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Committee on Economic, Social and Cultural Rights

Sixth periodic report submitted by the Democratic Republic of the Congo under articles 16 and 17 of the Covenant, due in 2013*

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Introduction

1. On 3 and 4 November 2009, the Government of the Democratic Republic of the Congo presented to the Committee on Economic, Social and Cultural Rights its combined second to fifth periodic reports on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/COD/5).
2. Following that meeting, the Committee, in its concluding observations, made recommendations to the Government, issued under the document symbol E/C.12/COD/CO/5.
3. The present periodic report details how the Government has been implementing those recommendations and the Covenant as a whole. In line with the recommendation made in paragraph 36 of the concluding observations, the State party is updating its core document, which constitutes the first part of this report.
4. The report was drafted by the Interministerial Committee on Human Rights, in accordance with the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6). The Interministerial Committee worked in partnership with the National Human Rights Commission and civil society organizations. It enjoyed technical and financial support from the United Nations Joint Human Rights Office.

I. General information on the country

A. Land and people

Land

5. The Democratic Republic of the Congo is a central African country, bordered on its north side by the Central African Republic and South Sudan, in the east by Uganda, Rwanda, Burundi and the United Republic of Tanzania, in the south by Zambia and Angola and in the west by the Atlantic Ocean, the Cabinda enclave and the Republic of the Congo.
6. The country has a total area of 2,345,409 km², with a mostly flat relief. In the centre is a broad basin, with an average altitude of 230 m; it is covered by equatorial forest interspersed with numerous marshy areas. This central basin is bordered by layered plateaux, except in the east, where mountains of volcanic composition predominate; their average height is over 1,000 m.
7. Traversed by the equator, the Democratic Republic of the Congo has a hot, humid climate. The average temperature is 25°C in the central basin, 26°C on the coast, 18–20°C at an altitude of 1,500 m, 16–17°C at 2,000 m, 11°C at 3,000 m and 6°C at 4,000 m. It has abundant, regular rainfall.
8. Rainfall and temperatures gradually decline as one moves eastward. The year is divided into two seasons: a dry season of almost four months, and a long rainy season lasting approximately eight months.
9. The country has an extensive network of rivers – dominated by the Congo River and its tributaries – and lakes in the east (Tanganyika, Kivu, Albert, Edward, Mweru and Bangweulu), in the west (Tumba and Mai-Ndombe) and in the centre (Mukamba and Loange). The Congo River crosses the country from south-east to north-west before emptying into the Atlantic Ocean; it is 4,700 km long with a flow rate exceeded only by the Amazon. It is navigable in sections, with stretches of rapids and falls upstream of Kisangani and downstream of Kinshasa, between that city and the Atlantic.
10. The soil and subsoil offer a plentiful variety of mineral resources, including copper, coltan, cobalt, silver, uranium, lead, zinc, cadmium, diamonds, gold, tin, tungsten, oil, manganese and other precious metals. The country also boasts an array of agricultural resources, including coffee, cacao, timber (such as afromosia, ebony, wengé, iroko, sapelli, sipo, tiama, tola, kambala and lifaki) and rubber.

11. The diverse and abundant wildlife includes endangered species, such as mountain gorilla (in Virunga National Park), elephant and other large mammals, like lion, leopard, giraffe, hippopotamus, okapi, zebra and buffalo. Among the rarer species are okapi, bonobo and white rhinoceros.

People

Demographic characteristics

12. As of late 2018, the estimated population of the Democratic Republic of the Congo was 90,711,900 (source: Central Bank of the Congo, Condensé d'informations statistiques, No. 30 of 27 July 2018, p. 2).

Languages

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

- Swahili, spoken by 40 per cent of the population, in the eastern provinces of Nord-Kivu, Sud-Kivu, Haut-Katanga, Haut-Lomami, Lualaba, Tanganyika, Maniema, Tshopo, Haut-Uélé, Bas-Uélé and Ituri
- Lingala, spoken by 27.4 per cent, in and around the capital city of Kinshasa, as well as in Équateur, Nord-Ubangi, Sud-Ubangi, Tshuapa, Mongala, Mai-Ndombe, Bas-Uélé and Tshopo
- Kikongo, spoken by 17.6 per cent, Kongo Central, Kwilu and Kwango
- Chiluba, spoken by 15 per cent, in Lomami, Kasai Central, Kasai Oriental, Kasai and Sankuru

Religion

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

B. Socioeconomic indicators

15. As of late 2018, the projected rate of gross domestic product growth was 4.2 per cent (source: Banque Centrale du Congo). That increase is due to the recovery of the extractive industries and to higher copper and cobalt prices. Those price increases should eventually boost output and investment in exploration and output in the extractive industries.

16. As of 2017, the secondary sector was the other major contributor to economic growth. This is explained by the modest recovery of the construction sector, due to the opening of new cement works, among other things.

17. The annual inflation rate was projected to be 12.19 per cent in late 2018. Since the first quarter of 2018, the Congolese franc (CGF) has stabilized against the United States dollar (US\$), as a result of the Government's drastic monetary policy measures, such as raising the interbank rate (short-term loans) from 7 to 14 per cent.

18. The country's foreign currency reserves are gradually increasing. As of late July 2018, the reserves were US\$ 1,130,000,000, which represents one month's worth of commodity imports; the target is to reach three months' worth. The challenge in that regard is how to provide funding for the electoral process, against a backdrop of political transition in which international donors have not expressed any clear intention to provide support to the Treasury.

19. The 2018 budget is CGF 10,313,300,000 (some US\$ 6.3 billion); that is 10.5 per cent lower than the 2017 budget, which was CGF 11,524,500,000.

20. In relation to the business climate, the Government has, in recent years, introduced a series of reforms, with a view to an overall improvement in the investment climate:

membership of the Organization for the Harmonization of Business Law in Africa; the establishment of the Charter of Small and Medium-sized Enterprises and Artisans, and the One-stop Shop for Business Start-ups; and a reduction in the overall tax rate and the cost of enforcing contracts.

C. Political situation

21. The political agreement of 31 December 2016 enabled the formation of a Government of national unity and the creation of a new institution to support democracy, known as the National Council for Monitoring the Agreement and the Electoral Process. The elections (local, national and provincial assemblies, and presidential) scheduled for 31 December 2017 were delayed until 23 December 2018.

22. The candidates in the presidential, and national and provincial legislative elections registered with the Independent National Electoral Commission, which had to publish a provisional list, sent to the Constitutional Court for approval (source: Independent National Electoral Commission).

23. The 26 provinces provided for in article 2 of the Constitution of 2006 have now been established.

D. General legal framework for the protection of human rights

24. Since it last reported to the Committee in 2009, the Democratic Republic of the Congo has ratified the following human rights treaties:

- The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 23 September 2010
- The Convention on the Rights of Persons with Disabilities and its Optional Protocol, on 30 September 2015

25. Organic Act No. 13/011 of 21 March 2013 established the National Commission for Human Rights, in accordance with the Paris Principles. It is currently accredited with category A status.

II. Practical application of the Covenant

Article 1

Right to self-determination and protection of the rights of indigenous peoples

26. Further to the content of paragraph 22 of this report, the Government refers the Committee to paragraphs 34 to 42 of its combined second to fifth periodic reports (E/C.12/COD/5) of 21 January 2009. It should also be pointed out that the Mining Code was amended and updated by Act No. 18/001 of 9 March 2018, which enhanced the legal framework for the extractive industries by:

- Bringing the storage, possession and transportation of minerals within the scope of the Code
- Restricting eligibility for mining rights exclusively to legal persons
- Creating incentives in provinces with a lack of infrastructure, in order to enable their economic expansion
- Taking into consideration the principles and criteria of the Extractive Industries Transparency Initiative
- Clarifying the legal framework for the authorization, under exceptional circumstances, of the export of unprocessed minerals
- Replacing the environmental notice with the environmental certificate

- Requiring the construction of a building to house the registered office in the capital of the province where the mine is located
- Applying the rules of straight-line depreciation to fixed assets
- Setting the amount of share capital at no less than 40 per cent of the funds required to make the investment

27. The bill on the protection and promotion of the rights of Pygmy indigenous peoples, which is before the National Assembly, deals with protecting the rights of indigenous persons.

28. In the context of forest management, the State established, in 2015, a community forestry procedure in order to protect the forests of indigenous peoples. Its desire to implement this procedure was also expressed through the enactment of decree No. 13/016 of 31 May 2013 on the establishment, organization and functioning of the National Commission on Land Reform.

29. It should be pointed out that, at the national level, there is a group of Members of the National Assembly and Senators dedicated to defending and promoting the rights of indigenous peoples.

