providing information relative to equivalence procedures for the recognition of diplomas at the education authorities of DRC and destination countries.

To insure a better assistance for returnees, the Maison des Congolais de l'étranger will also collaborate with the Directorate General for Migration and the local social protection agencies.

NB/ The creation of the Maison des Congolais de l'étranger et des migrants, is an initiative of the Ministry of Foreign Affairs and is financed by the Swiss Confederation. The OIM is the executive agency¹²⁴.

3.3.6. Charity organisations with a general scope (services, contact information)

To view the list of Congolese social society associations and NGOs, please consult the social society portal: <http://www.societecivile.cd/>

3.3.7. Useful data to calculate the cost of living (price of petrol, basic food, etc.)

The data collection on incomes is a huge source of problems in DRC because of the important presence of informal activities. The income is only referred to as the money that a household spent¹²⁵, regardless of the source. In an informal economy, the spent income is the best

¹²³ 2006 report of human rights in DRC,

http://kinshasa.usembassygov/rdc_droitshumains2006.html , date accessed May 6, 2007.

¹²⁴ Mediacongo ; inauguration of the maison des congolais de l'étranger et des migrants, <http://www.mediacongo.net/show.asp?doc=11782> , information from 2 February 2009, accessed on the web on 17 June 2009

¹²⁵ "household" means : a group of people who live under the same roof and share the same plates, they are under the responsibility of one person who provides for their daily needs.

household financial resource indicator as the declared incomes only represent a small fraction between 33 and 47% of the total household expenses.¹²⁶

"Since the financial crisis of March 2007, prices are increasing on the goods and services market in Kinshasa. This is the income value depreciation of all Congolese which incomes are evaluated in dollars. For a Congolese agent, the salary he will receive at the end of the previous month will be deducted from the next month's salary.

Unfortunately, the dollar decline which should have been happy news for the employee and the consumer will worsen their situation. Indeed, despite the fact that the reference money has decreased compared to the Congolese franc, prices remained the same. Worse, some prices are actually higher. A good example is gas, as the price has an impact on transport and some food products."¹²⁷

3.4. Health

3.4.1 General health situation by regions (epidemics, etc.)¹²⁸

Epidemiologic and morbidity profile

The epidemiologic situation in the province remains dominated by malaria. The disease accounts for some 89% of the cases identified in 2005, among the 14 identified pathologies.

Moreover, the protein-caloric malnutrition affects many children.

Maternal mortality is still high. It is generally common in structures not covered by the organized system. In some medical formations, a reduced mortality rate has been recorded among delivered women.

Even if cholera has been considered as a disease with a epidemic potential in the province of Kinshasa, a related disease was noted in 2005. On the contrary, a typhoid fever epidemic with ruptures of intestinal wall and peritonitis has struck Kinshasa on the fourth trimester of the year 2004. The identified germ was particularly resistant to common antibiotics and only vulnerable to quinolones.

TB is still plaguing the country. 13.779 new cases were identified by health centers which have

¹²⁶ Ministry of Public Works, Town and Country planning, Urbanism and Housing, national study on housing and on the households socio-economic profile in urban areas (ENHAPSE/RDC 1999); Main global results, Kinshasa, April 2000, page 68.

¹²⁷ AUGMENTATION DES PRIX SUR LE MARCHE A KINSHASA, http://charlesmushizi.blogspot.com/2008/05/les-prix-kinshasa_9980.html, info dated from 26 May 2008, last accessed on 5 October 2008

The index of consumer prices published by the NSI is the Laspeyres' index which covered household consumption according to the national accounting. The reference population is comprised of African households living in Kinshasa. This index is established on the basis of a basket of goods composed with 482 varieties in 378 points of sale distributed in the whole city. One must know that all the points of sale are concerned (markets, shops, boutiques, public and private service provider,...)

¹²⁸ Source: séances de travail entre VSV et l'Inspection médicale provinciale de Kinshasa. Work sessions from the 27 to 28 November 2006 with the provincial inspector, the administrator, M. Ngiama and the decontamination agent, M. Mbaki.

integrated this activity in 2005. These figures of new cases show the great disaster of the HIV/AIDS in Kinshasa, because of the frequent association of these two pathologies in more of 50% of TB patients. Cases of trypanosomiasis have been identified in many Health Areas.

Finally, with the epidemiologic transition happening in the South countries, many cardiovascular diseases (such as high blood pressure....); metabolic diseases (such as diabetes) and some mental health issues are increasingly present in the Kinshasa population.

The cumulated completeness rate of the weekly epidemiologic reports in health zones in December 2005 is 94,5% whereas the swiftness is of 70%.

Epidemiologic data reported on the first and 52th week in 2005 in the province of Kinshasa.

Diseases	Cases	Deaths	Letality
MALARIA	2112834	4650	0,2%
TYPHOID FEVER	376991	208	0,05%
MEASLES	161005	1425	0,8%
MENINGITIS	4060	405	9,9%
DYSENTERY	2384	20	0,83%
PERTUSSIS	674	1	0,9%
NEONATAL TETANUS	128	11	8,6%
ACUTE FLACCID PARALYSIS	0	0	0%
CHOLERA	0	0	0%

Two epidemic episodes struck the province of Kinshasa:

- Gastroenteritis, since 2006, the number of cases identified during the first semester is 865 for 30 deaths, that is 3,5% mortality rate. This epidemic which targets children under the age of 5 is caused by the rotavirus;
- Measles, since 2006, the number of cases identified during the first semester is 8.767 cases for 134 deaths, that is a 1,5% mortality rate. The death rates recorded are high and are consequent to the medicine availability against a quick response issue, despite the fact that epidemics are identified at an early stage.

3.4.2. Drinking water and sanitation in regions ¹²⁹

Environment healthiness management in municipalities in Kinshasa

As far as the environmental aspect is concern, the city-province of Kinshasa is in a generalized unsanitary state; even residential neighbourhoods are not spared. This situation comes from a bad ecosystems management in the city and public power incapacity to control rural exodus and the demographic growth and to develop coherent programs in sanitation matters.

This state of the city is related to many reasons such as bad housing conditions, inexistence of

¹²⁹ Based on the annual report of Inspection Provinciale de la Santé (IPS), Kinshasa. Tel. : 00243.099.99.879.68.

means of sanitation and waste treatment, lack of drinking water supply in some areas, proliferation of disease vectors, food insecurity, water, soil and air contamination, but moreover, it is due to the confined houses in peripheral neighbourhoods with a very low life quality.

At the city level, there are no organized and structured services to manage living space. In the 1960s, the city had a hygiene service, a sanitation network which met the population's needs and an evacuation and waste networks, road use; but all these do not exist anymore.

Waste evacuation is partially organized by the National Sewage Disposal Program (Programme national d'assainissement-PNA) and by some NGOs, specifically FOLECO, the Ligue pour la Protection de l'Environnement and private companies such as POUBELKIN¹³⁰..

Solid waste management

In the whole area of Kinshasa, the daily solid waste of all origins is currently 8000 tons (with 0,5 to 1 kg/person/day). Households and markets are an important contamination source for the environment.

The waste collection and disposal are not organized; The municipality authorities do not determined the waste collection for houses, markets, schools, hospitals, industries, public places,... and the secondary disposal plants and public wastelands location.

In Kinshasa, since the 1960s to today, wastes are not collected nor processed according to standards. Waste collection and disposal are mainly done by rickshaws, together with shy actions done by the PNA in some municipalities, NGOs or private actions.

In lack of organized public disposal plants, solid and liquid wastes are dumped anywhere and generally without caring for the environment. Avenues, green spaces and schools are now public disposal places where rickshaws dump their waste loads under the forbearing eye of the municipality authority.

The open gutters and rivers are also considered as disposal places, which cause many floods as the river beds and sewer pipes are filled and blocked off. This usually causes a precipitation stagnation which can lasts many hours and block the way in some neighbourhoods.

The decomposition of solid waste accumulated across the city causes the disease vectors proliferation, but also greenhouse gas emissions, such as methane, which largely contributes to the ozone modification but also to the climate change.

One must add that a small portion of the population buries their wastes as a way of disposal, whether they live downtown or in the suburbs.

Liquid waste management

In Kinshasa, waste waters are disposed of in a collective way, through a sewer system for a part of the city and though individual evacuation devices such as septic tanks or wells.

Main drainage system

¹³⁰ This company has a large number of clients in town. It sells big bags of 60 L for the waste. Weekly they come to take them thanks to waste trucks and other means given by the Town to Poubelkin.

In many municipalities and urbanized neighbourhoods, such as Gombe, Matete, Bandalungwa, Kauka, Yolo and Lemba, a main drainage system has been installed. Unfortunately, no water-purification plant has been constructed for this purpose. Household used waters are directly discharged in the Congo River and in the small rivers such Ndjili, Yolo, Makelele and Kalamu, without any prior treatment.

