

Democratic Republic of Congo

Mid-term Implementation Assessment



*Promoting and strengthening
the Universal Periodic Review*
<http://www.upr-info.org>



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 26 June 2012



Follow-up Outcomes

1. Sources and results

All data are available at the following address:

http://followup.upr-info.org/index/country/democratic_republic_of_congo

We invite the reader to consult that webpage since all recommendations, all stakeholders reports, as well as the unedited comments can be found at the same internet address.

19 stakeholders' reports were submitted for the UPR. 12 NGOs were contacted. The Permanent Mission to the UN was contacted. No domestic NHRI does exist.

6 NGOs responded to our enquiry. The State under Review did not respond to our enquiry.

IRI: 73 recommendations are not implemented, 41 recommendations are partially implemented, and 0 recommendations are fully implemented. No answer was received for 46 out of 166 recommendations (full list of unanswered recommendations is available at the end of this document).

2. Index

Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
1	NHRI	page 44	not impl.
2	Technical assistance, Rights of the Child,	page 26	not impl.
3	Development	page 7	-
4	Technical assistance, Rights of the Child, Right to education,	page 27	partially impl.
5	Poverty	page 8	not impl.
6	Right to education	page 8	not impl.
7	Women's rights, Impunity,	page 27	not impl.
8	Justice, International instruments,	page 14	partially impl.
9	Women's rights, Rights of the Child,	page 28	partially impl.
11	International instruments	page 13	not impl.



rec. n°	Issue	page	IRI
12	Rights of the Child	page 29	partially impl.
14	Rights of the Child	page 29	partially impl.
15	Justice, International instruments,	page 14	not impl.
16	Other	page 45	-
17	UPR process, Civil society,	page 13	partially impl.
19	Torture and other CID treatment, Human rights violations by state agents, Detention conditions,	page 15	not impl.
20	Women's rights	page 30	not impl.
21	Women's rights, Rights of the Child, Human rights education and training,	page 32	partially impl.
22	Women's rights, Impunity, International humanitarian law,	page 28	partially impl.
23	Rights of the Child	page 29	partially impl.
24	Right to education, Poverty,	page 9	not impl.
25	International humanitarian law	page 45	partially impl.
26	Justice	page 15	not impl.
27	Right to education	page 8	not impl.
28	Women's rights, Trafficking, Rights of the Child,	page 32	not impl.
29	General	page 45	not impl.
30	Women's rights, Rights of the Child,	page 33	partially impl.
31	Human rights defenders	page 16	partially impl.
32	UPR process, Human rights defenders,	page 13	not impl.
33	Rights of the Child, Human rights education and training,	page 34	partially impl.
35	Justice	page 16	partially impl.
36	Other	page 46	not impl.
37	Women's rights, Rights of the Child, Justice,	page 32	not impl.
38	Women's rights	page 32	not impl.
40	Justice, Human rights violations by state agents,	page 16	not impl.
41	Human rights defenders, Civil society,	page 16	partially impl.
43	Human rights violations by state agents	page 17	not impl.
44	Human rights defenders, Freedom of the press, Freedom of opinion and expression, Detention conditions,	page 17	not impl.
46	Women's rights, Rights of the Child, Internally displaced persons,	page 35	partially impl.
52	Human rights defenders, Freedom of the press,	page 18	not impl.
54	Women's rights, Rights of the Child,	page 31	not impl.
55	Women's rights, Rights of the Child, Human rights education and training,	page 9	not impl.
56	Justice, Corruption,	page 18	not impl.
57	Women's rights, Human rights education and training,	page 36	partially impl.
58	Human rights violations by state agents	page 19	not impl.
59	Human rights violations by state agents	page 19	not impl.
60	Other	page 46	not impl.
61	NHRI	page 44	partially impl.
63	Justice	page 20	partially impl.
64	NHRI	page 44	not impl.



rec. n°	Issue	page	IRI
69	Women's rights, Rights of the Child, Human rights violations by state agents,	page 20	not impl.
71	Special procedures, Extrajudicial executions,	page 20	not impl.
74	Rights of the Child	page 29	partially impl.
75	Justice	page 21	not impl.
76	International humanitarian law	page 37	not impl.
77	Impunity	page 21	not impl.
79	Women's rights, Rights of the Child,	page 37	not impl.
80	Death penalty	page 21	not impl.
81	International humanitarian law	page 19	not impl.
83	Trafficking, Rights of the Child,	page 37	not impl.
84	Rights of the Child, Right to education,	page 41	not impl.
85	Women's rights, Rights of the Child,	page 33	not impl.
86	Rights of the Child	page 29	partially impl.
87	Special procedures, Human rights defenders,	page 14	not impl.
88	Impunity, Human rights defenders, Detention conditions,	page 22	not impl.
90	Women's rights, Rights of the Child, Impunity, Human rights violations by state agents,	page 36	partially impl.
91	Rights of the Child	page 34	partially impl.
92	Women's rights	page 31	not impl.
93	Death penalty	page 22	not impl.
96	Rights of the Child	page 41	not impl.
98	Women's rights	page 42	partially impl.
101	Women's rights, Rights of the Child,	page 36	not impl.
102	Death penalty	page 22	not impl.
103	Women's rights, Rights of the Child, Impunity,	page 42	not impl.
104	Right to health, Right to education,	page 9	partially impl.
105	Rights of the Child	page 34	partially impl.
106	NHRI	page 44	partially impl.
107	Technical assistance, Right to education, Human rights education and training,	page 12	partially impl.
108	Women's rights, Torture and other CID treatment, Rights of the Child, Human rights violations by state agents, Extrajudicial executions,	page 21	not impl.
109	Freedom of the press, Freedom of opinion and expression, Freedom of association and peaceful assembly, Civil society,	page 7	not impl.
113	Detention conditions	page 22	not impl.
114	Justice, International instruments,	page 16	partially impl.
118	NHRI	page 44	not impl.
119	Rights of the Child	page 32	partially impl.
120	Human rights defenders, Freedom of the press,	page 22	not impl.
121	Human rights defenders	page 23	not impl.
122	Women's rights, Rights of the Child, Civil society,	page 43	not impl.
123	Justice	page 23	partially impl.
125	Women's rights, Impunity,	page 31	not impl.
126	Human rights defenders, Freedom of the press,	page 23	not impl.



rec. n°	Issue	page	IRI
128	International instruments, Human rights defenders,	page 16	partially impl.
129	Rights of the Child, Labour,	page 37	not impl.
131	Rights of the Child	page 29	-
132	Women's rights, Rights of the Child, Impunity, Human rights violations by state agents,	page 36	partially impl.
133	Rights of the Child	page 41	not impl.
134	Justice, Human rights education and training,	page 23	not impl.
135	Right to housing, Right to health, Right to education, Poverty,	page 9	partially impl.
136	Women's rights	page 43	not impl.
137	Women's rights, Rights of the Child, Human rights education and training,	page 44	not impl.
138	Women's rights	page 36	partially impl.
140	Corruption	page 24	not impl.
141	Human rights defenders, Freedom of the press, Civil society,	page 24	not impl.
142	Detention conditions	page 25	-
144	Impunity, International humanitarian law,	page 19	not impl.
145	Women's rights, Rights of the Child, Impunity,	page 44	not impl.
146	Justice	page 25	partially impl.
147	Human rights defenders, Freedom of the press,	page 24	not impl.
149	Human rights defenders	page 24	not impl.
150	Detention conditions	page 25	not impl.
151	Justice, International instruments,	page 14	partially impl.
152	NHRI	page 45	not impl.
155	Public security	page 25	partially impl.
156	Freedom of the press	page 7	partially impl.
157	Women's rights, Rights of the Child,	page 36	partially impl.
158	Rights of the Child	page 30	partially impl.
160	Justice, International instruments,	page 26	-
161	Rights of the Child	page 37	not impl.
162	Impunity, Human rights violations by state agents,	page 26	-
165	Special procedures	page 14	not impl.
166	Development	page 13	not impl.

3. Feedbacks on recommendations

CP Rights

Recommendation n°109: *Ensure that members of political parties, media and civil society are permitted to exercise freely their rights to free expression, association and peaceful assembly according to international standards (Recommended by Netherlands)*

IRI: *not implemented*

Coalition nationale des ONGDH pour l'Examen périodique universel de la République Démocratique du Congo (CONEPU) response:

Aucun effort fourni.

Recommendation n°156: *Ensure the safety of journalists and take further steps to create an environment conducive to a free and independent media. (Recommended by United Kingdom)*

IRI: *partially implemented*

CONEPU response:

Aucun effort fourni (malgré la mise en place du CSAC : Conseil Supérieur de l'Audio visuel et de la Communication, les médias partisans dominent l'espace médiatique et cette Autorité de régulation ne jouit pas pleinement de l'indépendance requise pour son efficacité, compte tenu de sa composition ; ses animateurs étant inféodés au Pouvoir en place).

ESC Rights

Recommendation n°3: *Launch an urgent appeal to the international community to provide the Congolese population with aid for the strengthening of basic infrastructure, such as the construction of distribution centres for drinking water, roads, housing, power stations, etc. (Recommended by Algeria)*

IRI: -

CONEPU response:

Seule la ville province de Kinshasa a bénéficié un peu des contrats chinois quant à la réhabilitation des routes ainsi que la Province du Katanga par les efforts personnels de l'Autorité provinciale. L'Est du pays est un mouiroir (pas de desserte suffisante en eau et électricité, routes très délabrées, paupérisation à outrance de la population, insécurité grandissante et tueries sauvages non suivies d'enquêtes et poursuites judiciaires des criminels,...).



Centre d'Études et de Formation Populaires pour les Droits de l'Homme (CEFOPDH) response:

Rien à signaler

Recommandation n°5: *Continue to develop efforts to implement strategies to reduce poverty in line with the Millennium Development Goals.* (Recommended by Angola)

IRI: *not implemented*

CONEPU response:

Aucun effort déployé.

CEFOPDH response:

Un document sur la réduction de la pauvreté dans le cadre de l'atteinte des objectifs millénaires pour le développement existe. Mais le pays occupe aujourd'hui la dernière place des différents classements annuels du PNUD consacrés au développement, se positionnant 187ème sur 187 pays. Malgré de légères améliorations, l'espérance de vie et la mortalité infantile sont très en-dessous de la moyenne régionale. Le revenu national par habitant s'élève à moins de 50 cents par jour. La RDC ne va remplir aucun de ses Objectifs du Millénaire pour le développement. 1,7 million de Congolais sont déplacés, et 500 000 sont réfugiés à l'extérieur de leur pays. Dans l'est du pays se profilent des signes préoccupants de résurgence du conflit. La population congolaise continue de souffrir.

Recommandation n°6: *Increase available resources for education.* (Recommended by Angola)

IRI: *not implemented*

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Recommandation n°27: *Continue the comprehensive efforts to improve the system of education.* (Recommended by Belarus)

IRI: *not implemented*

Franciscans International (FI) response:

La période de 2006 à 2011 est marquée par de nombreuses violations flagrantes des droits de l'homme, concernant notamment le droit à l'éducation de l'enfant.

La gratuité de l'enseignement n'est toujours pas effective. Selon le rapport de l'Association africaine de Défense des droits de l'Homme (ASADHO), le Président de la République a fait un effort pour la rendre effective, mais le Ministre de l'enseignement primaire, chargé d'exécuter sa décision en a limité l'accès aux élèves de la 1ère à la 3ème primaire en excluant ceux des villes de Kinshasa et Lubumbashi. Cette mise en œuvre timide a davantage aggravé la situation des enseignants déjà mal payés par l'Etat et les employeurs privés, dans la mesure où ce sont les parents qui contribuent au paiement de tous les frais de fonctionnement et de prise en charge des enseignants d'élèves.

Même si de maigres efforts ont été constatés dans la réhabilitation de quelques écoles, des problèmes sérieux continuent à se poser. Les enseignements sont toujours dispensés dans des infrastructures délabrées, non conformes à leur destination.



CEFOPDH response:

Dans les différents budgets de l'Etat, les rubriques des ressources pour l'éducation, sont les moins servies

CONEPU response:

Aucun effort déployé.

Recommendation n°24: *Redouble its efforts to reduce poverty and increase national spending on education to eliminate the high level of illiteracy.* (Recommended by Azerbaijan)

IRI: *not implemented*

CONEPU response:

Aucun effort déployé.

Recommendation n°55: *Provide human rights education and sensitivity training to all members of civil service, armed forces, prison and judicial staff, focusing specifically on protection of human rights of women, children and other vulnerable groups.* (Recommended by Czech Republic)

IRI: *not implemented*

CONEPU response:

Aucun effort fourni.

Recommendation n°104: *Make the necessary efforts to increase spending on social programmes, particularly with respect to education and access to health.* (Recommended by Mexico)

IRI: *partially implemented*

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Recommendation n°135: *Continue to strengthen measures aimed at poverty eradication, facilitation of access to medical care and services, and education and housing, especially for the rural poor.* (Recommended by South Africa)

IRI: *partially implemented*

FI response:

Le Fonds des Nations Unies pour la Population (UNFPA) a mis en place un programme de plaidoyer auprès du Ministère de la santé pour obtenir le lancement de la CARMMA (Campagne pour l'Accélération de la Réduction de la Mortalité Maternelle en Afrique), par l'introduction du vaccin contre le pneumocoque dans le programme de vaccination de routine dans le pays.