30. In addition to the texts recognizing and protecting indigenous peoples' land and, in particular, their areas of forest, the State has authorized national and international non-governmental organizations (NGOs) to provide support for local communities, to convince them in line with the principle of free and independent consent of persons.

31. The methodology requires NGOs to, from the outset, raise public awareness of all legal texts relating to the securing of community forests and the obtention of an order allocating forest concessions to local communities.

32. 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 territory. Following consideration of those two cases by the environmental coordination office of Nord-Kivu Province, the orders are in the process of being signed.

33. 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

Article 2

Realization of the rights recognized in the Covenant

34. The Democratic Republic of the Congo mainly relies on its own resources to implement the Covenant, in all areas of national life, but also enjoys international economic and technical cooperation. That cooperation has a real impact.

35. The statistics will be provided in the sections specific to each article.

36. As stated in paragraphs 53 and 54 of the combined second to fifth periodic reports (E/C.12/COD/5), non-nationals enjoy all the same rights under the Covenant as Congolese.

Article 3

Equal enjoyment of rights for men and women

37. Further to the content of paragraph 56 of the combined second to fifth periodic reports (E/C.12/COD/5), it is necessary to point out the following new legislative measures taken to eliminate direct and indirect gender-based discrimination:

- Act. No. 16/008 of 15 July 2016, amending and supplementing Act No. 87-010 of 1 August 1987 on the Family Code, by which all discriminatory provisions of the 1987 Family Code were repealed, including all those concerning marriage and family relations
- Act No. 16/010 of 15 July 2016, amending and supplementing Act No. 015-2002 of 16 October 2002 on the Labour Code, which allows women to work at night
- A number of major challenges need to be highlighted as regards promoting women's political participation, not least their occupation of leadership and decision-making positions in all areas of national life

38. In that regard, the adoption of Act No. 15/013 of 1 August 2015 on means of giving effect to women's rights and gender parity is particularly noteworthy. Article 27 of the Act provides that "the relevant competent authorities shall promote women's access to, and promotion within, the judiciary, the armed forces, the national police and the security services, in accordance with article 1 of this Act". Article 1 reads: "The present law establishes the means of giving effect to women's rights and gender parity in accordance with article 14 of the Constitution". These rights concern:

- The elimination of all forms of discrimination against women and the protection and promotion of women's rights
- The comprehensive advancement of women and their full participation in national development
- Protection from violence against women in public and private life
- Equitable representation in national, provincial and local institutions
- Gender parity

Article 6

Right to work

39. As part of the implementation of the Second Generation Growth and Poverty Reduction Strategy Paper, the Government has established programmes to reduce unemployment, including:

- The National Programme for Youth Employment, the purpose of which is to promote youth employment, with the aim of making a major impact in the struggle against the poverty and destitution suffered by that group of the population
- The Framework Programme for Job Creation and Revenue Generation, one major theme of which is promoting youth employment
- The National Employment and Vocational Training Policy
- The National Strategic Development Plan 2018–2022
- The National Youth Employment Action Plan
- The Programme for Youth Employment in Katanga Province emergency social action project
- The Public Administration Modernization and Reform Project
- The National Employment Office

40. In Katanga, for example, the implementation of the Programme for Youth Employment has made the following results possible:

- Of a forecast 290,000 jobs, 259,969 have been created, a figure that includes 325 young people becoming self-employed
- 220 microenterprises have been founded
- 6,000 young people have received training at vocational training centres to increase their employability

41. The above-mentioned programmes involve women, youth, older persons and persons with disabilities on an equal footing.

42. The informal sector accounts for a large proportion of the Congolese economy. The table below, on the situation of the informal sector in 2012, shows the sectors with large proportions of informal workers.

Table 1
Distribution of informal economic units by sector and sex of the person in charge

<i>Sector</i>	<i>Male</i>	<i>%</i>	<i>Female</i>	<i>%</i>
Extractive industries	58 924	90.5	6 194	9.5
Industry	226 475	40.7	330 100	59.3
Commerce	600 644	28.5	1 504 665	71.5
Services	373 378	56.1	292 435	43.9

Source: National Statistics Institute, *Enquête 1-2-3*.

Table 2
Proportion of salaried workers and proportion of the total workforce

<i>Sector</i>	<i>Proportion of salaried workers (%)</i>	<i>Proportion of the total workforce (%)</i>
Extractive industries	10.4	2.2
Industry	9.8	17.9
Commerce	4.8	53.7
Services	10.8	26.2

Source: National Statistics Institute, *Enquête 1-2-3*.

Table 3
Distribution of informal economic units by employment type

<i>Employment type</i>	<i>Number</i>	<i>Proportion (%)</i>
Self-employed	2 805 242	82.3
Unsalariated	367 434	10.8
Salaried	196 955	6.2
Combination	23 184	0.7
Total	3 392 816	100

Source: National Statistics Institute, *Enquête 1-2-3*.

Table 4
Proportion of informal economic units by sector in 2012

<i>Sector</i>	<i>Proportion (%)</i>
Extractive industries	1.9
Agri-food	8.2
Garment manufacturing	3.1
Construction	1.2
Other industry	3.9
Wholesale	0.6
Retail	62.8

<i>Sector</i>	<i>Proportion (%)</i>
Transport and communication	4.1
Catering	5.2
Other services	9.0
Total	100

Source: National Statistics Institute, *Enquête 1-2-3*.

Table 5
Distribution of jobs by status in 2012

<i>Status</i>	<i>%</i>	<i>% Female</i>	<i>% Under the age of 25</i>
Employer	5	36	11.6
Self-employed	71.9	64.7	13.8
Employee	8.1	19.2	49.7
Apprentice	3.8	51.1	49.5
Helper	8.8	49.3	58.9
Partner	1.2	34.3	21.5
Others	1.1	6.9	30.1

Source: National Statistics Institute, *Enquête 1-2-3*.

Table 6
Proportion of informal economic units by sector in 2012

<i>Sector</i>	<i>Proportion (%)</i>
Extractive industries	Total
Industry	20.6
Commerce	63.0
Services	14.6
Total	100

Source: National Statistics Institute, *Enquête 1-2-3*.

Table 7
Distribution of jobs by sector in 2012

<i>Sector</i>	<i>%</i>	<i>% Female</i>	<i>% Under the age of 25</i>
Extractive industries	1.8	53.1	22.2
Industry	20.6	52.6	27.3
Commerce	63.0	51.7	23.9
Services	14.6	55.0	25.5
Total	100	52.4	24.8

Source: National Statistics Institute, *Enquête 1-2-3*.

43. The Labour Code limits employers' powers in respect of terminating contracts of employment, which is only permissible on valid grounds linked to workers' attitude or conduct in the workplace, during the course of their duties, or on the basis of the company's operational needs. Consequently, termination of a contract of employment without valid grounds entitles the employee to be rehired or be paid damages.

Article 7

Right to enjoyment of just and favourable conditions of work

44. Pursuant to decree No. 18/017 of 22 May 2018, the national minimum wage is set at CGF 7,075 per day and there is no indexing system. It applies to all categories: labourers, specialist workers, semi-skilled workers, skilled workers, highly skilled workers, supervisors and middle managers.

45. In both the public and the private sectors, overtime must be paid. In the public sector, the rates for overtime are set in accordance with grades, as shown in the table below.

<i>Overtime (rate per hour)</i>	
Minister	CGF 12 000
Vice-Minister	CGF 10 000
General Secretary and Chief of Staff	CGF 9 000
Deputy Chief of Staff	CGF 6 800
Director and Adviser	CGF 6 200
Head of Department and Research Officers	CGF 4 600
Office Manager	CGF 3 800
Administrative assistant, first class – Public official, first class	CGF 3 000
Administrative assistant, second class – Bailiff	CGF 2 000

Source: Ministry of the Budget: Circular No. 001/ME/MIN.BUDGET/2018 of 16 February 2018.

46. Workers are protected against sexual harassment under article 73 of the Labour Code, which provides that: “An employer shall be deemed to have committed gross misconduct, in which case the worker is allowed to terminate the contract of employment, if the employer commits a serious breach of his or her contractual obligations, in particular in the following cases: the employer or his or her subordinate is guilty of subjecting the worker to an unethical act, or to sexual or psychological harassment.” In general, such cases only come to light if the victim reports an incident or makes a complaint to the competent authorities.

