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Republic of the Congo

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

I. Background and framework

A. Scope of international obligations¹

International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
Ratification, accession or succession	ICERD (1988) ICESCR (1983) ICCPR (1983) CEDAW (1982) CAT (2003) OP-CAT (signature only, 2008) CRC (1993) ICRMW (signature only, 2008) CRPD (signature only, 2007) CPED (signature only, 2007)	OP-CRC-AC (2010) OP-CRC-SC (2009)	ICCPR-OP 2
Reservations, declarations and/or understandings	ICESCR (withdrawal of reservation, arts. 13, para. 3 and art. 13, para. 4, 2001) ICCPR (reservation, art.11, 1983)	OP-CRC-AC (declaration, art. 3, para. 2, recruitment age of 18–20 years, 2010)	
Complaint procedures, inquiry and urgent action ³	ICCPR, art. 41 (1989) ICCPR-OP 1 (1983) OP-CEDAW (signature only, 2008) CAT, art. 20 (2003) ICRMW (signature only, 2008) OP-CRPD (signature only, 2007) CPED (signature only, 2007)	OP-ICESCR (signature only, 2009)	ICERD, art. 14 CAT, arts. 21 and 22 OP-CRC-IC

Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
Ratification, accession or succession	Rome Statute of the International Criminal Court Conventions on refugees and stateless persons ⁴ Geneva Conventions of 12 August 1949 and Additional Protocols I and II ⁵ ILO fundamental conventions ⁶ UNESCO Convention against Discrimination in Education	Palermo Protocol (signature only, 2000) ⁷	Convention on the Prevention and Punishment of the Crime of Genocide 1954 and 1961 stateless persons conventions ⁸ Additional Protocol III to the 1949 Geneva Conventions ⁹ ILO Conventions No. 169 and No. 189 ¹⁰

1. Several treaty bodies encouraged the Congo to ratify OP-ICESCR,¹¹ ICRMW,¹² OP-CEDAW, CPED and CRPD.¹³
2. In 2012, the Working Group on enforced or involuntary disappearances (WGED) recommended Congo to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.¹⁴
3. In 2011, the Special Rapporteur on the rights of indigenous peoples recommended the ratification of ILO Convention No. 169.¹⁵
4. In 2012, the Committee on the Elimination of Discrimination against Women (CEDAW) and the Office of the United Nations High Commissioner for Refugees (UNHCR)¹⁶ recommended the ratification of the United Nations Convention against transnational organized crime and the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;¹⁷ the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention);¹⁸ the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.¹⁹
5. The ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) invited the Congo to complete the submission of the conventions, recommendations and protocols not yet submitted to the National Assembly.²⁰
6. In 2009, the Committee on the Elimination of Racial Discrimination (CERD) invited the Congo to consider making the optional declaration provided for in article 14 of ICERD²¹ and recommended ratifying amendments to article 8, para. 6 of the Convention.²²
7. CEDAW encouraged accepting the amendment to article 20, para. 1 of the Convention.²³

B. Constitutional and legislative framework

8. Several treaty bodies welcomed the 2011 Indigenous Peoples Promotion and Protection Act; the 2010 Child Protection Act; the 2010 Nation's Natural Heritage Protection Act; the 2010 National Cultural Policy Act; the 2010 Law authorizing awareness-raising on the use of contraceptives; the 2011 Law on the fight against HIV/AIDS and protection of the rights of the persons living with HIV/AIDS; and the 2011 Law prohibiting traffic and sexual exploitation of indigenous children and women.²⁴
9. The Special Rapporteur on indigenous peoples and UNHCR acknowledged the adoption of the 2010 Indigenous Peoples Promotion and Protection Act. The Special Rapporteur on indigenous peoples²⁵ and UNICEF considered it a good practice.²⁶ UNICEF added there was no national communication plan for the dissemination of laws governing the protection of children and indigenous peoples. It recommended that laws on the protection of vulnerable categories should be effectively applied.²⁷
10. UNICEF pointed out that the bill on equal access for women to political functions had been awaiting adoption by Parliament for years.²⁸ CEDAW recommended the adoption of the draft law on parity.²⁹
11. While noting that discrimination on the basis of sex is prohibited in the Constitution, CEDAW reiterated its concern that this provision had not been incorporated into other legislation and did not cover discrimination by public and private actors. It recommended incorporating into its legislation a clear definition of discrimination against women, covering both direct and indirect discrimination.³⁰

12. CEDAW was concerned about discriminatory legal provisions in the Family Code, Penal Code and tax law.³¹ It urged the Congo to finalize the legislative reform for de jure equality and de facto equality for women; enact a comprehensive law on violence against women, prohibiting domestic violence and sexual harassment and criminalizing female genital mutilation and marital rape; and enact a law on trafficking.³²
13. Concerned that there was no definition of racial discrimination in domestic law, CERD encouraged reforming the legislation, particularly the Criminal Code.³³
14. The WGED noted that the Criminal Code does not currently contain any definition of enforced disappearance as a distinct criminal offence, other than its classification as a crime against humanity,³⁴ and recommended that the Congo incorporate enforced disappearance into the Criminal Code as an autonomous offence.³⁵
15. The ILO Committee of Experts hoped that when the Labour Code is revised, steps will be taken to amend or repeal the Act establishing compulsory military service.³⁶
16. UNICEF, noting that commissions had been set up in 2009 to revise legal codes, recommended the revision of the family code, the criminal code and the code of criminal procedure.³⁷
17. UNHCR recommended that the Congo enact legislation on internal displacement.³⁸