Le 4 avril 2010, en présence d'une bonne partie des officiels congolais dont différents ministres représentant les Ministères de la santé, de la jeunesse et des sports, de l'enseignement primaire, secondaire et professionnel, des députés et sénateurs ainsi que les membres des agences onusiennes, la Représentante de l'Unicef, dans son discours sur l'introduction du vaccin contre le pneumocoque, a noté le manque réel d'une volonté des autorités étatiques de doter un budget conséquent pour le secteur de santé. De plus, elle a déploré l'absence d'une loi promulguant la promotion du planning familial qui mobilise et alloue des ressources pour la santé maternelle. La Campagne d'Accélération pour la Réduction de la



Mortalité Maternelle et Néonatale en Afrique (CARMMA) reste inopérante sur toute l'étendue du territoire.

Par conséquent, la non effectivité du droit à la santé reproductive s'explique par l'absence des consultations prénatales pour les femmes enceintes entravant le suivi de leur état de grossesse jusqu'à l'accouchement. On déplore le manque de volonté des autorités étatiques de doter les hôpitaux en équipement, banques de sang et médicaments, et de sensibiliser la population sur la prévention contre la mortalité maternelle.

En RD Congo des structures associatives interviennent de manière ponctuelle sur le terrain afin de dispenser des aides médicales et distribuer des produits alimentaires aux plus vulnérables.

Un effort dans ce sens est engagé du côté du Ministère de la santé pour la réduction de mortalité infantile et des mères.

Malgré la consécration par la Constitution du 18 février 2006 du droit pour tous les Congolais de jouir de bien des droits, dont celui à la santé (art.47), la RD Congo contribue à 50 % de la mortalité maternelle dans le monde . Selon l'Enquête Démographique et Santé (EDS) réalisée en RDC, la mortalité maternelle est devenue un réel problème de santé publique des femmes qui, en voulant donner la vie, perdent la leur. La fréquence des avortements, des infections pendant et après la grossesse et d'autres maladies (le paludisme, tuberculose, etc.) en sont les principales causes.

Ainsi, la protection des droits des femmes et l'amélioration de la santé maternelle comme la prévention du VIH/SIDA restent très limitées et les efforts dans ce domaine sont moins visibles. De manière générale, la situation sanitaire de la femme et de la jeune fille congolaise est déplorable, car celles-ci vivent toujours dans une situation de grande précarité.

A la suite du lancement en septembre 2010, suite à l'initiative du Secrétaire général de l'ONU sur la santé maternelle et infantile, des actions « pour une génération sans SIDA » et la lutte contre la mortalité maternelle en RD Congo ont été initiées par le Chef de l'Etat.

CONEPU response:
Bilan mitigé

World Vision International (WV) response:

The child's right to health faces widespread challenges in the DRC, affecting every member of the population. The population's low average income makes it difficult for most households to fund basic needs like food, education and health. The public services offered in these areas do not always meet the needs of the population. The major challenges in the health sector include the lack of an adequate health system, including adequate human and material resources. With poverty has come an increased level of malnutrition and other diseases. The crisis has also affected the level of women's health, due to the fact they are not able to access and pay for basic



health services. Furthermore, these women must continue to try and sustain their family's declining level of purchasing power. With the planned decentralization at the national governance level, the burden of responsibility to address health issues will be borne by provincial governments. However, so far this has not been accompanied by a decentralization of funds, meaning that local governments have limited capacity to create and maintain programs, especially when local resources are divided amongst competing development sectors.

- **Child Mortality:** Data indicates a great challenge in reducing the number of preventable deaths.. Under-five mortality remains extremely high with 170 children from 1,000 live births. Of these, 42 babies die during their first month, and 50 die between the age of one month and one year. According to World Vision's Child Health Now Campaign assessment, the probability that a Congolese child will die before the age of five is among the highest in Africa and the world.

- **Malaria:** Malaria remains the main cause of mortality in children under five with estimates that between 150,000 and 250,000 die each year, and recent statistics show that still only 39% of children who experience fever are provided with anti-malaria medication. Vector control, based on widespread use of insecticide-treated mosquito nets (ITNs), is currently one of the main components of the national program for reducing child morbidity and mortality. Although it is on the increase, ITN use is still insignificant.

- **Malnutrition:** In 2010, nearly one in four children was underweight, with children in rural areas (27%) much more likely to be severely affected than those in urban areas (17%). At the provincial level, Kinshasa, Equateur, Maniema and Katanga are those where the level of malnutrition is the best: 13% (Kinshasa and Equateur) and 20% (Maniema and Katanga) against the worst affected provinces - Bandundu, Bas-Congo Province Orientale, the Kivus and the Kasais (all greater than 25%).

- **Environmental Health:** Poor drinking water supply, in addition to poor sanitation facilities, is a major factor in the recurrence of cholera epidemics in the provinces of Katanga, North & South Kivu and some densely-populated neighborhoods in Kinshasa.

- **Maternal Mortality:** The maternal mortality rate in 2007 was estimated at 549 deaths for 100,000 live births, and there are no indications that there has been any significant improvement in this respect. . That means 15,000 mothers are dying every year during pregnancy, delivery or after delivery, keeping DRC amongst the 6 countries responsible for 50% of maternal mortality in the world. Contributing factors are pregnancies of those who are either too young or too old. Delays are another contributing factor in recognizing complications (associated with poor education, lack of access to information and, gender inequality). Access issues related to user costs, distance and delay in receiving adequate care after reaching the facility due to shortages in staff and their lack of action all contribute to this problem.

The public health system in the DRC remains weakened by many years of mismanagement in political and administrative areas of governance. Many of the



challenges stem from the fact that the official budget allocated annually for the health represents only 5% of the entire national budget. This fails to cover the real needs that are present in the communities across the country. The system suffers from a serious shortage of medical personnel and those who are working are demoralized and discouraged with many not receiving regular or sufficient pay.

- Health Funding: Access to healthcare remains a major issue as most people cannot afford health care. The Government has a national health strategy in place to provide access to health, but the delivery of that care remains sporadic and incomplete. Most health care is funded by private enterprises and international partners. Because the national budget allocation is so low, households must contribute more of their livelihoods to healthcare. Based on Ministry of Health projections, the country will probably see no fundamental change in the next five years. Public spending on children's health does not exceed 0.3% (including both central and provincial government). Child health is mainly handled by international development assistance and households, who split spending 54%/46% respectively.

- Human Resources: The ratio of doctors is 1.1 per 10,000 inhabitants, compared to the sub-Saharan average 2.3. The ratio of nurses and midwives is estimated at 5.3 per 10,000 inhabitants again far less than the regional average at 10.9. In reality, the situation is even worse than these statistics, with the quality of the medical units deteriorating over time. Salaries of medical personnel are very low, meaning they cannot always give all their full-time attention to providing services as they try to find other sources of income. This could be direct and informal provision of services by the medical personnel or simply be a combination with other medical or other activities outside the workplace. Generally, payment is required before any health service is provided, even for emergencies.

- Low transparency and poor channeling of resources toward the health zones: The Ministry of Public Health has three levels: the national level, the provincial level and the peripheral level constituted by the Health Zone. The country is divided into 515 Health Zones, each covering a population of 100,000 to 150,000 inhabitants and having at least one reference hospital and between one and three Health Centers. Each Health Center has at least one nurse capable of giving basic preventive and curative treatment. The Health Centers and Reference Hospitals are meant to be reserved for serious medical cases. In practice, many of the public HC are dysfunctional, lacking medicines and basic medical equipment. And though there have been recent positive efforts in this area they are still far from producing substantial results nationally. The country's elite often goes abroad to seek substantive health care. There is a serious need of channeling resources equitably from the Ministry of Health to the health zones to meet needs at the local level. Better coordination of funds from different actors working in health in the DRC can help to have a significant impact on the ground.

Recommendation n°107: With the support of the international community, persevere in its efforts in education in order to guarantee the realization of this right for all and



integrate education and human rights training in its curriculum. (Recommended by Morocco)

IRI: *partially implemented*

CONEPU response:

Bilan mitigé

Recommendation n°166: Take measures to diversify its economy with a view to reducing its dependence on the export of primary products. (Recommended by Zimbabwe)

IRI: *not implemented*

CONEPU response:

Aucun effort fourni, étant donné l'insécurité qui sévit dans les parties du pays où les populations s'adonnaient à l'agriculture et à l'élevage. Actuellement, nous comptons plus de 100'000 déplacés à l'intérieur comme à l'extérieur de l'Est de la RDC suite à la nouvelle crise provoquée par le retranchement de Bosco NTAGANDA et la naissance du nouveau mouvement armé, le M23. Le gouvernement n'a élaboré aucune politique nationale de réduction de la pauvreté et de la réduction de la dépendance à l'égard de pays limitrophes et de l'Occident pour ravitailler en denrées alimentaires les Congolais, alors que le pays regorge des potentialités impressionnantes sur le plan de la production agricole.

International Instruments

Recommendation n°11: Sign and-or ratify the following international human rights instruments: the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, ICCPR-OP 2, the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women, OP-CAT, ICRMW, CED and CRPD and its Optional. (Recommended by Argentina)

IRI: *not implemented*

CONEPU response:

Aucun effort pour ratifier ces instruments

Recommendation n°17: Continue close cooperation with various stakeholders and non-governmental organizations in the follow-up of its review. (Recommended by Austria)

IRI: *partially implemented*

CONEPU response:

Le plan de mise en œuvre des recommandations de l'EPU par le Gouvernement, par exemple, n'a été dévoilé à la Société Civile qu'après beaucoup d'insistance et n'a été préalablement discuté.

Recommendation n°32: Associate human rights defenders in the following up and implementation of recommendations which it will accept in the context of its universal periodic review. (Recommended by Belgium)

IRI: *not implemented*



CONEPU response:

Dans le cadre de l'Entité de Liaison des droits de l'homme et du CMJ, le Ministère de la Justice et des droits humains avait fourni des efforts notables, mais restés vains sur le plan pratique, étant donné que l'appui institutionnel des partenaires internationaux n'est pas effectif et le plan national de mise en œuvre des recommandations de l'EPU non opérationnel. La mise en place d'un nouveau Gouvernement est venu bloquer davantage la machine. Actuellement, tout tourne au ralenti (pas d'échanges, pas de communication,...).

Recommendation n°87: *During the consultation on human rights defenders referred to by the Minister of Human Rights, invite the Special Rapporteur on human rights defenders to help establish laws and structures which will be in accordance with the realities of the country. (Recommended by Ireland)*

IRI: not implemented

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Recommendation n°165: *Continue on its path of cooperation with the special procedures of the Human Rights Council and other relevant regional mechanisms. (Recommended by Zimbabwe)*

IRI: not implemented

CONEPU response:

Aucun effort fourni.

Justice

Recommendation n°8: *Bearing in mind the accusations of war crimes and crimes against humanity, incorporate the Rome Statute into the internal legislation as soon as possible. (Recommended by Argentina)*

IRI: not implemented

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Recommendation n°151: *Work to ensure that the legislation necessary to give effect to the Rome Statute be adopted as soon as possible, prosecute all those accused of war crimes and crimes against humanity, regardless of their position in the hierarchy, and strip of their function in the army or civil service those identified as perpetrators of grave human rights violations. (Recommended by Switzerland)*

IRI: not implemented

CONEPU response:

Pas de loi de mise en œuvre du Statut de Rome jusqu'à ce jour.

CEFOPDH response:

Une proposition de loi portant de mise en œuvre du statut de Rome existe et été adoptée par l'Assemblée Nationale, l'on attend son adoption par le Sénat et sa promulgation par le Chef de l'Etat

Recommendation n°15: *Ensure that International Criminal Court arrest warrants are executed regardless of rank - the Rome Statute is enacted into domestic law -*



demobilization and reintegration are accelerated - and the Security Council's recommendations on military officer screening and transitional justice are implemented (Recommended by Australia)

IRI: not implemented

Justice Peace and Integrity of Creation (JPIC) response:

The poor will of DRC government to arrest Bosco Tanganda ; who is active until now in Forces armées de la République Démocratique du Congo (FARDC).

CEFOPDH response:

Cette recommandation n'a pas été mise en œuvre par manque de volonté politique. Aucun effort n'a été mené par le Gouvernement Congolais là-dessus.

Recommendation n°19: Ensure access for all detainees to legal counsel and judicial oversight as well as the effective investigation and prosecution of alleged cases of torture by security forces. (Recommended by Austria)

IRI: not implemented

JPIC response:

The law stipulating torture as an offense was promulgated 21st July 2011; detainee conditions remain a core issue in the legal system of DRC. No legal counsel or prosecutor can get in contact with the detainee, and he may be detained for months or years when the law sets 48 hours to send him before a prosecutor.

CEFOPDH response:

Plusieurs cas de torture du fait des forces de sécurité ont été dénoncés sans suite de la part du Gouvernement.