Article 8

Right to form and join trade unions

47. Further to the content of paragraphs 125 to 140 of the combined second to fifth periodic reports (E/C.12/COD/5), trade unions for public officials have been formally recognized by means of Decree No. 013/CAB.MIN/Fp/j-ck/40/dn/gnk/019/013 of 1 July 2013 establishing the Civil Service Trade Union Electoral Code.

Article 9

Right to social security and social insurance

48. It should be noted that a reform of social security is currently under way. 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.

49. 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.

50. 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 a new 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.

51. Social security coverage has now been extended to several other categories: persons working in supervisory positions at State enterprises, State employees, local employees, diplomatic missions accredited and established 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.

52. In addition, the Government is in the process of setting up a commission to reform social security to include workers from the informal sector and to liberalize policies for private persons in that sector, thus offering greater opportunities for universal coverage.

53. 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 Lisungi Mutual Health Insurance Fund, which works in cooperation with the public service as part of a public-private partnership.

Article 10

Protection and assistance for the family, in particular children and young persons

54. Further to the information provided in paragraphs 153 to 166 of the combined second to fifth periodic reports (E/C.12/COD/5), it should be underscored that the age of marriage for girls and boys has been standardized. Article 48 of the Child Protection Act provides that: "The betrothal and marriage of children are prohibited". That prohibition is restated in article 352 of the Family Code, as amended by Act No. 16/008 of 15 July 2016, which now reads: "Men and women under the age of 18 years may not enter into marriage".

55. Article 69 of the Child Protection Act also provides for social welfare for the most deprived families: "Parents unable to ensure the survival of their children shall receive material or financial assistance from the State". However, owing to budgetary constraints, that mechanism has not yet actually been established.

56. With characteristic African solidarity, families generally provide care for their older members. Only a tiny proportion of older persons are in homes or hospices.

57. As regards the protection of mothers in the workplace, article 129 of the Labour Code, as amended in 2016, provides that: "Any pregnant woman whose condition presents a risk to her health, as duly certified by a doctor, is entitled, on the basis of a medical certificate, to suspend her contract of employment in accordance with article 57 of this Act; that break in performance of her duties shall not be considered grounds for termination of her contract. Under the same circumstances, she may, without notice, terminate her contract of employment without incurring liability to pay compensation for breach of contract."

58. Article 30 of Act No. 16/013 of 15 July 2016 on the personnel rules governing career civil servants provides that: "Female employees are entitled to a period of maternity leave of 14 consecutive weeks, including at least 8 weeks after giving birth." Moreover, the father of a newborn enjoys four days' paternity leave.

59. Article 6 (2) of Act No. 16/010 of 15 July 2016, amending and supplementing the Labour Code, raised the minimum working age from 16 to 18 years. Article 3 of the Labour Code prohibits all the worst forms of child labour. On that subject, the National Committee to Combat the Worst Forms of Child Labour was created by means of Ministry of Labour and Social Security Decree No. 12/MIN/TPS/AR/34/2006 of 10 June 2006. Among other duties, the National Committee is charged with implementing the National Plan of Action to Combat Child Labour, approved in 2011. The Plan's target is to eliminate the worst forms of child labour by 2020.

60. By way of illustration, the Nord-Kivu Provincial Committee to Combat the Worst Forms of Child Labour has organized several awareness-raising campaigns to combat the phenomenon, using the slogans:

- “Parents to work, children to school”
- “Show the worst forms of child labour the red card”

61. In relation to older persons, article 49 of the Constitution provides that: “Older persons and persons with disabilities shall be entitled to specific measures of protection in accordance with their physical, intellectual and psychological needs. ... The means of the exercise of that right shall be determined by an organic act.”

62. Specifically, the economic rights of older persons are protected by the guarantee of a retirement pension provided for in numerous texts, including: the personnel rules governing career civil servants, the Labour Code and the personnel rules governing judges.

63. On the rights of asylum seekers, Act No. 021/2002 of 16 October 2002 on the status of refugees in the Democratic Republic of the Congo grants non-nationals the same social, economic and cultural rights as Congolese citizens.

64. To that end, Decree No. 03/014 of 5 August 2003 establishing the National Commission for Refugees provides that the Commission is required to examine applications for asylum in the Democratic Republic of the Congo and, where they are approved, to take all necessary measures to facilitate the reception of asylum-seeking refugees under the safest and most dignified conditions possible. The Commission is also required to meet their subsistence needs, inasmuch as it has the resources to do so, under the protection of the Government, in particular as regards housing, food, health care and education. To achieve that goal, it may make use of assistance from national and international organizations dedicated to the problems of refugees and asylum seekers.

65. Domestic violence is illegal pursuant to legislation that is of general application, including: the Criminal Code, the Family Code and the Child Protection Act. It is also targeted by the National Strategy to Combat Sexual and Gender-based Violence and the National Plan of Action to End Child Marriage, both of which also set out mechanisms for supporting victims and assisting them with rehabilitation.

66. To implement that strategy, the Government, through the Ministry of Gender, Family and Children’s Affairs, with the support of partners and the involvement of civil society organizations, conducts awareness-raising and training for the various actors involved in domestic violence prevention.

67. In relation to trafficking in persons, it should be pointed out that the Democratic Republic of the Congo acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime by means of Act No. 06/013 of 12 June 2006. Likewise, the Ministry of the Interior is considering a bill to combat trafficking in persons. The Ministry is organizing awareness-raising campaigns under the umbrella of the action plan to combat human trafficking.

Article 11

Right to an adequate standard of living and freedom from hunger

68. Further to the information provided in paragraphs 188 to 238 of the combined second to fifth periodic reports (E/C.12/COD/5), it should be noted that:

- In the Democratic Republic of the Congo, the poverty line is currently set at US\$ 1.25 per person per day, as per the criteria established by the International Monetary Fund. It applies to 82 per cent of the population.
- 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. It follows on from the Second Generation Growth and Poverty Reduction Strategy Paper (2011–2015), mentioned in the report from the second universal periodic review cycle of 2014.

- It should be noted that the Congo Verification Office conducts regular checks on all food and drink products entering and leaving the Democratic Republic of the Congo.

69. By way of example, Table 9 below lists the products declared non-compliant by the Goma branch of the Congo Verification Office during the period 2015–2017.

<i>Order No.</i>	<i>Product type</i>	<i>No.</i>		<i>Comment</i>
		<i>cases</i>	<i>Quantity</i>	
2015				
1	Biscuits	2	35 750 kg	Out-of-date product
2	Liqueurs	5	1 174 boxes	Unsatisfactory labelling, very high alcohol content, non-compliant packaging
3	Wine	1	80 boxes	Unsatisfactory and misleading labelling
4	Mineral water	1	5 000 litres	Does not meet requirements
5	Powdered milk	1	6 250 kg	Does not meet requirements
6	Medication (vit. C)	1	226 boxes	Does not meet requirements
7	Maize flour	1	450 sacks and bags	Does not meet requirements
8	Wheat flour	1	16 000 kg	Does not meet requirements
9	Mixed flour (corn-soy blend)	1	410 kg	Does not meet requirements
2016				
1	Wine	6	900 boxes	Does not meet requirements
2	Powdered milk	1	230 sacks	Does not meet requirements
3	Liqueurs	6	6 560 boxes	Does not meet requirements
2017				
1	Wine	2	900 boxes	Non-compliant product
2	Powdered milk	1	230 sacks	Spoiled and lumpy
3	Liqueurs	8	6 560 boxes	Does not meet requirements
4	Energy drinks	1	240 boxes	Does not meet requirements
5	Water-based lubricants	4	2 480 boxes	Active ingredient of the lubricant and failure to mention the usage on the label
6	Peas	1	625 kg	Does not meet requirements
7	Oral rehydration salts	1	70 boxes	Does not meet requirements
8	Husked rice	1	850 kg	Does not meet requirements
9	Medication	3	1 500 boxes	Does not meet requirements

Source: Congo Verification Office, Nord-Kivu provincial office.

70. The National Nutrition Programme uses radio and television broadcasts to publicize nutritional principles, in particular healthy diets.

71. To improve agricultural production, the Government, with the support of partners, makes agricultural inputs available to subsistence farmers and organizes: extension on new

cultivation methods; education on best farming practices; the organization of training workshops; the supply of agricultural inputs by the Government and private NGOs; the integration of arable and livestock farming; and technical training for farmers. Microcredits are granted to the poorest groups.

