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**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (B) OF THE ANNEX  
TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Democratic Republic of the Congo**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations<sup>1</sup>

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	21 April 1976	None	Individual complaints (art. 14): No
ICESCR	1 Nov. 1976	None	-
ICCPR	1 Nov. 1976	None	Inter-State complaints (art. 41): No
ICCPR-OP 1	1 Nov. 1976	None	-
CEDAW	17 Oct. 1986	None	-
CAT	18 March 1996	None	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes
CRC	27 Sept. 1990	None	-
OP-CRC-AC	11 Nov. 2001	Binding declaration under art. 3: 18 years	-
OP-CRC-SC	11 Nov. 2001	None	-

*Core treaties to which the Democratic Republic of the Congo is not a party: OP-ICESCR,<sup>3</sup> ICCPR-OP 2, OP-CEDAW, OP-CAT, ICRMW, CRPD, CRPD-OP, CED.*

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol <sup>4</sup>	Yes
Refugees and stateless persons <sup>5</sup>	Yes, except 1954 and 1961 conventions
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>6</sup>	Yes, except Additional Protocol III
ILO fundamental conventions <sup>7</sup>	Yes
UNESCO Convention against Discrimination in Education	No

1. The Committee on the Elimination of Racial Discrimination (CERD) welcomed the signature in 2006 of the Pact on Security, Stability and Development in the Great Lakes Region.<sup>8</sup> In 2008, the Secretary-General commended the Democratic Republic of the Congo for the implementation of the Pact.<sup>9</sup>

### B. Constitutional and legislative framework

2. The independent expert on the situation of human rights in the Democratic Republic of the Congo indicated that a new Constitution had been promulgated in 2006,<sup>10</sup> which was welcomed by three treaty bodies.<sup>11</sup>

### C. Institutional and human rights infrastructure<sup>12</sup>

3. As of 1 June 2009, the Democratic Republic of the Congo did not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. Establishing such an institution was recommended by treaty bodies,<sup>13</sup> special procedures,<sup>14</sup> and the United Nations High Commissioner for Human Rights.<sup>15</sup>

## II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### A. Cooperation with human rights mechanisms

4. Since 1993, the country has been the subject of various resolutions by the Commission on Human Rights or the Human Rights Council under diverse agenda items.<sup>16</sup> In 2008, the Council decided not to renew the mandate of the independent expert.<sup>17</sup>

5. On 1 December 2008, at its eighth special session on the situation of human rights in the East of the Democratic Republic of the Congo, the Council invited seven thematic special procedures and the High Commissioner to examine the human rights situation in the east.<sup>18</sup>

#### 1. Cooperation with treaty bodies

<i>Treaty body</i> <sup>19</sup>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	Aug. 2006	Aug. 2007	Overdue since Aug. 2008	Sixteenth to eighteenth reports due in 2011
CESCR	1987	Feb. 1988	-	Second to fifth reports scheduled for consideration in November 2009
HR Committee	March 2005	March 2006	To be included in fourth report	Fourth report overdue since April 2009
CEDAW	Aug. 2004	Aug. 2006	-	Sixth and seventh reports due in 2011
CAT	Jan. 2005	Nov. 2005	Overdue since Nov. 2006	Second to fourth reports overdue since April 2009
CRC	Oct. 2007	Jan. 2009	-	Third to fifth reports due in 2012
OP-CRC-AC			-	Initial report due in 2004, submitted in 2009
OP-CRC-SC				Initial report overdue since 2004

6. In 2006, CERD, in an early warning letter, requested information on the rights of indigenous peoples to their lands, resources and communal territories.<sup>20</sup> The matter was discussed during the consideration of the State's report in 2007.<sup>21</sup>