Recommendation n°26: Take effective measures to strengthen the independence of the judiciary. (Recommended by Azerbaijan)

IRI: not implemented

JPIC response:

This is a big issue. They are working in poor conditions. They are not free to prosecute any offense committed by officials, unless they obtain formally or informally the authorisation to prosecute. Secondly, because senior magistrates of the Supreme Court are chosen by the president of DRC, and their budget is managed by the government, how can the independence of judiciary be effective? They need to manage their own budget, the senior magistrate must to be elected by other magistrates, this is the only way to make it independent

CONEPU response:

Bilan mitigé, car malgré le recrutement de nouveaux magistrats et la mise en évidence de la politique de tolérance zéro, le politique s'immisce dans les prérogatives du Pouvoir judiciaire. Ce dernier n'est pas effectivement indépendant et autonome, comme le prévoit la Constitution.

CEFOPDH response:

La loi sur le statut des magistrats et l'existence du Conseil Supérieur de la Magistrature ont constitué des progrès théoriques. Mais dans la pratique, il se révèle plusieurs cas d'immixtion de l'Exécutif dans le judiciaire. Un effort est encore à faire



Recommendation n°31: *Adopt a law to protect the rights of human rights defenders as well as a plan to ensure their security, particularly in the east of the country. Conduct an appropriate investigation and publicly condemn attacks against human rights defenders.* (Recommended by Belgium)

IRI: *partially implemented*

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Recommendation n°41: *Elaborate legislation for the protections of human rights defenders in consultation with civil society and the relevant international agencies, and adopt such legislation* (Recommended by Canada)

IRI: *partially implemented*

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Recommendation n°128: *Adopt an effective legal framework for the protection of human rights activists in line with the Declaration on Human Rights Defenders.* (Recommended by Slovakia)

IRI: *partially implemented*

CONEPU response:

Rien n'a encore été fait dans le sens de cette recommandation

CEFOPDH response:

Un projet de loi existe sur l'initiative des ONG des droits de l'homme, mais ce projet des lois tarde à être adopté.

Recommendation n°35: *Fully cooperate with the International Criminal Court.* (Recommended by Brazil)

IRI: *partially implemented*

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Recommendation n°114: *Take all necessary measures to execute arrest warrants issued by the International Criminal Court.* (Recommended by Netherlands)

IRI: *partially implemented*

CONEPU response:

Bilan mitigé, car certains justiciables circulent librement, restent impunis et non transférés à la Cour.

Recommendation n°40: *Arrest and bring to justice members of the armed forces of the Democratic Republic of the Congo who perpetrate sexual violence or any other form of human rights violations, without exception and without regard to their rank.* (Recommended by Canada)

IRI: *not implemented*

JPIC response:

This is a big issue. A military operational public prosecutor on the eastern part in DRC, has said that the perpetrator of sexual violence or human rights violations are most of the time the same who are supposed to provide for his office food, housing or transportation for its different assignments or missions in its area of operation. This makes it very difficult if not impossible to prosecute these men. The perpetrators are also most of the time protected by a high ranking untouchable officer, [...]

CONEPU response:

Bilan mitigé (quelques interventions sporadiques et isolées moins significatives par rapport à l'ampleur du phénomène)

CEFOPDH response:

Il n'a été pris aucune mesure pour mettre un terme à la corruption endémique, au manque de discipline et à la faiblesse des structures de commandement qui nuisent aux efforts de réforme dans le secteur de la sécurité. Malgré la déclaration à fort retentissement du Président Kabila en juillet 2009 annonçant une « tolérance zéro » à l'égard de la violence sexuelle et de la corruption, la situation sur le terrain a peu évolué. Le soutien accordé à la justice, aux enquêtes et à la lutte contre la corruption est minime, et manifestement inadéquat – le ministère de la Justice s'est ainsi vu attribuer seulement 0,1 % des dépenses gouvernementales en 2011, et son budget aurait chuté de 47 % de 2007 à 2009. De nombreux individus qui occupent un poste à responsabilité au sein du gouvernement ou de l'armée continuent de profiter de la corruption, que ce soit en se servant sur les salaires, en prélevant des commissions illicites, en prenant part à l'exploitation ou au commerce illégal des minerais ou en commettant des actes constituant un racket de protection.

Recommendation n°43: *Put a vetting process in place in the Congolese security forces, based on the past record of its members, with the aim of preventing the recruitment of individuals who have committed human rights violations.*
(Recommended by Canada)

IRI: not implemented

CEFOPDH response:

Rien n'a encore été fait dans le sens de cette recommandation

Recommendation n°44: *Stop the intimidation, threatening and arrest of human rights defenders and journalists and release political prisoners who are still in detention*
(Recommended by Canada)

IRI: not implemented

Reporters sans frontières - Reporters without borders (RSF) response:

Le régime du président Kabila ne montre pas de volonté de cesser les intimidations, les menaces et les arrestations de journalistes. Au contraire la répression s'est accentuée sur les médias à l'approche des élections et s'est poursuivie après le 28 novembre 2011, date des élections présidentielles et législatives. La campagne s'est caractérisée par des arrestations, des agressions lors des manifestations, la confiscation de matériel. Plusieurs radios et télévisions ont été fermées et suspendues de diffusion suite au passage de membres de l'opposition. On a recensé pour l'année 2011 un meurtre de journaliste, 42 arrestations, 57 cas de menaces et agressions, 43 cas de censure et d'entraves à la circulation de l'information, 17 cas de pression sur les médias.

CEFOPDH response:

Rien n'a encore été fait dans le sens de cette recommandation



Recommendation n°52: *Adopt measures to ensure protection of journalists and human rights defenders against harassment, attacks and arbitrary detention. (Recommended by Czech Republic)*

IRI: *not implemented*

RSF response:

Aucune mesure permettant la protection des journalistes n'a été engagée. Les délits de la presse ne sont toujours pas dépenalisés. Les journalistes courent donc le risque d'être arrêtés en raison même de leur travail. De nombreuses condamnations pour diffamation ont été prononcées à leur encontre. Par ailleurs RSF a relevé plusieurs cas de condamnation « par défaut » pour « diffamation », « mauvaise foi », « dénonciation calomnieuse ». La justice congolaise peut s'appuyer sur arsenal législatif archaïque et obsolète, notamment l'article 74 du code pénal, datant de l'époque de la dictature, qui privilégie « l'honneur et la considération » de la personne incriminée.

Les professionnels de l'information congolais sont la cible d'agressions, de violences. Cependant la justice n'ouvre pas systématiquement de procès. Des audiences ont parfois lieu, mais en ne respectant pas les standards internationaux et en se basant sur des enquêtes souvent bâclées. Soit ces procès n'aboutissent à rien, soit ils se clôturent sur la condamnation de suspects dont la culpabilité n'est pas avérée. Ces simulacres de procès entretiennent la culture de l'impunité et favorisent la répétition des meurtres à l'encontre des professionnels de l'information.

CONEPU response:

Restée un vœu pieux.

CEFOPDH response:

Aucune mesure effective n'a été prise. La situation des défenseurs des droits de l'homme et des journalistes ne fait que s'empirer davantage.

Recommendation n°56: *Strengthen measures to ensure the independence of the judiciary, fight corruption and political interference and expand the State justice system effectively in rural territories. (Recommended by Czech Republic)*

IRI: *not implemented*

FI response:

L'indépendance de la justice et la lutte contre la corruption ne sont toujours pas effectives, bien que la corruption soit prohibée par le code pénal congolais (décret du 30 janvier 1940), l'ordonnance Loi 1973-017 du janvier 1973, art.2 (...) stipule que la peine y relative va jusqu'à 20 ans de travaux forcés, selon l'art. 147 du code pénal. L'accès égal de tous à la justice n'est pas réalisé, puisque caractérisé par une justice à double vitesse, de laquelle les bénéficiaires sont les plus nantis au détriment des plus vulnérables. Le favoritisme et le clientélisme, la loi du plus fort gangrèment l'appareil judiciaire congolais.

JPIC response:

Politics always interfere in judiciary work. Some prosecutors have been assigned to other locations because they refuse to obey political order. Corruption will decrease if the government increases the salary of the magistrates and improve their work



conditions. They need to manage their own budget, and have partner logistic support to implement judiciary facilities in rural territories, because magistrates cannot agree to go to rural territories where there are no facilities for either an office or a house, no medical unit available etc.

CONEPU response:

Aucun effort fourni

CEFOPDH response:

Certaines mesures encourageantes ont été prises, notamment la politique de tolérance zéro, l'existence du Conseil Supérieur de la Magistrature. Mais malgré ces mesures, l'Exécutif surtout dans les Provinces du Pays s'immisce dans le judiciaire. Par exemple, lors de la période des élections dans la ville de Mbuji-Mayi dans la Province du Kasai Oriental en RDC, l'on a vu l'Exécutif Provincial donner des injonctions aux Instances Judiciaires sur des cas précis

Recommendation n°58: *Ensure that all individuals, including members of the armed forces, police and intelligence services, suspected of committing crimes under international law or other serious human rights abuses are brought to justice in fair trials.* (Recommended by Denmark)

IRI: not implemented

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Recommendation n°81: *Take all necessary measures to ensure that those responsible for violations of international law, including human rights and international humanitarian law, are held accountable* (Recommended by Greece)

IRI: not implemented

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Recommendation n°144: *Continue and strengthen the efforts to eliminate impunity and ensure that all alleged perpetrators of crimes against international human rights and humanitarian law are brought to justice.* (Recommended by Sweden)

IRI: not implemented

JPIC response:

How can a protector send his protected on trial run by himself, is that a fair trial? They may certainly find not guilty.

CONEPU response:

Aucun effort fourni.

CEFOPDH response:

Rien n'a encore été fait dans le sens de cette recommandation

Recommendation n°59: *Establish an independent vetting mechanism to exclude suspected perpetrators of gross human rights violations from the army, police and intelligence services.* (Recommended by Denmark)

IRI: not implemented

JPIC response:

Only the US state department does it. You can attend any training run by US if you are not vetted. This needs to be extended to other partners



CEFOPDH response:

Rien n'a encore été fait dans le sens de cette recommandation

Recommendation n°63: *Further pursue programmes for the reform of the justice system, and the police and security services, with a view to concretizing its will to better protect the human rights of its citizens in the country. (Recommended by DPR Korea)*

IRI: *partially implemented*

JPIC response:

The reform of justice system, police etc... depend on the will of the government. How can they reform something when they don't provide funds for it. 'Transitional' justice mechanisms have been introduced across much of the Global South as a response to conflict and promise accountability and redress for victims of violence. Their impact, however, has been disappointing. Lasting conflict resolution requires deeper reforms based on 'transformative' justice, or the introduction of policies that target the structural inequalities and state biases and/or fragilities. Though not entirely a new concept, transformative justice is currently inadequately theorised and insufficiently analysed, empirically and comparatively.

CONEPU response:

Bilan mitigé

CEFOPDH response:

L'on note quelques avancées avec la Réforme de la Police Nationale Congolaise avec la promulgation le 11 août 2011 d'une nouvelle loi portant organisation et fonctionnement de la PNC et avec l'existence d'une vision consensuelle de la nouvelle Police, Mais des pas de plus encore à attendre dans le cadre de la Réforme de l'armée, de la justice et des services de renseignement qui sont encore des réformes théoriques.

Recommendation n°69: *Ensure that officers and military personnel responsible for human rights violations, particularly sexual violence, are prosecuted, especially in cases which have been brought to the attention of the authorities by the Security Council (Recommended by France)*

IRI: *not implemented*

CONEPU response:

Aucun effort fourni

CEFOPDH response:

Rien n'a encore été fait dans le sens de cette recommandation

Recommendation n°71: *Implement the recommendations made by the Special Rapporteur on extrajudicial, summary or arbitrary executions during his recent visit to the Democratic Republic of the Congo (Recommended by France)*

IRI: *not implemented*

CONEPU response:

Aucun effort fourni.



Recommendation n°75: *Increase its efforts to reform FARDC, and bring the perpetrators of atrocious crimes committed against the wider population from within the military to justice. (Recommended by Germany)*

IRI: *not implemented*

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Recommendation n°108: *Ensure investigation and prosecution of all soldiers, police officers, intelligence agents and any other official, including higher-level ranking officers of FARDC, implicated in killing, torture, rape and other human rights violations (Recommended by Netherlands)*

IRI: *not implemented*

JPIC response:

The challenge here is a rank problem. A general in a jail cannot have a fair trial because of the lack of generals in military justice. According to the military justice code the tribunal must have at least the same rank as the accused. Secondly the chain of command sometimes influences the prosecution. Military justice seems also to depend on the defense ministry regard of the military actors or issue.

+

This is a great problem because the position of these officers influences the prosecution of the cases. We have some intelligence custody, where even a public prosecutor, military or civilian, cannot control, even if the judiciary police officer who works directly under the prosecutor have only 48 hours to transfer the case and detainee, but these are hard cases to prosecute

CEFOPDH response:

L'échec de la réforme du secteur de la sécurité (RSS) est imputable à un manque de volonté politique aux échelons les plus élevés du gouvernement congolais. Au lieu de présenter une vision de la sécurité congolaise et de prendre les mesures nécessaires pour la concrétiser, le gouvernement a encouragé l'établissement de divisions au sein de la communauté internationale et permis à des réseaux corrompus actifs, présents au cœur même des services de sécurité, de prospérer en dérobant les ressources censées couvrir les salaires de base ou en profitant de l'exploitation des ressources naturelles.

