



General Assembly

Distr.: General
27 February 2019
English
Original: French

Human Rights Council
Working Group on the Universal Periodic Review
Thirty-third session
6–17 May 2019

National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Democratic Republic of the Congo

* The present document has been reproduced as received. Its content does not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations.



Introduction and preparation of the report

1. This report has been submitted by the Government of the Democratic Republic of the Congo for the third review cycle of the universal periodic review.
2. It was drawn up in time of tension owing to the holding of general elections, including the elections for President and for the national and provincial legislatures, which took place on 30 December 2018. The report reflects the political will of the Democratic Republic of the Congo to respect its international obligations.
3. It was drafted in accordance with the guidelines contained in resolution 5/1 of the Human Rights Council of the United Nations and in decision 17/119 containing the general guidelines adopted by the Council for the preparation of information under the universal periodic review for the second and subsequent cycles.
4. After the consideration of the situation in the Democratic Republic of the Congo during the second cycle of the universal periodic review, on 29 April 2014, 190 recommendations were accepted.
5. On 15 May 2014, the Ministry of Justice, whose responsibilities also extended to human rights, working in cooperation with the United Nations Joint Human Rights Office, the Carter Center and the Centre for Civil and Political Rights, held a day of reflection on the implementation of the recommendations. The event was attended by experts from public institutions, namely the Office of the President, the parliament, the Government, the judiciary, the security services, the Interministerial Committee on Human Rights and non-governmental organizations (NGOs) working in different fields related to the accepted recommendations.
6. In July 2014, the Ministry of Justice and Human Rights, in cooperation with the Unit for Institutional Strengthening and Reform, of the United Nations Joint Human Rights Office, carried out a campaign to disseminate the 190 recommendations issued under the universal periodic review procedure in all the country's provinces. Provincial human rights liaison offices were responsible for follow-up at the provincial level.
7. In the same vein, the Interministerial Committee on Human Rights, working in cooperation with the Indigenous and Local People's Network for Sustainable Management of Forest Ecosystems in the Democratic Republic of the Congo (REPALEF RDC), held advocacy days with the government ministries specifically concerned by the recommendations related to indigenous peoples.
8. Lastly, in February 2015, the Ministry of Justice and Human Rights drew up a plan for the implementation of the 190 recommendations. The plan was validated at a workshop that brought together representatives of the various government ministries involved in implementation, along with civil society organizations.
9. This report was drawn up in the following phases:
 - Consultations were held both in Kinshasa and in the provinces with stakeholders to collect data and other information to be provided on the implementation of the recommendations.
 - A mid-term evaluation workshop was held on the implementation of recommendations, with technical assistance from the International Organization of la Francophonie (OIF).
 - Meetings were held with the National Human Rights Commission to exchange information on the status of implementation of the recommendations.
 - The draft national report was drawn up by the Interministerial Committee on Human Rights.
 - A workshop was held to validate the draft national report, with participation by representatives of public institutions, the National Human Rights Commission and civil society organizations.

10. The report contains the following information, by section: Section I: Recent developments in the legal and institutional framework; II: Recent developments in promotion and protection of human rights; III: Status of implementation of accepted recommendations; IV: Achievements, best practices, challenges and constraints; V: Priorities, initiatives and commitments; and VI: Expectations in terms of capacity-building and requests for technical assistance.

I. Recent developments in the legal and institutional framework and for the promotion and protection of human rights

A. Legal framework

11. In addition to the legislation relating to the promotion and protection of human rights that was already mentioned in the report for the second cycle of the universal periodic review, the Democratic Republic of the Congo has adopted other legislative measures, including:

- Act No. 15/001 of 12 February 2015 amending and supplementing Act No. 06/006 of 9 March 2006 on the organization of presidential, legislative, provincial, municipal and local elections
- Act No. 15/013 of 1 August 2015 on approaches to realizing women's rights and parity
- Act No. 16/008/2016 of 15 July 2016 amending and supplementing Act No. 87-010 of 1 August 1987, on the Family Code
- Act No. 16/013 of 15 July 2016 on the status of staff in State civil service
- Act No. 15/022 of 31 December 2015 amending and supplementing the decree of 30 January 1940 on the Criminal Code
- Act No. 15/023 of 31 December 2015 amending and supplementing Act No. 024/2002 of 18 November 2002 on the Military Criminal Code
- Act No. 15/024 of 31 December 2015 amending and supplementing the decree of 6 August 1959 establishing the Code of Criminal Procedure
- Organic Act No. 17/003 of 10 March 2017 amending and supplementing Act No. 023/2002 of 18 November 2002 on the Code of Military Justice
- Act No. 16/010 of 15 July 2016 amending and supplementing Act No. 015/2002 of 16 October 2002 on the Labour Code
- Act No. 16/009 of 15 July 2016 establishing the rules for the general social security scheme
- Act No. 15/026 of 31 December 2015 on water
- Organic Act No. 17/002 of 8 February 2017 setting out the fundamental principles relating to mutual insurance and welfare funds
- Act No. 18/001 of 9 March 2018 amending and supplementing Act No. 007/2002 of 11 July 2002 on the Mining Code
- Act No. 018/025 of 31 December 2015 on non-professional rental leases

12. Other legislative measures for the promotion and protection of human rights are now under discussion before the parliament, including bills on:

- Protection for and responsibilities of human rights defenders
- Protections for the rights of persons with disabilities
- Measures for realization of the right to demonstrate
- Protections for the rights of indigenous peoples
- Access to information

- The decriminalization of press offences

B. Institutional framework

13. The institutional framework for the protection of human rights is constantly developing. For example:

- On 9 July 2014, the Head of State issued a presidential order naming the Personal Representative of the Head of State on Sexual Violence and Child Recruitment;
- On 23 July 2015 the National Human Rights Commission became operational;
- On 14 July 2016, the Head of State issued a presidential order naming his Special Advisor on Good Governance and the Fight against Corruption, Money-laundering and the Financing of Terrorism;
- In June 2018, the Court of Cassation and the Council of State began operation.

II. Recent developments in promotion and protection of human rights

14. The Democratic Republic of the Congo has since January 2018 been a member of the United Nations Human Rights Council; it was elected to the Council in October 2017.

15. In practical terms, the main elements in this field are as follows:

(a) Civil and political rights:

- Political parties that inform the authorities of the organization of public events (such as meetings or peaceful marches) have freely carried out their activities. Unfortunately, some events, such as the marches organized on 19 September and 19 December 2016 by the opposition and the ones held on 31 December 2017 and 21 January 2018 by the Secular Coordinating Committee to call for elections, resulted in the loss of life, injury and the destruction of public and private property.
- These events led to the establishment, by ministerial decrees No. 001/CAB/MIN/DH/2018 of 1 February 2018 and No. 003/CAB/MIN/DH/2018 of 28 June 2018, of two joint investigation commissions (CEMs): CEM-3121 and CEM-1919. The commissions included representatives of the Ministries of Human Rights, Justice and the Interior, the National Human Rights Commission and civil society organizations, with the participation of the United Nations Joint Human Rights Office and the Human Rights Liaison Office of the African Union as observers. The commissions made it possible to establish who was responsible for the events and to draw up recommendations for all public institutions. In this context, the Government assisted needy families with the burial of their loved ones and it also provided medical care for 32 persons injured by gunfire and tear-gas grenade shrapnel.
- The presidential and national and provincial legislative elections took place on 30 December 2018 and, in the opinion of all observers, were held in a satisfactory manner. On 24 January 2019, for the first time since the country's independence, a peaceful transfer of power took place between outgoing and incoming elected Presidents.
- During the same period, many prisoners were granted presidential pardons.
- The establishment of the Council of State strengthened remedies in administrative cases.

(b) Economic, social and cultural rights:

- Regarding access to safe drinking water, the Government continued its clean water supply programme for rural and peri-urban areas. In 2018, 25,000 people thus benefited from the sinking of water wells in Kinshasa and Congo Central.

- To reduce unemployment, the Government has introduced projects and programmes that have had some impact, in particular in Katanga Province, where the implementation of the Programme for Youth Employment in Katanga made it possible to create 259,969 jobs out of 290,000 that were planned, including 325 self-employed posts and jobs at 220 microenterprises. As part of the same effort, 6,000 young people received training at vocational training centres to increase their employability.
- The national minimum wage was raised by decree No. 18/017 of 22 May 2018, which set it at 7,075 FC a day, or \$4.50.
- In 2016 the Government established a National Strategic Development Plan. The plan sets out a vision and a strategic framework for meeting the challenges of the 2050 Development Agenda.

(c) Rights of specific groups:

- To enable children to express their views in any matters of concern to them, interministerial order No. MINEPSP/CABMIN/0817EPSP/2018-No. 009CAB/MINGEFA of 7 March 2018 was issued on the organization and functioning of parliament and children's committees.
- The national action plan for the implementation of United Nations Security Council resolution 1325 (2000) on women and peace and security was updated in 2018.
- The country established the Interministerial Committee for Follow-up to the Convention on the Rights of Persons with Disabilities and its Optional Protocol, by ministerial order No. 350/CAB.MIN/AFF-SAH.SN/2016 of 11 November 2016, to carry out its obligations under article 33 of the Convention.

16. Relations with the Office of the United Nations High Commissioner for Human Rights (OHCHR) are good, as demonstrated by the visit of the United Nations High Commissioner for Human Rights to the country in 2016, the close cooperation between the Government and the United Nations Joint Human Rights Office and cooperation in the investigation into the killing of two United Nations experts in Kasai.

III. Status of implementation of accepted recommendations

17. Since taking part in the second cycle of the universal periodic review in April 2014, the Democratic Republic of the Congo has worked to implement the 190 recommendations that it accepted. The section below takes stock of the recommendations' implementation.

A. Recommendations regarding the national human rights institution (recommendations 133.12–13 and 134.20–26)

18. The appointment of the nine members of the National Human Rights Commission by their respective entities was endorsed by National Assembly resolution No. 001/CAB/P/AN/AM/2015 of 1 April 2015. They were officially placed in office by presidential order No. 18/023 of 4 April 2015 and they were sworn in on 23 July 2015 before the Constitutional Court. The National Human Rights Commission has now been accredited with A status.

19. Since setting to work, the National Human Rights Commission has undertaken several activities for the promotion and protection of human rights, in accordance with its mandate. Thus, between 2015 and 2018, the Commission carried out human rights education, training and awareness activities for various social and professional groups, including the Civic and Social Education Service of the Congolese National Police and for the Armed Forces of the Democratic Republic of the Congo. For example, from 20 to 22 January 2016 it held such training for 120 officers, non-commissioned officers and chaplains.

20. It also provided training to members of opposition and majority political parties and for their youth leagues, as well as for NGOs.

21. From February 2016 to June 2017, the Commission also conducted several visits to prisons and detention facilities throughout the country, which led to the release of a number of persons whose detention had become unlawful and of prisoners whose detention had extended beyond the duration of their sentences.

22. The Commission also received and dealt with several complaints from victims of human rights violations, 229 of which related to the city of Kinshasa or the provinces of Katanga, Kasai Oriental, Équateur, Nord-Kivu, Sud-Kivu and Bas-Congo. The most frequent allegations related to: arbitrary arrest, illegal detention, police harassment, violations of the right to life or the right to physical integrity, abduction, torture, restrictions on freedom of movement, improper application of the law (specifically the Amnesty Act), refusal to grant legal personality to associations, denial of justice, obstruction of justice, spoliation of private property, malicious destruction of property, illegal occupation of property belonging to others, poor conditions of detention or imprisonment, denial of benefits, unjustified dismissal or revocation of contract, refusal to pay wages, refusal to carry out court decisions, illegal closure of radio or television stations, sexual violence, prohibition of public demonstrations, failure to cover funeral expenses for indigent persons, pollution of the environment by toxic waste and desecration of graves.