72. In 2015, Act No. 15/026 of 31 December 2015 on water was enacted, the purposes of which include:

- Setting the rules for the sustainable and equitable management of water resources
- Setting the rules regarding responsibilities of the public water and sanitation services, by adapting them to the current requirements for the country's social and economic development
- Determining 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
- Resolving the problem of inadequate legal and institutional frameworks and raising the low rate of access to safe drinking water
- Protecting water resources and regulating their use
- Improving performance in the sector
- Attracting investors to the sector by ensuring that it is safe to invest in it and promoting the building of the national water supply system through public-private partnership

73. In rural areas, 37.8 per cent of the population do not have access to drinking water; the equivalent figure for urban areas is 19 per cent (Atlas 2016, National Healthy School and Village Programme, Democratic Republic of the Congo).

74. The Government, through Régideso, S.A. and in partnership with private enterprise, is installing public standpipes, both in rural areas and in the areas around cities, to provide access to water. In 2005, the Ministry of Urban Development and Housing designed and launched a project to build 4,100 social housing units in 13 of the country's cities.

75. Moreover, a project to build 10,000 social housing units is currently being negotiated with a company called Soft, based in the United States of America, for an estimated unit cost of US\$ 45,000.

Article 12

Right to the enjoyment of the highest standard of physical and mental health

76. The Democratic Republic of the Congo introduced a national health development plan for the period 2016–2020.

77. The country currently has 516 health districts (source: mid-term review of the 2016–2020 national health development plan) and at least one general referral hospital in each of its 146 territories. Under the national plan, 186 general referral hospitals and 1,610 health centres have been equipped and rehabilitated with the support of partners.

78. Organic Act No. 17/002 of 8 February 2017, which sets out the fundamental principles relating to mutual insurance and welfare funds, seeks to progressively extend social protection to the entire population through a dual coverage system, namely basic protection for all persons currently without protection and complementary protection for all those already covered.

79. The Ministry of Health's Joint Committee on Marketing Authorization for Pharmaceutical Products and the General Health Inspectorate are responsible for the quality control of medicines.

80. The Democratic Republic of the Congo has adopted a number of framework instruments to promote maternal, newborn and child health, including the National Policy on Reproductive Health, a road map for accelerating the reduction of maternal and newborn

mortality, standards and guidelines on reproductive health, a strategy to ensure access to reproductive health products and a national strategy to combat urogenital fistulas.

81. The implementation of a national strategy to combat maternal and infant mortality has made it possible to set up community health posts and ensure the supply of essential medicines. Thanks to these measures, the maternal mortality rate fell from 1,289 deaths per 100,000 births in 2001 to 549 deaths per 100,000 births in 2011; 88 per cent of women have access to prenatal care provided by trained personnel; and health personnel assisted in 80 per cent of the births that occurred between 2009 and 2014 (Source: Population and Health Survey 2013–2014).

82. The prevention and treatment of waterborne diseases are covered by the Anti-Diarrhoea Programme, which focuses on:

- Food and bodily hygiene measures
- The use of oral rehydration therapy

83. Waterborne diseases are also addressed through the government programme on access to safe drinking water.

84. Special immunization days continue to be organized as part of routine or house-to-house immunization programmes.

85. In 2015, the country's immunization status was as follows:

Routine immunization in the Democratic Republic of the Congo, 2015

<i>Field offices (Provinces)</i>	<i>BCG</i>	<i>DPT-HepB- Hib1</i>	<i>DPT-HepB- Hib3</i>	<i>Pneumo 1</i>	<i>Pneumo 3</i>	<i>OPV 3</i>	<i>IPV</i>	<i>VAR</i>	<i>TT 2+</i>	<i>YF*</i>
Bas-Uélé	58%	98%	87%	86%	72%	82%	47%	81%	85%	83%
Équateur	86%	91%	82%	90%	80%	82%	62%	81%	80%	78%
Haut-Katanga	95%	101%	94%	97%	90%	94%	55%	94%	84%	87%
Haut-Lomami	99%	102%	98%	84%	76%	102%	59%	101%	97%	97%
Haut-Uélé	66%	105%	96%	76%	60%	83%	47%	80%	97%	76%
Ituri	73%	102%	94%	82%	68%	81%	6%	87%	96%	85%
Kasai Central	100%	103%	97%	102%	96%	94%	59%	99%	99%	98%
Kasai	101%	109%	101%	105%	96%	99%	55%	100%	111%	97%
Kasai Oriental	83%	98%	93%	97%	91%	90%	33%	93%	100%	93%
Kinshasa	92%	98%	91%	98%	91%	91%	63%	87%	82%	87%
Kongo Central	87%	98%	92%	97%	92%	92%	60%	86%	79%	84%
Kwango	92%	97%	91%	87%	81%	94%	84%	96%	95%	91%
Kwilu	93%	98%	93%	97%	93%	92%	86%	93%	95%	94%
Lomami	90%	100%	96%	98%	93%	92%	53%	96%	103%	96%
Lualaba	103%	111%	106%	110%	105%	106%	64%	100%	101%	96%
Maindombe	83%	96%	90%	93%	87%	95%	74%	86%	88%	86%
Maniema	93%	97%	92%	98%	93%	92%	55%	93%	108%	89%
Mongala	77%	88%	81%	91%	81%	66%	58%	76%	86%	75%
Nord-Ubangi	80%	105%	97%	103%	95%	96%	72%	96%	94%	83%
Nord-Kivu	83%	108%	104%	88%	77%	101%	0%	99%	72%	99%
Sankuru	63%	103%	96%	91%	82%	98%	57%	98%	95%	82%
Sud-Kivu	71%	99%	93%	96%	90%	90%	0%	84%	83%	82%
Sud-Ubangi	94%	89%	81%	85%	77%	83%	86%	85%	90%	59%
Tanganyika	92%	93%	87%	87%	78%	90%	62%	91%	93%	79%

<i>Field offices (Provinces)</i>	<i>DPT-HepB- BCG</i>	<i>DPT-HepB- Hib1</i>	<i>DPT-HepB- Hib3</i>	<i>Pneumo 1</i>	<i>Pneumo 3</i>	<i>OPV 3</i>	<i>IPV</i>	<i>VAR</i>	<i>TT 2+</i>	<i>YF*</i>
Tshopo	64%	96%	88%	93%	85%	88%	42%	83%	97%	84%
Tshuapa	89%	95%	84%	88%	79%	77%	70%	89%	89%	87%
National	86%	100%	93.5%	93.6%	85.7%	91.4%	48%	91%	91%	88%

Source: Annual report/Expanded Programme on Immunization 2015.

86. The country ratified the World Health Organization Framework Convention on Tobacco Control in October 2005 and adopted a national strategic tobacco control plan for the period 2016–2020.

87. Efforts to prevent and treat HIV/AIDS and other sexually transmitted infections are ongoing.

88. The prevalence of HIV/AIDS is currently 1.2 per cent among the general population and 1.8 per cent among pregnant women receiving antenatal care. An estimated 381,187 people are living with HIV, including 42,145 children below the age of 15 and 224,673 women. The country's response has ensured significant progress in this area: 121,762 people are currently receiving antiretroviral treatment, while 66 per cent of pregnant HIV-positive women have received antiretroviral treatment to reduce mother-to-child transmission.

89. The table below provides an overview of the country's HIV/AIDS status in 2016:

<i>HIV: Key figures for 2016</i>	
<i>Description</i>	<i>Number</i>
People living with HIV	381 187 (Spectrum estimate, 2016)
People receiving antiretroviral treatment	121 762 (National AIDS Programme Annual Review 2015) (32 per cent)
New HIV infections each year	14 940 (Spectrum estimate, 2016)
New HIV infections in children (0–14 years of age)	3 338 (Spectrum estimate, 2016)
Deaths from AIDS	20 854 (Spectrum estimate, 2016)
Children orphaned by AIDS	322 750 (Spectrum estimate, 2016)
Centres for the prevention of mother-to-child transmission (PMTCT)	2 265 (National AIDS Programme Annual Review 2015)

Source: National AIDS Programme/UNAIDS.

90. On 10 April 2018, the Democratic Republic of the Congo launched the 2018–2020 National Strategic Plan on HIV/AIDS as part of its efforts to continue fighting the disease. The Plan will enhance coordination and ensure that all efforts are channelled towards reaching the 90-90-90 target (90 per cent of people with viral suppression, 90 per cent of HIV sufferers diagnosed, and 90 per cent of diagnosed sufferers aware of their HIV status and receiving treatment).

91. By the end of 2017, only 613,216 (61.23 per cent) of the 999,877 cases of sexually transmitted infections expected for diagnosis and treatment had been reported.

92. Of this number, 65 per cent were diagnosed and treated in 407 health districts during the course of 2017.

93. It should be noted that 11,322,397 new cases (all pathologies included) were recorded in these 407 health districts following the introduction of activities to combat HIV/AIDS. Sexually transmitted infections accounted for 6 per cent (647,707) of the new cases attended to by general practitioners in 2017 (Source: National Multisectoral Programme to Combat AIDS).