CONEPU response:

Restée vœu pieux

Recommendation n°77: *Continue to bring to justice all those who have participated in war crimes, crimes against humanity and other heinous acts, and combat impunity in society. (Recommended by Ghana)*

IRI: *not implemented*

CEFOPDH response:

Rien n'a encore été fait dans le sens de cette recommandation

Recommendation n°80: *Speedily implement provisions related to the intention of the Government to abolish capital punishment. (Recommended by Greece)*

IRI: *not implemented*

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Recommendation n°93: *Introduce a formal moratorium on the death penalty with a view to its abolition.* (Recommended by Italy)

IRI: *not implemented*

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Recommendation n°102: *Transform the de facto moratorium on the application of the death penalty into an abolition in law.* (Recommended by Luxembourg)

IRI: *not implemented*

CEFOPDH response:

Rien n'a encore été fait dans le sens de cette recommandation

Recommendation n°88: *End all forms of attacks and harassments as well as cases of arbitrary arrest of human rights defenders and address the problem of impunity for these acts.* (Recommended by Ireland)

IRI: *not implemented*

CONEPU response:

Aucun effort fourni

CEFOPDH response:

Rien n'a encore été fait dans le sens de cette recommandation

Recommendation n°113: *Strengthen measures to improve conditions in the prisons.* (Recommended by Netherlands)

IRI: *not implemented*

JPIC response:

The conditions in prisons are very poor. Children in jail cannot be properly educated and adults imprisoned become more dangerous than before their imprisonment, because of the lack of educational and training programmes. The military prison of Ndolo is a sign of reform. Now all military detainees are kept in Ndolo prison, even though it had been broken 5 months ago and its location in the commune of Barumbu is a security problem.

CONEPU response:

Aucun effort fourni

Recommendation n°120: *Ensure that crimes and violations against human rights defenders and journalists are effectively investigated and prosecuted* (Recommended by Norway)

IRI: *not implemented*

JPIC response:

Investigators are public agents. Most of the time officials are early in the investigation step list as partner of crime. This is why these cases are not seriously prosecuted

RSF response:

Les professionnels de l'information congolais sont la cible d'agressions, de violences. Cependant la justice n'ouvre pas systématiquement de procès. Des audiences ont parfois lieu, mais en ne respectant pas les standards internationaux et en se basant sur des enquêtes souvent bâclées. Soit ces procès n'aboutissent à rien, soit ils se clôturent sur la condamnation de suspects dont la culpabilité n'est pas avérée. Ces



simulacres de procès entretiennent la culture de l'impunité et favorisent la répétition des meurtres à l'encontre des professionnels de l'information.

CONEPU response:

Restée un vœu pieux.

Recommendation n°121: *Forcefully denounce attacks against human rights defenders and that State authorities give human rights defenders legitimacy and recognition through supportive statements.* (Recommended by Norway)

IRI: *not implemented*

JPIC response:

Human rights are a taboo topic in DRC, and human rights defenders are not welcomed and seem to be an enemy of the public institution. This is why they cannot provide a law to protect human right defenders

Recommendation n°123: *Pursue effectively its recently adopted Plan of Action for Justice Reform, inter alia by allocating the necessary resources for its prompt and full implementation* (Recommended by Norway)

IRI: *partially implemented*

JPIC response:

The justice reform has started but it is far from being complete because of the lack of political will as well as funds for its implementation.

CONEPU response:

Bilan mitigé

Recommendation n°126: *Make further efforts to address reported cases of obstructions to human rights activities, including attacks and threats against journalists and human rights activists.* (Recommended by Republic of Korea)

IRI: *not implemented*

RSF response:

Les professionnels de l'information congolais sont la cible d'agressions, de violences. Cependant la justice n'ouvre pas systématiquement de procès. Des audiences ont parfois lieu, mais en ne respectant pas les standards internationaux et en se basant sur des enquêtes souvent bâclées. Soit ces procès n'aboutissent à rien, soit ils se clôturent sur la condamnation de suspects dont la culpabilité n'est pas avérée. Ces simulacres de procès entretiennent la culture de l'impunité et favorisent la répétition des meurtres à l'encontre des professionnels de l'information.

CONEPU response:

Aucun effort déployé.

Recommendation n°134: *Consider developing a comprehensive plan for the training of the judiciary, as well as a structured remuneration package that addresses conditions of service.* (Recommended by South Africa)

IRI: *not implemented*

CONEPU response:

Aucun effort déployé.



Recommendation n°140: *Implement an effective programme to combat corruption, with the establishment of a better financed judicial system.* (Recommended by Spain)

IRI: *not implemented*

FI response:

L'indépendance de la justice et la lutte contre la corruption ne sont toujours pas effectives, bien que la corruption soit prohibée par le code pénal congolais (décret du 30 janvier 1940), l'ordonnance Loi 1973-017 du janvier 1973, art.2(...) stipule que la peine y relative va jusqu'à 20 ans de travaux forcés, selon l'art. 147 du code pénal.

L'accès égal de tous à la justice n'est pas réalisé, puisque caractérisé par une justice à double vitesse, de laquelle les bénéficiaires sont les plus nantis au détriment des plus vulnérables. Le favoritisme et le clientélisme, la loi du plus fort gangrènent l'appareil judiciaire congolais.

JPIC response:

How can corruption be eradicated, when the judicial system is not well equipped, but also agents are not well paid, money is the core of the corruption issue. Only good social conditions for agents of the judicial system may be the beginning of the implementation of such a programme.

CONEPU response:

Aucun effort fourni.

CEFOPDH response:

Il y a au niveau national, une Commission de lutte contre la corruption et des discussions en profondeur ont été entamées dans le cadre de la stratégie nationale de lutte contre la corruption. Mais en pratique, il y a toujours un enrichissement illicite de ceux qui sont au pouvoir dont on ne contrôle pas la traçabilité de l'acquisition de leurs biens.

Recommendation n°141: *Noting the responsibility to protect human rights defenders, develop a specific regulatory framework to ensure the security of journalists and civil society, and also of members of the political opposition.* (Recommended by Spain)

IRI: *not implemented*

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Recommendation n°147: *Take further measures to protect the rights of human rights defenders and ensure that they, and also journalists, can be active in the country without facing threats to their safety.* (Recommended by Sweden)

IRI: *not implemented*

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Recommendation n°149: *Adopt legislation at the national and provincial levels to protect human rights defenders and take effective measures to ensure its implementation.* (Recommended by Switzerland)

IRI: *not implemented*

RSF response:

Les autorités congolaises n'ont adopté aucune mesure allant dans le sens de la protection des professionnels de l'information. Le code pénal n'a pas évolué, les délits de presse n'ont toujours pas été dépenalisés, les journalistes encourent donc le risque d'être arrêtés et condamnés à cause de leur activité. Ainsi on constate la



multiplication des condamnations pour « diffamation », « dénonciation calomnieuse ». De plus la justice ne parvient pas à condamner les auteurs des violences à l'encontre des journalistes. L'absence de réponse judiciaire face à cette violence crée un climat d'impunité dont sont victimes les professionnels de l'information.

Recommendation n°142: Set up a task force within the Ministry of Justice with international participation to combat arbitrary detentions and to seek urgent ways of improving the situation of prisoners. (Recommended by Spain)

IRI: -

JPIC response:

This desk needs to be well implemented because in DRC we have the "inspection des parquets" which is in charge of controlling detention and monitoring if the detention rule of conduct is respected. Secondly to take care of prisoner situation, this is the big question about reform of justice sector.

Recommendation n°146: Increase efforts to ensure the independence of the judiciary and strengthen the capacity of law enforcement and judicial organs. (Recommended by Sweden)

IRI: *partially implemented*

CEFOPDH response:

Il existe des lois votées, mais qui ne sont pas encore promulguées. Ex: la proposition de loi organique portant sur l'organisation et le fonctionnement de la Cour constitutionnelle, le projet de loi organique relative à la procédure devant la Cour de cassation, le projet de loi organique portant code de l'organisation, du fonctionnement et des compétences des juridictions de l'ordre judiciaire, proposition des lois portant suppression de la peine des travaux forcé...

Recommendation n°150: Give priority to penitentiary reform, allocating adequate resources, and provide responses to the lack of food and care and the fact that the laws and regulations on the prison system are out of date, as well as to the insufficient infrastructure, management and training. (Recommended by Switzerland)

IRI: *not implemented*

CONEPU response:

Aucun effort fourni

CEFOPDH response:

Rien n'a été fait dans le sens de cette recommandation

Recommendation n°155: Ensure that security sector reform remains a key priority, the first and most important steps being the adoption of the DRC's national security sector reform plan, coupled with practical measures to ensure the housing, pay and feeding of soldiers, particularly those deployed in the east. (Recommended by United Kingdom)

IRI: *partially implemented*



CEFOPDH response:

La loi portant organisation et fonctionnement de la Police Nationale Congolaise et la loi sur les Forces armées de la RDC ont eu à être promulguées le 11 août 2011. Mais aucune mesure d'application n'est encore prise.

Recommendation n°160: *Meet the commitment it has undertaken to cooperate with the International Criminal Court on cases that the Democratic Republic of the Congo government has self-referred to the Court and uphold its treaty obligations by arresting Bosco Ntaganda and transferring him to the International Criminal Court. (Recommended by United States)*

IRI: -

JPIC response:

[...]

Recommendation n°162: *Significantly increase its commitment to fight impunity, specifically that it a suspend, investigate and prosecute as appropriate FARDC soldiers who have been identified as perpetrators of serious human rights abuses or crimes, including the FARDC's 213th Brigade, as well as the five members of the FARDC who were credibly accused of serious human rights abuses by MONUC and United Nations Security Council over the past year - and b establish an effective screening mechanism to vet the past human rights records of officers, particularly for important posts in the military. (Recommended by United States)*

IRI: -

JPIC response:

[...] It is very important to take into account the fact that the location of the 213 brigade, as well as the position of the officer accused of such crimes. Sometimes such officers are in a position that does not allow the prosecutor to investigate their crimes but the mechanism to vet these officers regarding the next position they may hold, depends mainly on the will of government

Women & Children

Recommendation n°2: *Continue its efforts to protect and promote the rights of children to life and to a sufficient standard of living and education - and seek the assistance of relevant United Nations agencies and programmes for the establishment of reception and training centres for delinquent street children of school age (Recommended by Algeria)*

IRI: *not implemented*

WV response:

In 2009, there were an estimated 8.4 million orphans and vulnerable children in the DRC, 91% received no external support of any kind, and only 3% received medical support. In 2009, the country had an estimated 50,000 street children, with 20,000 of these in Kinshasa alone. 26% of these were girls. As the population of urban areas has grown hugely in the past three years, with the population growth rate at 3.24% , and the rate of urbanization at 4.5% , there are likely as many as 62, 531 street



children. Children are extremely vulnerable to sexual violence as well as regular harassment and arbitrary arrest by security forces, and being homeless increases their exposure to perpetrators, and their ability to access social protection mechanisms with their families or communities. The US Department of State, in its 2010 report on human rights in the DRC noted that “citizens generally regarded street children as delinquents engaged in petty crime, begging, and prostitution and approved of actions taken against them”.

CEFOPDH response:

Une loi sur la protection de l'enfance existe et a été promulguée, mais des efforts restent à fournir dans le cadre de la justice pour mineur où jusque là, dans la plupart des coins du pays, les mineurs en conflit avec la loi logent encore dans les mêmes cachots que les adultes et il n'existe pas encore des Tribunaux pour enfant.

Recommendation n°4: Seek support from the relevant United Nations agencies and programmes in order to establish literacy programmes and strategies for the benefit of the population, in particular school-age children (Recommended by Algeria)

IRI: partially implemented

FI response:

La période de 2006 à 2011 est marquée par de nombreuses violations flagrantes des droits de l'homme, concernant notamment le droit à l'éducation de l'enfant.

La gratuité de l'enseignement n'est toujours pas effective. Selon le rapport de l'Association africaine de Défense des droits de l'Homme (ASADHO), le Président de la république a fait un effort pour la rendre effective, mais le Ministre de l'enseignement primaire, chargé d'exécuter sa décision en a limité l'accès aux élèves de la 1ère à la 3ème primaire en excluant ceux des villes de Kinshasa et Lubumbashi. Cette mise en œuvre timide a davantage aggravé la situation des enseignants déjà mal payés par l'Etat et les employeurs privés, dans la mesure où ce sont les parents qui contribuent au paiement de tous les frais de fonctionnement et de prise en charge des enseignants d'élèves.

Même si de maigres efforts ont été constatés dans la réhabilitation de quelques écoles, des problèmes sérieux continuent à se poser. Les enseignements sont toujours dispensés dans des infrastructures délabrées, non conformes à leur destination.