#### 2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Rapporteur on the situation of human rights defenders (May/June 2009) <sup>22</sup> Special Representative of the Secretary-General for Children and Armed Conflict (April 2009) Representative of the Secretary-General on the human rights of internally displaced persons (February 2008) <sup>23</sup> ; and on behalf of seven special procedures (January 2009) <sup>24</sup> Special Rapporteur on violence against women, its causes and consequences (July 2007) <sup>25</sup> Special Rapporteur on the independence of judges and lawyers (April 2007) <sup>26</sup> Independent expert (November/December 2007; August 2005; November 2004; August /September 2004)
<i>Visits agreed upon in principle</i>	Special Rapporteur on extrajudicial, summary or arbitrary executions

<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on the right to food, requested in 2006
<i>Facilitation/cooperation during missions</i>	The seven special procedures appreciated the openness of the Government to continuing a dialogue with special procedures. <sup>27</sup>
<i>Follow-up to visits</i>	
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, 75 communications were sent, concerning, inter alia, particular groups and 11 women. The Government replied to 5 communications (6 per cent).
<i>Responses to questionnaires on thematic issues<sup>28</sup></i>	The Government responded to none of the 15 questionnaires sent by special procedures mandate holders, <sup>29</sup> within the deadlines.

### **3. Cooperation with the Office of the High Commissioner for Human Rights**

7. The OHCHR Office in the country was established in 1996,<sup>30</sup> and integrated with the Human Rights Division of the United Nations Mission in the Democratic Republic of the Congo (MONUC) in 2006.<sup>31</sup> It is now known as the United Nations Joint Human Rights Office (UNJHRO).<sup>32</sup> UNJHRO monitored and documented human rights violations,<sup>33</sup> provided training activities to combat impunity,<sup>34</sup> contributed to enhance the capacity of MONUC to protect civilians,<sup>35</sup> and to establish a victims and witnesses protection network.<sup>36</sup>

8. OHCHR led the mapping exercise related to the most serious human rights and international humanitarian law violations in the country from 1993 to 2003.<sup>37</sup>

#### **B. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

##### **1. Equality and non-discrimination**

9. The Committee on the Elimination of Discrimination against Women (CEDAW) in 2006 and CERD in 2007 recommended adopting a definition of discrimination in domestic law, consistent with the respective Conventions monitored by them.<sup>38</sup>

10. According to the 2009 joint report of seven thematic special procedures, gender inequality and oppression of women are deeply rooted in society, and continue to be sanctioned through discriminatory laws. Sexual coercion of women and girls is a long-standing phenomenon that existed before the conflict. The special procedures regretted the tendency to perceive sexual violence as an exclusively war-related phenomenon with little or no regard to the serious inequality between men and women.<sup>39</sup>

11. In 2007, CEDAW called for the conduct of a comprehensive law review process and recommended reforming the Family Code as a priority, as did the HR Committee in 2006.<sup>40</sup> The seven special procedures were encouraged that a law to reform this Code had been drawn up.<sup>41</sup>

12. CEDAW invited the State to place emphasis on women's human rights in all development cooperation programmes with international organizations and bilateral donors.<sup>42</sup>

13. CERD was concerned about the marginalization and discrimination suffered by "Pygmies" (Bambuti, Batwa and Bacwa) in the enjoyment of their rights to education, health and work.<sup>43</sup>

14. CERD was concerned that acquiring Congolese nationality was particularly difficult for the Banyarwanda.<sup>44</sup> The seven special procedures added that that issue often lied at the root of ethnic divisions in the east.<sup>45</sup>

## **2. Right to life, liberty and security of the person**

15. As indicated by special procedures, since 1994, an estimated 4 million people have died and people have been displaced on an unprecedented scale as a result of war.<sup>46</sup> In his 2005 to 2008 reports, the independent expert referred to the worrying human rights situation throughout the territory, particularly in the east (Ituri, North and South Kivu) and in northern Katanga, where militias and armed groups, national and foreign, as well as the Armed Forces of the Democratic Republic of the Congo (FARDC) were committing massive human rights violations.<sup>47</sup>