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions³⁹

<i>National human rights institution</i>	<i>Status during previous cycle</i>	<i>Status during present cycle⁴⁰</i>
National Human Rights Commission	-	B

18. In 2012, the Committee on Economic, Social and Cultural Rights (CESCR) and CEDAW noted with concern that the National Human Rights Commission (CNDH) was not in full conformity with the Paris Principles.⁴¹ CERD was disturbed by its resources, independence, mandate, jurisdiction and effectiveness.⁴² CERD and CEDAW recommended ensuring its consistency with the Paris Principles.⁴³ CEDAW recommended that the CNDH be provided with a broad human rights mandate and a specific mandate on gender equality.⁴⁴
19. UNICEF recommended reinforcing the mandate and capacities of the National Human Rights Commission (CNDH) and the Anti-Corruption Commission.⁴⁵
20. CEDAW⁴⁶ and UNICEF⁴⁷ welcomed the 2009–2013 National Gender Plan of Action. CEDAW was concerned about the extremely low percentage of the national budget allocated to gender issues. It urged strengthening the national machinery for the empowerment of women and promoting gender mainstreaming.⁴⁸
21. CEDAW remained concerned that women, especially those in rural and remote areas, were not aware of their rights and thus lacked the capacity to claim them. It urged enhancing women's awareness of their rights.⁴⁹
22. CERD noted the National Plan of Action to Improve the Quality of Life of the Indigenous Peoples (2009–2013).⁵⁰ The Special Rapporteur on indigenous peoples stated that this plan is a significant initiative.⁵¹ UNICEF noted, however, that its implementation remained hesitant.⁵²
23. CEDAW welcomed the 2009–2013 National Multisectoral Strategic Framework against HIV/AIDS and Sexually Transmitted Infections and the Programme for Prevention

of Mother-to-child Transmission of HIV. It called on the Congo to ensure its effective implementation.⁵³

24. The WGED recommended training programmes in human rights and humanitarian law for the police, the judiciary and the army.⁵⁴ UNHCR recommended that the Congo incorporate human rights and refugee protection in the curriculum of law enforcement officers' training schools.⁵⁵

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies⁵⁶

1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	-	2008	March 2009	Tenth and eleventh reports overdue since 2012
CESCR	May 2000	-	November 2012 (reviewed in the absence of a report)	Initial report, which is overdue since 1990, to be submitted in November 2013 ⁵⁷
HR Committee	March 2000	-	-	Third report overdue since 2002
CEDAW	January 2003	2010	February 2012	Seventh report due in 2016
CAT	-	-	-	Initial to third reports overdue since 2004, 2008 and 2012 respectively
CRC	September 2006	2010	-	Second to fourth reports pending consideration in January 2014. Initial OP-CRC-SC and OP-CRC-AC reports overdue since 2011 and 2012 respectively

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	2010	CNDH; violence against indigenous peoples and their right to land; and adoption of the bill to protect indigenous peoples' rights ⁵⁸	-
HR Committee	-	-	-
CEDAW	2014	Women's empowerment; and gender violence ⁵⁹	-
CAT	-	-	-

25. CESCR regretted that the Congo had not submitted its initial report, which was overdue since 1990, despite the exchange of views of CESCR with the Congo in 2000 and the national training seminar for members of the interministerial committee on the preparation and submission of reports to treaty bodies.⁶⁰

B. Cooperation with special procedures⁶¹

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	No
<i>Visits undertaken</i>	-	Indigenous people (1–12 November 2010) Disappearances (24 September–3 October 2011)
<i>Visits agreed to in principle</i>	None	None
<i>Visits requested</i>	Indigenous peoples, requested in 2008	None
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review one communication was sent. The Government did not reply to this communication.	

26. In 2013, the WGED indicated that since its establishment, it had transmitted 114 cases to the Government and 88 remained outstanding.⁶²

C. Cooperation with the Office of the High Commissioner for Human Rights

27. The Congo is covered by the Subregional Centre for Human Rights and Democracy in Central Africa/OHCHR Central Africa Regional Office (Yaoundé).⁶³ In 2011, Congo, with the support of OHCHR, drafted a law on discrimination and adopted a law on the rights of indigenous peoples, in line with international standards.⁶⁴ The Congo took also steps to review the Law of the National Human Rights Commission to make it compliant with the Paris Principles, as a result of a seminar organized by the United Nations Regional Office for Central Africa.⁶⁵ With the support of OHCHR, a national committee on the prevention of genocide was established.⁶⁶ At the request of the Congo, OHCHR undertook activities funded by the Voluntary Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review (UPR Trust Fund) to support the implementation of recommendations.⁶⁷

III. Implementation of international human rights obligations

A. Equality and non-discrimination

28. CESCR remained concerned about the sharp inequalities between men and women.⁶⁸

29. CEDAW expressed deep concern regarding the roles of women and men, especially in rural areas.⁶⁹ It recommended a comprehensive strategy to eliminate harmful traditional practices discriminating against women,⁷⁰ and awareness-raising campaigns for local and religious leaders and the population.⁷¹