23. The complaints led to the following decisions:

- Proceedings discontinued owing to lack of evidence of the alleged violations
- Violation reported to the courts
- Initiation of judicial proceedings on behalf of victims
- Referral of the victims to the competent courts
- Legal aid
- Proposal of an amicable settlement

24. The Commission itself took up three cases, respectively relating to violations of the right to property ownership (the case of the Muila family), the right to personal liberty (brought by three students of the University of Kinshasa: the case of Guy Ngwangwa et al., RA 133 at the Kinshasa-Gombe Court of Appeal) and the right to life (corpses retrieved from the Ndjili River).

25. The Commission's funding comes from the national budget.

B. Recommendations on human rights awareness-raising, education and training (recommendations 134.55, 68, 116 and 155)

26. The following actions have been carried out:

- In 2015 the Ministry of Justice and Human Rights, in cooperation with the United Nations Development Programme (UNDP), published a handbook on citizens' rights and duties.
- Training on the Convention of the Rights of the Child and on the Child Protection Act has been included in the primary and secondary education system in the country.
- Under interministerial order No. MINEPSP/CABMIN/0817/EPSP/2018-No. 009/CAB/MINGEFAKIS/GEFA of 7 March 2018 on the organization and functioning of the children's parliament and children's committees, student committees are being organized at all the country's schools and provision is made for the establishment of a representative children's parliament. These committees provide a framework or forum for the expression of opinions on issues discussed by public bodies and by any others concerning the rights and duties of children.
- The priority action plan for the implementation of the National Policy on Justice Sector Reform 2018–2022 makes provision for the training of prison staff and personnel working for the judiciary.
- The police academy and police training schools regularly hold basic human rights training sessions for officers.

C. Recommendation on human rights policies (recommendation 134.32)

27. With regard to social and economic rights, in 2017 the country adopted a National Strategic Development Plan for the period from 2017 to 2050.
28. It is to be implemented by means of seven five-year plans.
- The first of these will enable the country to achieve the status of a middle-income country in 2021, with gross domestic product (GDP) likely to rise to \$1,050.
 - The second and third plans will help achieve emerging country status in 2030, with a per capita GDP of \$4,000.
 - The other four five-year plans will help the country join the club of developed countries in 2050, and the efforts thus undertaken will bring per capita GDP to \$12,000.
29. Other policies have been adopted since the last cycle of the universal periodic review, in particular:
- The National Policy on Justice Sector Reform 2017–2026, with a priority action plan for the period 2018–2022
 - The National Agricultural Investment Programme, whose objectives include the further development of cash crop cultivation, for instance for coffee and cocoa production, and the incorporation of activities related to nutrition, climate change, gender resilience and youth employment, as well as a road maintenance strategy for the servicing of agricultural areas
 - The five-year Strategic Plan for the Promotion and Protection of the Rights of Persons with Disabilities (2016–2021)
 - The National Action Plan to End Child Marriage (2017–2021)
 - The Strategic Action Plan to Combat HIV/AIDS (2014–2017)
 - The Sectoral Strategy for Education and Training (2016–2025)

D. Recommendations on human rights defenders and journalists (recommendations 134.52–54)

30. In April 2018, the National Assembly and the Senate adopted different versions of bills to protect human rights defenders and establish a system of responsibilities for their activities. A joint commission of the National Assembly and the Senate was thus set up to harmonize the versions and draft a final text, in line with United Nations General Assembly resolution 53/144, on human rights defenders.
31. At the local level, the provincial assembly in Sud-Kivu adopted order No. 001/2016 of 10 February 2016 on the protection of human rights defenders and journalists working in that province.
32. With regard to journalists, two bills relating to the decriminalization of press offences and access to information are currently under discussion in the parliament.
33. The Ministry of Human Rights becomes involved whenever the rights of human rights defenders or journalists to carry out their duties are threatened.

E. Recommendations on national reconciliation and the elimination of negative forces (recommendations 134.38–40)

34. Beginning in 2015, a series of consultations was held between those active in the political arena to arrive at a political consensus until the holding of general elections; these included:
- National dialogue

- Dialogue at the African Union district of Kinshasa
- The Inter-diocesan Centre dialogue, which led to the December 2017 political agreement (the Saint Sylvester Agreement) for the holding of free, transparent and peaceful elections

35. The fight against negative forces is being carried on by the Armed Forces of the Democratic Republic of the Congo, in cooperation with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), and has resulted in the elimination of many armed groups. Efforts are now concentrated on the area between Beni and Butembo.

36. The programme for the repatriation of the Democratic Forces for the Liberation of Rwanda is still under way.

37. The peaceful transfer of power at the Head of State led more than 700 Kamuina Nsapu militiamen to lay down their arms in the provinces of Kasai and Kasai Central.

F. Recommendation on action plans for the protection and promotion of the rights of the child (recommendation 134.48)

38. Efforts have been made to improve the national birth registration system. To this end, a strategy document and a national action plan for revitalizing the civil registration services (2014–2018) have been developed and are being implemented in collaboration with the United Nations Children’s Fund (UNICEF).

39. The document on the revitalization strategy has five components: advocating to obtain commitments from national and provincial civil registration authorities; improving the infrastructure and performance of civil registration services; bringing such services closer to the public; improving communication in the area of civil registration; and coordinating the civil registration process as effectively as possible.