This is a permanent health danger for the population living along the rivers, which they use for their daily tasks: bath, laundry, or culture watering. It is also a source of extra costs and processing as the extremely polluted water is stored and then distributed by the REGODESO.

Septic tanks

In many urbanized municipalities, citizens use septic tanks as used water evacuation devices (sanitary waste). Of course, as far as construction is concerned, hygiene standards are generally not respected. However ill-constructed septic tanks cause disease vectors proliferation and contamination in soil and sub-soil, surface and underground waters and air.

PNA and some private companies in the capital take care of the septic tanks drainage when those are full. However liquid mud are not dumped in an authorized place but discharged into the Funa River, a hundred meters away from the port or in nature.

Direct discharge of excrement in open gutter and in urban rivers

In 90% of the parcels situated along the open gutters and close to urban rivers, residents discharge thousands square meters of faeces through waterpipes.

To these parcels, one must also add those who do not have sanitary installations. Households living in those parcels usually use pots that they empty in holes or in gutters, rivers or dumps, where they are usually put in plastic bags, making it easier to dump them afterwards.

Environmental pollution

Regarding environmental pollution in the city of Kinshasa, one must note three visible cases, i.e.:

- industrial pollution;
- air pollution by cars and vehicles;
- soil and water contamination;
- noise and smell pollution.

Industrial pollution

In this category, one can make a distinction between:

- air pollution due to dust emissions from industrial activities, such as CARRIGRES in Kinshasa;
- water pollution due to the rejection of industrial waste from industries like TAXAFRICA, BRALIMA, BRACONGO, MARSAGO, COSIMAT, AMATO) into the river and waterstreams, without any prior treatment.

Air pollution by cars and vehicles

Kinshasa is among the biggest African cities and has a lot of vehicles. One must note that during peak hours, there are many vehicles which emit smoke containing toxic chemicals which cause many health problems for the citizens. These chemicals seriously pollute food crops planted along the roads. Eating these plants has become a source of public health problems for the population.

Noise and smell pollution

In Kinshasa, noise pollution has become an increasing concern, during the day but also at night. Apart from the music and noise coming from bars and cafés, there are also night noise due to wedding celebrations and mourning ceremonies or the very loud preaching from group or christian assemblies. As far as smell pollution is concerned, it is due to gas from decomposed faeces and urine dumped in nature, because of the lack of latrines and septic tanks.

Noise pollution is also strengthened by noise originated from bars and some churches of Christian revival.

(Aesthetic) improving in the city

Currently, the city of Kinshasa does not have an organized service in charge of the improvements and management of the city. Public places, avenues, green spaces, schools and houses and flats and stores look mainly like dumps which

Clean water supply in municipalities in Kinshasa

The Democratic Republic of Congo has a high energetic potential in water resources; Rainfalls are very common and precipitation levels are high. The Congo River, which runs along Kinshasa, has a high flow with 40000 m³/s, it is the second after the Amazon River); Watercourse network is also important. However despite this, the population still suffers from an insufficient drinking water supply.

Problems in resource mobilization to meet domestic, industrial and agriculture water needs are mainly related to harnessing, treatment and distribution of water, but also to used water evacuation.

Water resources for Kinshasa include:

- rainfalls;
- surface water (Congo river and bodies of water);
- underground waters...

Water harnessing, treatment and distribution is the main objective of REGIDESO. This public company with a technical and commercial vocation was created in 1939; its headquarters in Kinshasa mainly deals with water distribution to the city. It uses surface and underground waters.

In some neighbourhoods not covered by REGIDESO; the Service National d'Hydraulique Rural (SNHRI) takes care of water harnessing, drillings and distribute the water thanks to a standpipe system. NGOs support is not only essential but also highly appreciated.

Kinshasa has a water distribution network. Due to the quick city extension and demographic explosion, there are many technical problems related to the exploitation plan and the

distribution by REGIDESO to answer needs and tackle new challenges.

The first municipalities covered by REGIDESO were the high-level residential neighbourhoods (Gombe, Lingwala, Limete,...). Then more modest areas such as Bandalugwa, Matete, Lemba, Kalamu, Kinshasa, Barambu,... Less than ten years ago, extension areas such as Masina, Kimbanseke, Makala, Ngaba and Bumbu also were included in the distribution network. Semi-rural areas such as Maluku, Nsele and Kimwenza are partially covered.

REGIDESO still stumbles with chemical supply issues used for surface water treatment as these waters are highly loaded. It also experiences issues with their production units.

The plant in Ndjili is subject to an anarchical occupation in its catchments area which causes a very important supply of organic elements, as domestic wastes are dumped in the Ndjili River. Erosion induced by CECOMAF may also add to the water contamination in case the pipelines carrying hydrocarbons for SEP CONGO break.

In Ngaliema, the harnessing point may suffer from pollution as garages upstream dump waste oil and waste in the Gombe River.

Theoretically, the water distribution network in Kinshasa covers less than 30% of the city's water needs. One must note that some areas are only supplied during off periods and that there are some underground consumption. The following areas are concerned: Kalamu (in Yolo and Matonge), Mont Ngafula, IPN, Cité-Verte, Matete, Lemba and Bandalungwa.

3.4.3. Health care system (including psychological care)

Health areas and care supply ¹³¹

Kinshasa Health-Province has 35 Health areas, in accordance with the Health ministerial order on the new Health area distribution. Two of these areas have specific populations (military health area in Kokolo, and Lufungulua Police health area) distributed throughout the province of Kinshasa. Each area is under the responsibility of a Chief-doctor, almost half of them are women.

It is in these areas that formal and informal medical cares are organized.

Functional consultation, coordination and community participation structures¹³²

- Technical Provincial Committee: It is composed of the provincial framework team (with provincial coordination and programs managers), doctors in charge of district inspections, Chief Doctors of each Health area, partners representatives, as well as private sanitary group owners. This committee plays a role in promoting a broader exchange between provincial inspection and other stakeholders, on priorities and strategies that need to be applied in order to establish a national sanitary policy at the provincial level. It promotes the Provincial health inspection leadership in managing the sanitary system. This committee gathers once per month and has created work groups to deeply work on technical issues.

¹³¹ Based on the annual Report of Inspection Provinciale de la Santé (IPS), Kinshasa. Tel. : 00243.099.99.879.68.

¹³² Based on the annual Report of Inspection Provinciale de la Santé (IPS), Kinshasa. Tel. : 00243.099.99.879.68.

- The Health Area Administration Committee has the responsibility of encouraging the development of the zone, especially in the approval of the action plan and to ensure its application.
- The Health Area Management Committee controls and surveys de daily management in the zone, in accordance with the Administration Council's decisions.
- Management committee in a referential hospital.
- Health Area Sanitary Committee
- Community animation cells.

All these bodies represent the responsibility hierarchical organization in the sanitary field; they assist in managing health in the community and at decision-makers' level.

3.4.3.1. Health care infrastructures in regions

In overall, sanitary institutions have no appropriate infrastructures, except extremely rare cases with sustainable infrastructures. These take on their staff in private individuals who try to have materials and good equipment for their sanitary facilities. State structures do not have appropriate infrastructure and lack equipment and adequate tools. In fact, the health system is, to be honest, inexistent in the whole country.

All infrastructures left after the Independence are old and in bad condition because of lack of constant maintenance or rehabilitation politics by the Congolese State with an appropriate budget¹³³.

3.4.3.2. Eligibility criteria and access to health care services ¹³⁴

Access to health care services is open provided that the patient has the financial means to be treated.

Indeed, in the Democratic Republic of Congo, the patient take on all the cares provided by the hospital starting with the form of consultation for which the price varies depending on the hospital or health center. There are hospitals where the consultation only costs 10 USD without the examination costs or depending on the case, the medicine costs.

¹³³ VSV Interviews with;

- Dr. Kamba-di-vava Dieudonné, Head doctor at the hôpital Saint Joseph in Limete/DRC, Tel : 0999477447, Date : 28 November 2006
- Dr. Mankoy, intern doctor and oncologiste at the Hôpital Général de référence In Kinshasa, Tel : 815083217 et 898926836, Date : 29 November
- Professor Alois Nguma Monganza, Head doctor /University clinic of Kinshasa, Tel : 0815041255, E-mail : cuk.hospital@caramail.com, Date : 30 November 2006.

¹³⁴ Sources : Interviews VSV with:

- Dr. Mwema Gaston
- Dr. Kamba-di-vava Dieudonné
- Professor Alois Nguma Monganza

But the consultation fees often vary if the patient must consult a general practitioner or a specialist in some hospitals.

For example, at the Hôpital Saint Joseph, the consultation form is 1500 CF (3 USD) for a general practitioner and 2000 CF for a specialist. But if the consultation is done by appointment, it can vary from 3000 to 3500 CF.

Access to health care is open.

Health care staff (irrespective of which category they belong to) for the entire nation are 54.464 people.