94. During the same year, 9,781,863 people were provided with information on HIV and sexually transmitted infections; 25,292,271 condoms had previously been distributed throughout the country.

95. Regarding the prevention of mother-to-child transmission, 1,862,754 pregnant women received advice on screening. Of this number, 1,706,915 (92 per cent) agreed to undergo screening and 1,526,909 (90 per cent) returned for their test results. The HIV infection rate is 1.0 per cent (15,134); this figure includes 12,170 newly diagnosed pregnant women and 2,394 women already known to be HIV-positive. Of the 12,170 pregnant women who tested HIV-positive, 11,430 (97 per cent) returned to collect their results and 94 per cent were given antiretroviral treatment.

96. Screening and treatment for tuberculosis are provided at 1,830 health centres. The country has incorporated the HIV care package into 1,267 of these centres in view of the risk of HIV/tuberculosis co-infection. Screening and treatment for both HIV/AIDS and tuberculosis are provided free of charge.

97. There are public and private institutions that provide care for patients with mental health conditions, but the facilities available remain insufficient. There are only eight public institutions, with a total of around 500 beds (Mental Health Atlas 2011).

98. Private facilities are generally run by Catholics. They most notably include the Telema Centre in Kinshasa, the Katwambi National Neuropsychiatric Centre in Kananga, the Doctor Joseph Guislain Neuropsychiatric Centre in Lubumbashi, the Pierre Joseph Triest Lusanga Psychiatric Centre in Kikwit, the SOSAME Mental Health Centre in Bukavu, the Shabunda Psychiatric Centre, and the Tulizo Letu Mental Health Centre in Goma.

Articles 13 and 14

Right to education

99. Education in the Democratic Republic of the Congo is currently governed by Framework Act No. 14/004 of 11 February 2014 on the national education system. Articles 2, 4, 7 (8) and 75 of the Act provide as follows:

Article 2:

“The purpose of this Act is to create the conditions necessary for:

- Access to school education by all and for all.
- The training of elites for harmonious and sustainable development.
- The eradication of illiteracy.”

Article 4:

“National education aims to provide:

- Permanent and comprehensive formal education for both women and men.
- The skills as well as the human, moral, civic and cultural values needed to create a new democratic, united and prosperous Congolese society that embraces peace and justice.”

Article 7 (8):

“Education for all: one of the Millennium Development Goals, to ensure that boys and girls have the means to complete primary school so that they will be able to contribute to society.”

Article 75:

“Any person over the age of 18 years who was unable to attend primary school, whether due to the failure of his or her parents or guardian or for any other reason, shall be able to receive that instruction through non-formal education at any time.”

100. Article 9, in particular, provides as follows: “The national education policy focuses on: 1. Universal basic education; 2. The teaching of values; 3. Physical and sports education;

4. Environmental education, education regarding sustainable development and climate change; 5. Education regarding information and communications technologies; 6. Non-formal education; 7. Education partnerships; 8. The professionalization of teaching and the promotion of technical, vocational and artistic establishments and establishments specializing in applied arts and crafts; 9. The revalorization of manual activities; 10. The revalorization of the teaching profession; 11. Action to combat endemic diseases and epidemics, most notably HIV/AIDS, malaria and tuberculosis; 12. Adult education; 13. The use of national and/or local languages in the teaching and learning environment; 14. Training and retraining for trainers; 15. The suitability of training for employment; 16. Distance learning; 17. Action to combat sexual violence; 18. Human rights; 19. Action to combat educational wastage and school maladjustment; 20. Action to combat discrimination and inequality in school education; 21. Harnessing science and technology as key factors for economic power; 22. Fostering intelligence and critical thinking; and 23. Continuing education.”

101. It should be noted that, throughout the country, the number of girls in education is close to the number of boys. Two decades ago, less than 30 per cent of girls attended school; by 2013, this figure had risen to 48.6 per cent.

102. Under article 43 of the Constitution and article 12 of the above-mentioned Framework Act, primary education is compulsory and free of charge for all in public schools.

103. Free primary education was introduced in 2010. It is being rolled out progressively, in view of the many constraints still faced by the Government that are not conducive to the effective implementation of this measure throughout the country.

104. In order to reduce indirect schooling costs, the Congolese State has worked with development partners to distribute textbooks in schools and regulate the price of uniforms for students.

105. Literacy, adult education and continuing education rates for the province of Nord-Kivu are shown by way of example in the following table.

End-of-school-year statistical report 2017–2018/Nord-Kivu – Summary table of statistics/non-formal education

No.	Entity	Academic catch-up courses									Vocational training							Literacy								
		Expected number	Actual number	Learners			Trainers			Expected number	Actual number	Learners			Trainers				Expected number	Actual number	Learners			Trainers		
				B	G	T	M	W	T			B	G	T	M	W	T	B			G	T	M	W	T	
1	City of Goma	53	46	2 996	4 134	7 130	139	79	218	31	14	304	806	1 110	54	68	122	28	7	91	191	282	24	30	54	
2	Nyiragongo territory	14	14	1 477	1 597	3 074	17	13	30	5	3	552	340	892	24	20	44	6	0	0	0	0	8	11	19	
3	Masisi territory	57	103	11 605	11 908	23 513	153	61	214	13	8	467	286	753	25	17	42	14	15	467	696	1 163	21	16	37	
4	Rutshuru territory	27	23	1 431	1 832	3 263	61	54	115	14	1	4	84	88	5	1	6	2	4	43	67	110	3	1	4	
5	Walikale territory	20	11	860	924	1 784	66	33	99	11	2	67	180	247	25	20	45	28	0	0	0	0	45	15	60	
6	Lubero territory	11	7	439	396	835	18	25	43	14	8	112	202	314	31	26	57	5	4	150	104	254	3	14	17	
7	City of Butembo	10	9	427	525	952	7	21	28	7	4	35	11	46	4	10	14	6	6	106	212	318	1	15	16	
8	City of Beni	9	12	547	809	1 356	27	17	44	13	4	110	109	219	12	19	31	7	2	2	17	19	8	4	12	
9	Beni territory	27	22	1 634	1 566	3 200	31	19	50	14	5	374	322	696	35	15	50	7	7	48	153	201	16	11	27	
Total		228	247	21 416	23 691	45 107	519	322	841	122	49	2 025	2 340	4 365	215	196	411	103	45	907	1 440	2 347	129	117	246	

Source: Provincial Office of Social Affairs and National Solidarity/Nord-Kivu.

Article 15

Right to take part in cultural life and to enjoy the benefits of scientific progress and its applications

106. Generally speaking, cultural life has now resumed in the Democratic Republic of the Congo. Ballet performances and cultural festivals are organized in different parts of the country.

107. The country is implementing a cultural infrastructure rehabilitation and construction programme. Flagship projects under this programme include the construction of a new national museum and the building of municipal stadiums throughout the country.

108. Copyright is currently protected by the Congolese Copyright Association.

III. Recommendations made by the Committee following the submission of the combined second to fifth periodic reports in 2009

Additional information on paragraph 7 of the concluding observations (E/C.12/COD/CO/5)

109. Since the submission of the fifth periodic report in 2009, various laws have been enacted in relation to the provisions of the Covenant, including Act No. 15/013 of 1 August 2015 on means of giving effect to women's rights and gender parity; Act No. 16/008 of 15 July 2016 amending and supplementing Act No. 87-010 of 1 August 1987 on the Family Code; Act No. 16/010 of 15 July 2016 amending and supplementing Act No. 015-2002 on the Labour Code; Act No. 16/009 of 15 July 2016 providing rules for the general social security scheme; and Act No. 18/001 of 9 March 2018 amending and supplementing Act No. 007/2002 of 11 July 2002 on the Mining Code.

110. Domestic remedies are provided for by the Labour Code; the personnel rules governing career civil servants and the public administration regulations; Act No. 015/025 of 31 December 2015 on non-professional rental leases; and the Child Protection Act No. 09/001 of 10 January 2009.

111. The creation of administrative courts and, in particular, the establishment of the Council of State, has strengthened remedies in administrative cases. In this regard, special note should be taken of the ruling in the case *Guy Ngwangwa et al. v. the University of Kinshasa*, RA 133 at the Court of Appeal of Kinshasa-Gombe, concerning the right to education.