40. The following actions have been carried out so far:

- Training of 598 civil registration officials and focal points, members of the maternity staff at hospitals and neighbourhood leaders, including 236 women
- Training of civil registry inspectors
- Inspection of 107 registries
- Development of provincial civil registration action plans
- Establishment of 1,107 sub-offices of the civil registry, in particular at maternity clinics
- Special proxy declarations filed by parents with district directors
- Activities intended to raise awareness regarding birth registration
- Strengthening of synergy among the services involved (the Ministry of Health, the Ministry of the Interior and the Ministry for Gender, Children and Family)

41. These strategies have been decisive in increasing the number of births registered. To cite some examples:

- In Kwilu Province, from January to October 2018 the number of children registered was 70,120, of whom 70,091 were registered on time and 29 were registered past the deadline. As there was a total of 143,826 births (69,036 boys and 74,790 girls), the registration rate was 48.7 per cent. This marks a significant improvement, as the statistics of the 2013–2014 Demographic and Health Survey indicated a rate of 28 per cent.
- In Kinshasa, between January and December 2018, the number of children registered within the legal time limit was 157,770, out of 267,942 children born (of whom 126,497 were girls). The registration rate was 61 per cent, compared with 51 per cent in 2016 and 53 per cent in 2017.

42. Despite the many constraints faced by the Government, free primary education, which has been implemented since 2010, has been progressively expanded.
43. In order to reduce indirect schooling costs, the Government has worked with development partners to distribute textbooks at schools and school kits, and it regulates the price of uniforms for students.
44. Primary education has in fact seen a significant increase in attendance in the last decade. School coverage too has improved. The gross enrolment ratio increased from less than 90 per cent in 2007 to over 107 per cent in 2014. This rapid growth may be attributable in part to the implementation of free schooling since 2010. The parity index increased from 0.91 in 2014 to 1.90 in 2018.
45. As for basic health care, several means of communication and strategies are being used to increase the immunization rate. Based on the Expanded Programme on Immunization (EPI), the Government has adopted a strategic plan with two main thrusts:
- Mobilization of funds and logistics. To this end, the Congolese Parliamentary Network for Immunization Support advocates for the inclusion in the national budget of increased funding for the purchase of vaccines.
 - Social mobilization. Interpersonal communication with community leaders is ongoing, with a view to educating and raising the awareness of the public as a whole.
46. The communication channels thus used, including churches, associations, community radio stations, NGOs and opinion shapers, have made it easier to reach the target population.

G. Recommendations on the judicial system (recommendations 133.8, 16, and 19, and 134.5–11, 13–15, 56, 107–114 and 124)

47. The country has adopted four laws to give effect to the Rome Statute of the International Criminal Court at the domestic level:
- Act No. 15/022 of 31 December 2015 amending and supplementing the decree of 30 January 1940 on the Criminal Code
 - Act No. 15/023 of 31 December 2015 amending and supplementing Act No. 24/2002 of 18 November 2002 on the Military Criminal Code
 - Act No. 15/024 of 31 December 2015 amending and supplementing the decree of 6 August 1959 on the Code of Criminal Procedure
 - Act No. 17/003 of 10 March 2017 amending and supplementing Act No. 023/2002 of 18 November 2002 on the Code of Military Justice
48. In practice, the country's courts implement the Rome Statute directly.
49. To reduce prison overcrowding, pretrial detainees and convicted persons are regularly freed from custody by means of parole, sentence reductions or outright release in cases involving harmless offences.
50. The rehabilitation of prisons is continuing. The following prisons are undergoing such work: local prisons in Rutshuru, Masisi, Walikale, Lubero, Bunyakiri, Fizi, Kalehe, Bafwasende, Gety, Mambasa and Moba, and the central prison in Bandundu.
51. The priority action plan under the National Policy on Justice Sector Reform does not provide for the construction of new prison facilities. On the other hand, wards with a capacity of 1,000 will be rehabilitated in the country's 32 cities in order to strengthen current capacity, which is estimated at 32,250. In Luzumu, where a facility is currently nearing completion, there will be room for another 700 inmates.
52. The forum on justice, held in Kinshasa from 27 April to 2 May 2015, resulted in the adoption of a National Policy on Justice Sector Reform for the period from 2017 to 2026. A priority action plan was adopted in 2017 for implementation of the National Policy between 2018 and 2022.

53. Initial and continuous training for judges will be provided by the National Judicial Training Institute (INAFORJ), which will also train court clerks, prosecution secretaries and prison staff.

54. In 2018, remuneration of judges was increased by 12 per cent.

H. Recommendations on the prosecution of perpetrators of acts of torture (recommendations 134.50 and 51)

55. With regard to the prosecution of perpetrators of torture, verified cases are heard before the country's courts. By way of illustration, there has been a case brought by the Public Prosecutor against Captain Mpia et al., with a person named Kanyinda claiming damages as a civil party, under registration number RP 983. The case is before the Kinshasa/Gombe garrison military court, whose ruling is pending.

I. Recommendations on the fight against sexual violence (recommendations 134.64, 71–72, 77, 81, 82, 106, 115, 117, 118–123, 127–130, 133 and 135.1)

56. Regarding the fight against sexual violence, we can report the following:

- Adoption by the Armed Forces of the Democratic Republic of the Congo and the Congolese National Police of an action plan to combat sexual violence
- Establishment in the provinces of Congolese National Police units specializing in child protection and prevention of sexual violence
- Appointment of the Personal Representative of the Head of State on Sexual Violence and Child Recruitment
- Strengthening in 2015 of the “Break the Silence” campaign as a means of preventing sexual violence, through the launching of the campaign in two phases, in order to encourage the reporting of rape
- Establishment of an emergency hotline (473333) offering referrals to medical or legal services for victims of sexual violence and generally for any persons in the country
- Updating of the 2014 text prepared by the Ministry of Justice on the reparation fund for victims of sexual violence, thus enabling the legislature to prepare a proposed amendment of the 2006 laws to include a victim assistance fund and a financial mechanism for compensating victims
- Establishment of a joint task force, composed of civilian and military judges and legal experts, for the organization of judicial oversight, with a view to strengthening efforts to combat impunity, and, binding on all parties, requiring all judicial entities to share official statistics
- Dispatch on the country's cellular phone networks of 50,000 short message service (SMS) messages to raise awareness of the importance of combating sexual violence
- By way of illustration, according to statistics from the civil and military courts, 2,272 persons were sentenced for sexual violence from 2014 to 2015
- The implementation of these measures has brought about a downward trend in the number of cases brought to court. Thus, the number of cases of sexual violence related to armed conflicts has declined by 50 per cent. The number of cases in the target areas declined from 15,352 to 7,510 between 2013 and 2015.