The following board shows their repartition by province.

Health workers¹³⁵

Provinces	Numbers
City of Kinshasa	8,421
Bandundu	8.631
Lower-Congo	4,231
Equator	6,907
Katanga	4,109
Western Kasai	5,000
Eastern Kasai	6,059
Maniema	837
North Kivu	2,149
South Kivu	1,794
Eastern Province	4,326
52,464	

Regarding infrastructures, what we previously said in 3.4.3.1 is applied to the whole country and not only for Kinshasa.

3.4.3.3. Costs of healthcare

Health care is expensive in the Democratic Republic of Congo. Indeed, apart from the administrative fees and doctors fees, the patient or his/her family takes on medicine costs, which is hard to evaluate. The patient receives his/her prescription and is free to go and buy the treatment where he/she wants. However if a patient did not manage to buy the treatment for a surgery, even if the doctor is honest he will not proceed to the operation. Each patient must have all treatment required, except for the patients recommended by companies, or institutions that has an agreement with the hospital. The payment is completed at the end of all cares.

¹³⁵ Source : Interview VSV with the Syndicat national des cadres et agents des services de santé (SYNCASS), Adress : avenue de la justice n°36 commune de Gombe, Kinshasa. Personne de contact : M. Kibiswa Naupess, Tél : 0815084152.

Generally, a patient must pay for the consultation at the hospital except for the destitute or patients with high connections. The costs depend on the doctor's quality and on the patient's category.

By way of example, here are a compilation of costs for the Hôpital général de référence of Kinshasa¹³⁶:

Standard category

- Consultation done by a general practitioner: USD 6
- Consultation done by a specialist: USD 9.5
- Consultation by a neuropsychiatrist: USD 12
- Fees for an appendicitis operation: USD 112.5

In all cases, 40% cover the doctors' fees.

Rich patient category

- Consultation done by a general practitioner : USD 10.75
- Consultation done by a specialist: USD 16
- Consultation by a neuropsychiatrist : USD 21.5
- Fees for an appendicitis operation: USD 187,50.

In all cases, 40% cover the doctors' fees.

3.4.3.4. Discrimination in the health care system ¹³⁷

There is no discrimination in the health care system in DRC.

However there are different categories for patients in hospitals.

- the destitute;
- The assignees, member of the hospital or the clinic community, the assignees of the State, i.e. the army, the police and assignees from companies and institutions bound by an agreement;
- Insurers of medical expenses or rich or average independent workers (average in the sense of they can afford to pay health care by themselves).

¹³⁶ Source: VSV Interview with Dr. Mankoy, internal medicine and oncology, Hôpital Général de référence of Kinshasa, Tel : (243) 815083217 ; 898926836

¹³⁷ Source: VSV Interview with Professor Alois Nguma Monganza, Head doctor / university clinic of Kinshasa, Tel : 0815041255, E-mail : cuk.hospital@caramail.com

3.4.3.5. Services of non-state agents in health care

Health care supply for residents in Kinshasa is done thanks to a partnership.

Indeed, apart from medical state institutions, other institutions belong to churches, NGOs and private individuals¹³⁸.

- Catholic church: It is present through its medical sector, the BDOM (Bureau diocésain des oeuvres médicales or Diocesan Office for Medical Deeds);
- Kimbanguist church: It owns a large hospital in the Kimbanseke municipality; and also some health centers located across the city;
- Protestant church: It is present in many health centers in Kinshasa;
- The Salvation Army: It manages and supports medical centers, mainly the Hôpital Roi Baudouin in the Masina municipality; it has also built a medical institution to ensure quality reference cares for the residents in the Health Area in Maluku; without forgetting the numerous health centers spread out in Kinshasa.

3.4.3.6. Diseases which cannot efficiently be treated in the country ¹³⁹

The following diseases cannot be treated efficiently in DRC. They often require a transfer outside the country in order to save the patient's life.

Here is the list of the untreatable diseases:

- All forms of cancers: Cancer treatment cannot be done in DRC; as well as for radiotherapy or chemotherapy;
- Anemia combined with kidney failure and kidney transplant requiring hemodialysis (a blood transplant done outside the body) ;
- Diseases that require chronical transfusion, i.e. a regularly transfusion (e.g. once a month);
- All diseases requiring a bone marrow transplantation;
- All cardio pathologies that require a surgical operation;
- All types of drepanocytosis (or sickle-cell disease)

¹³⁸ VSV Comments : There are individual private who own polyclinics, health centers,... considered as production units. But these units allow the population in Kinshasa to access medical cares closer to their houses. Medical care is generally not affordable for everybody

¹³⁹ Informations taken by VSV through interviews with:

- Doctor Mwena Gaston, Head of medical cares at the National Insitute of BioMedical Research (Institut National de Recherche Bio-Médicale), spécialiste in blood diseases, Adress : avenue de la démocratie (ex huileries), Kinshasa/Gombe RDC B.P 1197 Kinshasa I, E-mail : Gastonmwema@yahoo.fr, Tel: 0999929063, Date: 27 November 2006.
- Professor Aloï Nguma Monganza, Head doctor /university clinic of Kinshasa, Tel : 0815041255, E-mail : cuk.hospital@caramail.com

→ Cardiac surgeries due to a lack of equipment.

The hepatitis C can be treated in DRC, more specifically in internal medicine.

As far as AIDS/HIV is concerned, patients are effectively followed. But the lack of antiretroviral therapies is a major problem.

3.4.3.7. Supply with standard medicines ¹⁴⁰

Medicine supply issues in medical institutions in Kinshasa still has not find a definitive solutions. The purchase, storage and distribution cycle is mainly done by private companies.

In previous time, patients were able to buy medicine for a good price in the hospitals where they were treated. However nowadays it is hard to see the differences between the medicine prices in private pharmacies and those bought in state hospitals.

In order to solve this, the purchase and distribution center for medicines in Kinshasa (CAMESKIN) was created to buy medicines for the Ministry of Health (IPS) and give them to hospitals to sell them. This is done thanks to the financial aid of CIMUBA, a Belgian NGO working in DRC. This center deals with the commonly used medicines, generics or standard.

3.5. Persons with physical disabilities

Access to specialized institutions for voluntary returnees.

"The Bondeko villages belong to the archdiocese of Kinshasa Catholic Church and are among the schools with many agreements. Workforce in those villages make up the state staff, therefore, their salaries are provided by the EPSP. They take care of the physically handicapped children and those suffering from mental disorders often referred to as mentally backward. There are up to 2000 children only in Kinshasa.

The Bondeko Libanga center has four different directorates, which are the (i) Bondeko village coordination; (ii) VBL school; (iii) the special education training center and the (iiii) VB Ndakisa, a school for deaf people.

The Bondeko villages objectives are mainly (i) the re-education of the handicapped child, this is why they do not keep the children inside the school as parents tend to dump them there, (ii) the socio-professional integration of the handicapped child, even though in practice, these children are subject to discrimination on the labour market. Many start working in shops, mainly deaf, physically handicapped and only moderate mentally backward people, if they can in the Bondeko villages; are recruited. The BV are a referential framework for the re-adaptation of the child, it actually reflects the re-adaptation process for these children but it is not the only institution of this type in the city. There are currently 15 BV, mainly in BV Libanga in the Kinshasa municipality situated near the Saint Peter parish, VBCenfo on Kabambare avenue 95-97, VB Telema on des Frères avenue 1 in the municipality of Ngaliema near the saint Sacrement parish, VB Elikya on Lukula 35-37 avenue in Quartier 3 camp Luka in the municipality of Ngaliema, near the Saint Philippe parish, VB Iyonga (centre agricole et de séminaire) on Benseke avenue 7-8 in the municipality of Kintambo near the Saint Albert ,VB Sister Mwabila in

¹⁴⁰ Source : Provincial Health Inspection (Inspection provinciale de la Santé - IPS).

the Makelele neighbourhood in the municipality of Bandalungwa ; reference Saint Michel parish,VB Bosembo on Kola 126-128 avenue in the neighbourhood of Saio in the municipality of Ngirirngiri, reference Saint Pie X parish ,VB Mawete on Malanga avenue 1 in the municipality of Makala, reference Saint Alphonse parish,VB Andimi on Souvenir avenue 13 in the municipality of Bumbu, reference saint Jean Baptiste parish,VB Twendeleye on Kigira avenue 1c in the Mandrandele neighbourhood in the municipality of Lemba , reference saint Augustin parish,VB Sembola in Kinzazi neighbourhood in the municipality of Matete ,near saint Alphonse parish,VB Mwindi Mopela on Makula avenue 30 in Kingabwa Mbamu neighbourhood in the municipality of Limete, reference Saint Kizito parish, VB Marie Antoinete on Mosaba avenue 5 bis in 5 in the municipality of Ndjili ,reference Saint Martin parish, VB cardinal Malula on Bokotikala 35-37 avenue in the neighbourhood 3 in the municipality of Masina ,reference Saint Kikuba and VB Bilenge parish in Mpasu 1, reference sainte Lucie parish»¹⁴¹

3.6. Persons with mental disabilities or disorders (including traumatized people)

3.6.1. Specialized institutions and state responsibilities (legal and practical regulation)

"According to Doctor Nsiala Médad, neuropsychiatrist, head of neurology at the Centre Neuro Psycho Pathologique (CNPP), at the University of Kinshasa; psychiatric treatments are available in the DRC which are done by specialists specially from the University of Kinshasa. They receive a specialisation training of 5 years after their medical studies. Psychiatric cares are provided by the CNPP in kinshasa and in Katwambi Center in Western Kasai. Psychiatric services were also available at the CNPP/Kinkole, which is reference hospital for this part of the capital.