Recommendation n°7: Strengthen measures to combat impunity for acts of violence against women. (Recommended by Angola)

IRI: not implemented

JPIC response:

Currently there is a big difference between the so called tolerance zero operation and what is done practically; in the country high ranking army officers have mismanaged soldiers' salaries and other military equipment, they have never been prosecuted. Some managers in the private sector have been prosecuted, but not in a fair trial, because of the lack of respect for process rule. The impunity is high in DRC. The same fact can be seen in regard to violence against women; perpetrators are selected among low ranking in the army; never a colonel or general. Recently a



civilian public prosecutor has been charged of rape. There is a lack of accountability ethic.

CONEPU response:

Le Ministère du Genre a mis en place un Programme de lutte contre les violences faites à la femme, mais l'effectivité sur terrain n'est toujours pas au rendez-vous. Le Programme en question, n'est même pas vulgarisé.

CEFOPDH response:

Pas de mesure notable. La population congolaise continue de souffrir, directement et indirectement, aux mains d'hommes armés. D'après les estimations, les personnes déplacées internes en RDC seraient au nombre de 1,7 million, la plupart d'entre elles dans les provinces de l'est du pays affectées par le conflit, fuyant par peur de devenir victimes d'un large éventail de groupes armés – Armée de résistance du Seigneur (LRA) au nord-est, groupes Mai-Mai, bandits et rebelles du Front démocratique pour la libération du Rwanda (FDLR) plus au sud – à la merci de la malnutrition, de maladies et d'une crainte omniprésente. Près d'un demi-million de personnes sont réfugiées à l'extérieur du pays. Les viols, les meurtres et les exactions sont endémiques.

Recommendation n°9: *Continue to make efforts to eradicate violence against women and children and take the necessary measures to provide appropriate treatment for victims of crimes of this sort.* (Recommended by Argentina)

IRI: *partially implemented*

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Recommendation n°22: *Continue firmly to combat the scourge of sexual violence and impunity and bring to justice those responsible for grave human rights and international humanitarian law violations.* (Recommended by Azerbaijan)

IRI: *partially implemented*

JPIC response:

The sensitizing of law against sexual violence and violence against children is made only in big cities, nothing is planned for township and no appropriate treatment is provided to victims of this sort of crime.

CONEPU response:

Quelques interventions sporadiques dans cette lutte de la part du Gouvernement, mais pas significatif.

WV response:

Acts of sexual and gender-based violence, including a mass rapes, continue to be used as weapons of war in North and South Kivu, perpetrated by both the FARDC and non-state armed groups (including among others FDLR, the Lord's Resistance Army, PARECO, March 23 (former CNDP), Forces Republique de Federation, and various Mayi-Mayi groups). The Congolese National Police have also been attributed with mass rapes. Perpetrators of these war crimes justify them by alleging community collaboration with enemy groups, and use them to assert economic and political control, or as a means to compensate for their lack of official pay. Between October 2010 and August 2011, 3,527 cases of sexual violence were treated in North Kivu



including 723 children, and 4,379 in South Kivu, including 1015 children. More recent figures from November to January, reveal 625 victims of sexual violence related to the conflict. UNFPA estimates show that as many as 48% of all survivors are children. Exact numbers of violations from the current crisis are unknown, but the UN Special Envoy for Sexual Violence has noted specific concern for several villages in the Walikale territory, that were besieged by Mai-Mai Sheka, which have a specific history of sexual violence.

Regarding justice for sexual violence there has been progress with courts able to prosecute some crimes but very few of these were actually convicted. Those prosecuted at the national level have made little progress or done little to deter others from these crimes. Impunity still largely exists for perpetrators of these crimes. Near complete impunity exists for persons perpetrating sexual violence against women and children.

CEFOPDH response:

Il existe un plan d'action nationale de lutte contre les violences sexuelles et une loi contre les violences sexuelles. Mais dans la partie Est de la RDC, le viol continue à être une arme de guerre

Recommendation n°12: *Take actions to avoid the further recruitment of child soldiers, and ensure the reintegration of all ex-child soldiers to avoid future re-recruitment.* (Recommended by Argentina)

IRI: *partially implemented*

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Recommendation n°14: *Commit to action plans for identifying, releasing and ensuring reintegration, and prevent the further recruitment of children.* (Recommended by Australia)

IRI: *partially implemented*

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Recommendation n°23: *Promote the reintegration of child soldiers.* (Recommended by Azerbaijan)

IRI: *partially implemented*

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Recommendation n°74: *Give stronger emphasis to securing the identification, release and reintegration of all child soldiers and the prevention of further recruitment.* (Recommended by Germany)

IRI: *partially implemented*

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Recommendation n°86: *Undertake systematic actions for the reintegration of former child soldiers into civil society.* (Recommended by Hungary)

IRI: *partially implemented*

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Recommendation n°131: *Ensure that all parties to the conflict prepare, in the framework of Security Council resolution 1612 2005, action plans to identify, release and ensure reintegration of all child soldiers, to prevent further recruitment and to address all other grave violations against children.* (Recommended by Slovenia)

IRI: -



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Recommendation n°158: *Take the necessary steps to ensure, in the context of accelerated integration, that all child soldiers are released from the Congolese army.* (Recommended by *United Kingdom*)

IRI: *partially implemented*

WV response:

Despite the overall release of many of 30,000 child soldiers since the height of the armed conflict, many children continue to be recruited to the ranks of FARDC units, particularly those former CNDP units and to the ranks of non-state armed groups. Since the defections began, the CNDP have allegedly abducted at least 149 boys and young men into its forces. At least 7 boys died during these abductions.

The Child Protection Code prohibits the recruitment and use of children by armed forces, and there has been some progress made by the FARDC in the release of child soldiers from their ranks, but this has mostly come from those units involved in joint operations with MONUSCO forces. Far too many children still remain in the uniform. Progress has also been made to rehabilitate and reintegrate the tens of thousands of child soldiers previously involved with non-state armed groups, but these have left too many ex child soldiers with little options for alternative livelihoods, and have traditionally forgotten the numerous girl children. These programs have been funded and implemented mostly through international partners. There have been prosecutions against perpetrators of these crimes, but more is needed to ensure the systematic implementation of this law at all levels of authority.

CEFOPDH response:

Une campagne nationale contre le recrutement d'enfants soldats a été organisée, mais des défis restent énormes surtout dans les provinces de l'Est de la RDC où le viol continue à être une arme de guerre.

FI response:

Le Ministère de la défense a publiquement maintenu son adhésion à sa politique de « tolérance zéro » à l'égard du recrutement d'enfants. Il a par contre refusé de participer à des discussions concernant l'emploi d'enfants par les forces gouvernementales, en arguant que seuls les insurgés sont auteurs de ce crime. A notre connaissance, aucune mesure officielle ne semble avoir été prise par le Gouvernement ne fait valoir son engagement vis-à-vis d'un plan d'action parrainé par l'ONU pour mettre fin au recrutement et à l'utilisation d'enfants soldats.

CONEPU response:

Aucun effort déployé! Le recrutement forcé d'enfants mineurs dans les groupes armés continue à se réaliser dans les zones de conflits. C'est le cas du M23, de différents groupes armés dits Mai Mai, de dissidents alliés à l'accusé de la Cour Pénale Internationale, Bosco NTAGANDA (retranché dans la brousse au Nord – Kivu),...

Recommendation n°20: *Ensure the effective prosecution of all forms of violence against women.* (Recommended by *Austria*)

IRI: *not implemented*



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Recommendation n°54: *Ensure effective investigation of and accountability for all cases of sexual violence* (Recommended by *Czech Republic*)

IRI: *not implemented*

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Recommendation n°92: *Intensify the efforts aimed at ensuring that those responsible for acts of sexual violence against women are brought to justice.* (Recommended by *Italy*)

IRI: *not implemented*

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Recommendation n°125: *Take appropriate steps to strengthen the implementation of the comprehensive strategy on combating sexual violence and to improve the effectiveness of the prosecution aimed at ending impunity of the perpetrators of crimes.* (Recommended by *Poland*)

IRI: *not implemented*

JPIC response:

Some of the violent acts against women are not prosecuted, not only because of the lack of confidence in legal system in DRC, but also because even the victims, before they can request a tribunal to have all damages paid they need to pay legal fees, and very often the tribunal condemns the perpetrator to pay a large sum which the perpetrator can never afford. There is no interest for victims to go to trial, because the case takes many months before it ends and medical report is not free. People prefer to settle by an agreement between the two families instead of the legal process; which is expensive, but such agreements are unlawful.

WV response:

Acts of sexual and gender-based violence, including a mass rapes, continue to be used as weapons of war in North and South Kivu, perpetrated by both the FARDC and non-state armed groups (including among others FDLR, the Lord's Resistance Army, PARECO, March 23 (former CNDP), Forces Republique de Federation, and various Mayi-Mayi groups). The Congolese National Police have also been attributed with mass rapes. Perpetrators of these war crimes justify them by alleging community collaboration with enemy groups, and use them to assert economic and political control, or as a means to compensate for their lack of official pay. Between October 2010 and August 2011, 3,527 cases of sexual violence were treated in North Kivu including 723 children, and 4,379 in South Kivu, including 1015 children. More recent figures from November 2011 to January 2012, reveal 625 victims of sexual violence related to the conflict. UNFPA estimates show that as many as 48% of all survivors are children. Exact numbers of violations from the current crisis are unknown, but the UN Special Envoy for Sexual Violence has noted specific concern for several villages in the Walikale territory, that were besieged by Mai-Mai Sheka, which have a specific history of sexual violence.

Regarding justice for sexual violence there has been progress with courts able prosecutes some crimes but very few of these were actually convicted. Those prosecuted at the national level have made little progress or done little to deter others from these crimes. Impunity still largely exists for perpetrators of these crimes. Near



complete impunity exists for persons perpetrating sexual violence against women and children.

Recommendation n°21: *Initiate awareness-raising campaigns and improve the discipline of its security forces with regard to combating sexual violence against women and girls.* (Recommended by Austria)

IRI: *partially implemented*

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Recommendation n°119: *Facilitate training for members of the law enforcement agencies to effectively combat all forms of violence and sexual exploitation of children.* (Recommended by Nigeria)

IRI: *partially implemented*

FI response:

Quelques actions sporadiques ont été menées grâce aux campagnes radio de sensibilisation sur les violences sexuelles dénommées « Halte aux violences sexuelles ». Avec l'appui de l'EUPOL RD Congo et de la PNC (Police Nationale Congolaise), ces campagnes ont été diffusées dans le Nord-Kivu, avec pour que cette initiative sensibilise tant les policiers que la population à la nouvelle loi, méconnue par les praticiens de la loi et les citoyens, et de faire comprendre à chacun les droits et les obligations qui lui incombent. Selon l'EUPOL (la Mission de la Police de l'Union Européenne en RDCONGO), 3 campagnes de 17 émissions ont été diffusées en juin, août, et octobre 2011.

On constate aussi que des animateurs des projets assurent la sensibilisation de la communauté sur les droits des femmes et les violences sexuelles. Malgré leur nombre et les défis à surmonter, les besoins restent énormes. Néanmoins, ils conduisent des sessions de sensibilisation régulières au sein des communautés (écoles, clubs des jeunes, églises), en invitant tout particulièrement les leaders locaux sur la récurrence et la gravité de la situation des femmes. Ces animateurs sont également responsables dans la conduite des activités de plaidoyer auprès des autorités locales pour les droits des femmes.

WV response:

[See response to recommendation n° 9]

Recommendation n°28: *Ensure progress in combating trafficking in persons and overcoming violence against women and children.* (Recommended by Belarus)

IRI: *not implemented*

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Recommendation n°37: *Further seek international financing and cooperation for judiciary and police reform and for the provision of care and support for victims of sexual violence.* (Recommended by Brazil)

IRI: *not implemented*

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Recommendation n°38: *Continue its policy to nationally implement its international and regional commitments regarding the rights of women, effectively combating all forms of violence against them.* (Recommended by Burkina Faso)

IRI: *not implemented*



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Recommendation n°85: *Take systematic action on the ground for the prevention and elimination of sexual violence against women and girls.* (Recommended by Hungary)

IRI: *not implemented*

WV response:

[see response to recommendation n°20]

CONEPU response:

Aucun effort fourni

Recommendation n°30: *Act on its commitment to set up a national agency to combat sexual violence and ensure access to justice and compensation for victims of sexual violence.* (Recommended by Belgium)

IRI: *partially implemented*

FI response:

Le code pénal congolais prévoit que l'auteur du viol est passible de la peine d'emprisonnement allant de 5 à 20 ans ou de la peine de mort selon l'aggravation des faits (emprisonnement pour les civils et peine de mort pour les militaires).

Sur la base de la précédente disposition et, au vu de l'ampleur des violences sexuelles perpétrées en toute impunité tant dans les zones de conflits que dans celles de relative stabilité, l'unique mesure coercitive d'application prise par l'Etat congolais est la loi n°06/018 du 20 juillet 2006. Elle sanctionne, poursuit et condamne tous les auteurs de violences sexuelles, y compris les pratiques traditionnelles néfastes notamment les mutilations génitales féminines, les mariages précoces et forcés. Cette loi souffre d'une absence d'application effective.

Avec la politique relative à la « tolérance zéro », en matière de lutte contre les violences sexuelles prise par le gouvernement en mars 2009, et le décret approuvé par le Conseil des Ministres du 28 août 2009, l'Agence nationale de lutte contre les Violences sexuelles faites à la Femme dénommée « AVIFEM » a été mise en place. Malgré cet ensemble des stratégies, de nombreux défis sont encore à relever. Dans la suite, on constate de plus en plus une baisse de l'attention et des fonds destinés à la lutte contre les violences sexuelles, surtout dans les zones touchées par les conflits armés. A cela s'ajoute également le manque de coordination et d'implication des groupes locaux dans la lutte contre les violences sexuelles, faisant obstacle à la réponse dans son ensemble.

Grâce à ce mécanisme, des synergies se forment au niveau des provinces dans la lutte contre l'impunité des violences, et différents acteurs (différentes ONG de droits de l'homme, des Médecins, des Agences du système des Nations Unies, la société civile) sont impliqués dans ce combat.

Les quelques poursuites judiciaires avec condamnation, engagées à l'encontre des auteurs de ces actes et les réparations que doivent bénéficier les victimes, constituent encore les axes principaux des défis à surmonter en matière de la lutte contre les violences tant pour les femmes que les enfants en RD Congo.



Depuis Juillet 2007 jusqu'au 30 Septembre 2012, à Kinshasa comme à Goma (Est du Congo), des actions parallèles se font grâce à l'appui de la mission de la police de l'Union européenne en RDC (EUPOL RD CONGO) en matière de protection du genre, des droits de l'enfant impliqué dans les conflits armés, de répression et de lutte contre l'impunité et les violences sexuelles.

JPIC response:

Nothing has been done so far. The appropriate way to do it and to make it totally independent is to have it run by civil society, churches NGO etc. This commission or agency needs to have strong logistic support and human resources to make it effective, that means they must start by sensitizing, through awareness campaigns, advocacy, and lobbying. Once these acts are completed they will be accompanying them in the whole legal process, by paying for those who cannot afford legal fees, until these cases end but sometimes the compensation given in the judgement is never paid once the perpetrator is in jail.

CONEPU response:

Une structure a été mise en place, mais son effectivité est minime sur terrain.

WV response:

[see response to recommendation n°20]

Recommendation n°33: *Criminalize acts of violence against children accused of witchcraft and organize a national campaign of awareness-raising on this issue.* (Recommended by Belgium)

IRI: *partially implemented*

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Recommendation n°91: *Adopt legislative measures to incriminate accusations of witchcraft against children.* (Recommended by Italy)

IRI: *partially implemented*

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Recommendation n°105: *Promote legislative and administrative measures to prevent and punish attacks and persecution of children accused of witchcraft.* (Recommended by Mexico)

IRI: *partially implemented*

JPIC response:

We are quite sure that the phenomenon of "enfant sorcier" is not as popular as 4 years ago and the cause is the recrudescence of revival churches, led by people without any theology training, who inadequately taught the bible. The classic church needs to run campaign programmes to sensitize parents and adults on the risk of being prosecuted once they call a child a "enfant sorcier". The church needs strong support in human resources and logistics to run special programmes to gather all children formerly called "enfant sorcier", to help them with education and the process of their going back home and for those above 18 years old to help them accordingly to their vocational skill. The child law has been promulgated.



WV response:

UNICEF figures from 2010 report that as many as 70% of street children in Kinshasa have been accused of witchcraft and often abandoned by their parents. They are often punished through “exorcisms” that involved isolation, physical abuse, and starvation. Often these are children with disabilities or learning difficulties.

The Government is ill equipped to deal with the large numbers of homeless children. Since Government representatives are also actively involved in targeting street children for exploitation and abuse – ensuring the safety of street children is as much about addressing the performance of security sector personnel as it is an issue of combating social conditions creating homelessness

Recommendation n°46: *Fully cooperate with the competent humanitarian organizations with a view to ensuring the protection of the internally displaced, particularly women and children. (Recommended by Chile)*

IRI: *partially implemented*

WV response:

Displacement: Fighting between armed groups both state and non-state in eastern DRC, continues to target civilian populations resulting in killings, lootings, and mass displacements. The security situation continues to cause large-scale humanitarian needs, in particular for the more than 2 million displaced civilians and their host communities. Since April 2012, it is estimated that fighting has caused tens of thousands of new displacements, totaling close to 300,000 since November. Fighting in Masisi and Rutshuru continue to cause new displacements daily. As many as 8,200 refugees have crossed the border into Rwanda. In 2012 the Humanitarian Action Plan only aimed to cover the needs of 1.9 million displaced persons, 920,000 returned IDPs and 154,000 host families, and with more than this number currently displaced – the humanitarian situation in DRC will be extremely underfunded during this year. The majority of these IDPs are women and children.

The Government has stated its intention to pursue the elements of M23 (former CNDP). The M23 group has made several political demands related to improving the security of tutsi communities, especially the return of tutsi refugees from Rwanda. The President has visited the region in recent weeks to liaise with military generals and encourage the return of defected soldiers. Members of the North Kivu assembly have requested the intervention of the President of the National Assembly to seek a plenary session on the situation in North Kivu. It has been suggested that Rwandan President Dr. Kagame will visit the region in the following weeks to support negotiations to end fighting. The Government has expressed clear interest in arresting alleged war criminals but it is unclear how the negotiations and the ongoing military interventions will unfold. It is unclear the extent to which formal guidance has been directed to the FARDC towards the protection of civilians, and especially vulnerable women and children. The Government has established committees at the provincial level (CMPs) to monitor the numbers of displaced persons but more should be done to prevent displacements from occurring in the first place, and to address the needs once displacement occurs.



Recommendation n°57: *Effectively implement the 2006 law on sexual violence and train judicial officials in its application.* (Recommended by Denmark)

IRI: *partially implemented*

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Recommendation n°90: *Fully implement the 2006 law on sexual violence and monitor the application of this law in order to ensure that impunity for sexual violence is addressed, including in the security forces* (Recommended by Ireland)

IRI: *partially implemented*

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Recommendation n°101: *Take urgent and robust action to implement the law of 2006 and recent national strategies against sexual violence by investing more resources in prevention and training, law enforcement and assistance to the victims of sexual violence.* (Recommended by Luxembourg)

IRI: *not implemented*

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Recommendation n°132: *Take effective measures to implement the laws on sexual violence adopted in 2006, the comprehensive strategy on combating sexual violence endorsed by the Government and the road map against impunity for sexual violence, investigate all cases of sexual violence and hold the perpetrators including all members of the State security forces accountable for their crimes.* (Recommended by Slovenia)

IRI: *partially implemented*

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Recommendation n°138: *Continue its efforts to combat sexual violence against women and to effectively apply the law against sexual violence of 2006.* (Recommended by Spain)

IRI: *partially implemented*

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Recommendation n°157: *Take further steps to tackle sexual violence, bring perpetrators of human rights violations to justice and ensure full implementation of the 2006 law against sexual violence, including through urgent implementation of the zero tolerance policy and establishment of a State-run vetting mechanism to remove the worst abusers from the Congolese army.* (Recommended by United Kingdom)

IRI: *partially implemented*

JPIC response:

The training is made but has weak outcomes because of the lack of planning armed forces and police are not well sensitized on this issue. There is great need to run campaigns in military bases and camps to teach the military and their dependents on this issue. We need to extend it to our parishes. It needs strong support from partners to translate this law in local languages, to make broadcasts, pamphlets, to edit books for a better understanding of the law, etc. 6 years later in big cities, we have people who have never heard about it, what would be the case of rural population?

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[...] A programme must be established to have the campaign permanently run to raise awareness of this issue. People hear about sexual violence when people are arrested and presented before the court, they should know about it before. They organise VIP conferences in 5 star hotels but just around the hotel people ignore it.

CONEPU response:

Aucun effort fourni. Il n'y a que les ONG de la Société Civile qui organisent des campagnes de sensibilisation et de vulgarisation par rapport à cette Loi.

WV response:

[See response to recommendation n° 9]

FI response:

[See response to recommendation n° 30]

Recommendation n°76: *Take all necessary steps to strengthen the protection of the civilian population, particularly women and children, from violence.* (Recommended by Germany)

IRI: *not implemented*

WV response:

[See response to recommendation n° 9]

CONEPU response:

Aucun effort fourni

Recommendation n°79: *Strengthen action to enforce the law on sexual violence against women and girls and continue to provide affordable health and physical services to the victims of sexual violence.* (Recommended by Ghana)

IRI: *not implemented*

JPIC response:

Health support is not provided to victims of sexual violence.

WV response:

[see response to recommendation n°20]

Recommendation n°83: *Adopt a legal framework clearly defining crimes of trafficking of children for sexual exploitation, economic exploitation or other purposes, while imposing appropriate sanctions.* (Recommended by Holy See)

IRI: *partially implemented*

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Recommendation n°129: *Ensure that the recently adopted Child Protection Code is duly implemented to prevent child labour* (Recommended by Slovakia)

IRI: *not implemented*

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Recommendation n°161: *Prepare action plans to identify, release and ensure reintegration of all unlawful child soldiers, to prevent further recruitment, to investigate and prosecute those perpetrators of child soldiering who have violated domestic criminal law, and to address other violations and abuses committed against children, including all forms of forced child labour and child prostitution.* (Recommended by United States)

IRI: *not implemented*

FI response:

La RD Congo est un pays d'origine et de destination pour les enfants assujettis au travail forcé et à l'exploitation sexuelle.

En juillet 2012, 1000 magistrats, en plus de 2000 recrutés précédemment, ont été nommés pour entendre des affaires liées à la traite d'enfants. Le Premier Ministre a signé en janvier 2011 la mise en œuvre de la création de tribunaux pour mineurs. Cependant, l'impunité des crimes liés à la traite des personnes et commis par les forces de sécurité continue. D'après le rapport de l'Ambassade américaine à Kinshasa, le gouvernement ne semble faire aucun effort pour tenir responsables les éléments des forces de sécurité soupçonnés de se livrer à la traite d'êtres humains et qui assujettissent des civils au travail forcé ou procèdent au recrutement et à l'utilisation illicite d'enfants soldats.

De plus, malgré la promulgation d'un décret du Ministère du travail en juillet 2010, désignant les membres devant siéger au Secrétariat permanent du Comité national de lutte contre les pires formes de travail des enfants, aucune mesure contre le travail des enfants n'a été établie ni dans la province du Katanga où les enfants sont utilisés dans les mines et subissent les violences et maltraitances de tout genre.

En décembre 2010, les Forces Armées de la République Démocratique du Congo (FARDC) ont publié un nouveau Code de conduite dont plusieurs articles interdisent aux militaires de perpétrer des crimes liés à la traite des personnes. En mars 2011, les FARDC ont organisé un séminaire de formation d'une durée de trois jours pour sensibiliser 50 officiers de l'armée à ce nouveau code de conduite.

Le Ministère du genre, femme et famille a plusieurs branches spécialisées de protection de la femme et de l'enfant dans la lutte contre les violences et harcèlement sexuels.

La répression des infractions concernant les violences et harcèlements sexuels dont sont victimes les enfants sont sévèrement punis par la loi n°6/018 du 20 juillet 2006 allant jusqu'à 20 ans de servitudes pénales.

JPIC response:

It has not been popularized since it has been promulgated. The minister in charge of women and children seems to be more interested in the issue of women rather than the children issue. This law is unknown even in schools where we found number of children. This is a big challenge. Some isolated activities run by NGO IGO civil society are not enough to achieve this.

CONEPU response:

Bilan mitigé

WV response:

The Child Protection Code was enacted in 2009 and provides a very strong legal basis for the protection of children across many areas. The Code provides prohibitions and significant punishments for child abuse and exploitation in several



forms including recruitment of children, worst forms of child labor, arbitrary arrest, rape and sexual violence, and torture. It also provides much greater protection to children in conflict with the law. In 2010, owing to little progress in the implementation of the laws sections, the South African delegate to the Council suggested developing a comprehensive action plan to operationalize the recently adopted Child Code and to address concerns related to the care and protection of children. In this regard the Government has still been very slow to act. This relates to the systemic issue of a lack of decentralization of funding and decision making authority to implement the conditions of new legislation. It also relates to the amount of focus and resource dedicated to conflict affected regions and related solutions.

Institutions and Agencies:

The Child Protection Code also establishes new institutional arrangements for the implementation of the Codes sections. The operationalization of these institutions has been extremely slow.

- Establishing a National Children's Council (Conseil National des Enfants): The Government has established a National Council for Youth in April of 2011. The groups is designated as a youth platform to advise the Government on issues related to youth, including employment, development, and empowerment . The group have undertaken some activities in awareness raising for child protection laws in partnership with MONUSCO, but it is unclear what substantive policy activities have included them. Additionally, this does not reflect completely the suggestion for a Council which focuses on the needs of children, as these while overlapping are not identical to the needs of youth.

- Special Brigade for Child Protection (Brigade spéciale de protection de l'enfant): Units of this special police brigade have been created in at least four provinces , but more must be done to extend their coverage to all provinces, and to expand their size for large urban areas. More funding must be committed to these brigades to ensure they have sufficient materials, staffing and protection systems in place.