J. Recommendations on assistance mechanisms for victims of human rights violations, including sexual violence (recommendations 133.17 and 18, and 134.16, 31, 57, 58, 74, 76, 78, 84, 85, 86, 125 and 126)

57. On the question of synergy in combating sexual violence, medical facilities providing free care for victims are operational in various provinces of the country, particularly in the east. Panzi Hospital in Bukavu, renowned for the work of Dr. Denis Mukwege, the 2018 Nobel Peace Prize laureate, is one such facility. In Kinshasa, the Kinshasa Provincial Referral Hospital and Saint Joseph, Ngaliema and Kintambo hospitals and Monkole medical centre are referral facilities for victims of sexual violence.

58. Victims also receive legal assistance from NGOs, with the support of technical partners and donors.

59. The Office of the Personal Representative of the Head of State on Sexual Violence and Child Recruitment also signed a memorandum of understanding in 2016 with the National Vocational Training Institute for the vocational training of victims of violence and of demobilized children.

60. Concerning compensation and reparation for victims of sexual violence, a budget line was included in the national budget for 2015 and was administered by the Ministry of Justice. To cite an example of compensation, the victims of sexual violence in the Songo Mboyo case, in 2007, received compensation in 2016.

K. Recommendations on the organization of elections and political representation of women (recommendations 134.132 and 137)

61. The presidential election and the national and provincial legislative elections held on 30 December 2018 were generally recognized as free and transparent. Municipal and local elections have been scheduled for March 2019. However, it has been noted that women's representation on party lists has been very low.

62. According to the provisional results published by the Independent National Electoral Commission (CENI), out of 485 elected national deputies, 52 were women, or 12 per cent, and of the 627 elected provincial deputies, 72 were women, or 11 per cent.

L. Recommendations concerning ratification of major human rights treaties (recommendations 133.1–7 and 134.1–4)

63. In the period since the last cycle of the universal periodic review, on 30 September 2015 the Democratic Republic of the Congo ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol. Thus, it is now a party to seven of the nine major international human rights instruments, instead of six.

M. Recommendations on special procedures (recommendations 133.14, and 134.43 and 44)

64. The country remains open to any requests for visits by the special procedures mandate holders. It intends to continue, as in the past, to work closely with them.

N. Recommendations for cooperation with treaty bodies (recommendations 134.12, 41 and 42)

65. Cooperation is continuing with treaty bodies. Since the submission of the previous report for the universal periodic review, reports to the treaty bodies have been submitted as follows:

- In January 2017, the third, fourth and fifth periodic reports were submitted to the Committee on the Rights of the Child on the implementation of the Convention on the Rights of the Child, along with the initial report on the Optional Protocol on the sale of children, child prostitution and child pornography.
- In October 2017, the fourth periodic report was submitted to the Human Rights Committee on the implementation of the International Covenant on Civil and Political Rights.
- In July 2017, the second periodic report was submitted to the Committee against Torture on implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- In December 2017, the eighth periodic report was submitted to the Committee on the Elimination of All Forms of Discrimination against Women on the implementation of the Convention for the Elimination of All Forms of Discrimination against Women.
- In November 2018, the fifth and sixth periodic reports, which have already been drawn up, are to be submitted to the Committee on Economic, Social and Cultural Rights, on the implementation of the International Covenant on Economic, Social and Cultural Rights.

66. In the near future, the Democratic Republic of the Congo will draw up the initial report on implementation of the Convention on the Rights of Persons with Disabilities and will finalize the sixteenth, seventeenth and eighteenth periodic reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

O. Recommendations regarding the national follow-up and coordination mechanism for implementation of international obligations (recommendations 133.10 and 134.98)

67. Concerning the framework agreement on peace, security and cooperation, a national follow-up mechanism has been established to monitor the Addis Ababa Framework Agreement. Among the actions undertaken are the demobilization and reintegration of negative forces (i.e., former combatants from armed groups).

68. Implementation of United Nations Security Council resolution 1325 (2000) was the subject of a national action plan in 2010, which was updated in 2018 to address the new situation on the ground. Implementation of the plan is coordinated by a national secretariat established by ministerial order No. 024/CAB/MIN.GEFAE/BMK/2015, of August 2015.

69. Women's representation in peace negotiations indeed remains low. This was also the case for the various political negotiations held in 2015 and 2016 to reach a consensus on the holding of general elections.

P. Recommendations concerning the national preventive mechanism against torture (recommendations 134.27–30, 49 and 50)

70. The Government is considering what would be the best mechanism to set up for the prevention of torture. The National Human Rights Commission and the Ministry of Human Rights both have the task of visiting prisons and detention centres throughout the country as part of their responsibilities.

Q. Recommendations on freedom of opinion, expression, assembly and association (recommendations 134.131 and 134–136)

71. The Government guarantees fundamental freedoms, as set out in the Constitution. The restrictive measures that have recently been adopted were motivated by the need to preserve public order and security during the electoral period, a crucial and especially

sensitive time in the history of our country. However, the parliament is currently considering a number of bills in order to strengthen the protection of journalists, including by decriminalizing press offences, and to ensure the freedom to carry out public demonstrations.

72. In addition, in May 2017, the two chambers of the parliament adopted different versions of bills on access to information. The final bill will be adopted once the versions are harmonized.

R. Recommendation on participation in public affairs (recommendation 133.21)

73. Participation by all citizens in public affairs is guaranteed by the laws of our country, as evidenced by the more than 400 political parties that hold public events and meetings. These parties have all taken part in the presidential election and the national and provincial legislative elections that were just held, on 30 December 2018.