30. CEDAW was concerned about discriminatory legal provisions on marriage and family relations, such as the absence of the same minimum age of marriage for girls and boys; the choice of the family residence by the husband in the absence of mutual agreement; the lawfulness of polygamy; parental authority, which rests with the father; and the disproportionate sanctions applied to women in case of adultery.⁷² CEDAW urged to review and amend the above existing discriminatory provisions;⁷³ adopt legal provisions

prohibiting levirate; bring the minimum age for premarriage in line with the legal age for marriage;⁷⁴ and address, inter alia, other abusive widowhood rites and polygamy.⁷⁵

31. CEDAW was concerned at discrimination regarding the ownership, sharing and inheritance of land, particularly in rural areas.⁷⁶ It recommended that the Congo address negative customs and traditional practices affecting the right to property by widows.⁷⁷

32. CEDAW was concerned at the disadvantaged position of women in rural and remote areas. It recommended paying special attention to the needs of rural women in order to ensure their access to health, education, clean water, sanitation services and income-generating projects.⁷⁸

33. CESCR remained concerned that indigenous peoples were being discriminated against⁷⁹ and CERD was concerned by the Pygmies' marginalization and discrimination in terms of access to justice, education, health and the labour market; and by their domination, discrimination and exploitation, at times including modern forms of slavery.⁸⁰ CERD encouraged ensuring the full enjoyment of their rights.⁸¹

34. Given the systemic and entrenched discrimination against indigenous peoples, the Special Rapporteur on indigenous peoples emphasized the need for broad societal engagement. He considered that overcoming this challenge would require a coordinated and concerted effort, backed by significant resources and a broad range of actors from within the Government, civil society, United Nations agencies and other development partners.⁸² He added that this targeted action should be part of a comprehensive national campaign focused on educating both indigenous peoples and Bantus about their rights and obligations towards one another.⁸³

35. The Special Rapporteur on indigenous peoples indicated that any programme aimed at strengthening indigenous decision-making institutions and increasing their participation in all spheres of social, economic and political life would also necessarily need to form an integrated part of the national campaign to combat discrimination.⁸⁴

B. Right to life, liberty and security of the person

36. While welcoming the incorporation into the Criminal Code of enforced disappearance as a crime against humanity, the WGED nevertheless regretted the fact that the punishment provided for this offence is the death penalty. The WGED noted that the authorities had assured it that the death penalty was no longer used and that there was a de facto moratorium and indicated that, given this, it would be desirable to abolish it de jure.⁸⁵

37. UNESCO condemned the killing of a journalist in 2009 and called on the authorities to investigate.⁸⁶

38. The WGED received allegations of enforced disappearances linked to the last two armed conflicts, between June 1997 and December 1999,⁸⁷ in particular the so-called Brazzaville Beach disappearances, from April 1999.⁸⁸ It noted that the committee of parents of the disappeared drew up a list of 353 names of disappeared persons.⁸⁹ The WGED indicated, however, that the phenomenon of enforced disappearances is not limited to the Brazzaville Beach disappearances.⁹⁰

39. The WGED recommended that the Congo ban detention in secret or unofficial places of detention; prosecute and punish any behaviour by a public official, or anyone acting with the consent or acquiescence or under the control of the State, that contravenes the ban;⁹¹ and take measures to encourage the involvement of the CNDH and NGOs in monitoring places of detention, while respecting their independence.⁹²

40. UNHCR noted that the refugees and asylum seekers are often victims of arbitrary detention. The WGED expressed concerns at the detention, for nearly eight years, of three persons. It added that according to the authorities, the individuals concerned are being detained to ensure their safety while awaiting the outcome of their asylum applications.⁹³ UNHCR encountered refugees detained without access to basic needs, or cases of refugees and asylum seekers having been detained in unofficial detention centres. UNHCR recommended that the Congo ensure that the detention of asylum seekers and refugees is only used as a last resort, and where necessary, for as short a period as possible and with the judicial safeguards in place.⁹⁴

41. CEDAW remained deeply concerned by high violence against women and girls, including domestic violence, sexual harassment and female genital mutilation. It urged the Congo to adopt a comprehensive strategy and an emergency action plan against gender-based violence; increase its awareness-raising and education; ensure the effective access to courts for victims and punish perpetrators; and set up a comprehensive care system for gender-based violence victims, including free legal aid, medical and psychological support, shelters, counselling and rehabilitation services.⁹⁵

42. UNICEF noted that sexual violence persisted and that 60 per cent of victims were minors. Moreover, victims rarely lodged complaints with the police and made little use of health or psychosocial assistance services.⁹⁶ UNICEF found that the strategy to combat sexual violence had run into technical difficulties⁹⁷ and recommended studying more carefully the vulnerable aspects of women and children and promoting risk prevention and management mechanisms.⁹⁸

43. CEDAW was concerned about very high number of women victims of rape during the conflicts and perpetrators' impunity. It urged the Congo to provide medical and psychological support to victims.⁹⁹

44. CEDAW was concerned about the extreme vulnerability of indigenous women and girls to sexual violence and recommended their protection.¹⁰⁰

45. CERD noted reports of violence by the "eco-guards" of the Ndoki National Park (PROGEPP) against indigenous peoples. It urged the Congo to conduct thorough investigations into such allegations and to bring perpetrators to justice.¹⁰¹

46. While noting high rates of prostitution of women and girls, CEDAW was concerned by the absence of a strategy to combat trafficking in human beings. It recommended addressing the root causes of women's and girls' prostitution in order to eliminate their vulnerability to sexual exploitation and trafficking.¹⁰² CESCR was concerned by the cross-border trafficking of children.¹⁰³

47. CESCR was concerned by widespread child labour.¹⁰⁴

48. UNICEF said that the implementation of the rights of the child remained a matter of concern. Among other areas of vulnerability, UNICEF mentioned a thousand children in the street, children without family protection and children in conflict with the law detained with adults and sometimes the victims of violence.¹⁰⁵

49. The Special Rapporteur on indigenous peoples indicated that inequitable social arrangements between the Bantu majority and the indigenous peoples manifest themselves as relationships of domination and exploitation, in many instances amounting to forms of serfdom or involuntary servitude.¹⁰⁶ He also noted information provided by the Congo that this practice is not tolerated and has been combated.¹⁰⁷

C. Administration of justice and the rule of law

50. CESCR was concerned by the lack of independence of the justice system and the problems affecting the justice system, including shortage of judges, costliness of legal proceedings and inequality of the geographic distribution of courts of law, depriving the population of access to effective remedies.¹⁰⁸

51. CERD regretted that courts had never heard any racial discrimination cases.¹⁰⁹

52. CEDAW expressed its concern that multiple factors prevented women from accessing justice, such as poverty, lack of legal literacy, insufficient number of courts and tribunals and the discriminatory traditional justice mechanisms. It recommended that the Congo strengthen the judicial system; facilitate women's access to justice; train judges, lawyers, prosecutors, the police and NGOs on the application of legislation; sensitize the public to the importance of addressing violations of women's rights through judicial rather than traditional justice; and ensure access to effective remedies and reparations.¹¹⁰

53. CESCR was concerned by corruption in the Congo.¹¹¹

54. The WGED noted that legislation on criminal procedure provides guarantees for the prevention of enforced disappearances, and information received indicated that individuals held in police custody do not generally encounter obstacles to contacting their families, or counsel, if they are able to afford it.¹¹²

55. The WGED recommended that the Congo make more means available to the police and the judiciary to ensure better prevention of enforced disappearances.¹¹³

56. The WGED noted that the only inquiries into, and prosecutions of, potential perpetrators of disappearances took place in the context of the 2005 Brazzaville Beach disappearances trial. However, all those accused in the trial were found not guilty of the charges against them.¹¹⁴ In the ruling on the civil case, the Criminal Chamber awarded compensation to the civil parties.¹¹⁵

57. The WGED found that, despite the huge efforts that have been made to heal the wounds that have been left by the war, there is not any integrated and comprehensive programme of reparation.¹¹⁶ It also regretted that the families' right to know the truth has not been upheld.¹¹⁷

58. The WGED recommended that the Congo: take all necessary measures to combat impunity for the perpetrators of enforced disappearance;¹¹⁸ establish an effective victim and witness protection programme, offering all guarantees of safety for those who wish to lodge a complaint or testify;¹¹⁹ draw up an integrated comprehensive programme of reparations, with full participation of the victims;¹²⁰ implement a programme aimed at restoration of the truth and reconciliation;¹²¹ and consider setting up a peace and reconciliation commission, which could have its institutional base in the Monitoring Committee of the Agreement for Peace and Reconstruction in the Congo.¹²²

59. UNICEF noted that the planned juveniles unit, approved in law, had not yet been implemented.¹²³

D. Right to privacy, marriage and family life

60. UNICEF indicated that there were three times fewer birth certificates among indigenous peoples than in the rest of the population.¹²⁴

61. CERD recommended registering all births among indigenous peoples, providing them with personal identity documents and bringing civil status registration centres closer to the indigenous communities.¹²⁵

62. UNHCR recommended that the Congo ensure the registration of all births, including children of asylum seekers and refugees to prevent statelessness.¹²⁶

E. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

63. UNESCO recommended that the Congo pass a freedom of information law in accordance with international standards and strengthen the media self-regulatory mechanism.¹²⁷

64. CEDAW was concerned by the low participation of women in political and public life. It recommended increasing the quota of 15 per cent representation and ensuring women access to all areas of public life, including at high levels of decision-making.¹²⁸

65. UNICEF remarked on the low participation of women in decision-making.¹²⁹

66. CESCR noted with concern the lack of public participation and limited involvement of NGOs in public policymaking.¹³⁰ UNICEF recommended increasing dialogue with non-governmental organizations and promoting community participation.¹³¹

67. The Special Rapporteur on indigenous peoples indicated that measures should be taken to ensure full and adequate opportunities for indigenous participation in legislative processes and government institutions at all levels.¹³² CERD expressed a similar concern.¹³³

F. Right to work and to just and favourable conditions of work

68. CESCR was concerned about high rates of unemployment and underemployment, particularly among young people.¹³⁴

69. CEDAW was concerned about occupational segregation and women's concentration in the informal economy. It recommended extending the national social security fund to informal sector workers, including women, and expanding women's access to microfinance and microcredit to engage in income-generating activities.¹³⁵

G. Right to social security and to an adequate standard of living

70. CESCR observed with concern that the rapid pace of economic growth of the Congo had not led to a reduction of poverty or of social disparities or to an improvement of living standards.¹³⁶ CEDAW urged the Congo to reduce poverty, especially in rural areas.¹³⁷

71. UNICEF indicated that poverty, which was linked to high rates of unemployment and underemployment, affected 46 per cent of the population¹³⁸ and drew attention to the need to increase the share of public expenditure allocated to social sectors.¹³⁹