Additional information on paragraph 8 of the concluding observations

112. The Democratic Republic of the Congo has already established a national human rights commission, in conformity with the Paris Principles, under Organic Act No. 13/011 of 21 March 2013. The officials of the National Commission for Human Rights were selected by their peers, approved by the National Assembly, appointed by the President of the Republic and sworn in before the Constitutional Court in July 2015.

113. The Commission's funding comes from the national budget. The Commission is most notably responsible for:

- Investigating all violations of human rights
- Providing guidance to complainants and victims and helping them to initiate legal action in respect of all proven violations of human rights
- Conducting periodic visits to prisons and detention centres throughout the Democratic Republic of the Congo
- Ensuring that the rights of women and children are respected
- Ensuring that the rights of persons with disabilities are respected

- Ensuring that the rights of older persons, victims of disasters of all kinds and other vulnerable groups are respected

114. The Commission's human rights promotion activities have been conducted at both the central and the provincial level, and include:

- The organization of Human Rights Days
- Training sessions on human rights and international humanitarian law
- A workshop on the preparation of a preliminary bill on the protection of the rights of human rights defenders
- The organization of symposiums
- Radio broadcasts in all languages

Within the framework of protection activities, the National Commission for Human Rights has received and examined a number of complaints from victims of human rights violations and has taken up various cases on its own initiative. It has also been involved in monitoring detention facilities and public demonstrations.

115. In this context:

(a) 229 complaints have been received and examined. The complaints most notably concern Kinshasa city, Katanga, Kasai-Oriental, Équateur, Nord-Kivu, Sud-Kivu and Kongo Central. Generally speaking, the allegations made in these complaints relate 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 (particularly 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, violations of rights guaranteed to individuals, 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. The complaints received by the Commission led to the following decisions:

- (i) Proceedings discontinued owing to lack of evidence of the alleged violations
- (ii) Violation reported to the courts
- (iii) Initiation of judicial proceedings on behalf of victims
- (iv) Referral of the victims to the competent courts
- (v) Legal aid
- (vi) Proposal of an amicable settlement

(b) 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 N'Dili River);

(c) It made ad hoc visits to certain prisons and detention centres, both in Kinshasa and in the provinces (Source: National Commission for Human Rights, 2015–2016 activity report).

Additional information on paragraph 10 of the concluding observations

116. The forum on justice, held in 2015, resulted in the adoption of a national policy on justice sector reform for the period 2017–2026, which addresses all these concerns. A priority action plan was adopted in 2017 for implementation of the national policy between 2018 and 2022.

- Thematic groups work on the implementation of the recommendations of the priority action plan.

- It should be noted that the country has already set up a school for magistrates. This school – the National Judicial Training Institute – will train not only magistrates and judicial staff (court clerks and prosecution secretaries), but also administrative general service staff from the Ministry of Justice, and prison staff.
- The High Judicial Council plays a key role in both the nomination and the dismissal of magistrates.
- Regarding the code of ethics and conduct for magistrates recommended by the Committee, it should be noted that a code of ethics and conduct was promulgated by the High Judicial Council in 2010.

117. The forum on justice, held in 2015, resulted in the adoption of a national policy on justice sector reform for the period 2017–2026, which addresses all these concerns. A priority action plan was adopted in 2017 for implementation of the national policy between 2018 and 2022.

Additional information on paragraph 11 of the concluding observations

118. Combating corruption is a top priority for the Government of the Democratic Republic of the Congo. For this reason, and as a complement to more traditional mechanisms, the Head of State appointed a special adviser on good governance and the fight against corruption, money-laundering and the financing of terrorism by means of Ordinance No. 15/021 of 31 March 2015.

119. In 2017, this special adviser referred 14 cases to the Attorney General of the Republic. The provisional list compiled by the special adviser initially concerned public representatives in office and honorary public representatives who were suspected of embezzlement of public funds.

120. It should be noted that regular training sessions on fighting corruption are organized for public officials.

121. For the moment, the Government has no plans to review its sentencing policy for corruption-related offences. It is, however, working to ensure the strict application of the existing penalty regime.

122. The Government is making every effort to improve pay levels for officials, despite limited means and other priorities such as organizing elections and addressing insecurity.

123. Regarding the proper management of natural resources, it should be recalled that the Democratic Republic of the Congo is a participant in the Kimberley Process, launched in 2002, which seeks to combat trade in blood diamonds. The country also set up a national financial intelligence unit under Act No. 04/16 of 19 July 2004 for the purpose of combating money-laundering. We should also point out the successful creation of the Professional Ethics Code Observatory, an institution that monitors corruption and ethics in respect of civil servants.

124. The Democratic Republic of the Congo joined the Extractive Industries Transparency Initiative (EITI) by means of Presidential Order No. 05/160 of 18 November 2006 on the establishment, organization and functioning of the country's national EITI committee. The country has also banned mineral mining at unauthorized sites by decision of the Ministry of Finance.

125. Since ratifying the United Nations Convention against Corruption on 23 September 2010, the country has taken a number of steps in this regard:

(a) It has designated a national focal point for the implementation of the Convention;

(b) It has made significant progress in reviewing the implementation of the Convention. The country was a reviewing State for Côte d'Ivoire, Seychelles and Costa Rica in the first review cycle of 2010, and for Kenya in the second cycle. The Democratic Republic of the Congo will also be reviewed in the same year.

126. Furthermore, the Government issued Interministerial Orders No. 0711/CAB.MIN/MINS/01/2010 and No. 206/CAB/MIN/FINANCES/2010 of 15 October

2010 concerning the procedural manual on the traceability of mining products from extraction through to exportation.

Additional information on paragraph 12 of the concluding observations

127. The Democratic Republic of the Congo has taken steps to protect human rights defenders. Special note should be taken of the following legal and regulatory instruments: Ministerial Order No. 219/CAB/MIN J&DH/2011 of 13 June 2011 on the establishment, organization and functioning of the Protection Unit for Human Rights Defenders, which is tasked with providing assistance to human rights defenders in distress pending the adoption of the bill on the protection of human rights defenders that is currently being examined by the joint parliamentary commission following its adoption, in different terms, by the Senate and the National Assembly; and Edict No. 001/2016 of 10 February 2016 on the protection of human rights defenders and journalists in Sud-Kivu province.

128. The country engages in constant dialogue with NGOs working on this issue, particularly in connection with the exploitation of mineral resources and environmental protection.

Additional information on paragraph 13 of the concluding observations

129. The Government is committed to ensuring that minerals are not exploited illegally. Interministerial Order No. 206/CAB/MIN/FINANCES/2010, referred to above, was issued to address this matter, while Act No. 18/001 of 9 March 2018 amending and supplementing Act No. 007/2002 of 11 July 2002 on the Mining Code takes into account the principles and criteria of the Extractive Industries Transparency Initiative. Innovative aspects of the Mining Code include the following:

- The creation of the National Geological Service, which provides technical support for the management of underground resources. This development is linked to measures taken to address traceability and illegal mining activities and came into effect under Decree No. 17/016 of 4 December 2017 on the establishment, organization and functioning of the National Geological Service of the Congo.
- A share of all mining royalties is put towards mining funds for future generations. See article 17 of Act No. 18/001 of 9 March 2018 on the Mining Code.

130. The terms of reference for mining companies stipulate that mining activities are to have a positive impact on the lives of the population. In Katanga, for instance, this policy has resulted in:

- The installation of transformers to ensure the supply of electricity to the local population.
- Assistance and training in the areas of agropastoral production and the prevention of endemic diseases and HIV/AIDS.
- Contributions from newly established communities to cultural and sporting activities.
- A permanent supply of safe drinking water (through well construction).
- The construction of schools and health centres.
- The provision of bursaries and school supplies.
- The construction and maintenance of roads and bridges connecting industrial areas with the main national and provincial road corridors.

131. Terms of reference have also been prepared for mining companies in the Kasai and Kivu provinces (construction of roads, schools, airfields, dams, power stations, pump-operated water wells, medical centres, etc.) (Source: Report on the National Commission for Human Rights mission to Mbuji-Mayi, 5–8 September 2018).

Additional information on paragraph 14 of the concluding observations

132. The moratorium on logging remains in force, although the concessions that were withdrawn have been reassigned to new beneficiaries.

133. 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.

134. The implementation of the order makes it possible for these communities to protect and 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
- Inventories of the tracts in question
- Zoning and identification of the characteristic species of each forestry concession
- Signature of certain “instruments” by all stakeholders

135. Discussions are under way on the possibility of initiating the ratification process for the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169).