Consultation fees for psychiatric services vary from 10 to 20 dollars in public institutions and from 20 to 30 dollars in private centers. This price difference is due to taxes and location renting fees which must be paid by private centers owners. There are also internment fees. According to Dr Nsiala, the internment costs are of 300 dollars at the CNPP.»¹⁴²

3.6.2. Actual access to specialised institutions and care for returnees

« It is quite unusual that mental patients visit or consult psychotherapists or psychiatrists by

¹⁴¹ Interview avec Mr José Interview with Mr José MATA, special education teacher in Bondeko Libanga Vllage, on 16 April 2008-04-18

BV are a diocesan initiative for handicapped children created in 1980 and has 15 centers to date. Objectives : (i)reception and information,(ii)Education -kindergarten and primary school-(sections for mentally backward,auditory handicapped :deafs and hard of hearing, physically handicapped), (iii) professional training (secondary) such as sewing classes, carpentry, book binding, breeding, fish farming, hairstyling, bakery,... (iiii)special teachers training, (iiiii) medical care (ORLet PLSDA),(iiiii)paramedical care (kinesitherapy, orthopedic, logopedics, psychomotility, neurology) Contact : Mr NTUMBA Katshingu Paul 0818141148

¹⁴² Radio Okapi, Questions de Radio Okapi, Questions d'actualités, <http://www.radiookapi.net/question.php?id=1279> ,infos dated from 27 January 2008, date accessed 27 March 2008
CNPP : Centre Neuro-Psycho Pathologique

first intention. They usually go first to traditional practitioners and prayer groups, because in the African conception, mental diseases are attributed to supernatural causes. Thus, patients go to a healer or a preacher, who will try to heal the patient by spiritual means, by trying to discharm a spell, for example.

Revival church passion is a socio-economic phenomenon related to existential insecurity. The absence of a reassuring political authority may explain why the population tends to refer to the supreme authority represented by a divine image.

In most cases, it is only when informal therapies are proven vain that the patient consults a doctor, usually recommended by a relative or a general practitioner. Sometimes patients consult spontaneously but without actually believing it can work. They expect a "magical" treatment, hoping that someone will help them solve their problems without their intervention. Moreover, they have a hard time understanding that healing can be done only by oral therapies, without medicines. The passive listening of a psychoanalyst is a source of frustration for them.

In an African mind, knowing the origins of a disorder is already a relief, even if it is untreatable. And this must be done right away, as with a healer. When a patient consults a doctor, it is not to undergo a process which requires him/her to be active. If a therapy lasts a long time, there are a lot of disappointment and cancellation.

In African societies, and especially in Congo, it is not possible to provide care without involving the family. A psychodynamic approach must be coupled with a family systematic approach. In this systematic approach, the real patient is not the patient in himself/herself but the system he/she belongs to that need to be treated. Family involvement is beneficial as it is considered as an auxiliary help, which need to continue the work done by the doctor.»¹⁴³

3.6.3. Charity and care organisations present in the country of return

"Prevention, mitigation and response strategies

Formal and informal strategies targeting vulnerable groups show major challenges for social protection in DRC. The main observations are the following:

I. Informal strategies

- For lack of means, vulnerable groups have few strategies to prevent, mitigate or respond to a broad variety of risks they are exposed to. Their options to prevent risks or improve their status are small and even nonexistent.
- The lack of informal existing options is mainly limited to response strategies.
- Given the situation precariousness, vulnerable groups are forced to take on survival mechanisms, which are viewed as strategies but also risks such as drug addiction, alcoholism, debts, escapes, survival prostitution, voluntary abortion,...
- Solidarity and survival mechanisms traditionally adopted by the family

¹⁴³ Dr V.N.Malanda is a neuropsychiatrist and coordinator at the day center and head of psychiatric emergencies at the CNPP at the neuropsychiatric hospital of the university of Kinshasa, information published on 15 February 2007, date accessed 12 April 2008.

and the basic community are very slim. This seems to be more acute in urban areas where families and relatives are unable to provide for the more vulnerable or to protect them against false witch craft accusation, rejection, violence or bad treatments.

2. Non-state formal strategies

- There are only a small proportion of vulnerable people who actually benefit from NGOs, churches or bi- or multilateral organizations.

- International NGOs and churches with their partners offer

most of the security nets targeting vulnerable groups. These organizations are generally support by external funding entities.

- Private initiatives such as insurance companies with conditions accessible for vulnerable groups are nonexistent.

- Most of the formal strategies are available in the big cities, which leaves rural vulnerable groups, mainly those living in conflict areas or in borders, unattended.

- The more popular interventions are response strategies. They are often expensive and may strengthens the dependency (food aid with or without assistance, accommodation and medical

cares)

- Few prevention interventions exist.

- NGOs and churches often suffer from a lack of coordination or the limited resources and their activities are not well publicized.

- Community initiative such as local children protection committees or rehabilitation groups which targets prevention has a promising prospect. This approach seems to have a better cost/efficiency rate than the others. This local initiative may: (i) play a listening, mediation and awareness role, (ii) initiate projects generating resources for vulnerable families and, (iii) denounce to the authorities bad practices such as bad treatments, witch craft accusation, abandon, violence, rapes.

3. Formal state strategies

- There are few state interventions targeting vulnerable groups. The few interventions include:

- for vulnerable children, it is mainly the

accommodation infrastructures in big cities and mostly in Kinshasa and in

Lubumbashi where several state centers are no longer in function.

- for women in instable situation, there are no state interventions that target them directly

- for IDP; state actions are limited
- for highly vulnerable populations, state interventions are also limited.
- for very vulnerable persons, PNLs is the only state structure in charge. It takes care of the activities coordination to fight against VIH/AIDS, and activities against them.
- for old age people, there are only 15 state old age pensions in the whole country. They do not run properly as pension benefits are very low.
- There is a very strong dependency towards external partners for all these strategies.
- Non concerted approaches between performance agencies/formal act of targeting vulnerable group mainly because of: (i) the lack of a national strategy to protect vulnerable groups, (ii) financial and equipment precariousness to ensure social politics and strategies for vulnerable groups.
- A very powerless Ministry of Social Affairs in the country government and that suffers from:
 - a very limited budget. For example, in 2002, the operating budget was only allocated 100 to 200 USD per department!
 - Insufficient human and technical resources
 - Weaknesses in information and data management within services at national and provincial levels »¹⁴⁴

¹⁴⁴ Anne Mossige et Alii, opcit.

4. Specific cases

4.1 Women

"Violence towards women have reached an unprecedented extent consequent to wars, conflicts and the increasing population poverty. Development activists even think that this does not constitute a crime against humanity. When one refers to violence towards women, one thinks of sexual abuse. There are however several direct and indirect violence ranging from sexual violence to physical, psychological or even socio-cultural criminality. Most of these facts are discriminatory as they are done on women as the fair sex. We have decided that urgent strategies of collective battle against this kind of violence are necessary as these hinder the peace process and sustainable development, a penalizing factor for women and the society as a whole. Women are essential in the social cohesion plan to ensure family economic security. Keeping her apart throughout humiliating practices is equivalent to formally exclude more than half of the main stakeholders in the development process towards change in DRC.»¹⁴⁵

" Sexual violence is always mentioned in periodic report published by United Nations agencies or by national or international NGOs or other humanitarian organizations. These are often organized and are preserved by customs in the community. As public authority; the state is somehow also responsible. If it does not openly allow these practices with laws or regulations, it is guilty of not acting; it violates its commitments to conventions that it ratified, promising to take measures in order to fight against this. For the majority, public forces and the military is the main responsible. Citizens and those having a moral authority become increasingly more present and try to respond to these practices. Victims are well known; the age varies from 3 months to 80 years old. These victims are usually amongst the poor in the society. Women are the family pillar, but also in the community as they do many types of activities, often judged humiliating from men, even if they use them. They are present in many activities, such as shepherds or prostitutes, so they can take care of their families. Paralyzed by shame, marginalization, ignorance, they are often deprived of their rights, but they do not fight back as they fear retaliation. The dysfunctional judiciary system, maintained in a poor state by the politicians in order to control and use it, adds to the victim's distress. The strategies in order to solve this problem are implemented by humanitarian organizations but no effective effort is done to help victims to actually understand the relevancy of these strategies. Victims are often estranged, dehumanized and considered as stock in trade by those who pretend to protect them. Fundraising calls are launched and funding entities answer positively but without actually caring for these women mainly without money or resources but who are willing to give everything even if their minds and body are stolen by power and blood thirsty people. The same men they conceived and bore in their wombs.»¹⁴⁶