S. Recommendation on deprivation of liberty (recommendation 133.15)

74. In general, efforts are made to prevent illegal or arbitrary detention, for example through the training of security service staff, monitoring of all places of detention by prosecutors and visits to such facilities by the Ministry for Human Rights and the National Human Rights Commission. If offences are committed, the perpetrators are subject to 1 to 5 years' imprisonment.

T. Recommendation on the fight against poverty (recommendation 133.23)

75. The country's development is currently taking place with the implementation of the National Strategic Development Plan 2017–2050.

U. Recommendations on the right to education (recommendations 134.146–154 and 156–159)

76. In respect of these recommendations, the Government would like to refer to the response in paragraph 42 of the present report, and additionally to add that the share of the national budget allocated to education reached 15.46 per cent in 2018, as against 11.59 per cent in 2017.

V. Recommendations concerning the plan for social and economic development (recommendations 133.22 and 24, and 134.37 and 138)

77. The following table shows the percentage of the budget allocated to various social sectors.

| No. | Sector/Ministries | 2017 | | 2018 | |
|-----|---|--------------------------|-------|--------------------------|-------|
| | | Amount allocated, in CGF | % | Amount allocated, in CGF | % |
| 1 | Social affairs | 35 762 832 536 | 0.35 | 63 247 346 451 | 0.71 |
| 2 | Employment and labour | 24 750 203 130 | 0.24 | 25 997 910 552 | 0.29 |
| 3 | Education (primary, secondary and vocational education) | 1 185 356 981 568 | 11.59 | 1 380 684 587 669 | 15.46 |
| 4 | Rural development | 207 247 994 105 | 2.03 | 167 391 346 636 | 1.87 |
| 5 | Solidarity and humanitarian affairs | 12 546 496 298 | 0.12 | 27 957 668 358 | 0.31 |
| 6 | Public health | 801 271 497 662 | 7.84 | 681 714 620 461 | 7.64 |

Source: Ministry of the Budget.

78. In addition to this domestic funding, the Government receives financial support for key social sectors in the context of bilateral and multilateral cooperation.

79. Since 2014 the country has made major efforts to improve the business climate. For example:

- The Investment Code has been updated.
- The country acceded to the Organization for the Harmonization of Business Law in Africa.

W. Recommendation on social security (recommendation 133.25)

80. Social security is in the midst of a major reform. It is now regulated by Act No. 16/009 of 15 July 2016 providing rules for the general social security scheme, which came into force on 15 July 2018. The Act is intended to ensure full coverage of the branches under the general social security scheme. It includes the right to prenatal and maternity allowances and entitlement to daily allowances for working women during maternity leave, in order to compensate for their loss of income.

81. Regarding the pensions branch, the new Act also takes into account the principle of equality between men and women. It sets the default age of retirement at 65 years for both sexes. It includes a buy-back option for any participant over the age of 60 who has less than 180 months of insurance. The same is true for old-age allowances for insured persons with less than 15 years of insurance and also for the orphans and survivors as dependants of insured persons.

82. The Act also incorporates some new elements for the branch of occupational risks, for instance by including coverage of occupational illnesses as well as occupational accidents. It includes an innovative provision that extends the deadline for submission of claims for occupational accidents to 60 days and the deadline for claims for occupational illnesses to 101 days.

83. Social security coverage has now been extended to several other categories: people working in supervisory positions at State enterprises, State employees, local employees, diplomatic missions accredited in the Democratic Republic of the Congo, company associates, voluntary participants and persons deprived of their liberty who perform hazardous work and who are victims of occupational accidents during such activities.

84. In addition, the Government has set up a commission to consider ways to include workers from the informal sector and to liberalize policies for private persons in that sector, thus offering greater opportunities for universal coverage.

85. Organic Act No. 17/002 of 8 February 2017, which sets out the fundamental principles relating to mutual insurance and welfare funds, supplements the social security regime. Among the other measures taken under the Act was the establishment of the National Social Security Fund for State Officials, the Teachers' Mutual Health Insurance Fund and the Lisungi Mutual Health Insurance Fund, which works in cooperation with the public service as part of a public-private partnership.

X. Recommendations regarding safe drinking water and access to health care (recommendations 134.142 and 145)

86. It has been noted that 37.8 per cent of the rural population and 19 per cent of the urban population have no access to drinking water. Steps have been taken to improve these rates, including the adoption of Act No. 15/026 of 31 December 2015 on water, the objectives of which are to:

- Set the rules for the sustainable and equitable management of water resources
- Set the rules regarding responsibilities for public water and sanitation services, adapting them to the current requirements for the country's social and economic development

- Determine which instruments are necessary for the sound and balanced management of shared water resources, using a multisectoral approach that takes into account current and future needs
- Resolve the problem of inadequate legal and institutional frameworks and raise the low rate of access to safe drinking water
- Protect water resources and regulate their use
- Improve the effectiveness of the sector
- Attract investors to the sector by ensuring that it is safe to invest in it and promote the building of the national water supply system through public-private partnership

87. As for specific measures, public standpipes have been set up both in rural areas and in the areas around cities through a public-private partnership.

88. Furthermore, the rural water programme, which sank boreholes from 2013 to 2018, has brought service to an estimated population of 2,352,000 throughout the country.

89. It should be noted that at present there are 516 health districts and at least one general referral hospital in each of the country's 146 regions. The implementation of the 2016–2020 National Health Development Plan made it possible, with the support of partners, to equip and rehabilitate 186 general referral hospitals and 1,610 health centres.

Y. Recommendations relating to women's rights (133.20, 26 and 27 and 134.45–46, 59–63, 65, 69, 70, 73, 75, 79, 80, 83, 87, 143 and 144)

90. Articles 4, 5, 6 and 33 of Act No. 15/013 of 1 August 2015 on means of implementing women's rights and gender parity ensures the participation of women in political life:

Article 4: "Men and women shall enjoy all political rights on an equal footing. Women shall be represented equitably in all appointed and elected positions in national, provincial and local institutions, including the democracy-supporting institutions, the National Economic and Social Council and public and quasi-public institutions at all levels."