- National System of Children's Courts (180 Tribunaux d'enfants): The first of these tribunals was set up in Katanga in 2010, with promising results. From March – September of that year the court registered 190 cases of children in conflict with the law, and child survivors of crimes. Since then, the courts have spread throughout the country with some successes in holding hearings, delivering judgements, training social workers, providing legal assistance to children, and assisting family reunifications. There are now many more Children's Courts around the country, but it seems that the system still heavily relies on the funding and technical support of UNICEF, and other partners such as Children's Voice and War Child.

Additionally, the Government has established the "Entité de Liaison des Droits de l'Homme". The Groups terms of reference was created to include:

- assessing national activities in the field of human rights;
- suggest the necessary guidance a good protection of human rights;
- ensure compliance by all parties, the obligations of human rights in DR Congo;
- monitoring and technical and financial implementation of the National Plan for the promotion and protection of human rights;
- ensure development of initial and periodic reports of human rights;
- and, finally to, examine the problems underlying violations of human rights, and propose solutions.



The ONGDH, a collective of human rights NGOs in the DRC has suspended their participation in the Liaison group since 2011, noting the group's ineffectiveness. They have noted that determining the structure and membership of the group was not transparent nor inclusive of representatives of the non-governmental actors who defend human rights, hence why the composition does not accurately reflect the landscape of experts regarding human rights issues. For this reason the group struggled to be a forum for meaningful discussion and action on human rights issues. For example the ONGDH notes the group did not address the attacks of government agencies on particular human rights defenders, again showing their partiality. They have noted that members of the Government are absent at meetings.

Child labor and particularly the worst forms of child labor is a common issue in the DRC. Child labor is common in marketplaces, on farms, and on the streets. This is part of the reason, why nationally, the rate of enrolment in secondary school is less than 1% with the majority of children commencing work immediately after completing primary education. Statistics from the last three years show a dramatic increase in the amount of child labor with nearly half of all girls participating in economic activities.

The mining sector in the DRC is infamous around the world for all the wrong reasons – not least the relationship between conflict minerals and the conflict in eastern DRC which is quickly approaching the two decade mark. Because of the largely uncontrolled and artisanal nature of most mining activities, there exists a large scope for labor exploitation in the extraction of minerals. This exploitation negatively impacts children as they are placed in extremely dangerous working conditions, they can suffer from severe respiratory disease and other physical ailments, and they are prevented from completing their education.

Many Congolese mining companies have gone bankrupt in the past years including Gecamines, Kisenge Manganese, Miba, and Okimo, which severely affected the local and national economies. Especially these bankruptcies affected communities living in these mining areas, which continued on with artisanal mining activities to make a living despite the departure of these formal employment relationships. Over 80% of minerals are today are mined by artisanal miners who are exploited by various groups. This is not without consequences for the environment and individuals, especially as Congolese mines are often unsanitary, militarized, without integration of health care for workers.

Individual children and their families are over-exploited in the work of the mines with poor living conditions, but they can often not afford the alternative of not working. Statistics from UNICEF in the past three years demonstrate that there has been an increase in the number of children in labour activities over the past three years

The Child Protection Code prohibits the worst forms of child labor in the DRC, and while many steps are being taken to address the various forms of child labor, progress is limited. According to UNHCR, in 2010, the Government did not investigate any suspected cases of human trafficking. Additionally, the Ministry of Labor did not report investigating any cases of forced child labor in 2010. UNHCR also notes a lack of awareness raising and training of the child trafficking law among



enforcement officials, and an insufficient capacity to prosecute offenders . Reform of the mining sector is a large part of the Governments response to specifically addressing children involved in artisanal mining, including a reform of the Mining Code this year. The sector in general is characterized by poor governance, with corruption and weak institutional capacity. Additionally, the security situation in eastern regions, regarding the control of key mining areas by armed groups has prevented significant progress in this area. The government has been very slow in achieving justice for children involved in forced labor, as labor for children is a traditional cultural practice in many areas, and is seen as a natural part of their duty to the family.

Recommendation n°84: *Guarantee effectively that education is free for all children.*
(Recommended by Holy See)

IRI: not implemented

FI response:

La période de 2006 à 2011 est marquée par de nombreuses violations flagrantes des droits de l'homme, concernant notamment le droit à l'éducation de l'enfant.

La gratuité de l'enseignement n'est toujours pas effective. Selon le rapport de l'Association africaine de Défense des droits de l'Homme (ASADHO), le Président de la république a fait un effort pour la rendre effective, mais le Ministre de l'enseignement primaire, chargé d'exécuter sa décision en a limité l'accès aux élèves de la 1ère à la 3ème primaire en excluant ceux des villes de Kinshasa et Lubumbashi. Cette mise en œuvre timide a davantage aggravé la situation des enseignants déjà mal payés par l'Etat et les employeurs privés, dans la mesure où ce sont les parents qui contribuent au paiement de tous les frais de fonctionnement et de prise en charge des enseignants d'élèves.

Même si de maigres efforts ont été constatés dans la réhabilitation de quelques écoles, des problèmes sérieux continuent à se poser. Les enseignements sont toujours dispensés dans des infrastructures délabrées, non conformes à leur destination.

CONEPU response:

La gratuité de l'éducation prônée par la Constitution n'est pas effective ; les parents continuent à payer les frais de minerval pour leurs enfants. Le taux de scolarité est trop bas à l'intérieur du pays.

Recommendation n°96: *That the Government and FARDC, in cooperation with the United Nations country-level task force, swiftly formulate an action plan to identify, release and ensure the reintegration of all child soldiers, as requested by Security Council resolutions.* (Recommended by Japan)

IRI: not implemented

+

Recommendation n°133: *Consider developing a comprehensive action plan to operationalize the recently adopted Child Code and to address concerns related to the care and protection of children - in this regard, give due consideration to the*



recently adopted Guidelines for the Alternative Care of Children. (Recommended by South Africa)

IRI: *not implemented*

FI response:

[...] A notre connaissance, aucune mesure officielle ne semble avoir été prise par le Gouvernement ne fait valoir son engagement vis-à-vis d'un plan d'action parrainé par l'ONU pour mettre fin au recrutement et à l'utilisation d'enfants soldats.

JPIC response:

This is done through the former demobilisation desk CONADER. Currently the project has been completed.

WV response:

[See response to recommendation n° 83]

Recommendation n°98: Abolish all discriminatory laws which still exist in relation to women in the Democratic Republic of the Congo (Recommended by Luxembourg)

IRI: *partially implemented*

JPIC response:

The family code has been changed regarding some of the discriminatory laws for example the husband mandatory authorisation for a women to apply for a job, or to run a business

Recommendation n°103: Adopt necessary legislative measures to halt impunity, with effective punishment of sexual violence and of recruitment of children into armed conflict (Recommended by Mexico)

IRI: *not implemented*

FI response:

Le Ministère de la défense a publiquement maintenu son adhésion à sa politique de « tolérance zéro » à l'égard du recrutement d'enfants. Il a par contre refusé de participer à des discussions concernant l'emploi d'enfants par les forces gouvernementales, en arguant que seuls les insurgés sont auteurs de ce crime. A notre connaissance, aucune mesure officielle ne semble avoir été prise par le Gouvernement ne fait valoir son engagement vis-à-vis d'un plan d'action parrainé par l'ONU pour mettre fin au recrutement et à l'utilisation d'enfants soldats.

CONEPU response:

Aucun effort fourni

WV response:

[...]

Regarding justice for sexual violence there has been progress with courts able prosecute some crimes but very few of these were actually convicted. Those prosecuted at the national level have made little progress or done little to deter others from these crimes. Impunity still largely exists for perpetrators of these crimes. Near complete impunity exists for persons perpetrating sexual violence against women and children.



-Despite the overall release of many of 30,000 child soldiers since the height of the armed conflict, many children continue to be recruited to the ranks of FARDC units, particularly those former CNDP units and to the ranks of non-state armed groups. Since the defections began, the CNDP have allegedly abducted at least 149 boys and young men into its forces. At least 7 boys died during these abductions.

The Child Protection Code prohibits the recruitment and use of children by armed forces, and there has been some progress made by the FARDC in the release of child soldiers from their ranks, but this has mostly come from those units involved in joint operations with MONUSCO forces. Far too many children still remain in the uniform. Progress has also been made to rehabilitate and reintegrate the tens of thousands of child soldiers previously involved with non-state armed groups, but these have left too many ex child soldiers with little options for alternative livelihoods, and have traditionally forgotten the numerous girl children. These programs have been funded and implemented mostly through international partners. There have been prosecutions against perpetrators of these crimes, but more is needed to ensure the systematic implementation of this law at all levels of authority.

-The situation of insecurity in Orientale, North and South Kivu, and parts of Maniema and Katanga provinces have allowed basic impunity to those armed forces, both state and non-state to perpetrate violence against children. The situation of insecurity and under-development has also allowed a lawless situation in which civilian violence against children has increased and become systematized.

Recommendation n°122: Implement with urgency its national strategy against sexual violence, and establish a mechanism to monitor the implementation of this strategy in consultation with civil society. (Recommended by Norway)

IRI: not implemented

JPIC response:

We have noticed only a NGO strategy and we do not have a joint strategy implemented by the government to fight sexual violence

Recommendation n°136: Provide material and psychological support to victims of sexual violence and undertake extensive educational campaigns to inform women of their rights (Recommended by South Africa)

IRI: not implemented

JPIC response:

The question is entire among NGOs, civil society organisations we find people taking care of victims of sexual violence, but almost never have they been provided psychological support.

CONEPU response:

Aucun effort fourni

WV response:

[See response to recommendation n° 9]



Recommendation n°137: *Accompany the policy of setting up provincial committees with sensitization campaigns against gender-based violence and discrimination to better prevent the voluntary recruitment of children in armed groups* (Recommended by Spain)

IRI: *not implemented*

CONEPU response:

Aucun effort fourni

WV response:

[See response to recommendation n° 103]

Recommendation n°145: *End impunity for crimes of sexual violence, establish effective mechanisms to prevent sexual violence, and ensure that victims have access to appropriate health care, in line with Security Council resolutions 1325 2000 and 1820 2008 and the Government's international obligations at large.* (Recommended by Sweden)

IRI: *not implemented*

JPIC response:

This resolution has not produced its effect so far because nothing has been done to implement effective mechanisms to prevent sexual violence.

Other

Recommendation n°1: *Accelerate the process of establishing the national commission for the promotion and protection of human rights, in accordance with the Paris Principles, and undertake the steps necessary for its accreditation with the coordinating committee for national institutions for the promotion and protection of human rights* (Recommended by Algeria)

IRI: *not implemented*

+

Recommendation n°61: *Continue its efforts to establish a national human rights commission, which is an essential tool to promote and protect human rights* (Recommended by Djibouti)

IRI: *partially implemented*

+

Recommendation n°64: *Accelerate steps under way to establish the national human rights commission in accordance with the Paris Principles* (Recommended by Egypt)

IRI: *not implemented*

+

Recommendation n°106: *Continue efforts to establish a national human rights commission in accordance with the Paris Principles* (Recommended by Morocco)

IRI: *partially implemented*

+

Recommendation n°118: *Take all necessary urgent measures to set up the national human rights commission in accordance with the Paris Principles.* (Recommended by Niger)

IRI: *not implemented*



Recommendation n°152: *Expedite the establishment of an independent national human rights institution in accordance with the Paris Principles.* (Recommended by Uganda)

IRI: *not implemented*

JPIC response:

The very poor will of the government to implement such desk in the country, because it seems to be the mirror of human right desk; to officially implement such desk is to acknowledge that the desk will be evaluating the public institution in regard to human rights abuse. Instead of creating a commission which last just a couple of months; it will be good and proactive to have a permanent commission in charge of the protection and promotion of human rights.

CEFOPDH response:

Il n'existe pas encore de Commission Nationale des Droits de l'Homme, les ONG nationales et internationales se battent pour obtenir du Gouvernement congolais plus d'engagement là-dessus

CONEPU response:

Une proposition de Loi sur la Commission nationale des droits de l'homme a été adoptée au Sénat depuis l'année passée, mais restée sans suite et bloquée jusqu'à ce jour.

Recommendation n°16: *Further strengthen natural resources management to end the diversion of profits to fund armed conflict.* (Recommended by Australia)

IRI: -

JPIC response:

The US congress decision to help DRC in mining management especially in the eastern part of DRC so that natural resources will no longer fund armed conflict

Recommendation n°25: *Strengthen the protection of the civilian population affected by the conflict and clashes between non-State groups.* (Recommended by Azerbaijan)

IRI: *partially implemented*

JPIC response:

The US cooperation with DRC is currently running a project on CMO (civilian military operation). This training lasts almost a month. Since last year the program has conducted 20 classes of 40 students each. It is designed to provide specialized training to the FARDC soldiers. It will teach the soldiers how to operate effectively in an environment of peace and war. There will always be civilians on the battlefield and their safety and care is of high priority to the government of the Democratic Republic of the Congo.

Recommendation n°29: *Undertake further measures to improve the legislative and regulatory basis with respect to human rights and their effective implementation.* (Recommended by Belarus)

IRI: *not implemented*



CONEPU response:

Aucun effort déployé.