¹⁴⁵ Guide de sensibilisation contre les violences faites aux femmes de la république démocratique du Congo, PAIF-CENADEP, Kinshasa 2007, p5

PAIF: Promotion et Appui aux Initiative Féminines (promotion and support for women initiatives)
CENADEP : Centre National d'Appui au Développement et à la Participation Populaire (National center of development support and popular participation)

¹⁴⁶ Monuc magazine, Halte à Monuc Magazine, Halte à l'impunité des violences faites à la femme! Volume V, N° 36, p .19

Monuc Magazine is the United Nation Organisation Mission in DR Congo publication

4.1.1. Specific risks for women

«When one speaks of forms of violence, what one thinks right away is rape. There are however other forms of violence towards women, such as psychological and moral violence which are equally discriminatory. There are sexospecific forms of violence.

We can then note:

1. Physical violence: violence against women's physical integrity such as tortures, voluntary beatings and wounds, such as biting, slapping,...
2. Psychological and moral violence: Those caused by psychological or mental traumas. The simple fact of yelling publicly to a woman, denigrating her, insulting, saying false accusations, threatening, forcing her to do something against her will, manipulating her children against her, deciding without consulting her, making a fool of her publicly, saying bad comments on her, her family, her friends, violating common decisions, minimizing violent acts, refusing to allow her to work, forcing her to use drugs or alcohol, preventing her family and friends to visit, controlling phone call, and letters, forcing her to have sexual intercourse, refusing her the right to education or discriminating girls against education... The Congolese woman is often prejudiced against and her personal fulfillment is denigrated, which exposes her to psychological violence on the simple basis that she is a woman.
3. Sociocultural violence can be considered at the set of negative customs, attitudes, behaviour based on traditions, which infringe on women's rights. These are related to sociocultural presumptions which sometimes even blame women.

Examples :

4. A married woman, even though she is recognized as the second heiress after the children in the family code, is often deprived of her husband's belongings for the sake of the customs. This is a very common practice done in many tribes qui is increasingly spreading towards cities;
5. traditional or even modern songs with degrading messages against women or that actually strengthen violence against the (mwasi abonga na mobali : woman only has a value when she has a husband; mayele ya mwasi ezali lokola ya mwana moke : a woman's reasoning is like a child's, makofi elakisa nde bolingo : beating a woman is a translation of love)¹⁴⁷

4.1.2. Specific support for vulnerable women

A specific support for vulnerable women must be situated in global context characterized by:

- the deep worsening of social conditions for the majority of Congolese who are often in extreme poverty and are highly vulnerable to serious risks.
- The deterioration of public services, specifically social services and fundamental social infrastructures. As for example, only 8% of the national budget has been allocated to all

¹⁴⁷ Jeannine Mukanirwa ; Guide de sensibilisation contre les violences faites aux femmes de la république démocratique du Congo, PAIF-CENADEP, Kinshasa 2007, p15

sectors for the year 2007. State intervention is almost inexistent as far as social protection is concerned.

- NGOs, churches and their external partners provide for almost all social services in the country but they often have limited resources.
- Survival informal strategies traditionally adopted by the family and the fundamental community are weak, especially in urban areas.

4.1.2.1. Single women (without any children)

"In the traditional or modern African society, being a single woman at a late age is considered as an infringement. In both rural and urban areas, the birth of a baby girl, especially in a society with a matriarchal tradition, is a blessing. The girl will be a mother, which means she is the first vital resource in the procreation system and in the family sustainability. (...) Single life is a failure and a proof of inadaptation: in rural areas and mostly in cities around urban centers. Society looks down on single women, except for women willing to serve God. These receive a blessing from their family to pursue their objective. The other single women are considered as outcasts, without any deep commitment and ready for the first man that comes along. There is no consideration for free women who live alone. Prayers nights are often organized to save them from single life as in the popular belief and for revival churches, which are very common in the country, women cannot choose to freely be single.»¹⁴⁸

4.1.2.2. Widows (without any children)

"Widowhood is a period, whether long or short, that follows a spouse' death and which marks the separation grief. In some customs, it is punctuated with many ceremonies, such as wearing the mourning clothes, a voluntary introversion out of the external world, with eating prohibitions as well as talking, sleeping and walking... Through these ceremonies, the believe is that the dead actually enters in contact with the spouse for second wedding after life. Or, because people fear a series of bad things could happen to the surviving spouse or the children.

The levirate marriage is frequent: the widow marries her dead husband's brother. If today, these practices are still respected in rural areas, modernity and economic reasons do not allow them in urban areas.»¹⁴⁹

"The spouse death, which is like a husband but also a father, in families in Kinshasa and in Congo in general often causes a shock. The majority of jobs are not socially secured and modishness of salaries does not allow the widows to face life on their own (especially in rural areas). In traditional society, women did not have the right in inherit, but nowadays with the human right denial by inherent structures to churches and NGOs, there is a revival, a process that position women in a higher scale... Fight for human rights movements are implemented so as to the tradition of sharing the dead's belongings to the detriment of his wife and children is starting to disappear in urban areas.»¹⁵⁰

¹⁴⁸ Le quotidien AVENIR FEMME, N° AVENIR FEMME magazine, N° 3332 of Saturday 19 July 2008, www.groupeavenir.net

¹⁴⁹ Afrique espoir ,le mariage, <http://www.afriquespoir>

¹⁵⁰ Interview with Ms Annie Angali, secrétaire animatrice à la Direction des Œuvres de Développement de l'Eglise du Christ au Congo (DOD/ECC). Interview done on 14 July 2008 at 1pm.

4.1.2.3. Female-headed households with children born in wedlock

"The actions carried out by the government in collaboration with civil society organizations are visible. (...) UNICEF has greatly contributed to the woman and child promotion throughout the country."¹⁵¹

The initiative for widows and orphans of ex military, which is implemented in the Nsele municipality, 50 km away from downtown Kinshasa on the road to Bandundu: Kimpoko Camp.

"Almost 160 families, widows and orphans of military live there. Rejected from distinct military camps in Kinshasa, these families were offered this accommodation by Jesuits who built sixty houses. Some have houses made out of strong materials while others only have thatch houses.

No running water, mediocre sanitary installations, limited access for medical care or education for children. These families live in precarious conditions/ No assistance from the state, the few resources are offered by NGOs or church or international organizations. The lucky children who manage to attend school are in crowded classrooms and sit on the floor.»¹⁵²

4.1.2.4. Female-headed households with children born out of wedlock

Affiliation bounds

As far as affiliation is concerned, the current regulation has transposed a fundamental politic option according to which each child must have a father and that in DRC the term 'natural child' do not exist. It is in order to avoid terminology issue that, a legislator created the word "affiliation" which means the recognition by the father, but with this particular slight typically African that the father must also be accepted by the maternal family.

But in order to avoid the situation of children without father, the current law does enforce a compulsory affiliation. The father risks sanctions if he does not recognize the child or delays to do it.

The current law maintains the allowances for the purchase of a child who was born outside an union in the sense that family members can ask the payment and can even require gifts according to the customs.

Rights and duty equality for all children has been affirmed in their relation with their father and mother. However an illegitimate child cannot be introduced into the marital home without the other spouse agreement.

In order to transpose this into legal terms, the new law in force introduced the notion of legal father. If fatherhood affiliation cannot be established for an illegitimated child, the judge can assign a legal father amongst the mother's family members. This legal father has all the prerogatives related to affiliation and has to ensure his duties as well.»¹⁵³

La direction des œuvres de développement is a department from the deaconry of the Church of Christ in Congo. It gathers 64 ecclesiastic communities spread out across the country in order to promote evangelisation and to create DOD, qui is a copy of the Office for community development that each protestante parish member of the ECC has.

¹⁵¹ Interview avec Mr Jacques Machingi attaché

¹⁵² Cedric Kalonji, Les veuves et les enfants de militaires oubliés, <http://www.congoblog.net/veuves-et-orphelins-oublies-du-camp-de-kimpoko-a-kinshasa/>, décembre 2007 ; date accessed 26 March 2008

¹⁵³ Loi N° 87-010 portant code de la famille en république démocratique du Congo. Référence:Livre III :

"The young girl-mother is not a new phenomenon in our society. It has gained more importance with the social crisis which has been striking the country in general and particularly Kinshasa for more than a decade; this is what one can read in the many works on the issue. This trend has fascinated scientifics, policy makers and development agents. Kamuna Musul considers it as social consequence of unprotected sexual intercourse, which, for the author, results in involuntary pregnancies. Children born in this situation often do not receive the love they are entitled to and as they grow, they become a burden for their family, their community because of their bad habits.