Article 5: "Political parties shall take account of gender parity in drawing up candidate lists in accordance with the conditions stipulated in the Electoral Act."

Article 6: "The State shall adopt specific strategies for ensuring that women and men have equal opportunities to participate in all electoral processes, including election administration and voting. It shall see to it that men are included in all activities concerning gender and community mobilization".

Article 33: "Any political party whose candidate list does not take the gender dimension into account shall not be eligible for public funding."

91. At the political level, the National Gender Policy of 2009, currently being updated, aims to achieve equal representation for women in local, provincial and national institutions. In this connection, gender parity advocacy and awareness-raising are conducted in institutions in order to increase women's participation in political life, which is still low.

92. With regard to basic health services, article 14 of Act No. 15/013 of 1 August 2015 on means of giving effect to women's rights and gender parity provides that "the State shall guarantee to women, during pregnancy, confinement and the post-natal period, adequate health-care services at reduced cost, within reasonable distances and, where appropriate, free of charge, as well as acquired rights to social and employee benefits."

93. The National Reproductive Health Programme is indeed in operation and campaigns against vesico-vaginal fistula are being carried out throughout the country. These campaigns are supported by the World Health Organization (WHO). Dr. Mukwege of Panzi Hospital was awarded the Nobel Prize for his work in these campaigns.

94. Furthermore, the fight against maternal and infant mortality has made it possible to set up community health posts, to increase the number of health centres throughout the national territory, to equip such centres and provide them with essential medicines and to promote prenatal consultations and increase access to antiretroviral treatments.

95. Early pregnancy is covered in school curricula, particularly in the life skills course. The reproductive health programme addresses methods of family planning and adolescent health. In the same vein, an action plan for the country programme on reproductive health for the period from 2013 to 2017 was developed with the support of the United Nations Population Fund (UNFPA).

96. In the field of education, article 10 of Act No. 15/013 of 1 August 2015 on means of giving effect to women's rights and gender parity states that "men and women are entitled to equal opportunities and equal access to education and training. Accordingly, the Government shall implement specific programmes to:

- Promote parity between girls and boys in terms of school enrolment
- Encourage girls' entry into all fields of study
- Substantially reduce the literacy gap between men and women
- Provide education to out-of-school children of both sexes through special programmes, apprenticeships and vocational training
- Provide training and education free of charge to girls and boys living in poverty
- Ensure that teenage mothers and pregnant teenagers are able to continue their studies"

97. The authorities have taken steps to ensure equality between men and women in the area of education, the most important of which include: (i) removal of obstacles to schooling for girls and boys, (ii) increased presence and retention of girls and women in higher education (in science, mathematics and technology), (iii) reduction of the gap between women and men in basic functional literacy, and (iv) elimination of barriers to the schooling of pregnant teenagers.

98. In respect of this last point, a circular issued by the Ministry of Primary and Secondary Education calls for school principles to allow pregnant girls and young mothers to continue their studies.

99. To eliminate social stereotypes regarding the roles of men and women, article 24 of Act No. 15/013 provides that "the State shall take appropriate measures to modify the social and cultural patterns of conduct of women and men by educating the general public, through strategies using new information and communications technology, with a view to eliminating all harmful cultural practices and practices based on the idea of the inferiority or superiority of either sex or on stereotyped roles of women and men."

100. In this respect, strategies have also been put in place to eliminate stereotypes in the education sector. These include an "education for life" course, student committees and strategies for creating gender-sensitive schools.

101. In relation to sexual violence, the Government draws attention to the answers provided in paragraphs 48 to 52 of this report.

Z. Recommendations on the rights of the child (recommendations 134.67, 88–97, 99–102 and 103–105)

102. The legal framework and strategies to combat child labour are constantly improving. For example, interministerial order No. 12/MIN/TPS/AR/34/2006 of 10 June 2006 on the establishment, organization and functioning of the National Committee to Combat the Worst Forms of Child Labour was amended by interministerial orders No. 118/CAB/MIN/ETPS/MBL/dag/2013, No. 004/CAB/MIN/AFF.SOC/2013 and No. 030/CAB/MIN/GEFAE/2013 of 14 October 2013 as part of the National Plan of Action to Combat Child Labour (2012–2020), which is being implemented with the International

Labour Organization through the International Programme on the Elimination of Child Labour (IPEC). The National Plan focuses on six areas: strict application of the law; awareness-raising and social action; promotion of education for all; improved living conditions for vulnerable families; support and protection; and enhanced coordination.

103. Similarly, the National Sectoral Strategy against Child Labour in Artisanal Mining and at Artisanal Mining Sites for the period from 2017 to 2025 was adopted, together with a three-year action plan (2017–2020).

104. Also, an interministerial commission has been established to follow up on the issue of child labour in mines.

105. Thanks to the monitoring missions carried out by that commission in 2018, those involved in this field were able to find synergy to bring children out of the mines and return them to school and a productive place in society.

106. In addition, a working group is currently considering the establishment of a social fund to promote zero tolerance for child labour in artisanal mining.

107. Lastly, the issue of the protection of children in mines is also being taken up at the local level. For example, the Governor of Kasai Central issued provincial order No. 27/K.OCC/2015 of 18 May 2015 banning the recruitment and exploitation of children in mining areas.

108. With regard to the use of children in armed conflict, it should be noted that the Government's efforts have led to the removal of the Democratic Republic of the Congo from the list of countries identified as using children in armed conflict.

109. With regard to the trafficking and sale of children, article 162 of the Child Protection Act clearly defines the crime of trafficking and sale of children.

110. In addition, the Interministerial Committee to Combat Human Trafficking was established in 2017. It is coordinated by the Ministry of the Interior, and an action plan is currently being drawn up.