Recommendation n°36: *Further professionalize the armed forces, including by regular and increased payment of wages. (Recommended by Brazil)*

IRI: *not implemented*

CONEPU response:

Le processus de réforme de l'armée évolue à pas de tortue, la mauvaise gestion au sommet de l'armée bat son record (les militaires sont mal payés ; ce qui les pousse à extorquer les biens de la population civile, à tuer et voler,...), attribution des grades et promotions sur base des critères subjectifs et tribaux et à la cavalière, en se méfiant des méritants.

CEFOPDH response:

Cette recommandation souffre dans son exécution dans la mesure où le Gouvernement congolais a même refusé de coopérer dans l'application d'un mandat d'arrêt de la CPI lancé contre Bosco du CNDP

Recommendation n°60: *Continue effectively to combat all forms of discrimination which the most vulnerable groups may suffer from and continue efforts to pacify the eastern part of the country. (Recommended by Djibouti)*

IRI: *not implemented*

FI response:

a. Législation

La Constitution du 18 février 2006 n'entre pas en contradiction avec les instruments internationaux et régionaux relatifs à la discrimination à l'égard des femmes, notamment la CEDAW et le Protocole à la Charte africaine des droits de l'homme et des Peuples relatif aux droits des femmes. Il convient de relever que le législateur a encore du travail à réaliser, particulièrement en ce qui concerne la conformation de certaines lois, ainsi que l'adoption des nouvelles lois d'application. Il en est de même pour le Code de la Famille, qui contient encore des dispositions discriminatoires à l'égard de la femme et, de ce fait, contraires à la Constitution.

Certaines ONG et associations féminines organisent des actions en vue de la révision du Code de la Famille.

Bien que certaines dispositions législatives demeurent discriminatoires, le gouvernement n'a pas consenti d'efforts importants en matière des droits des femmes, en plus des mesures qui existent et font l'objet d'un statu quo depuis 2006, notamment:

- Les deux lois sur les violences sexuelles (Lois n°06/018 et 06/019) déjà adoptées et qui souffrent depuis lors d'une absence d'application effective, Juillet 2006 ;
- La loi portant protection de l'enfant (loi n°09/001) qui contient des dispositions protégeant l'enfant contre toutes les formes d'exploitation et de violences sexuelles et garantissant les droits de la femme enceinte, Janvier 2009 ;
- La ratification en février 2009, du Protocole de Maputo Art.14.2c stipulant clairement que «Les Etats prennent toutes les mesures appropriées pour...protéger



les droits reproductifs des femmes, particulièrement en autorisant l'avortement médicalisé, en cas d'agression sexuelle, de viol, d'inceste et lorsque la grossesse met en danger la santé mentale et physique de la mère ou la vie de la mère ou du fœtus ».

- La représentation dans la vie publique et politique, en 2010, les femmes ne représentaient que 8,4% des députés à l'Assemblée nationale et 4,6% des sénateurs. Malgré l'art.14 de la Constitution, aucune loi ni politique n'assure l'application des principes de représentation équitable et de non-discrimination des femmes, ou ne prévoit l'instauration de quotas minimums. Seule la loi électorale invite simplement à la prise en compte de la représentation de la femme dans l'établissement des listes électorales.

- La promulgation par le Président de la République en date du 11 août 2011, de la loi sur l'organisation et le fonctionnement de la Police Nationale Congolaise (PNC), avec la collaboration de l'EUPOL RD CONGO en vue de reformer le secteur de sécurité (RSS) et d'œuvrer à la protection des droits de l'enfant dans les conflits armés et la lutte contre l'impunité et les violences sexuelles.

b. Autonomisation des femmes

Bien qu'elles n'aient légalement pas besoin de l'autorisation maritale, le droit d'accès à l'emploi des femmes congolaises n'est toujours pas effectif, même si plusieurs efforts vont dans le sens de renforcer et de protéger les droits des femmes sur le marché du travail. A titre d'exemple, les femmes congolaises n'ont pas droit ni à des indemnités de logement ni aux allocations familiales.

Diverses initiatives initiées par les Organisations internationales présentes en RDCongo appuient des programmes de soutien au niveau de l'éducation, du développement agricole et de la formation à l'emploi. Il existe aussi des programmes conduits par les ambassades. A titre illustratif, dans le cadre du soutien de la santé publique, l'autonomisation des femmes, la paix et la sécurité au Congo, depuis 11 mars 2011, la Chancellerie américaine en RDCongo a initié et soutient, avec le concours technique du Ballet national du Congo, un programme de formation et de sensibilisation sur les violences sexuelles en parallèle, des programmes de renforcement et développement.

JPIC response:

Starec program showed its limits in the peace process of the eastern part of Congo. We need also to run a truth and reconciliation commission, to have all root causes of the conflict uprooted because the military method has failed.

CONEPU response:

Aucun effort fourni, la population se sent abandonnée à son triste sort(les tueries continuent, les déplacements massifs des populations et l'insécurité est généralisée).



Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the



recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.



Uncommented recommendations

Hereby the recommendations which the MIA does not address:

rec. n°	Recommendation	SMR	Response	A	Issue
10	Issue open and permanent invitations to the special procedures.	Argentina	General Response	5	Special procedures
13	Bring to account individuals and groups who use inflammatory rhetoric.	Australia	Rejected	5	Other
18	Develop a national action plan for FARDC in accordance with United Nations Security Council resolution 1612 2005, working closely with the United Nations task force on monitoring and reporting, and prioritize the reintegration of children associated with armed groups, with a focus on family tracing and reunification, the provision of psychosocial support as well as education and vocational training.	Austria	General Response	5	Rights of the Child, National plan of action,
34	Consider issuing a standing invitation to all United Nations human rights special procedures	Brazil	General Response	3	Special procedures
39	Seek the assistance of the international community to effectively support its efforts to face material, technical and financial challenges, which remain the major handicap to promoting fundamental human rights in the country.	Burundi	Accepted	1	Technical assistance
42	Pursue the implementation of the peace accords with a view to stabilizing and pacifying the eastern part of the Democratic Republic of the Congo and create suitable conditions to ensure and promote respect for international humanitarian law and the protection of the civilian population	Canada	Rejected	2	Internally displaced persons, International humanitarian law,
45	Extend an open and permanent invitation to the United Nations human rights special procedures mandate holders -	Chile	General Response	5	Special procedures
47	Investigate allegations of rape being used as a weapon of war, and sanction perpetrators.	Chile	Accepted	5	Women's rights, Rights of the Child,
48	Ratify OP-CAT, the second Optional Protocol to the International Covenant on Civil and Political Rights ICCPR-OP 2 and the Convention of the Rights of Persons with Disabilities CRPD and its Optional Protocol.	Chile	Accepted	5	Torture and other CID treatment, International instruments, Disabilities, Death penalty,
49	Take better account of the situation of vulnerable populations and adopt legislation to ensure promotion and protection of handicapped persons, children and women.	Republic of Congo	Accepted	4	Women's rights, Rights of the Child, Disabilities,



50	Seek support from the international community, and in particular the United Nations organs and programmes, in relation to human rights training - work against sexual violence, especially violence perpetrated against women - measures against child labour - the eradication of the phenomenon of child soldiers - security - assistance to families and communities in combating the effects of poverty and AIDS - education - and juvenile justice.	Cote d'Ivoire	Accepted	1	Technical assistance
51	Accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment OP-CAT and establish its national preventive mechanism accordingly	Czech Republic	Accepted	5	Torture and other CID treatment, International instruments,
53	Decriminalize consensual same-sex activity between adults.	Czech Republic	Rejected	5	Sexual Orientation and Gender Identity
62	Continue to pursue its search for ways and means to restore peace throughout the country as peace is quite essential for development and human rights protection.	DPR Korea	Accepted	2	Other
65	Deepen cooperation with international and regional human rights mechanisms	Egypt	Accepted	4	General
66	Seek the support of the international community in its post-conflict reconstruction phase, including capacity-building and training and institution building in the area of promotion and protection of human rights.	Egypt	Accepted	1	Technical assistance, Human rights education and training,
67	Invite the international community to assist in the monitoring of the action plan against sexual violence.	Finland	No Response	5	Women's rights, Rights of the Child,
68	Make specific efforts to implement the action plan against sexual violence fully and to make this the Government's priority.	Finland	Accepted	4	Women's rights, Rights of the Child,
70	Grant to the Joint United Nations Human Rights Office and other independent mechanisms free access to places of detention of the National Intelligence Agency and the National Guard and any other detention centre that is still inaccessible to external observers	France	Rejected	5	Detention conditions
72	Proceed to ratify the second protocol to the International Covenant on Civil and Political Rights ICCPR concerning the abolition of the death penalty	France	Accepted	5	International instruments, Death penalty,
73	Do its utmost to submit regular reports to the treaty bodies.	Gabon	Accepted	4	Treaty bodies
78	Expedite action on the reform process to remove provisions in domestic legislation which discriminate against women.	Ghana	Accepted	4	Women's rights



82	Take all necessary measures to improve implementation of the human rights provisions of the Constitution into the laws enacted thereof.	Greece	Accepted	4	General
89	Establish an independent mechanism in order to identify and take measures against members of the security forces who are responsible for serious human rights violations.	Ireland	Rejected	5	Human rights violations by state agents
94	Proceed to arrest and transfer to the Hague Mr. Bosco Ntaganda, who is subject to an arrest warrant by the International Criminal Court.	Italy	Rejected	5	Justice, International instruments,
95	In order to fully implement an all-encompassing system that spans crime prevention to the eradication of impunity, hold periodic reviews, issue external progress reports and request technical support when necessary.	Japan	No Response	5	Technical assistance, Impunity,
97	Consider extending a standing invitation to all special procedures of the Human Rights Council.	Latvia	General Response	3	Special procedures
99	Adopt awareness-raising measures to address the root causes in society of inequalities which continue to affect women.	Luxembourg	Accepted	4	Women's rights, Human rights education and training,
100	Establish effective mechanisms of transitional justice.	Luxembourg	No Response	4	Justice
110	Establish a form of vetting mechanism for the promotion and training of the Armed Forces and remove and exclude members of the forces who are suspected of human rights violations, pending judicial investigation.	Netherlands	General Response	5	Human rights violations by state agents
111	Put in place concrete policies to ensure that human rights defenders can conduct their work freely without any hindrance - in this regard one of the concrete steps to be taken is the establishment of a legal framework for the protection of human rights defenders.	Netherlands	No Response	4	Human rights defenders
112	Strengthen measures to combat impunity with regard to the extreme violence against civilians, and in this regard take into account among others the recommendations of the Special Rapporteur on extrajudicial executions.	Netherlands	General Response	4	Special procedures, Impunity, Extrajudicial executions,
115	Continue efforts to incorporate the standards of international humanitarian law into national legislation	Niger	Accepted	2	International humanitarian law
116	Establish land commissions at the community level.	Niger	Accepted	5	Right to land
117	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families ICRMW.	Niger	Accepted	5	Migrants, International instruments,
124	Elaborate emergency programmes of appropriate medical and psychological care for	Poland	Accepted	5	Women's rights, Rights of the

	rape survivors				Child,
127	Take necessary legislative measures to bring existing laws and regulations into conformity with the human rights provisions in the new Constitution.	Republic of Korea	Accepted	4	General
130	Implement its road map against impunity for sexual violence, the law on sexual violence as well as other applicable laws, policies and programmes in compliance with international human rights standards to hold all offenders fully accountable and punished - implement an open, effective mechanism of access to justice for the victims in an expeditious manner - and establish a functioning rehabilitation scheme for the victims.	Slovakia	Accepted	5	Women's rights, Rights of the Child, Impunity, Justice,
139	Extend an open and permanent invitation to all special procedures	Spain	General Response	5	Special procedures
143	Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance CED.	Spain	Accepted	5	International instruments, Enforced disappearances,
148	Adopt effective measures, including allocating sufficient resources to implement the existing legislation for the protection of women and children.	Switzerland	Accepted	5	Women's rights, Rights of the Child,
153	Ratify human rights instruments, particularly CRPD, OP-CAT and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.	Uganda	Accepted	5	Trafficking, Torture and other CID treatment, International instruments, Disabilities,
154	Ensure that disarmament, demobilization, repatriation, resettlement and reintegration for rebel groups remains a high priority in operations against FDLR and the Lord's Resistance Army.	United Kingdom	No Response	4	Public security
159	Grant United Nations special rapporteurs regular access to detention facilities run by the National Intelligence Agency and the Republican Guard, and adopt a viable action plan to better address the urgent need for comprehensive penal system reform.	United States	Rejected	5	Special procedures, Detention conditions,
163	Give priority to free education in the national budget allocations and take measures to prevent school drop out.	Uruguay	Accepted	4	Right to education
164	Consolidate the process of national healing with a view to achieving long-term political stability	Zimbabwe	Accepted	4	Other

A= Action Category (see on [our website](#))

SMR = State making recommendation

Contact

UPR Info

Avenue du Mail 14

CH - 1205 Geneva

Switzerland

Website: <http://www.upr-info.org>



Phone: + 41 (0) 22 321 77 70

Fax: + 41 (0) 22 321 77 71

General enquiries info@upr-info.org

Follow-up programme followup@upr-info.org

Newsletter "UPR Trax" uprtrax@upr-info.org