Amongst the issues striking populations in developing countries such as DRC, are poverty due to the salary reduction and overall economic conjuncture which forces these populations, particularly in big cities to use multiple survival strategies. This situation weakens household's ability to function, particularly in the socialization and member protection concepts.

The increasing number of teenage mothers in Kinshasa illustrates this reality. The trend extension in Kinshasa is a source of concerns for parents who see their chance of marrying their daughters shrinking, as marriage is where all their sacrifices and educative actions are dedicated.

The legal status for these teenager mothers is not single but single mothers. Because they raise her child(ren), they are considered as a single-parent household, a fatherless family.

a) Underage mother

Is considered as a minor any individual of either sex who has not yet reached the age of 18 (art. 219 of the Congolese Family Code).

Congolese regulations authorizes an union for girls of 16 years old, however if the minor becomes a illegitimate mother, the law has been violated and this act is considered as an infraction against the law. The minor couple has no legal value unless they proceed to civil and customary weddings. If they do not get married, society considers that the man has dishonored the woman's family and has no right on the wedding status or on the child(ren) born from this union and he/she is declared illegitimated child. He/she must still be declared to the municipal registry of births, marriages and deaths where his/her mother lives within 30 after the birth.

As the mother is underage and not emancipated, she will still live under her father authority. Her parents will have to provide for her needs as well as the baby's; the contrary would be considered as a pure violation of the art. 18 of the Penal Code which sanctions anyone who will neglect to feed, provide for and raise his/her children according to his/her faculties and status.

b) Emancipated underage mother

Any minor is emancipated by a marriage, according to art 288 of the Family Code. The emancipation confers the full capacity to the minor. When emancipation is given following a legal decision, the judge can restrict the minor capacity.

Therefore emancipated underage mother by means of a marriage and another judicial way, becomes an adult and is responsible of all legal acts she does. If she becomes a single mother, i.e. if she has children outside a legal union and she does not receive assistance from the father, the law allows her to ask for the full authority of her child, in accordance with the art.

De la famille (Law N° 87-010 related to the Family Code in DRC. Reference:Book III: Family matters...)

317 of the Congolese Family Code, which states that in case of disagreement between the father and the mother, the father will prevail. But the mother has the right to go on appeal to the cantonal court". The non respect of this rule is a violation of the law and is legally condemnable.

c) Adult single mother

We call her this way compared to underage mothers. She is an adult in the way that she has reached the maturity age, and is responsible for all her acts and consequences.

In this definition context for terms such as teenager mother, one must know that it means any teenager which accidentally get pregnant of a man or a young man to which she is not married and who must take care of her child by herself or with her family assistance. She is considered as a child under her parents' authority, and has the right to their love and caring, and as a mother for a small family she must support or at least try to support. She is therefore in very ambivalent situations which usually cause conflicts at individual and family levels. Indeed this status of teenager mother causes many conflicts amongst families. They depend on the existing relations between parents and their daughters. The parents are often accused of being violent or unfair towards the young mothers, because in most of the cases they belong to social group which barely manage to survive. These prematurely mothers are left aside and abandoned by the fathers of the child and therefore they are not accepted among their in-laws, making them living away from their ex-lovers. This situation forces them to live with their child in their own parent's house with all the concerns it implies. Some of them still see their ex-lovers, hoping they will eventually propose"¹⁵⁴

4.2. Children

4.2.1. Children in general

Children precariousness is characterized by the absence of a status. According to UNICEF; for the 9454 children under the age of 5 investigated, 34% were registered in the municipal registry of births, marriages and deaths, 10% of these registrations were confirmed by a birth certificate, whereas 24% were done by an oral declaration of the mother. Two births out of three are not declared at the municipal registry of births, marriages and deaths, so the baby does not have an official status.

→ Child labour

Children with a job have less chance to be educated and are more likely to stop going to school. Child labour is not ruled, and is done without any protection against violations. Moreover, many activities are dangerous or may cause health and developmental problems for these children.

¹⁵⁴ Chandrelle Mafuele Filakembo, Filles-mères Chandrelle Mafuele Filakembo, Filles-mères et conflits familiaux dans les ménages de Kinshasa. Investigation conducted in the Bumbu municipality, sociology degree final thesis (at the university of Kinshasa). Acadmeic year 2005-2006, <http://www.memoireonline.com/11/07/683/filles-meres-conflits-familiaux-menages-kinshasa-enquete-bumbu.html>, date accessed 5 April 2008 ,02.05pm

Extent of the situation and its characteristics

UNICEF investigations on children and women situations "Mics2"¹⁵⁵ considers that a child works when he/she provide services for a external person related to cleaning or domestic tasks during 4 hours or more per day, as well as other tasks for the family. Children working independently were also taken into account. In DRC, 24% of the children aged 5 to 14 currently work. This proportion does not change even if the category of children working independently was not highlighted.

The investigation shows that 10% of them who work for an external individual, from these, 8% are not paid. Half of these children do domestic tasks, 7% are working for more than 4 hours per day. A little more than one child out of ten work for his family and 4% work for their own benefits.

Child protection:

- Children with handicaps and disabilities
- Children living away from their parents and orphans

Children living away from their biological parents (either because they are dead or living somewhere else) have more risks of discrimination, violence, violation of their heritage rights, of economic and sexual exploitation.

For children living in a family with no biological parent, when one of them or both are alive but live in another area, 93% of these children live with ascendant or descendant relatives. They are "entrusted" children. This trend as well as its consequences is mainly studies in the country. These studies agree to recognize that entrusted children are less likely to go to school than those living with their parents and are more used for domestic tasks.

In the Congolese society, some urban couples seek children from their relatives living in rural areas to help them in the domestic tasks. This is usually the case for a young couple in urban areas, especially when both of them work. They usually ask for girls to come and help them with domestic tasks, which cause a migration movement to cities. This is considered as a social ascension compared to children who stay in rural regions, but it is more a socio-economic exploitation of rural children by urban families, specifically if those do not provided the children with access to education, health care, food and clothing...

This trend seems to start when children start going to school, which leads us to another aspect of the situation, which is the economic burden of 'entrusted' children which implies that parents cannot provide education for their children. Therefore, they are entrusted to relatives so that they may go to school.»¹⁵⁶

¹⁵⁵ UNICEF ; Enquête nationale sur la situation des enfants et des femmes MICS 2 /2001 ; Analysis report, Kinshasa, July 2002. pp 172,173
MICS2 (Multiple Indicator Cluster Survey), volume 2

¹⁵⁶ UNICEF ; Enquête nationale sur la situation des enfants et des femmes MICS 2 /2001 ; Analysis report, Kinshasa, July 2002. pp 38,39; 40
MICS2 (Multiple Indicator Cluster Survey), volume 2

4.2.1.1. *Specific risks for children*

According to M Lutala Kyad'i, head of an NGO called Espoir Pour Tous (EPT), risks for children who work of being alone and without help are huge.

"The early death or a parent often exposes children to discrimination from the family, physical violence from the new tutors, violation of the children's rights to the heritage, sexual or economic exploitation and low conditions of life.

In close contact with children who left their homes and stopped partially or completely being in touch with their families; he is saddened by the children's situation. They are more expose to prostitution, drug addiction, sexually transmissible diseases, gang formation (locally referred as Kuluna phenomenon). EPT tries to help them by creating programs aimed at raising awareness, alphabetization, games,..."¹⁵⁷

EPT is a non governmental organization working in Kinshasa, aiming at natives and crisis victims. Its headquarters are in the Gombe municipality.¹⁵⁸

"According to M Joseph Gode Kayembe, LIZADEEL president, dozens or even hundreds of women and children still suffer from serious violations of their rights and experience violence everyday. Sexual abuse suffered by young girls and the impunity enjoyed by the abusers strengthen this phenomenon which is extending not only in areas struck by civil wars but also in "safe" cities such as Kinshasa.