16. The Special Adviser to the Secretary-General on the Prevention of Genocide expressed deep concern in 2009 regarding the situation in North Kivu, including the risk of genocidal violence. He recognized that the risk of individual people being targeted because of their ethnicity was pronounced, above and beyond other underlying causes of conflict. He noted that the 1994 Rwandan genocide and allegations and counter-allegations by various groups that genocide was ongoing in Eastern Congo were repeatedly cited by local actors in what had become powerful rhetoric that drastically increased tensions between ethnic communities.<sup>48</sup> The seven special procedures noted the political instrumentalization of ethnic cleavages in the country.<sup>49</sup>

17. The High Commissioner referred to large-scale violations of human rights and international humanitarian law committed since the resumption of hostilities in 2008 by FARDC and armed groups such as CNDP (National Congress for the Defence of the People), PARECO (Coalition of Congolese Patriotic Resistance), Mayi-Mayi and FDLR (Democratic Front of the Liberation of Rwanda) in North Kivu.<sup>50</sup> She also referred to massive abuses by the Lord's Resistance Army in Oriental Province.<sup>51</sup> As noted by the Secretary-General, violations included mass killings, torture, abductions, forced recruitment of children, forced displacement, destruction of camps for internally displaced persons (IDPs), forced labour and sexual violence.<sup>52</sup>

18. The Secretary-General referred to the accelerated integration of CNDP and other Congolese armed groups into FARDC following the peace agreement of 23 March 2009. Nine armed groups, including CNDP, PARECO and Mayi-Mayi, declared that their elements had been either integrated into the national army or demobilized. The unstructured way in which the integration took place, including the lack of a vetting process, led to serious delays and difficulties. The integration process and the launch of operations against FDLR coincided with a marked increase of violations committed by FARDC in North and South Kivu.<sup>53</sup>

19. According to resolution S-8/1 of the Human Rights Council,<sup>54</sup> special procedures,<sup>55</sup> MONUC and the Secretary-General,<sup>56</sup> the root causes of the conflict include control over natural resources.<sup>57</sup> A Group of Experts noted that FARDC and armed groups were involved in the minerals trade.<sup>58</sup> Special procedures recommended seriously addressing the illicit exploitation of natural resources.<sup>59</sup>

20. The establishment of militia was also identified by the Council as a root cause of the conflict.<sup>60</sup> The seven thematic special procedures added that non-State armed groups received

governmental support.<sup>61</sup> They underlined, as did the Council,<sup>62</sup> the primary responsibility of the Government to strengthen the protection of civilians and to investigate and bring to justice perpetrators of violations.<sup>63</sup> They added that authorities have the obligation to protect the population from violence, provide access to justice and create conditions in which basic needs are secured. The State, as they stressed, largely abdicated these responsibilities.<sup>64</sup>

21. The seven thematic special procedures, also stressing the important role of local conflicts over land, recommended setting-up community-based land commissions, beginning in North Kivu, to address this issue.<sup>65</sup>

22. Widespread sexual violence was a matter of grave concern for the Secretary-General.<sup>66</sup> This issue was also addressed by the High Commissioner,<sup>67</sup> special procedures,<sup>68</sup> and treaty bodies.<sup>69</sup> Between November 2008 and March 2009, as indicated by the Secretary-General, some 1,100 rapes were reported each month, targeting children in particular. Members of armed groups, FARDC and PNC (National Congolese Police) were responsible for 81 per cent of reported cases in conflict zones and 24 per cent in non-conflict areas. The majority of cases were reported in North and South Kivu.<sup>70</sup> In 2008, the Secretary-General referred to the disturbing increase of police personnel involved as perpetrators, especially against women in detention.<sup>71</sup> The Special Rapporteur on Violence against Women noted that civilians were increasingly among the perpetrators of rape.<sup>72</sup> Sexual violence in schools and universities was also highlighted by the independent expert.<sup>73</sup> