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

### **Congo**

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## I. Introduction and methodology used to prepare the report

1. The 2002 Constitution guarantees the civil, political, economic, social and cultural rights of each citizen.
2. Congo has enhanced its participation in the international conventions, and in particular the human rights conventions.
3. Congo unreservedly adheres to the universal periodic review mechanism and has accepted 51 of the recommendations made by 44 member States at the time of its first review cycle in 2009.
4. Those recommendations were implemented in three stages.
5. The first stage involved the establishment of an interministerial committee to follow-up cooperation with the international mechanisms for the protection and promotion of human rights. The committee was established by internal memorandum No. 1082/CPS/MJDH/CAB of 9 August 2010 issued by the Minister of Justice and Human Rights.
6. The second stage involved the preparation and approval of a framework document entitled “matrix for the implementation of the recommendations of the universal periodic review of the Congo”. The document, which incorporates all the recommendations made to the Congo, sets the targets to be met and the time frame for carrying out activities, determines the means required and the actors involved: State institutions (ministries, parliament), the National Human Rights Commission, civil society, bilateral and multilateral partners, and indicates the cost of and the sources of funding for the activities planned.
7. The matrix was adopted and approved at a workshop held on 1 and 2 March 2011, which was attended by the Ambassador of the United States of America to the Congo, the French Ambassador and the United Nations Subregional Centre for Human Rights and Democracy in Central Africa.
8. This report is the outcome of a participative and inclusive national process which was jointly chaired by the Minister of Justice, Human Rights and Fundamental Freedoms and the Minister for Foreign Affairs and Cooperation.
9. Civil society also helped both by collecting information and helping to raise awareness among the population. The input from non-governmental human rights organizations such as the International Federation of Action by Christians for the Abolition of Torture (FIACAT) and the Association for Human Rights in Prison (ADHUC) helped to improve the report.

## II. General policy measures

10. Since the beginning of this century, the Government has been implementing a far-reaching programme of structural reforms and improvement of governance, with a view to consolidating peace and stimulating economic and social development.
11. The preparation of a poverty-reduction strategy paper (PRSP) covering the period 2008–2010 and of a document on growth, employment and poverty reduction (DSCERP) for 2012–2016 are further contributions to this effort.
12. In the political sphere, the Congo has achieved remarkable results in terms of consolidating peace and strengthening participative democracy, as is illustrated by the

peaceful organization of the most recent legislative elections in July and August 2012 and the emergence of a peaceful political climate.

13. In the economic sphere, the Congo has achieved significant results that include a stable macroeconomic environment, healthy public finances, a rate of inflation that is under control and an overall growth rate of over 5 per cent.

14. In the sphere of health, a number of decisions have been taken, including the provision of caesarean sections free of charge and cost-free treatment for ectopic pregnancy, free emergency care for newborn infants born by caesarean section (Decree No. 2011-493 of 29 July 2011), free treatment for malaria and tuberculosis for children aged from 0 to 15 years, free screening for HIV and AIDS and case-management for seropositive persons and persons living with HIV or AIDS.

15. Two major outpatient health centres have been established at Brazzaville and Pointe-Noire, together with several other screening centres in other towns. Permanent information campaigns in the media and condom distribution in streets, hotels and at border posts by State agencies and NGOs are noteworthy activities. Thanks to these grass-roots activities, the disease is regressing in the country.

16. Vaccination coverage among children aged from 0 to 5 years is 90 per cent. In view of the high proportion of young people and of women among the population, it is safe to assert that almost all of them are immunized against measles, diphtheria, yellow fever, tuberculosis and hepatitis A and B.

17. As regards education, the number of primary and secondary schools has increased by 25 per cent as a consequence of the law on free education and the provision of free textbooks up to secondary school.

18. Under Decree No. 2012-685 of the President of the Republic, of 30 May 2012, no registration fees are charged for examinations and competitive exams in primary, secondary, technical and vocational education and textbooks are also free of charge. These provisions also apply to indigenous children by virtue of article 17 of Act No. 05-2011 of 25 February 2011 on the promotion and protection of the rights of indigenous peoples.

19. Similarly, under Act No. 009/92 of 22 April 1992 on the status, promotion and protection of persons with disabilities, these persons are entitled to training, access to employment and vocational guidance.

20. The removal of the restrictions on the recruitment of teaching and non-teaching staff in the education system, together with the implementation of the programme to build and equip schools and the revival of adult literacy activities nationwide are examples of measures taken by the Government in the sphere of education.

21. In order substantially and sustainably to reduce the disparities referred to above, local communities have been given greater responsibilities for basic education as part of the policy of decentralization.

22. The Government has also mobilized considerable resources to increase the capacity of educational establishments by renovating the 11 higher-education establishments comprising 5 faculties, 4 schools and 2 institutes.

23. Other measures taken as part of this effort include the award of education grants for girls, making it easier to find accommodation in university halls of residence and the building of a functional modern library, together with the construction of a modern state-of-the-art university campus which is already under way. This facility, which will cover almost 1,000 hectares, will take some three years to build.

24. Moreover, the satisfactory performance of the oil sector and the revival and development of the non-oil sector hold out hope of sustained growth in the years to come.

25. It would not have been possible for the Government to have achieved this performance without taking measures to tackle corruption. Investigations of this scourge have led to the preparation and adoption of a plan of action, the cornerstone of which is the National Commission to Combat Corruption, Extortion and Fraud, which was set up by Decree No. 2004-323 of 8 July 2004, and reorganized by Decree No. 2007-155 of 13 February 2007.

26. In the social sphere, the findings of surveys such as the 2011 Congolese household survey (ECOM2-2011) show that satisfactory economic growth has helped to improve the living conditions of the populations and to reduce poverty.

27. For example, the economic situation of households has improved and the unemployment rate has fallen significantly, from 19.4 per cent in 2005 (ECOM1-2005) to 6.97 per cent in 2011 (ECOM2-2011).

28. However, according to the same surveys the rate of unemployment is still high among young people (twice the national average) and jobs are still insecure; this is illustrated by the high rate of underemployment, particularly among young people (almost 40 per cent).

29. The same surveys also show that in terms of both accessibility and quality essential services are still far below both peoples' expectations and the Government's ambitions, particularly as regards health, water supply, education and energy.

30. Taking up these major challenges implies diversifying the economy so as to create sustainable employment and strengthening productive and social services. This task will not be possible through piecemeal, isolated and short-term approaches.

31. Against this background and bolstered by the achievements of recent years, the Government has decided to expand and reinforce the strategic framework for poverty control by means of a five-year development plan which forms part of reinforced strategic planning and a results-based management rationale.

32. Trafficking in persons, particularly children and women, has been addressed by appropriate measures, which include:

- In March 2012, ratification of the United Nations Convention against Transnational Organized Crime and of its protocol against trafficking in persons;
- On 20 September 2011, signing of the cooperation agreement between the Republic of the Congo and the Government of the Republic of Benin to combat trafficking in children.

33. Other similar initiatives include:

- The launch of joint action by Benin and the Congo to combat trafficking in children, in February 2012;
- The organization, from 30 January to 1 February 2013, in conjunction with the United Nations Office on Drugs and Crime (UNODC) and the International Organization for Migration (IOM), of a training workshop on trafficking in persons in the Republic of the Congo.

34. This workshop made it possible for a group of judges, gendarmes and police officers, together with civil society organizations, to familiarize themselves with the tools and knowledge required better to combat the phenomenon.

### **III. Improvement of the normative and institutional framework for the promotion and protection of human rights**

#### **A. Participation in international human rights instruments**

35. Since the first UPR, the Congo has been a party to the following international legal instruments:

- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, New York, 25 May 2000 (accession, 25 October 2009);
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime of 2000 “the Palermo Protocol of 15 November 2000” (ratification 12 March 2012);
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, New York, 25 May 2000 (ratified on 24 September 2010).

36. Procedure for accession to the following conventions is under way:

- The Convention on the Prevention and Punishment of the Crime of Genocide;
- The ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).

#### **B. Strengthening the national normative framework**

**The national normative framework has been enriched by:**

37. The adoption of Act No. 04-2010 on the protection of children in the Republic of the Congo:

- The publication of Decree No. 341/2011 of 12 May 2011 setting out the requirements and procedure for establishing and opening private facilities to receive and accommodate children;
- Act No. 5-2010 of 26 July 2010 on orientations for cultural policy in the Congo;
- Act No. 5-2011 of 25 February 2011 on the promotion and protection of indigenous peoples;
- Act No. 18-2012 of 22 August 2012 on the regime applicable to occupational hazards and pensions for private-sector employees;
- Act No. 11-2012 of 4 July 2012 on the regime applicable to pensions for State employees;
- Act No. 30-2011 of 3 June 2011 on efforts to control HIV and AIDS and protection for the rights of people living with HIV;
- Act No. 5-2009 of 22 September 2009 on corruption, extortion, fraud and similar offences;
- Act No. 31-2011 of 15 July 2011 on the social security system, which provides for the establishment of mandatory regimes distinct from the non-mandatory regimes. One of the mandatory regimes set up is the pension regime for State employees.

38. Other regulations have been adopted in order to promote and guarantee the rights to health and to protect people living with HIV and AIDS. They are:

- Decree No. 2011-493, of 29 July 2011, on the provision free of charge of caesarean section, treatment for ectopic pregnancy, emergency care for newborn infants born by caesarean section and other major obstetric procedures. The ministerial decisions that determine the terms of application for the decree have been taken;
- Decree No. 2008-128, of 23 June 2008, on the provision free of charge of treatment for malaria, tuberculosis and for persons living with HIV/AIDS;
- Decree No. 2007-155, of 13 February 2007, on the reorganization of the National Commission to Combat Corruption, Extortion and Fraud;
- Decree No. 16-2007 of 19 September 2007, establishing the national anti-corruption observatory;
- Decree No. 2009-235, of 13 August 2009;
- Decree No. 2012-11, of 7 January 2012, to increase the minimum wage in public service.

## **IV. Implementation of recommendations**

### **A. Abolition of capital punishment**

#### **Abolish capital punishment in internal legislation**

39. Congo has not applied the death penalty since 1982. In view of public opinion, its abolition is still under review.

### **B. Strengthening the national system for the protection of human rights**

#### **1. Recommendations concerning the strengthening of the national system for the protection of human rights**

40. Participation in the international human rights instruments and reinforcement of the national normative framework as described above contribute to this effort.

#### **2. Ensure that the National Human Rights Commission complies with the Paris Principles, enhance its mandate and capacity, provide it with appropriate resources and seek accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)**

41. The National Human Rights Commission acquired B status in 2010, shortly after consideration of the first report. Efforts are currently being made to improve its status.

#### **3. Protect and promote the human rights and fundamental freedoms of citizens and improve the human rights situation in the country**

42. Vulnerable sectors of the population, women, children, people with disabilities and the indigenous peoples have benefited from sustained attention from the Government, as described above in the section on general policy measures.

43. In the civil service, the guaranteed minimum wage rose from CFA francs 40,370 to CFA francs 64,000 as a result of Decree No. 2010-819 of 31 December 2010 and was again increased to CFA francs 70,000 (Decree No. 2012-11 of 7 January 2012).

**4. Integrate human rights education into school curricula**

44. Textbooks that integrate human rights into the Congolese education system are still being prepared. An encouraging sign of progress in this direction is the integration of efforts to raise awareness about HIV and AIDS in primary schools, secondary schools and lycées using publications such as “Learn about HIV and AIDS”.

**C. Cooperation with the international and regional human rights mechanisms and technical cooperation**

**1. Support the efforts of the African Commission on Human and Peoples’ Rights**

45. The Republic of the Congo has always lent its support to the efforts of the African Commission on Human and Peoples’ Rights to protect human rights, as is confirmed by the following activities:

- The organization in Brazzaville, in 2007, of the 42nd session of the African Commission on Human and Peoples’ Rights;
- The organization in Brazzaville, in August 2011, of the regional seminar on the rights of indigenous populations/communities in Central and Eastern Africa;
- The 2010 fact-finding mission to the Republic of the Congo by the working group on indigenous populations and communities of the African Commission on Human and Peoples’ Rights.

**2. Define its priorities and determine its needs in order to support its requests for technical assistance in the field of human rights**

46. These priorities and needs are defined in respect of each agreement with the different bilateral and multilateral partners in the field of human rights. Essentially they comprise:

- Technical assistance;
- Capacity-building;
- Infrastructure improvement.

**3. Seek international assistance to take up the various challenges confronting the country**

47. As part of its international cooperation with international institutions, in 2013 the Congo received support from IOM and from the United Nations Office on Drugs and Crime, which provided training on trafficking in children for judges and police officers.

48. The Congo has also received support from the Bretton Woods institutions to help it draw up and implement the Poverty Reduction Strategy Paper (PRSP).

**4. Address the issue of overdue reports to the Committee on Economic, Social and Cultural Rights, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and the Committee against Torture**

49. Congo is behind with the preparation of its initial and periodic reports. However, two reports, the first on economic, social and cultural rights and the other on torture and other cruel, inhuman or degrading treatment or punishment are being finalized and will shortly be submitted.

**5. Engage in a continuous and constructive dialogue with the human rights bodies and with the international community**

50. During the period under review, the Congo has been visited by two special procedures mandate holders:

- The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, M. James Anaya, who visited the Congo from 2 to 12 November 2010;
- The Working Group on Enforced or Involuntary Disappearances, which visited the Congo from 24 September to 3 October 2011.

51. The Congo submitted its combined reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, covering the periods 2003–2006 and 2007 to 2011, on 14 February 2012.

**6. Accomplish progressively human rights goals as set forth in Human Rights Council resolution 9/12**

52. The Congo is continuing with efforts to do so, in particular via:

- Ratification of the international legal instruments on human rights;
- The establishment of national human rights institutions;
- Laws on the rights of indigenous peoples and the protection of children.

**D. Respect for human rights in the administration of justice and the prison administration**

**1. Establish a national mechanism to prevent torture, prohibit torture under domestic law, ensure observance of the provisions contained in the Criminal Code, carry out investigations into all allegations of torture or death during detention and prosecute the perpetrators of acts of torture**

53. In the absence of a specific law to prevent torture in the Congo, it is prohibited by article 9, paragraph 4 and article 10, paragraph 3 of the Constitution of 20 January 2002, which stipulate:

- Article 9, paragraph 4: All acts of torture and all forms of cruel, inhuman or degrading treatment shall be prohibited;
- Article 10, paragraph 3: Any persons, agents of the State or persons vested with public authority who commit an act of torture or cruel and inhuman treatment, whether at their own initiative or under orders shall be punished in accordance with the law.

54. Whenever allegations of torture and death in detention are found to be true, the perpetrators of the acts are punished in compliance with the relevant provisions of criminal law.

2. **Review conditions in all prisons and detention facilities, establish an independent programme to monitor the situation in prisons and places of detention and in particular provide separate premises for minors, establish a human rights training programme for staff working in places of detention, ensure places of detention are in conformity with the Standard Minimum Rules for the treatment of Prisoners, continue the capacity-building programme in the field of health-care services and make greater provision for non-custodial sentences, in particular for women, as a means of reducing overcrowding in prisons and the pressure on reintegration efforts**

55. As part of the programme to modernize the judicial system, which is being coordinated by the Ministry of Justice and Human Rights, the Government has undertaken a far-reaching prisons programme, comprising two elements:

- Rehabilitation of prison infrastructure, which has already made it possible to renovate prisons in Impfondo and Ouessou, Brazzaville, Pointe-Noire and Dolisie, in partnership with the project for action to reinforce the rule of law and associations (PAREDA);
- The building of new prison facilities in Pointe-Noire and Owando and the construction of the Igné prison (in Pool department, north of Brazzaville).

56. An annual budget of 600 million CFA francs is allocated to the prison administration for the upkeep of prisoners. In addition, human-rights training is provided for prison staff by the parent administration, with assistance from NGOs, in the form of courses and seminars.

57. The Directorate-General of Prison Administration is governed by Decree No. 2011-494 of 20 July 2011, article 11 of which provides that the social rehabilitation of prisoners is the responsibility of the Directorate for Social Reinsertion and Judicial Welfare.

3. **Guarantee that each detainee effectively has the right to contest the legality of his or her arrest, end immediately the detention of those who are not held in detention centres as provided for by article 341 of the Penal Code**

58. Under article 9 of the Constitution of 20 January 2002, which guarantees the inviolability of the human person, “No-one shall be arbitrarily accused, detained or imprisoned.”

59. Article 341 of the Congolese Criminal Code stipulates that “Anyone who, without an order from the proper authorities and with the exception of those cases in which the law so provides, arrests, detains or confines any person shall be sentenced to a term of hard labour.”

4. **Ensure the independence of the judiciary and improve access to justice and to a fair trial**

60. The judiciary is independent from the executive and legislative branches, in conformity with article 136 of the Constitution of 20 January 2002.

61. The independence of the courts is guaranteed in practice by the separation of judicial functions. Officials responsible for overseeing the investigation (public prosecutors), those responsible for examination proceedings (investigating judges) and the trial judges are separate.

62. All Congolese citizens have unrestricted access to the courts and are entitled to a fair trial. Failure to respect these principles entitles them to remedies or to disciplinary measures.

**5. Adopt measures, together with non-governmental organizations and anti-corruption groups, with a view to combating corruption, particularly within the judicial system, in order to promote the respect of human rights**

63. There is a constitutional body within the Congolese judicial system, the High Council of the Judiciary, one of whose tasks is to enforce discipline within the judiciary.

64. As a result of Organization Act No. 22-2008 of 26 July 2008, the High Council of the Judiciary is now operational. In its capacity as the disciplinary body for judges, the Council is charged with, inter alia, taking decisions on any action that constitutes misconduct, including acts of corruption. At its first regular session on 4 May 2009, the Council ordered the dismissal of 11 judges for acts akin to corruption or for actual corruption.

65. At its session on 8 May 2013, the Council had to deal with penalties for five judges facing disciplinary proceedings for acts that had been proven. The disciplinary committee is pursuing its work.

**E. Respect for gender equity and the elimination of violence against women**

**1. Adopt measures to combat persistent stereotypes concerning the role and responsibilities of women in society (educational and public awareness measures)**

66. For many years, the role and responsibilities taken on by women within Congolese society have been stereotyped and characterized by cliché attributable to a social and cultural environment marked by male supremacy.

67. As a result of the creation of the Ministry for the Advancement of Women and the Integration of Women into Development in 1992, the condition of Congolese women has improved over time.

68. The Ministry helps to determine specific policies on behalf of women and ensures they are implemented.

69. Women are involved in all levels of decision-making in the Congo, they make up 8.6 per cent of members of parliament and 13 per cent of the Government; they occupy 12 per cent of decision-making positions in the Ministries, 17.3 per cent in the departmental councils and 26 per cent in the municipal councils; in 2011, a total of 36.4 per cent of mayors were women.

**2. Promote gender equality and give women equal rights in marriage and pre-marriage**

70. Gender equality in the Congo is guaranteed by article 8 of the Constitution which ensures that all citizens are equal before the law and prohibits all forms of discrimination, including discrimination based on sex.

71. The preamble to the Family Code, which was introduced by Act No. 73/84 of 17 October 1984, stipulates that “women shall have the same rights as men in all areas of private, political and social life”.

72. Within marriage, the equal rights of both spouses (articles 128 to 149 of the Family Code) is recognized as regards both the conditions of marriage and its effects (articles 166 to 178 of the Family Code).

73. Nonetheless, Congolese women suffer from discrimination in inheritance after the death of their spouse. Certain outdated traditional practices still persist, although they are punished by law.

**3. Establish with the United Nations, programmes and strategies for literacy and employment training in order to improve the living conditions of women and enhance their participation in the development of the country**

74. Programmes and strategies are developed in partnership with the United Nations. UNICEF is totally committed to such programmes, as described earlier in the replies to the recommendations on the rights of children to education and training. To attain this objective, a programme for 2014–2018 has recently been developed by UNICEF and the Republic of the Congo.

**4. Include provisions in domestic legislation to define discrimination against women and take steps, including legislative measures, to eliminate all forms of discrimination against women and girls (ownership, sharing, and inheritance of land)**

75. Currently, there is no provision under domestic legislation to define discrimination against women. However, the lack of a legal definition notwithstanding, efforts are being made to ensure that women are equal as regards ownership of property, access to employment and political activity. Women may own land through matrilineal or patrilineal filiation, through inheritance or by marriage.

76. The Ministry for the Advancement of Women and the Integration of Women into Development has introduced a bill on the representation of women in political, administrative and elected positions. The Supreme Court has given a favourable opinion on the bill. Irrespective of the bill, Congolese women already play an active part in all sectors of public life.

**5. Protect victims of sexual violence and combat impunity in this regard**

77. Sexual violence is classified as a crime and is punished by article 332 of the Congolese Criminal Code, which punishes the crime of rape. However, certain cases in which the crime has gone unpunished may be attributed to the failure of the victims to lodge a complaint or to the inertia and shortcomings of the judicial system.

78. Efforts to combat the scourge are headed by NGOs, public institutions and United Nations agencies, which utilize extrajudicial means such as:

- The organization of information, education and communication sessions in order to change behaviour;
- The launch of the Zero Tolerance campaign, whose activities will last two years;
- Creation of hostels for the victims of violence;
- Establishment of an observatory for violence control;
- Revision of the legal framework to take into account legal issues affecting women (Criminal Code, Tax Code, Family Code, etc.).

79. In the Congo, the provisions of the Criminal Code that punish pimping are still in force.

80. The Ministry for the Advancement of Women and the Integration of Women into Development and UNFPA are currently helping NGOs to identify prostitutes and raise awareness of the problem in Brazzaville.

81. A number of initiatives have been planned as part of strategies to protect the victims of prostitution and keep the problem in check:

- A study to determine the scale of the problem in the Congo;
- The organization of information, education and communication (IEC) activities designed to raise awareness among prostitutes and the general population about the serious harm caused by the problem;
- The involvement of the National AIDS Control Council (CNLS) and the National AIDS Control Programme (PNLS) in preventive measures and treatment for prostitutes;
- Making parents aware of their responsibilities towards children.

**6. Adopt laws prohibiting female genital mutilation and take focused measures, in particular by organizing broader awareness-raising campaigns**

82. Female genital mutilation is prohibited in the Congo by article 62 of Act No. 4-2010 of 14 June 2010 on the protection of children in the Republic of the Congo. Campaigns to raise awareness about such practices are organized as part of the effort to combat sexual violence.

**7. Invest in the health of the mother and the girl child, and in particular in obstetric clinics and information provided by skilled birth attendants**

83. Act No. 2011-493 of 29 July 2011 introduced cost-free caesarean sections, treatment for ectopic pregnancy and emergency care for newborn children born by caesarean section as well as other major obstetrical procedures.

84. The Congo has made genuine progress towards Millennium Development Goals 4 and 5. Maternal mortality has been reduced from 781 deaths per 10,000 live births in 2005 to 560 in 2010.

85. The infant and child mortality rate fell from 126 per thousand in 2006 to 99 per thousand in 2011.

86. Efforts are continuing under the expanded programme on immunization (EPI) to control vaccine preventable diseases; national vaccination campaigns are held throughout the country to improve immunization coverage.

87. Congo has been certified by WHO as free from polio since 2008 and pneumococcal vaccine has been included in the immunization schedule since 2012.

**F. Protection and respect for the rights of the child**

**1. Continue efforts fully to protect children against violence, exploitation and sexual abuse, to prevent child labour and child trafficking and to ensure fulfilment of the rights of children, in particular with regard to access to education**

88. The overall framework for the protection of the rights of the child is determined by Act No. 4-2010 of 14 June 2010 on protection for children in the Republic of the Congo.

89. Section III of the Act concerns protection against violence, neglect, ill-treatment and exploitation and prohibits the following:

- Enlistment or use of children in any form of armed conflict (art. 49);
- The use of corporal punishment to discipline or punish children (art. 53);
- Indecent exposure, sexual molestation or rape in the presence or on the person of a child (art. 54);
- Genital mutilation, honour crimes and forced marriage of children (art. 62);
- Subjecting children to torture or to cruel, inhuman or degrading treatment (art. 64);
- Employment of underage children (art. 68) and article 34 of the Constitution;
- The trafficking, sale and all forms of exploitation of children (art. 60).

90. On 16 June each year, the Congo celebrates African Children's day; the event is an opportunity to draw attention to the need to protect children.

91. The Government of the Congo has also made access to education for Congolese children a top priority. The right to an education is guaranteed by article 23 of the Constitution. School attendance is mandatory until the age of 16.

92. The government report on the state of the national education system (RESEN), which was carried out with the support of the World Bank in January 2007 has made it possible for the Congo to produce a sectoral strategy paper on education for 2010–2020.

93. The Government's objective during this period is to increase public expenditure on education from 16 to 22 per cent of the national budget. At present the level is around 20 per cent. The funds allocated are mainly spent on capacity-building for teachers and others involved in education (more staff and training) and on building and renovating schools and their equipment.

94. Since 2003, according to data provided by the Ministry of Primary and Secondary Education and Literacy, more than 2,000 classrooms have been either renovated or built, 50,000 school desks have been supplied and administrative facilities and housing have been renovated or built in schools.

95. During the period 2007–2011, the education sector benefited from 12 per cent of extrabudgetary expenditure, i.e. 3 per cent of GDP. Free schooling has made it possible to improve the school enrolment rate. As an illustration, during the 2010/11 school year, the total number enrolled in school was 12,895, of whom 6,627 were girls.

96. In 2009–2010, the number of persons enrolled in literacy courses and non-formal education was 11,702, of whom 7,021 were girls or women; in 2008–2009 the figure was 9,802.

97. Under the project in support of basic education (PRAEBASE), pilot programmes for young school dropouts have been carried out: 1,244 young persons, including 627 girls, benefited from education programmes providing apprenticeships for trades in order to enable them to join the workforce.

98. Between 2005 and 2011, the net primary school enrolment ratio rose from 87 per cent to 92 per cent; however the ratio of girls to boys in school fell from 0.97 per cent to 0.81 per cent in secondary education.

99. Cooperation with UNICEF has made it possible to improve enrolment of indigenous children in school. During 2012, the decentralized plan on the quality of life of indigenous peoples made it possible to enrol 1,998 indigenous children in school; 255 attended State schools and 1,743 ORA (Observer, Réfléchir, Agir) schools.

100. In two departments (Likouala and Sangha) the number of these schools has increased from 19 to 23. The number of indigenous children enrolled in them rose from 1,543 in 2009 to 2,169 in 2013.

**2. Reinforce national legislation prohibiting trafficking in persons, in particular children, and criminalize trafficking in children and sexual exploitation of children**

101. A bill to control trafficking in persons in the Republic of the Congo has been under preparation since the first quarter of 2013 with the financial support of the Embassy of the United States of America in the Congo and the assistance of experts from the United Nations Office on Drugs and Crime (UNODC).

102. A project to set up a national committee to combat trafficking in persons, which will be responsible for gathering data on trafficking and fostering cooperation, is under way.

**3. Develop formal procedures for identifying trafficking victims among vulnerable populations such as females in prostitution, street children and Pygmies, and train police and social workers to implement these procedures**

103. The Congolese Code of Criminal Procedure contains relevant judicial procedures: identity checks, seizure, searches and border controls.

104. Police from Central Africa have visited Brazzaville several times to determine coordinated strategies for this purpose.

105. On 14 and 15 March 2013, a training seminar was held in Brazzaville for police and gendarmerie officers on human rights and the rule of law in the field of detention, migration and trafficking in persons.

106. In 2012, with the support of the International Bureau for Children's Rights, a Canadian NGO, training was provided for 93 police officers and gendarmes. One hundred and thirty social workers from the Directorate for Legal Protection of Children and the prison administration, together with two officials from the Directorate-General for Human Rights and Fundamental Freedoms also received training.

107. Between 22 October and 2 November 2012, thanks to the support of the Embassy of the United States of America in the Congo, six judicial officials, police officers and gendarmes were given specialized training on trafficking in persons at the International Law Enforcement Academy in Gaborone (Botswana).

108. In preparation for the drafting of a specific law on trafficking in persons, on 30 and 31 January and 1 February 2013, some 20 judges, lawyers, police officers, gendarmes and members of civil society underwent training on trafficking in persons.

109. With regard to campaigns to raise awareness, from 17 to 19 January a workshop to launch the campaign against trafficking in persons, especially women and children in Central Africa was held in Pointe-Noire with the support of the subregional centre for human rights in Yaoundé and of the UNICEF country office in the Congo. Delegates from Gabon, Cameroon, the Democratic Republic of the Congo and the Republic of the Congo actively participated in the workshop. Fifty child victims were identified and 11 of them repatriated, with some being placed in foster families.

110. Despite a relative decline in the number of street children, which fell from 1,900 in 2003 to 910 in 2009, the actual scale of the phenomenon of trafficking in children is little known; it is estimated that there are some 1,800 child victims of domestic and transboundary trafficking in Brazzaville and Pointe-Noire.

*Recommendation on registration of children at birth*

111. Recent studies have indicated that the proportion of children under 5 years of age whose births have been registered is high (81 per cent).

112. The organization of registration campaigns has made it possible to issue birth certificates for 1,475 indigenous children.

**4. Continue efforts to promote and facilitate school attendance, in particular among children from economically disadvantaged families, and to ensure non-discrimination within the school environment**

113. The following measures have been adopted:

- Improving access to, equity within and the quality of schooling;
- Application of measures to provide free schooling for indigenous children in line with the target of education for all by 2015;
- Development of the national strategy on education for girls and promotion of the “Child- and girl-friendly school” model.

114. There is a Directorate-General for literacy.

115. A project for a media plan to promote awareness of Act No. 4-2010, of 4 June 2010, on protection for children in the Republic of the Congo has been drawn up.

116. A total of 5,000 booklets and 10,000 illustrated books on the Act were published in 2011 and 2012 with the support of UNICEF.

**G. Protection and respect for the rights of vulnerable groups**

**1. Continue efforts to combat all forms of discrimination against vulnerable groups such as indigenous peoples and the disabled**

117. In the Republic of the Congo, the law guarantees equality for all citizens against all forms of discrimination.

118. Article 30 of the Constitution specifically addresses the elderly and people with disabilities: “The elderly and people with disabilities have the right to protective measures in line with their physical, mental and other needs, with a view to their full personal development.”

119. In the Congo, each vulnerable group benefits from specific protective measures.

120. Protection for persons with disabilities is afforded by Act No. 009/92, of 22 April 1992, on the status, protection and advancement of persons with disabilities.

121. It has to be recognized that this Act, which has been in force since 1992, has remained dead letter for lack of a decree to implement it. With the exception of a number of sectors, such as education, national policy for the protection of people with disabilities still has a number of shortcomings.

**2. Approve the bill for the protection of persons living with HIV/AIDS**

122. Following an intense campaign in its favour, Act No. 30-2011, of 3 June 2011, on efforts to control HIV/AIDS and protection for people living with HIV was adopted by both houses of parliament (the National Assembly and the Senate) and promulgated by the President of the Republic. It has been in force since that date and implementing legislation is now being drafted.

123. In the wake of the Act's introduction, numerous activities were organized to publicize the Act. An information handbook on HIV/AIDS control and protection of the rights of infected or affected persons, which was drafted with the support of the United Nations Development Programme (UNDP), was approved in February 2013.

**3. Step up efforts on behalf of vulnerable groups, including persons in detention, women and children**

124. The three vulnerable groups mentioned in the recommendation receive particular attention from the Government and are entitled to even greater protection.

125. The rights of persons in detention are guaranteed.

126. The same is true of the rights of women and children.

**4. Prepare and adopt national legislation establishing an effective asylum procedure and ensuring protection of all human rights of asylum seekers**

127. The Congo ratified the Convention relating to the Status of Refugees on 15 October 1962. Since then, the country has not adopted specific domestic legislation relating to asylum. However, three regulations concern the question of refugees:

- Decree No. 99-310 of 31 December 1999 on the establishment, attributions, organization and operation of the National Committee for Assistance to Refugees;
- Decision No. 8040 of 28 December 2001 on the establishment, organization and operation of the appeals subcommittee for refugees;
- Decision No. 8041 of 28 December 2001 on the establishment, organization and operation of the subcommittee on eligibility for refugee status.

**5. Rapidly approve the new law regarding indigenous peoples**

128. Act No. 5-2011 on the promotion and protection of indigenous peoples has been in force since 25 February 2011.

129. Draft implementing legislation for the Act has been drawn up. It is currently in the process of being approved by the Council of Ministers and signed by the President of the Republic.

130. Preparation of this implementing legislation, which is being coordinated by the Ministry of Justice, and Human Rights, has received financial support from UNICEF, the United Nations Population Fund (UNFPA) and the Government of the Congo.

131. From 26 to 28 July 2012, in partnership with United Nations agencies, the Directorate-General for Human Rights and Fundamental Freedoms organized a capacity-building workshop in Brazzaville on monitoring the implementation of the Act. The workshop was attended by representatives of civil society and of the interministerial committee on the preparation of reports, the departmental directors of human rights and fundamental freedoms, representatives of the Réseau National des Peuples Autochtones du Congo (National Network of Indigenous Peoples of the Congo) (RENAPAC) and by delegates representing indigenous peoples from all the departments of the Congo.

**6. Streamline and fine tune policies to improve the exercise of their rights by members of the indigenous peoples**

132. Pending the adoption of implementing legislation for Act No. 5-2011, of 25 February 2011, on the promotion and protection of the rights of indigenous peoples, the Government of the Congo, in partnership with United Nations agencies, is implementing ad

hoc policies for the indigenous communities so as to promote the actual exercise of their rights. These policies concern education, health and civil status.

133. In the sphere of education, the policy has been implemented through the introduction of an action plan to promote equity for the benefit of children from the indigenous communities.

134. As regards civil status, the launch of the registration operation has made it possible to issue a significant proportion of indigenous children with birth certificates.

135. The departmental directors of human rights and fundamental freedoms have begun to organize missions to conduct censuses of the indigenous populations in departments with a high population density. Studies of their living conditions are also being carried out, although they are as yet incipient.

136. In spite of these efforts, the indigenous populations remain marginalized and the majority of them have been passed over by economic, social and cultural progress.

## **H. Protection and respect for civil and political rights**

### **1. Allow greater freedom of expression for members of the press in advance of the elections, including political reporting, granting equal media access to and coverage of opposition candidates; take all measures to ensure that the forthcoming elections are peaceful, free and fair and occur in a climate free of intimidation and where the right of assembly is fully respected**

137. Freedom of expression of the members of the press in the Congo is guaranteed by article 19 of the Constitution and governed by Act No. 8-2001, of 12 November 2001, on freedom of information and communication. While recognizing the principle of freedom of information and communication, the Act also sets limits taking into consideration the need to respect the dignity of persons and to safeguard public order and the requirements of security.

138. Since its first universal periodic review, the Congo has held two elections: the presidential election in 2009 and the legislative elections in 2012.

139. During these elections, all candidates had unrestricted access to the media. The reports of the High Council for Freedom of Expression confirm that candidates received equal coverage by the media before the elections. In accordance with the protocol determining the time allotted to each candidate to speak, the time allotted for the second round of the legislative election of 5 August 2012, for example, was 5 minutes and 35 seconds for each candidate.

140. The only possible restrictions that may apply to access to the media are determined by the criteria set forth in article 19 of the Act on freedom of information and communication.

141. All the necessary measures were taken to ensure that the elections took place peacefully. Those irregularities that were found have been referred to the Constitutional court, which has jurisdiction over electoral matters.

### **2. Encourage civic participation, including by civil society, in the electoral process**

142. The population has always been highly mobilized during electoral periods in the Congo, thanks to large-scale popular campaigns. Civil society is deeply involved in the electoral process, frequently in an observer role to detect irregularities.

**3. Guarantee the right to receive, seek and impart information and ideas in compliance with article 19 of the International Covenant on Civil and Political Rights**

143. In conformity with article 19 of the International Covenant on Civil and Political Rights, article 19 of the Congolese Constitution of 20 January 2002, which has already been referred to, guarantees the right of all citizens “freely to express and disseminate their opinion in words, writing, images or any other means of communication”. The same text prohibits censorship and guarantees unrestricted access to sources of information.

144. This right is again clearly set forth in the provisions of article 4 of Act No. 8-2001, of 12 November 2001, on freedom of information and communication.

145. Paragraphs 3 and 4 of this article stipulate that “Everyone shall have the right to hold opinions without interference. The right to seek, receive and reply to information and ideas, irrespective of frontiers, by any means of expression and subject to the limits set by the present Act is guaranteed.”

146. In practice, this right is exercised in the Congo through the social networks and other media in which information of all kinds circulates without any form of censorship.

**4. Adopt measures, together with non-governmental organizations and anti-corruption groups, with a view to combating corruption, particularly within the judicial system, in order to promote the respect of human rights**

147. Since 2004, the Republic of the Congo has implemented a plan to combat corruption. Implementation of the plan has intensified since the first universal periodic review in 2009.

148. In 2005, the Congo ratified two conventions on efforts to control corruption: the United Nations Convention against Corruption and the African Union Convention on Preventing and Combating Corruption.

149. At the time, the Congo already had a National Commission to Combat Corruption, Extortion and Fraud, which was set up by Decree No. 2004-323 of 8 July 2004. The Commission was restructured in the light of the aforementioned international legal instruments by Decree No. 2007-155, of 13 February 2007, on the reorganization of the National Commission to Combat Corruption, Extortion and Fraud. Decree No. 16-2007 of 19 September 2007 established the anti-corruption observatory.

150. Since the first universal periodic review of the Congo, these tools have been reinforced by an action plan which was approved by Decree No. 2009-235 of 13 August 2009. Act No. 5-2009 of 22 September 2009 on corruption, extortion, fraud and similar offences provided a sounder legal foundation for this effort.

151. Since its creation, the Commission to Combat Corruption has regularly published annual reports on its activities. Every administration and sector of economic activity is covered by its inquiries and investigations. It works in collaboration with NGOs, and many civil society actors are involved in the effort.

**I. Protection and respect for economic, social and cultural rights**

**1. Improve efforts aimed at increasing access to safe drinking water and reducing cases of infectious diseases**

152. The Republic of the Congo lies at the heart of the Congo forest basin and is a natural reservoir. Unfortunately, the majority of the population still does not have access to drinking water. The situation is quite critical in towns and even more so in rural areas. The drinking water coverage rate is estimated to be 45 per cent in Brazzaville and Pointe-Noire.

The cost of connection to the drinking water supply, which is not subsidized, is quite high in relation to the average household income. This situation is responsible for the development of communicable diseases such as cholera and other diarrhoeal diseases.

153. In the last 10 years, major investments have been made to build drinking water supply networks in the main towns of the country's 10 departments.

154. The following projects are currently under way. For information, the budget for 2013 has allocated huge investments, in excess of 40 billion CFA francs, or 62 million euros, to the water sector.

*In towns*

- Brazzaville:
  - Construction of compact units to provide drinking water (potablocs) in Djoué and Djiri, providing 1,144 and 900 cubic metres per hour respectively;
  - Rehabilitation and construction of the NDjiri 1 (2,250 cubic metres per hour) and NDjiri 2 (5,250 cubic metres per hour) water-supply plants at a cost of almost 124 billion CFA francs, or 190 million euros;
  - Rehabilitation and extension of the networks is under way from Kintélé to Ngangalingolo;
  - Rehabilitation and construction of water towers and storage reservoirs in Ngamakosso, Itatolo, Sadelmi and Boulevard Alfred Raoul.
- Pointe-Noire:
  - Construction of four boreholes by the World Bank and the African Development Bank (ADB);
  - Rehabilitation of the network is under way through a Congo-World Bank project;
  - Construction of four compact units to provide drinking water (potablocs) to increase water production capacity.
- Dolisie:
  - A project for three boreholes and to extend the network is under way.

*In rural areas*

155. Small-scale drinking-water supply systems and village boreholes are under construction as part of the emergency programme for recovery and support to communities (PURAC) and the Heavily Indebted Poor Countries (HIPC) initiative; the transfer of the networks to the municipal authorities is being speeded up:

- **OKOYO:** A new drinking-water supply system with a capacity of 100 cubic metres per hour is under construction (water-treatment plant with compact drinking-water units, 100 cubic metre water tower, network, 50 private connections and 20 public pumps);
- **KOMONO:** The contract to build a drinking-water supply system has already been awarded;
- **MOKEKO:** There is private supply network comprising approximately 10 pumps and village boreholes.

**2. Continue to resist attempts to enforce any values or standards beyond the universally agreed base, through the exercise of the country's sovereign right to implement its laws and legislation in conformity with those values and standards**

156. The preamble to the Constitution of 20 January 2002 reasserts the attachment of the Congolese people to the universally recognized values of peace, liberty, equality, justice, tolerance and integrity and the virtues of dialogue as well as the sanctity of life, the right to own property and the right to be different.

157. Since independence, the Congo has demonstrated a constant commitment to these values both nationally and internationally, by its rejection of all forms of intolerance. Wherever these values are under threat, the Congo has always spoken out.

## V. Assessment and outlook

158. The blueprint for society of the President of the Republic, Denis Sassou Nguesso, "*Le chemin d'avenir*" (The way forward), unquestionably sets the promotion and protection of human rights at the heart of the concerns of the State.

159. Since its first universal periodic review, the Congo has been resolutely committed to consolidating and intensifying its policy on behalf of fundamental rights and freedoms. This policy, which is present at all levels, takes several directions. It is worth recalling a number of examples, by way of illustration.

160. In the political sphere, in recent years the country has benefited from the consolidation of peace and security and from institutional stability, all of which guarantee the promotion and protection of human rights.

161. The 2009 presidential election and the 2012 legislative election took place in a peaceful environment. On 20 May 2011, the Congo was for the first time elected as a member of the United Nations Human Rights Council. The national human rights institutions operate smoothly and regularly. Civil society is burgeoning and developing unhampered, within an environment free from restrictions.

162. In economic terms, the Congo is making enormous efforts to develop. In 2010, it reached the completion point of the Heavily Indebted Poor Countries Initiative (HIPC). Average annual economic growth was around 5 per cent between 2009 and 2013. The economy is becoming more diversified.

163. In the social sphere, major efforts have been made to improve access to basic social services (see above). As part of the project to modernize the judicial system, the emphasis has been placed on training judges, renovating and building judicial infrastructure and prisons (building courts, court houses and prisons). Some 300 new judges have recently been appointed to the different jurisdictions in the Congo; 145 future judges are being trained and 60 more are awaiting training.

164. However, this effort, which has not been exhaustively described, cannot conceal a number of difficulties. The implementation of a policy for the promotion and protection of human rights in the Congo faces a range of challenges.

165. From the institutional and judicial angles, it is important to highlight the difficulties facing the judicial and prison administration.

166. In terms of the international human rights requirements, it cannot be denied that the Congolese judicial system is undermined by its failure effectively to observe the principle of the independence of the judiciary, which is a prerequisite for justice that is impartial.

167. Failure to observe this fundamental professional requirement is compounded by numerous material, human and financial difficulties.

168. As regards the prisons, it has to be admitted that Congolese prisons were built during the colonial period to hold a small number of prisoners. Prison overcrowding is one of the major problems.

169. In addition to these difficulties, most prisons lack social rehabilitation mechanisms and the system as a whole is under equipped.

170. As regards health, many diseases and epidemics are rife in the country and the health system is unable to provide the solutions expected by the populations.

171. The morbidity situation is typical of that in the countries of sub-Saharan Africa and is dominated by conditions affecting reproductive health. As a result, mothers and children are particularly vulnerable.

172. Diseases associated with ageing are also on the increase, while sexually transmitted diseases (STI) pose a real public-health problem.

173. Sexual violence affecting women has increased during the recent armed conflicts that have beset the country.

174. In response to these problems, the solutions are as yet inadequate, and as far as the outlook is concerned, the Congo will need to:

- Improve conditions for prisoners;
- Intensify efforts to combat discrimination against women;
- Expand health care and improve the capacity and quality of health services;
- Ensure the protection of people with disabilities;
- Set up new schools in remote areas;
- Renovate dilapidated schools;
- Improve the skills of teachers and inspectors;
- Introduce teaching on human rights into school curricula;
- Abolish the death penalty;
- Continue to ratify international conventions;
- Provide a decent standard of living for all Congolese citizens;
- Continue to improve the skills of judges and their assistants;
- Improve awareness of human rights among the police and security forces.

175. From this analysis, it is clear that the Republic of the Congo has integrated the issue of human rights into the responsibilities of the Ministry of Justice. Thanks to the joint action of the Government and of non-governmental associations and organizations it has been possible to better coordinate efforts and achieve consistency in addressing issues in the sphere of human rights.

176. Progress has been achieved in the economic, social, cultural, political, material and human spheres. Cases in point are the improvement in housing as a result of the accelerated transfer of responsibility for housing to municipalities, the improvement in the guaranteed minimum wage and the reimbursement of the domestic debt and of wage arrears.

177. Solutions for other problems are still pending. Examples are the challenges of development still facing the Republic of the Congo: improving governance — efforts to

control corruption, extortion, fraud and cronyism — improving the living conditions of workers and in particular those of young people and other vulnerable social groups.

178. Finally, much remains to be done and the path ahead is a long one. There are many difficulties that undermine and occasionally paralyse the efforts made and actions taken.

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