The CAJEM (Judicial and psychological assistance for children and mothers suffering from violence), a specialized department of LIZADEEL, is always registering cases where women and teenagers are being raped in the family, in the streets by organized civil groups, policemen or soldiers following a insecurity climate characterized by the absence of a community system to protect vulnerable people. Girls ranging from 13 to 18 year old are more exposed, as they represent 52% of the cases in Kinshasa"¹⁵⁹

The investigation carried by the administrative justice for minors in the city of Kinshasa shows that up to 80% of the actors involved in underage law do not know or do not apply national or international legal regulations promoting and protecting children rights. It also reveals that an important number of cases with no definitive decisions classified in the cantonal courts or a higher court, without considering rulings executed without social investigations or inexistent surveillance system for children placed in centers. Police forces have somehow an impact when it comes to decide children placement in institutions, instead of this being done by a judge. The investigation also show the existence of invisible criminality (black figures) in which children are arrested but are released by the police as they do not have any legal paper. Datas recently collected show a lack of material condition and equipment in the facilities (medicines, agricultural tools, technical learning workshop, mattress, beds...) as well as their bad state. Finally, the study shows the lack of coordination for administrative action and responsibilities

¹⁵⁷ Interview done on 26 March 2008, with M.Luc Lutala Kyad'i, executive director for EPT (Espoir pour tous)

¹⁵⁸ Espoir Pour Tous (EPT), Avenue des Palmiers N° 10/A, Gombe, Kinshasa.
Contact information: 0815203199 or 0811545539, eptkinshasa@yahoo.fr,
<http://espoirpourtous.midiblogs.com>

¹⁵⁹ Le phare, La Lizadeel préLe phare, La Lizadeel préoccupée par l'impunité des auteurs des violences sexuelles, http://www.lepharerdc.com/www/index_view.php?storyID=4852&rubriqueID=13, date accessed 11 April 2008 at 04.34pm

allocation from distinct stakeholders in the underage judicial sector which constitutes a administrative paralysis and cumulative responsibilities.

4.2.1.2. Kindergarten and education opportunities

Education is the main global poverty indicator. The situation in DRC in this field is mediocre. The proportion of children in full-time primary school went from 92% in 1972 to 64% in 2002. For secondary school the rate is very low, with only 29%. The combination between training and work constitute a major stake on short term.

Currently there are no kindergarten in the country.

Some year ago, the International Fair in Kinshasa (FIKIN) used to attract many children with its rides. Today it is a ravaged amusement park.

In Kinshasa, there are several kindergarten built by private investors such as Congo-loisir in the Grand Hotel Kinshasa, Planète J in Ndili (quartier 1 Eucalyptus) which attracts the richer population.

Many educational opportunities are offered to Congolese children in the national territory thanks to the UNICEF, PNUD, FNUAP support, among others...

Recently, in the Kingabwa neighbourhood, in the municipality of Limete, a center for remedial studies "la Miséricorde" takes care of a hundred children whose age vary from 4 to 18. This center is dedicated mainly to abandoned children and those accused of witch craft by their families.¹⁶⁰

"Despite restructuring efforts in the educational sector in the Democratic Republic of Congo, the situation remains harsh. The MICS1 had shown that in 1995, 29% of the children of 6 to 14 year old had never attended school, only 23% of the children were admitted to the first year of primary school at the legal age of 6.

In 2001, the MICS2 investigation shows more concerning results: admission rate in primary school dropped to 17% (from the 23% in 1995), 52% of children in age 6 to 11 were attending school, 31% of children aged from 6 to 14 never went to school and access to school is more restricted for girls than for boys. Overall, one adult out of 3 is illiterate; but one adult woman out of 2 does not know how to read and write.

The Congolese educational system falls into ruins, but also the entire population is regressing, and development is a conditional and hypothetical issue. This causes on short and long term serious consequences in the growth and the effective development of the country.

Despite this situation, coupled with unemployment and low salaries for all activity sectors in the country, one must note that there are many individuals who follow a training at different level or who attend an educational institution in Kinshasa, even if the socio-economic conditions are harsh or unbearable to the point that it may compromise the slightest educational attempt for children.

For all levels of education, (primary, secondary, informal and higher education), teaching

¹⁶⁰ Centre La Miséricorde de Limete à Kingabwa, headed by M. Muzitu Tamba Marcel, informations on 28 April 2008

quality has regressed so that educated people do not meet development requirements.

Children schooling by parents whose incomes are low is a major factor for the low schooling rate and the lower education quality. Socio-professional conditions for teachers are low and the position does not attract as much as it used to.

Literacy rate estimated to a 65% for the country is not enough to allow all Congolese to actively participate in the national reconstruction process and the fight against poverty¹⁶¹.

4.2.1.3. Specific support to families with children

The Center for Judicial and Psychological Assistance for mothers and children (CAJEM) is a specialized department at LIZADEEL. The latter (Ligue de la Zone Afrique pour la Défense des Droits des Enfants, Etudiants et Elèves), is a NGO which fights to protect human rights. Its specialisation is to promote and protect children and student's rights. CAJEM is an internal structure of LIZADEEL in charge of the execution of the assistance program for vulnerable children and women, violence victims in order for them to recover their rights.

CAJEM is present in the whole nation and tries to extent to non covered regions as well. It is present in Lower Congo, Kasai provinces, Equator, Kinshasa, and the Eastern Province. It is active in some 120 municipalities in DRC.

Every month the organization publishes a report where it denounces violence cases where women and children are the silent victims in Kinshasa, even if they rather stay silent or are forced to for many reasons such as intimidation, or out of court problem solving...

In cases of sexual abuse, CAJEM provides for psychological, sanitary and medical cares. It collaborates with the hospital Saint Joseph in Limete and in the Nganda Hospital in Kintambo. If the victim wants to lodge a complaint, he/she is entitled to a lawyer who will assist him/her in the process or even, in order to solve the prejudice, a family approach is encouraged.¹⁶²

4.2.2. Orphans

"Since 2000, EPT is working to ensure a progressive action for two vulnerable children categories: street children and orphans.

In 2002-03, the strong lack of data which prevented the establishment of programs for actions at the municipality level led Espoir Pour Tous to investigate on the orphan situation in 12

¹⁶¹ Hence Mathodi Lumbu, Analyse de l'accès Hence Mathodi Lumbu, Analyse de l'accès à l'éducation à Kinshasa, final thesis presented at the Faculty of economic sciences, UNIKIN, academic year 2006-2007, http://www.memoireonline.com/03/08/978/m_analyse-acces-education-kinshasa3.html#toc7, date accessed 12 April 2008 at 5pm

¹⁶² Interview with Ms Solange NGAKOY, CAJEM worker.

CAJEM : centre d'assistances judiciaires et psychosociales pour enfants et mères.

LIZADEEL : Ligue de la Zone Afrique pour la défense des Droits des Enfants et Elèves, located on avenue du commerce N° 80 (Kinkole ex UNTZ building)

Email and contact: lizadeel2@hotmail.com ; President Godé KAYEMBE 0816999903, Vice-president Emery NKANKA 0998369568 or in legal clinics located in the municipalities of Kalamu, Masina and Mont Ngafula

Web page: www.lizadeel.org

municipalities in Kinshasa. They investigated children of different age, sex, and ask them about school and work expectations....

The study was carried out on a small cohort categorized in 3 steps, i.e. the municipalities, neighbourhood and avenues where the families were living. All the operations allowed to identified 4086 children and teenagers in 1966 households for 12 municipalities taken randomly (Kalamu, Kinshasa, Kinsenso, Ngaba, Ngaliema, Selembao, Barumbu, Limete, Makala, Masina, Ndjili and Nsele)

The results were the following:

- gender variability : boy and girl orphans are equal in number.
- age variability: there are more children under the age of 13 than teenagers of 13-18 that are orphans.
- schooling variability: 64,9% of orphans attend schools against 35,1%. The proportion for children who do not attend school are higher in the municipalities of Makala, Kinsenso, Masina and Ngaba.
- Professional aspirations: for 17 professional expectations, sewing was on top for girls (18,5%), whereas mechanics were the top preference for boys (12%) but the majority of orphans (62,2%) do not know how to express their professional aspirations.»¹⁶³

4.3. Elderly people

4.3.1. Pension system in general

Social protection is defined as the interventions aiming to support individuals, families, and human communities in the efforts for risk management in order to reduce their vulnerability, to regulate their consumption and to reach social equity.

- Pension: The National Social Security Institute (INSS), in charge of pension management in DRC was created by the statutory order of 29 June 1961, from the fusion of Katanga and Lower Congo social security funds. It only covers three sections (pension, old age benefits and family allowances) instead of the nine sections explained in the Convention 102 from the WTO. Its mismanagement is characterized by:
 - the non respect for organic status spirit
 - State interference in management
 - Heritage despoliation and embezzlement
 - Insolvency of different INSS customers
 - Restriction of field of action in private and semi-public sectors without taking public sectors into account

¹⁶³ Espoir Pour Tous ;Rapport sur la situation des enfants et jeunes orphelins
Espoir Pour Tous (EPT) is a non governmental organization working in Kinshasa, aiming at natives and crisis victims. Its headquarters are in Gombe, avenue des palmiers, 10/A.
Contact information 0815203199 or
0811545539,eptkinshasa@yahoo.fr;http://espoirpourtous.midiblogs.com

➤ Insurance-disease

Regarding insurance-sickness, the statutory order N°67-240 dated from 2 June 1967 creating SONAS did not plan this. It is also the case for the INSS. Until today, INSS does not cover this insurance given its multiple management problem of service provision which are already covered.