72. UNHCR stated that the Congo had made progress in the implementation of policies that contribute to the strengthening of social services. However, it added that more than a half of the population, including refugees and asylum seekers, lived below the poverty line, faced high unemployment and lacked adequate health care and educational services.¹⁴⁰

73. The Special Rapporteur on indigenous peoples indicated that steps must be taken to redress the chronic poor living conditions of indigenous peoples and enhance development opportunities for them. This will require enhanced and specific budget lines devoted to the

National Plan of Action to Improve the Quality of Life of the Indigenous Peoples (2009–2013) and the 2011 Indigenous Peoples Promotion and Protection Act.¹⁴¹ Any efforts to combat poverty and develop income-generating projects in indigenous communities need their involvement.¹⁴²

74. CESCR noted with concern that a large majority of the population had no social security coverage.¹⁴³ UNICEF indicated that the social insurance system was restricted to the civil service and the formal private sector and excluded the majority of the population.¹⁴⁴

75. UNICEF noted that access to drinking water was problematic.¹⁴⁵

H. Right to health

76. CEDAW remained concerned about the lack of health infrastructure. It called on the Congo to provide adequate funding to health-care services.¹⁴⁶

77. CESCR was concerned by high mortality rates, particularly infant, child and maternal mortality.¹⁴⁷ CEDAW called on the Congo to reduce maternal mortality.¹⁴⁸

78. While noting the preparation in 2009 of the road map on efforts to reduce maternal, infant and neonatal mortality, UNICEF noted that maternal and child and infant mortality as well as HIV infection were aggravated by factors such as early pregnancies, sociocultural standards and the low status of women and girls.¹⁴⁹

79. CEDAW remained concerned about the sociocultural obstacles to access to health services by women and disproportionately high number of women with HIV/AIDS. It called on the Congo to promote education on sexual and reproductive health and rights, with special attention to early pregnancy and the use of contraceptives for family planning and prevention of sexually transmitted diseases, including HIV/AIDS; and ensuring that all women and girls have free access to contraceptives, and sexual and reproductive health services.¹⁵⁰

80. CESCR was disturbed by the high HIV rate.¹⁵¹

81. CEDAW remained concerned by the criminalization of abortion, leading women to seek unsafe and illegal abortions, and in some cases, to commit infanticides. It called on the Congo to review the law relating to abortion for unwanted pregnancies.¹⁵²

82. The Special Rapporteur on indigenous peoples stated that while the Government has taken steps to improve indigenous health, it should strengthen efforts to ensure that indigenous peoples have equal access to primary health care and that basic health needs are met, especially in remote areas. Further efforts should be made to improve the delivery of health services in a culturally appropriate manner, with attention to the special health needs of indigenous women and children.¹⁵³

83. While noting the efforts made to combat HIV/AIDS, UNICEF commented that the rate among the 15–49 age group was 3.2 per cent, which included a majority of women.¹⁵⁴

84. CEDAW was concerned about discrimination against indigenous women by health workers and recommended ensuring their access, without discrimination, to health, education, clean water, sanitation services and employment.¹⁵⁵

I. Right to education

85. While noting the introduction of free primary education in 2007,¹⁵⁶ CESCR noted with concern that the quality of education remained unsatisfactory.¹⁵⁷

86. CEDAW was concerned by structural barriers faced by girls and young women to quality education; the negative impact of harmful traditional practices on girls' education; the high dropout rates for girls; and lower literacy rate of women. It invited the Congo to ensure de facto equal access of girls and young women to all education levels; provide educational opportunities for girls and boys with disabilities; and strengthen adult literacy programmes, especially for women in rural areas.¹⁵⁸

87. UNICEF noted the shortage of qualified teachers, the shortcomings of the educational system and disparities in terms of access (between rural and urban, poor and affluent), which affected indigenous children in particular.¹⁵⁹ UNICEF indicated that efforts should be continued, among others, in the following areas: (i) introducing a human resources policy designed to make up for the chronic shortage of teachers; (ii) preparing a budgeted strategic plan; (iii) improving equity through an inclusive approach.¹⁶⁰

88. UNESCO recommended adopting measures to combat discrimination in the area of education, to protect minorities and to promote gender equality in education. UNESCO also encouraged introducing legislative provisions and disseminating information on the justiciability of the right to education.¹⁶¹

89. The Special Rapporteur on indigenous peoples observed that levels of indigenous school enrolment are low and children rarely complete primary school.¹⁶²

90. The Special Rapporteur on indigenous peoples noted the positive impact of programmes that adapt education to the needs of the indigenous communities, like the ORA (Observer, Réfléchir, Agir) schools.¹⁶³ Further measures should be taken to increase involvement of indigenous communities in educational programming, and to incorporate indigenous methods of teaching, cross-cultural curriculums, bilingual instruction and due regard for the indigenous calendar of subsistence activities and other cultural patterns.¹⁶⁴

J. Cultural rights

91. CESCR was concerned about the limited degree to which cultural rights were enjoyed.¹⁶⁵

K. Persons with disabilities

92. CESCR noted with concern the economic and social exclusion of people with disabilities despite Act No. 009/02/1992 on the rights of persons with disabilities.¹⁶⁶

93. UNICEF commented that persons with disabilities enjoyed only restricted social autonomy and limited access to employment. Moreover, in 2011 the net rate of primary school attendance was lower among children with disabilities than the population at large. UNICEF added that the implementation of the 1992 law on the protection of persons with disabilities and the 2009 national plan of action was slow in practice.¹⁶⁷

L. Indigenous peoples

94. UNICEF expressed the view that indigenous peoples constituted the most marginalized and vulnerable sector of the population.¹⁶⁸

95. CERD remained concerned at the inter-ethnic tensions in the north and invited the Congo to promote harmonious relations between refugees and the various ethnic and cultural groups.¹⁶⁹

96. CERD noted with concern that indigenous peoples' rights were not guaranteed and that concessions were granted without their prior consultation. It recommended protecting indigenous peoples' rights to land; consulting with indigenous peoples on the administration of their lands, waters and forests; and recording Pygmy ancestral lands in the property register.¹⁷⁰

97. The Special Rapporteur on indigenous peoples observed that the Indigenous Rights Law goes well beyond what is provided in the land and forestry codes.¹⁷¹ He indicated that the Government will need to develop and implement a new procedure for demarcating and registering lands, and new mechanisms for identifying and securing specific rights in natural resources. These measures, which should be developed in consultation with indigenous peoples, will require substantial funding, technical expertise and dedicated personnel.¹⁷² He stated that the Congo should look to other experiences on indigenous land rights regimes, with the technical assistance of the United Nations.¹⁷³

98. The Special Rapporteur on indigenous peoples also urged the Congo to proceed with urgency to develop and adopt the consultation procedure required by the law, in cooperation with indigenous peoples' representatives.¹⁷⁴

M. Migrants, refugees and asylum seekers

99. UNHCR noted that even though an asylum system was established, the Congo has no comprehensive refugee and asylum law.¹⁷⁵ UNHCR recommended completing the drafting of the refugee law with the technical support of UNHCR;¹⁷⁶ amending domestic legislation by incorporating provisions that would prevent delays in processing refugee claims; and strengthening the capacity of the National Refugee Assistance Committee (CNAR) to enable it to process the backlog of pending asylum applications.¹⁷⁷

100. UNHCR, while welcoming the pledge made by the Congo in 2011, recommended measures to identify and protect the rights of stateless persons and to reform nationality legislation.¹⁷⁸

101. CEDAW was concerned about the absence of a legal framework for the refugee status determination process, particularly the lack of a gender-sensitive procedure.¹⁷⁹ CERD recommended an asylum law and a procedure for determining refugee status.¹⁸⁰ CEDAW recommended recognizing gender persecution as a basis for refugee status.¹⁸¹

102. CERD noted with concern the unequal enjoyment of rights by refugees and asylum seekers and invited the Congo to strengthen the asylum system and its national institutions.¹⁸²

103. CEDAW was concerned about sexual and gender-based violence against some refugee women and girls. It recommended protecting refugee women from violence; establishing redress and rehabilitation mechanisms; and prosecuting perpetrators.¹⁸³ UNHCR expressed similar concerns.¹⁸⁴

N. Right to development

104. CESCR was concerned that the development of the country's oil resources had not had a beneficial effect on the enjoyment of economic, social and cultural rights.¹⁸⁵

Notes

- ¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on the Congo from the previous cycle (A/HRC/WG.6/5/COG/2).
- ² The following abbreviations have been used for this document:
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| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| OP-ICESCR | Optional Protocol to ICESCR |
| ICCPR | International Covenant on Civil and Political Rights |
| ICCPR-OP 1 | Optional Protocol to ICCPR |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| OP-CEDAW | Optional Protocol to CEDAW |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| OP-CAT | Optional Protocol to CAT |
| CRC | Convention on the Rights of the Child |
| OP-CRC-AC | Optional Protocol to CRC on the involvement of children in armed conflict |
| OP-CRC-SC | Optional Protocol to CRC on the sale of children, child prostitution and child pornography |
| OP-CRC-IC | Optional Protocol to CRC on a communications procedure |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Convention on the Rights of Persons with Disabilities |
| OP-CRPD | Optional Protocol to CRPD |
| CPED | International Convention for the Protection of All Persons from Enforced Disappearance |
- ³ Individual complaints: ICCPR-OP 1, art 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.
- ⁴ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.
- ⁵ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁶ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

- ⁷ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁸ 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ⁹ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ¹⁰ International Labour Organization Convention No. 169, concerning Indigenous and Tribal Peoples in Independent Countries and Convention No. 189 concerning Decent Work for Domestic Workers.
- ¹¹ Concluding observations of the Committee on Economic, Social and Cultural Rights, E/C.12/COG/CO/1, para. 24.
- ¹² Concluding observations of the Committee on the Elimination of Racial Discrimination, CERD/C/COG/CO/9, para. 22, and concluding observations of the Committee on the Elimination of Discrimination against Women, CEDAW/C/COG/CO/6, para. 51.
- ¹³ CEDAW/C/COG/CO/6, paras. 47 and 51.
- ¹⁴ A/HRC/19/58/Add.3, para. 100 (b).
- ¹⁵ A/HRC/18/35/Add.5, para. 93.
- ¹⁶ UNHCR submission to the UPR on the Congo, p. 5.
- ¹⁷ CEDAW/C/COG/CO/6, para. 28 (f).
- ¹⁸ *Ibid.*, para. 28 (g).
- ¹⁹ UNHCR submission to the UPR on Congo, p. 5; and CEDAW/C/COG/CO/6, para. 40 (c).
- ²⁰ ILO Committee of Experts on the Application of Conventions and Recommendations, Observations concerning the submission to the competent authorities of the Conventions and Recommendations adopted by the International Labour Conference, pp. 847–848, published 102nd ILC session (2013), available from http://www.ilo.org/wcmsp5/groups/public/--ed_norm/--relconf/documents/meetingdocument/wcms_205472.pdf.
- ²¹ CERD/C/COG/CO/9, para. 24.
- ²² *Ibid.*, para. 25.
- ²³ CEDAW/C/COG/CO/6, para. 47.
- ²⁴ E/C.12/COG/CO/1, para. 7; CERD/C/COG/CO/9, paras. 8 and 15 (c); and CEDAW/C/COG/CO/6, paras. 35 and 41. See also E/C.12/COG/CO/1, para. 13.
- ²⁵ A/HRC/18/35/Add.5, paras. 40–41.
- ²⁶ *Ibid.*, p.1. See also E/C.12/COG/CO/1, paras. 7 (a) and 13; and CERD/C/COG/CO/9, paras. 8 and 15 (c).
- ²⁷ Contribution de l'UNICEF, République du Congo, mars 2013, par. 35 et 42.
- ²⁸ *Ibid.*, par. 41.
- ²⁹ CEDAW/C/COG/CO/6, para. 30 (a). See also para. 29.
- ³⁰ *Ibid.*, paras. 13–14.
- ³¹ *Ibid.*, para. 15. See also para. 43.
- ³² *Ibid.*, paras. 16 (b) (c) and 24 (a). See also para. 28 (b).
- ³³ CERD/C/COG/CO/9, para. 11.
- ³⁴ A/HRC/19/58/Add.3, para. 31.
- ³⁵ *Ibid.*, para. 100 (c).
- ³⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Forced Labour Convention, 1930 (No. 29), published 102nd ILC session (2013), pp. 222–223, available from http://www.ilo.org/wcmsp5/groups/public/--ed_norm/--relconf/documents/meetingdocument/wcms_205472.pdf.
- ³⁷ Contribution de l'UNICEF, par. 47.
- ³⁸ UNHCR submission to the UPR on the Congo, p. 6.
- ³⁹ According to article 5 of the rules of procedure for the International Coordination Committee (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination); C: No Status (not in compliance with the Paris Principles).

- 40 For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/23/28, annex.
- 41 E/C.12/COG/CO/1, para. 8; and CEDAW/C/COG/CO/6, para. 45.
- 42 CERD/C/COG/CO/9, para. 12. See also CEDAW/C/COG/CO/6, para. 45.
- 43 CERD/C/COG/CO/9, para. 12; and CEDAW/C/COG/CO/6, para. 46 (a). See also E/C.12/COG/CO/1, para. 8.
- 44 CEDAW/C/COG/CO/6, paras. 45–46.
- 45 Contribution de l'UNICEF, par. 66.
- 46 CEDAW/C/COG/CO/6, para. 5. See also para. 19.
- 47 Contribution de l'UNICEF, par. 47.
- 48 CEDAW/C/COG/CO/6, paras. 19–20.
- 49 Ibid., paras. 11 and 12 (a).
- 50 CERD/C/COG/CO/9, para. 7. See also E/C.12/COG/CO/1, para. 13.
- 51 A/HRC/18/35/Add.5, para. 49.
- 52 Contribution de l'UNICEF, par. 45.
- 53 CEDAW/C/COG/CO/6, paras. 35–36 (g).
- 54 A/HRC/19/58/Add.3, para. 100 (j).
- 55 UNHCR submission to the UPR on the Congo, p. 4.
- 56 The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
- 57 E/C.12/COG/CO/1, para. 27.
- 58 CERD/C/COG/CO/9, para. 29.
- 59 CEDAW/C/COG/CO/6, para. 52.
- 60 E/C.12/COG/CO/1, para. 3.
- 61 For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
- 62 A/HRC/22/45, para. 97.
- 63 OHCHR Report 2011, OHCHR in the field: Africa, p. 217, available from: <http://www.ohchr.org/Documents/Publications>.
- 64 See *ibid.*, p. 8.
- 65 See *ibid.*, p. 52.
- 66 See *ibid.*, p. 86.
- 67 See *ibid.*, p. 157.
- 68 E/C.12/COG/CO/1, para. 15.
- 69 CEDAW/C/COG/CO/6, para. 21. See also para. 15.
- 70 Ibid., para. 22 (a).
- 71 Ibid., para. 16 (d). See also paras. 38 (d) and 44 (c).
- 72 Ibid., para. 43. See also para. 15.
- 73 Ibid., para. 44 (a).
- 74 Ibid., para. 44 (b). See also para. 22 (b).
- 75 Ibid., para. 22 (b).
- 76 Ibid., para. 37. See also paras. 15 and 43.
- 77 Ibid., para. 38 (d). See also para. 44 (b).
- 78 Ibid., paras. 37–38 (b).
- 79 E/C.12/COG/CO/1, para. 13.
- 80 CERD/C/COG/CO/9, 23 March 2009, para. 15.
- 81 Ibid.
- 82 A/HRC/18/35/Add.5, para. 68.
- 83 Ibid., para. 69.
- 84 Ibid., para. 88.