AA. Recommendations relating to the rights of indigenous Pygmy peoples (recommendations 134.160–162)

111. Regarding the legal provisions, a bill for the protection and promotion of the rights of indigenous Pygmy peoples has been before the National Assembly since 2015. It was submitted as an initiative of the group of national deputies and senators for the promotion and protection of indigenous peoples, with support from the Indigenous Peoples' Groups Force.

112. Pending the adoption of the bill, order No. 025/CAB/MIN/ECN-DD/CI/00/RBM/2015 of 9 February 2016, containing specific provisions on the management and operation of local community forests, has been adopted to enable local communities to have usage rights of their forests in perpetuity and also to set out their means of forest management.

113. The implementation of that order makes it possible in particular to protect local communities and to allow them to conserve their forests in perpetuity. The procedure set out in the order specifically includes the following:

- Delineation of forest concessions approved by the local and provincial forestry administrations
- Mapping of concessions
- Forest inventories of the tracts in question
- Zoning and identification of the characteristic species of each forestry concession

114. In addition, the Government has since 2015 begun a community forestry procedure in order to protect the forests of indigenous peoples. Its desire to implement this procedure resulted in the signing of decree No. 13/016 of 31 May 2013 on the establishment,

organization and functioning of the National Commission on Land Reform, or CONAREF. Poor management of this question has often led to intercommunal conflicts, such as the ones between Bantu and Pygmy groups in Tanganyika Province.

115. In addition, the State has authorized national and international NGOs to provide support to local communities so as to convince them to operate according to the principle of free and independent consent of persons. The methodology requires NGOs first of all to raise public awareness of all legal texts relating to the securing of community forests, and subsequently to provide information on the procedure required to obtain an order allocating forest concessions to local communities. For example, in Nord-Kivu, two major cases submitted to the Governor relate to the Bahasa indigenous peoples in the Ruwenzori sector (near Mutwanga) of Beni territory, and the Kisi-Mbosa Kyamakasa concession for the Pygmy peoples in the Bakano sector of Walikale. The orders were signed after the cases were considered by the environmental coordination office of Nord-Kivu Province.

116. In all such procedures, the indigenous and local communities are consulted, as follows:

- Through the establishment of platforms for dialogue between indigenous groups, the Government and international NGOs working to defend the rights of indigenous peoples
- Through the appointment of indigenous Pygmies in the working groups and interministerial commissions dealing with forest reform

BB. Recommendations relating to the rights of vulnerable persons (recommendations 134.35–36 and 47)

117. The question of the promotion and protection of the rights of persons with disabilities was the subject of a national forum that was held in Kinshasa from 2 to 4 June 2016 and was attended by more than 400 people, including members of the central Government, provincial governors, heads of diplomatic missions accredited in the country, representatives of United Nations agencies, people with disabilities and other technical and financial partners.

118. The forum inter alia validated the following: the report on the situation of persons with disabilities in the country; the five-year strategic plan for the period from 2016 to 2021 for the promotion and protection of the rights of persons with disabilities; the proposed establishment of a national interministerial mechanism to monitor implementation of the Convention on the Rights of Persons with Disabilities and its Optional Protocol; and the strategy for financing projects for the protection and promotion of the rights of persons with disabilities.

119. In addition, a National Fund for Advancement and Social Services was established by decree No. 13/007 of 23 January 2013 and is now operational.

120. Lastly, it should be mentioned that a draft law on the promotion and protection of the rights of persons with disabilities is currently under discussion in the parliament.

121. With regard to persons with albinism, the Government, in cooperation with civil society organizations, organizes awareness-raising campaigns on the protection of their rights, in particular by taking part in special days dedicated to protection of their rights.

IV. Achievements, best practices, challenges and constraints

A. Institutional innovation

122. The main institutional innovations are:

- The Head of State appointed the Personal Representative of the Head of State on Sexual Violence and Child Recruitment

- In July 2015, the National Human Rights Commission was made operational
- In September 2015 a national secretariat was established for implementation of United Nations Security Council resolution 1325 (2000)
- In July 2016, the Head of State appointed his Special Advisor on Good Governance and the Fight against Corruption, Money-laundering and the Financing of Terrorism
- In July 2017, the National Council for Follow-up to the Saint Sylvester Agreement was established
- In June 2018, the Court of Cassation and the Council of State began operation

B. Best practices

123. With regard to best practices, the following is of note:

- The national action plan to end child marriage (2017–2021)
- The national interministerial mechanism to monitor implementation of the Convention on the Rights of Persons with Disabilities and its Optional Protocol
- The funding of general elections in the country
- The National Sectoral Strategy against Child Labour in Artisanal Mining and at Artisanal Mining Sites for the period from 2017 to 2025 was adopted, together with a three-year action plan (2017–2020)

C. Difficulties and constraints

124. The Government's implementation of the recommendations has sometimes been hampered by a number of challenges, including:

- Lack of security in the centre of the country, caused by the Kamuina Nsapu militia
- Organization of general elections using government funding
- Allocation of the largest portion of available resources to bring peace to the country, as a priority
- Insufficiency of budget allocations to social sectors
- Deterioration of the social and economic infrastructure, in particular due to the persistent lack of security in the country's east
- Persistence of the Ebola virus epidemic

V. Priorities, initiatives and commitments

125. To strengthen human rights in the country, the Government directs its efforts towards the following priority areas:

- Ensuring the enjoyment of public freedom and protection of human rights; ending the insecurity in the east;
- Combating corruption; strengthening national unity; improving working conditions;
- Improving access to basic social needs and continuing institutional reforms in the areas of public administration, the army and the police, the judicial system, the promotion of human rights, the fight against corruption and impunity, the promotion of gender equity and the improvement of the status of women and children.

VI. Expectations in terms of capacity-building and technical assistance

126. The Government of the Democratic Republic of the Congo reiterates that it requires cooperation in the areas of:

- Peace and security
 - Institutional and human capacity-building in the field of human rights
-