4.3.2. Availability of accommodation and care for elderly persons

- There are 58000 retired and civilians of independent means, 25.000 retired and military of independent means and 92000 retired from private sectors and semi-public sectors.
- INSS members perceive 1000 CF per month (3USD)

"Art. 67: an agent must retire:

1. when he reaches 55 year old.
2. when he has achieved a 30 year career. However if he has not reached the age of 55 at this time, he might be authorized his service until he reaches this age.

He can, if he asks for it or if the administration requires it, in case of professional inadequacies, retire when he has achieved a 20 year old career.

The retirement is confirmed by the authority which has the nomination power.

Article 76 : The agent who permanently his services for another reason than death,

resignation, has the right to a retirement benefit when he has achieved at least a 20 year career or when he was put to retirement due to the age limit even before he achieved 20 years. When an agent has been recognized to be definitely incapable to do his services, he is entitled to an disability benefits:

1. If this disability is caused by a occupational disease or a work labour, never mind the agent career duration.
2. If this disability is caused by a non occupational disease or a incident not related to work and if the agent has achieved at least 10 years.

No benefits is offered if the disability was caused when exposed to a special risk

to which the agent voluntary exposed himself or if the agent could have avoid or ignore the risk such as take a preventive medical treatment.

Sicknesses and disabilities, the service responsibility and unfitness for

the service are much appreciated by the medical inaptitude commission"¹⁶⁴

¹⁶⁴ statutory order n° 81-003 from 17 July 1981 punishing the existence of state public service staff.

4.3.3. Housing options and care for the elderly (state, NGO)

"The state should try to adopt a social politics in favour of the elderly instead of considering them as outcasts. Because the elderly have the right to accommodation food and medical cares. Moreover, senior marginalization is against our traditions.

The 7 old age homes in Kinshasa

- Old age home managed by the state in Kabinda, opposite of the RtnC, on Kabinda avenue. Life conditions are very harsh. Accommodation capacity of 11 persons, this old aged home is almost abandoned.

- Old-age home of Kintambo, managed by the State, is located at the crossing of Komoriko and Lomami. The living conditions are terrible, despite its recent rehabilitation by a private body. It has an accommodation capacity of 11 persons.

- Old-age home Saint François de Sales, managed by Franciscan nuns of Marie, located in the convent of the nuns and the secondary school Bolingani in Kintambo. Its can accommodate 17 persons in good conditions.

- Salvation Army old-age home, on 23 bo-boliko Avenue in the municipality of Kintambo, it can accommodate 30 persons in good conditions.

- Old-age home Saint Pierre on Kongolo Avenue, in the municipality of Kinshasa (archdiocese of Kinshasa). It accommodates around 40 persons in good conditions.

- Old-age home Saint Marc, on Kimpioka Avenue, in the neighborhood III of the municipality of Kimbanseke. It is managed by the Italian nuns' congregation in Bergam. This home accommodates 35 persons.

Old-age home Bolingani, located at 21-23 Kibambi Avenue, in Kingabwa, in the municipality of Limete. It is managed by the women from catholic legion from the parish of Saint Kizito. 13 persons are accommodated.»¹⁶⁵

¹⁶⁵ Le potentiel, Kinshasa : trop peu d'hospices pour personnes de 3ème âge, http://www.lepotentiel.com/afficher_article.php?id_edition=&id_article=16962; information published on Octobre 2005

ABBREVIATIONS

AFDRC: Armed Forces of the Democratic Republic of Congo

AFP: Agence France Presse

AI : Amnesty International

ASADHO: African Association for the Defense of Human Rights

ASSIMO : Real Estate Association of Congo

BDOM : Diocesan Office for Medical Deeds

BV: Bondeko villages

CADECO: Congo Savings bank

CAJEM : Legal and psychosocial assistance center for children and mothers.

CAMESKIN: Centre d'achat et de distribution des médicaments de Kinshasa

CDA : Congo Drivers Association

CECOMAF : Market Center for Vegetable and Fruit products.

CENADIF : National Center for Documentation and Information on Family Matters

CEPAS: Study Center for Social Action

CF: Congolese francs

CGS: Children Global Summit

CIRF: Coordination of Initiatives for and with Refugees and Foreigners

CIVPOL: United Nations Civilian Police

CNPP : NeuroPsychoPathologic Center

CNR/Habitat : National Cell for Rehabilitation of Infrastructures and the Promotion of Housing

CODE : NGO Coalition for the Child Rights

CTSE :Technical Cell for Education Statistics

DDA: Directorate for Development Action

DEMIAP : Military Detection of Anti-Patriotic Activities

DFLR: Democratic Forces for the Liberation of Rwanda

DGM: Directorate General of Migration

DGRA: General Directorate for Administrative, Judicial, Property and Share revenues

DIC: InterCongolees Dialogue
DRC: Democratic Republic of Congo
DRGS: General Intelligence Directorate and Police Special Forces (DRGS)
DSCRIP : Strategic Document for the Growth and Poverty reduction
ECC : Church of Christ in Congo
EPT : Espoir Pour Tous
ESP : Elementary and Secondary Education
ESP : Elementary, Secondary and Professional Education
FEC : Federation of Enterprises of Congo
FNMDHR : Friends of Nelson Mandela for the Defense of Human Rights
FOLECO: Federation of secular NGO with a economic vocation in Congo
HBA: Aviation Company Hewa Bora
HIV/Aids : Human Immunodeficiency Virus/Aids
HRW: Human Rights Watch
ICG :INTERNATIONAL CRISIS GROUP
ICRC: Cooperation with the Congolese Red-Cross
IEC: Independent Electoral Commission
IFRM: International Federation of Human Rights Leagues
ILO: International Labour Organization
IMC: Brain Motivity Disabilities
INSS: National Social Security Institute
IOM : International Organization for Migration (cfr. OIM)
IOM: International Organization for Migrations
IPF: Industry Promoting Funds
IPS: Provincial Health Inspection
IRIN UN :UN Office for the Coordination of Humanitarian Affairs
ISP: Higher Educationnal Institute
IST: Higher technical Institute
ISU: UNESCO Statistics Institute

JED : Journalists in Danger
LBV: Libanga Bondeko village
LIZADEEL :Ligue de la Zone Afrique pour la défense des Droits des Enfants et Elèves
LLC : Liability Limited Company
MICS 1&2 :Multiple Indicator Cluster Survey Tomes 1&2
MONUC: United Nation Organization Mission in DR Congo
MSF : Medecins sans Frontieres
NCR: National Commission on Refugees
NGO: non governmental organization
NGOD: Non Governmental Organization for Development
NGODHD: Non Governmental Organization for the Defense of Human Rights
NIA: National Information Agency
NIF : Nationalist and Integrationist Front
NUWC: National Union of Workers in Congo
NUWCZ: National Union of Workers in Congo or Zaire
OBMA : Improperly Acquired Property Office
OCHA :UN Office of Coordination of Human Affairs (cfr. UNOCHA)
OFIDA : Office of Customs and Excise
ONATRA: National Office for Transportation
ONEM : National Employment Office
OPEC: Office for Promotion of Small Congolese Enterprises
ORL : Oto-rhino-laryngology
PAIF: Promotion and Support for Women Initiatives
PARSAR : Projet d'Appui à la Réhabilitation du Secteur Agricole et Rural
PASE : Projet d'Appui au Secteur de l'Education
PED : Program for Employment/Diplomas
PLH : People Living with HIV/AIDS
PLSDA : Program against deafness and Hearing defects
PNA : National Sewage Disposal Program

PNLS : National Program against AIDS

PNPS : National Program for Social Protection Support

POME: Observatory program on the Labour Market

POPS: Professional Orientation Program in Social environment

PREFED: Regional Program for Development, Training and Exchanged

PTRE: Program on Techniques for Employment search

PUCER: Emergency Program for the Creation of Employment and Income

REGIDESO: National Society of Water Supply

RIFIDEC: Group of Institutions from a Decentralized Financial System in Congo

RSF : Reporters sans frontières

SIGE : Information System for Education Management

SMIG: minimal wage

SNDS : National System for Developing Statistics

SNHR: National Service or Rural Hydraulics

SOFIDE: Financial Society for Development

SONAS: National Insurance Society

SPLA : Soudan People Liberation Army

SYNCASS: Syndicat National des Cadres et des Employés des Secteurs des Services

UNDP : UN Development Program

UNESCO: United Nations Educational Scientific and Cultural Organization

UNHCR : UN High Commissioner for Refugees

UNICEF : United Nations Children's Emergency Fund

UNIKIN : University of Kinshasa

UNOCHA: United Nations Office for the Coordination of Humanitarian Affairs (cfr. OCHA)

USSD: United States Department of State

VSV: Voice of the Voiceless for Human Rights

WHO: World Health Organization