Additional information on paragraph 15 of the concluding observations

136. The Land Law is currently being revised. The Government is committed to ensuring that there are no land conflicts between communities. To this end, a land reform programme was adopted in 2018. Furthermore, with the support of the United Nations Human Settlements Programme (UN-Habitat), US\$ 7 million was mobilized as part of a project under the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation (REDD+ programme) to manage land disputes that could lead to armed conflict. A programme to improve plot cards and modernize land administration has been undertaken with the World Bank.

137. By order of the President, the Government has established a process to foster peaceful cohabitation and reconciliation between communities in Katanga. Similarly, a large peace forum was held in Kalemie to define a road map for full reconciliation and sustainable peace in the area. It was attended by all the parties involved in the conflict.

Additional information on paragraph 16 of the concluding observations

138. A programmatic approach was used in the drafting of the current State budget. Nevertheless, all social services, in particular health and education, are taken into account when implementing the State budget.

139. The following table shows the amount 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.

140. The Government, through the Ministry of Planning, has introduced an aid and investment management programme that will foster transparency and accountability to improve effectiveness in the implementation of development programmes funded by international donors.

Additional information on paragraph 17 of the concluding observations

141. Racial discrimination is a punishable offence under the following texts:

- Ordinance-Law No. 25/131 of 25 March 1960 on the suppression of manifestations of racism or religious intolerance
- Decree of 13 June 1960 on racial discrimination in shops and other public places
- Ordinance-Law No. 66-342 of 7 June 1966 on the prohibition of racism and tribalism
- Racial discrimination is considered a crime against humanity under article 166 (17) and article 169 (8) of Act No. 024-2002 of 18 November 2002 on the Military Criminal Code. Article 169 (8) defines a crime against humanity, committed in times of war or peace and punishable by death, as “persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this article.”

142. Regarding measures taken to combat acts of racial discrimination against Pygmies, a number of cases are being investigated by the Kalemie and Lubumbashi Public Prosecutor’s Office with a view to bringing the individuals who committed and instigated these crimes to justice.

143. The Government is also supporting a number of initiatives that seek to promote the development of indigenous peoples and recognition of the value of their traditional knowledge. One such initiative is the International Festival of Indigenous Peoples.

Additional information on paragraph 18 of the concluding observations

144. The issue of persons with disabilities will be comprehensively addressed through the adoption of legislation specific to such persons. Draft legislation in this regard has already been submitted to Parliament.

Additional information on paragraph 19 of the concluding observations

145. The Government is not aware of any murders concerning persons with albinism. Regarding marginalization, it encourages campaigns to raise awareness of the rights of these persons.

Additional information on paragraph 20 of the concluding observations

146. All legislative provisions discriminating against women have been repealed, as indicated in paragraph 28 of the eighth periodic report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

147. In order to modify or eliminate cultural practices and stereotypes that discriminate against women, the Democratic Republic of the Congo adopted Act No. 15/013 of 1 August 2015 on means of giving effect to women’s rights and gender parity, article 24 of which 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”.

Additional information on paragraph 21 of the concluding observations

148. The obligatory civic work programme (Salongo) is on its way to becoming obsolete.

Additional information on paragraph 22 of the concluding observations

149. The Government of the Democratic Republic of the Congo has ratified the two ILO Conventions in question (No. 155 and No. 176), as well as all other ILO Conventions pertaining to the worst forms of child labour.

150. It has set up an interministerial committee responsible for addressing the issue of child labour in mines and at mining sites.

151. The Government has also introduced a national sectoral strategy against child labour in artisanal mining and at artisanal mining sites for the period 2017–2025, together with a three-year action plan for the period 2017–2020. The national strategy seeks to ensure that vulnerable persons, in particular pregnant women and children, are excluded from mining sites. The Congolese Government closely monitors the implementation of its mining policy.

Additional information on paragraph 23 of the concluding observations

152. The Government insists on compliance with legislative and regulatory texts on freedom of association. There are 129 recognized trade unions in the public sector and 233 in the private and parastatal sectors. These unions conduct their activities in a normal manner, subject to respect for public order and safety.

Additional information on paragraph 24 of the concluding observations

153. Social security is 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. Further information in this regard has already been provided in the section on article 9.

Additional information on paragraph 25 of the concluding observations

154. The Government refers the Committee to paragraphs 82, 102, 104 and 106 of its eighth periodic report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (2017).

Additional information on paragraph 26 of the concluding observations

155. Human trafficking is a punishable offence under the Child Protection Act, No. 09/001 of 10 January 2009, article 162 of which provides that “the trafficking or sale of children is punishable by 10 to 20 years’ imprisonment and a fine of 500,000 to 1 million Congolese francs”.

156. “Child trafficking” and “the sale of children” are defined as follows:

- Child trafficking: the recruitment, transportation, transfer, harbouring or receipt of children by means of the threat of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over a child, for the purpose of exploitation.
- Sale of children: any act or any transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration.

157. A national committee against human trafficking and the smuggling of migrants has been set up at the Ministry of the Interior to address the trafficking of women.

158. Regarding the exploitation of prostitution of women, article 25 of Act No. 15/013 of 1 August 2015 on means of giving effect to women’s rights and gender parity provides as follows: “Every woman has the right to respect for her life, physical integrity and security of person. All forms of exploitation, punishment and inhuman or degrading treatment are prohibited.”

159. In 2009, cases of trafficking and exploitation of children for sexual purposes were reported by civil society organizations in the district of Bas-Fleuve, territory of Tshiela, sector of Lubolo in the province of Bas-Congo, where some members of the national police collaborating with the Angolan troops stationed on the border between the Democratic Republic of the Congo and the Cabinda enclave (Angola) were taking money in exchange for young girls for purposes of sexual slavery. For example, the commander in charge of

the border post of Kikuangu Mbemba was questioned by the Military Prosecutor's Office and confessed. Two of his young victims appeared in court to testify. Following the decision of the Military Prosecutor's Office, the commander was given a 10-year prison sentence.

160. In addition, because of the killings provoked by the ongoing fighting in the eastern part of the Democratic Republic of the Congo (provinces of Orientale, Nord-Kivu and Sud-Kivu), many children have been orphaned, separated from their families and left alone. This has resulted in the clandestine and increased trafficking of children to border countries to work as herders, servants, field workers, fisherfolk and domestic or sexual slaves. Sometimes this trafficking resembles a form of intercountry adoption.

161. In 2010, a child trafficking network based in Uvira in Sud-Kivu was uncovered after a civil society organization (the NGO AVEM, Unité et Plaidoyer pour les Enfants) reported it to the Minister of the Interior, the Minister of Justice and Human Rights and the Minister of Gender, Family and Children, in its communication ref. 4/10-221-2010 concerning the report on child trafficking.

162. The report revealed that 18 children between 1 and 4 years of age had been brought from the town of Uvira to the capital, Kinshasa, to be adopted by Western couples. Following an inquiry, the Minister of Justice and Human Rights was able to intervene and return two of them to Uvira.

163. Some of the cases of sexual violence referred to the courts in the province of Sud-Kivu (2009–2010) are shown in the table below:

<i>No.</i>	<i>Type of violation</i>	<i>Results/Activities</i>	<i>2009</i>	<i>2010</i>	<i>Sex and age</i>	<i>Comment</i>
01	Sexual mutilation	00	00	00	N/A	N/A
02	Bestiality	06	01	05	Girls and boys aged 15–17	The children had been arrested for having sexual relations with animals (goats and hens) Cases referred to the Bukavu Prosecutor's Office
03	Pimping and procuring	80	57	23	Men and women aged 18 and over	Adult shopkeepers exploiting children for sex and money Cases referred to the Bukavu Prosecutor's Office
04	Incitement of minors to debauchery and exploitation of children for sexual purposes	185	156	31	Girls and boys aged 9–17	Cases referred to the Bukavu Prosecutor's Office Illustration: RMP 1194 /PR/KAM
05	Forced abortion	67	39	28	Girls aged 13–17	Cases referred to the Bukavu Prosecutor's Office

Additional information on paragraph 26 of the concluding observations

164. To address the presence of children in the armed forces and armed groups, the Government, together with the United Nations country task force on monitoring and reporting, signed an action plan for children involved with armed forces or armed groups in the Democratic Republic of the Congo, in accordance with Security Council resolutions 1539 (2004) and 1612 (2005). The plan is intended to prevent the recruitment of children and to remove them from the armed forces and armed groups (reference).

165. Statistics provided by the task force indicate that, between 2004 and 2011, 35,082 children were removed from the armed forces and armed groups and were reintegrated into the workforce, in particular in the areas of baking and confectionery, sewing, bicycle and motorcycle repair, car repair, carpentry, metalwork, fisheries, agriculture and livestock-raising, masonry and bricklaying. There are now no more children in the Armed Forces of the Democratic Republic of the Congo. That is why the country has been removed from the list of countries that uses children in its armed forces.