- 85 A/HRC/19/58/Add.3, para. 30.
86 UNESCO submission to the UPR on the Congo, para. 24.
87 A/HRC/19/58/Add.3, para. 25.
88 Ibid., paras 28 and 69–71.
89 Ibid., para. 75.
90 Ibid., para. 34.
91 Ibid., para. 100 (g).
92 Ibid., para. 100 (i).
93 Ibid., paras. 44–46.
94 UNHCR submission to the UPR on the Congo, p. 4.
95 CEDAW/C/COG/CO/6, paras. 23–24. See also paras. 21–22 (b).
96 Contribution de l'UNICEF, par. 14.
97 Ibid., para. 47.
98 Ibid., para. 65.
99 CEDAW/C/COG/CO/6, 23 March 2012, paras. 25–26.
100 Ibid., paras. 41–42 (a).
101 CERD/C/COG/CO/9, 23 March 2009, para. 13.
102 CEDAW/C/COG/CO/6, 23 March 2012, paras. 27–28 (e).
103 E/C.12/COG/CO/1, para. 18.
104 Ibid.
105 Contribution de l'UNICEF, par. 33.
106 A/HRC/18/35/Add.5, para. 16.
107 Ibid., para. 17.
108 E/C.12/COG/CO/1, para. 10.
109 CERD/C/COG/CO/9, para. 19.
110 CEDAW/C/COG/CO/6, paras. 17–18. See also paras. 11, 12 (b), 15, 23 (d) and 24 (d).
111 E/C.12/COG/CO/1, para. 9.
112 A/HRC/19/58/Add.3, para. 37.
113 Ibid., para. 100 (h).
114 Ibid., para. 34.
115 Ibid., para. 86.
116 Ibid., para. 51.
117 Ibid., para. 94.
118 Ibid., para. 100 (e).
119 Ibid., para. 100 (f).
120 Ibid., para. 100 (k).
121 Ibid., para. 100 (l).
122 Ibid., para. 100 (m).
123 Contribution de l'UNICEF, par. 36.
124 Ibid., para. 11.
125 CERD/C/COG/CO/9, para. 17.
126 UNHCR submission to the UPR on the Congo, p. 6.
127 UNESCO submission to the UPR on the Congo, paras. 29 and 31.
128 CEDAW/C/COG/CO/6, paras. 29–30.
129 Contribution de l'UNICEF, par. 13.
130 E/C.12/COG/CO/1, para. 11.
131 Contribution de l'UNICEF, par. 67 et 68.
132 A/HRC/18/35/Add.5, para. 86.
133 CERD/C/COG/CO/9, para. 16.
134 E/C.12/COG/CO/1, para. 16.
135 CEDAW/C/COG/CO/6, paras. 33–34.
136 E/C.12/COG/CO/1, para. 19.
137 CEDAW/C/COG/CO/6, para. 38 (a).
138 Contribution de l'UNICEF, par. 6.
139 Ibid., para. 63.
140 UNHCR submission to the UPR on the Congo, p. 2.

- 141 A/HRC/18/35/Add.5, para. 71.
142 Ibid., para. 73.
143 E/C.12/COG/CO/1, 2 January 2013, para. 17.
144 Contribution de l'UNICEF, par. 39 et 40.
145 Ibid., par. 28.
146 CEDAW/C/COG/CO/6, paras. 35 (a)–36 (a).
147 E/C.12/COG/CO/1, para. 20. See also CEDAW/C/COG/CO/6, para. 35 (b).
148 CEDAW/C/COG/CO/6, para. 36 (b).
149 Contribution de l'UNICEF, par. 17 et 18.
150 CEDAW/C/COG/CO/6, paras. 35–36.
151 E/C.12/COG/CO/1, para. 21.
152 CEDAW/C/COG/CO/6, paras. 35 (d)–36 (d). See also E/C.12/COG/CO/1, para. 21.
153 A/HRC/18/35/Add.5, para. 75.
154 Contribution de l'UNICEF, par. 24.
155 CEDAW/C/COG/CO/6, paras. 41–42 (b).
156 E/C.12/COG/CO/1, para. 7 (e). See also CEDAW/C/COG/CO/6, para. 31.
157 E/C.12/COG/CO/1, para. 22.
158 CEDAW/C/COG/CO/6, paras. 31–32.
159 Contribution de l'UNICEF, par. 30 à 32.
160 Ibid., par. 61.
161 Contribution de l'UNESCO, par. 27.
162 A/HRC/18/35/Add.5, para. 21.
163 Ibid., para. 24.
164 Ibid., para. 76.
165 E/C.12/COG/CO/1, para. 23.
166 Ibid., para. 14.
167 Contribution de l'UNICEF, par. 12.
168 Ibid., par. 11.
169 CERD/C/COG/CO/9, para. 21.
170 Ibid., para. 14.
171 A/HRC/18/35/Add.5, para. 79.
172 Ibid., para. 80.
173 Ibid., para. 81.
174 Ibid., para. 85.
175 UNHCR submission to the UPR on the Congo, p. 1.
176 Ibid., p. 3.
177 Ibid., p. 4.
178 Ibid., p. 5.
179 CEDAW/C/COG/CO/6, para. 39.
180 Ibid., para. 18. See also CEDAW/C/COG/CO/6, para. 40 (a).
181 CEDAW/C/COG/CO/6, para. 40 (a).
182 CERD/C/COG/CO/9, para. 18.
183 CEDAW/C/COG/CO/6, paras. 39–40 (b).
184 UNHCR submission to the UPR on the Congo, p. 4.
185 E/C.12/COG/CO/1, para. 12.
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