Additional information on paragraph 27 of the concluding observations

166. The protection of children, which was strengthened with the adoption of the Child Protection Act, has continued to be reinforced with the adoption of both regulatory and practical measures for its implementation, including:

- Decree No. 11/01 of 5 January 2011 establishing the regular seats and jurisdiction of children's courts
- Ministerial order No. 008/min/gefae of 5 September 2009 on transitional arrangements for the organization and functioning of the National Council for Children
- Order No. 0248/GC/CAB.MIN/AFS.SAH.SN/09 of 19 November 2009 regulating the social placement of children in difficult circumstances
- Order No. 249 of 19 November 2009 on the implementation of the national guidelines for the protection and care of children in situations of family breakdown
- Interministerial Order No. 490 and No. 011 of 29 December 2010 on the composition, organization and operation of the Juvenile Justice Mediation Committee
- Ministerial Order No. 063 of 17 September 2012 on the establishment, organization and functioning of the social workers' professional association
- Order No. 115 of 27 October 2012 on the establishment, organization and functioning of the national coordination unit for orphans and vulnerable children
- The definition of standards and norms for the care of vulnerable children
- The implementation of the "Street children" project, with funding from the World Bank
- The production of a guide for service providers on the reunification of children from broken homes with their families
- The adoption of a national protocol on the referral and counter-referral of children in difficult circumstances
- The adoption of a national protocol on foster care
- The training of all those involved in the protection of children (judges, police officers and social workers)

167. Regarding so-called "witch" children in particular, the following measures have been taken:

- The implementation of the social safety nets project to provide vulnerable households with financial support for income-generating activities
- Awareness-raising among families known to have children living on the street

- Awareness-raising among the staff of shelters and facilities that care for street children about support measures and family interviews
- Capacity-building for foster families and staff of group homes for foster children
- The closure of churches that practise exorcism on children

Additional information on paragraph 28 of the concluding observations

168. The Democratic Republic of the Congo established a National Strategic Development Plan, which sets out a vision and a strategic framework for meeting the challenges of the 2050 Development Agenda. The Plan covers the period from 2017 to 2050 (33 years) and its operationalization will be ensured through the implementation of 7 five-year plans. The first five-year plan will enable the country to achieve the status of a middle-income country in 2021 and its per capita gross domestic product (GDP) is expected to rise to US\$ 1,050. The second and third plans will help it achieve emerging country status in 2030, which corresponds to a per capita GDP of US\$ 4,000. The remaining 4 five-year plans will help the country to join the club of developed countries in 2050. The efforts thus undertaken are expected bring per capita GDP to US\$ 12,000. Since the economic efforts needed to achieve these different levels of per capita income depend on the size and structure of the population, policies that can effectively manage the demographic transition will be recommended.

169. The first stage of development of the National Strategic Development Plan consists of three books. Book 1 presents the vision of the country's development by 2050; book 2 outlines the global and sectoral strategies to be implemented to achieve the objectives of the vision; and book 3 sets out the actions to be carried out in the first phase of implementation of the National Strategic Development Plan. The latter corresponds to the first five-year plan. It is accompanied by a guide for monitoring and evaluating progress. The subsequent stages in the development of the National Strategic Development Plan will consist of the step-by-step drafting of 6 more five-year plans.

170. In addition to the Development Plan, it is worth mentioning the National Agricultural Investment Programme and the agriculture sector rehabilitation and revival support projects (PARRSA) I & II, whose objectives include the further development of the cultivation of cash crops, for instance coffee and cacao, 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.

Additional information on paragraph 29 of the concluding observations

171. The rural economy is being revived through the implementation of the following Government policies and programmes:

- The Second Generation Growth and Poverty Reduction Strategy Paper
- The governance programme for agriculture, gender and human and institutional capacity-building
- The National Agricultural Investment Programme 2013
- The gender and the empowerment of rural women strategy
- The national action plan for climate change adaptation – agricultural sector adaptation project: capacity-building in the agricultural sector in the Democratic Republic of the Congo (2010–2014)
- The national action plan for climate change adaptation – women and children adaptation project: climate change adaptation
- The National Environment, Forests, Water and Biodiversity Programme 2
- PARRSA II: US\$ 75 million in funding, which aims to reach 200,000 households
- The Great Lakes Integrated Agricultural Development Programme: US\$ 150 million
- The establishment of a US\$ 120 million fund to provide agricultural credit with a preferential rate of 6 per cent per year

Additional information on paragraph 30 of the concluding observations

172. The improvement of poor urban settlements is being carried out as part of the implementation of the Participatory Slum Upgrading Programme, established in 2008 in partnership with UN-Habitat and the European Commission. The Upgrading Programme aims to strengthen the capacity of all relevant urban actors, including local and national agencies, civil society and slum dwellers themselves, to work together to improve living conditions in slums and the sustainability of the cities involved. Initially, the following cities are involved: Kinshasa, Kindu, Kolwezi, Kananga, Kikwit and Kisangani.

Kinshasa

173. The initiatives include providing the concerned population with access to drinking water, improved sanitation, sustainable and adequate housing, adequate living space and land and tenure security.

174. There is also the National Energy Commission, which is a mechanism for improving access to water and electricity.

Additional information on paragraph 31 of the concluding observations

175. With regard to the prison population, the Ministry of Justice Prisons Directorate is in the process of finalizing prison statistics for 2017. The Democratic Republic of the Congo is concerned about improving living conditions in prisons. In this regard, the Minister of Justice and Human Rights issued Judicial Organization Order No. 029/CAB/MIN/J&DH/2013 of 28 January 2013 on the establishment, organization and functioning of local budget management oversight committees for central and provincial prisons and detention camps. The Order introduces significant innovations in relation to prison management in that it establishes a committee in every prison to manage funds allocated for prisoners' meals.

176. In the interest of good governance, management committees are made up of the provincial governor or his or her representative; the public prosecutor; the head of the provincial division of justice; the prison warden and two representatives of civil society.

177. To reduce overcrowding in prisons, the following measures are being taken:

- The granting of parole
- The granting of presidential pardons
- Release in cases involving harmless offences
- The imposition of transactional fines
- The rehabilitation of Luzumu prison in Kongo Central and Angenga prison in Lisala, Mongala

178. There are no longer any illegal places of detention or unauthorized detention centres in the Democratic Republic of the Congo.

179. The country's central Government provides easy access to all places of detention for governmental and non-governmental organizations.

Additional information on paragraph 32 of the concluding observations

180. The Democratic Republic of the Congo has, by Act No. 14/025 of 8 July 2014, ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, adopted on 22 October 2009 in Kampala. This ratification allows the country to pool its efforts with the other African States in order to promote and strengthen regional and national measures to eliminate the root causes of internal displacement and promote durable solutions.

181. At the national level, a draft bill on assistance and protection for internally displaced persons is being developed by an ad hoc commission of the Ministry of the Interior and Security.

Additional information on paragraph 33 of the concluding observations

182. Over the past two years, the share of the national budget allocated to the health sector is as follows:

<i>No.</i>	<i>Sector/Ministries</i>	<i>2017</i>		<i>2018</i>	
		<i>Amount allocated, in CGF</i>	<i>%</i>	<i>Amount allocated, in CGF</i>	<i>%</i>
7	Public health	801 271 497 662	7.84	681 714 620 461	7.64

183. With regard to the implementation of programmes, the Government refers the Committee to the section of this report related to article 12 of the Covenant.

Additional information on paragraph 34 of the concluding observations

184. Since the start of the 2010/11 school year, the Government has gradually introduced free primary education in order to accelerate progress towards universal primary education in accordance with article 43 of the Constitution.

185. With regard to the registration of births, the Government has made efforts 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).

Additional information on paragraph 35 of the concluding observations

186. A bill for the protection and promotion of the rights of indigenous Pygmy peoples was submitted to the National Assembly as an initiative from more than 50 national deputies and senators with support from the Dynamique des Groupes des Peuples Autochtones (network of indigenous peoples’ groups).

Additional information on paragraph 36 of the concluding observations

187. Discussions on the Optional Protocol to the Covenant are under way.

Additional information on paragraph 37 of the concluding observations

188. As mentioned during the presentation of the report for the second cycle of the universal periodic review, the Democratic Republic of the Congo will examine in due course any requests for visits by special procedures mandate holders. Nevertheless, it intends to continue to work closely with the special procedures mandate holders, as it has done in the past.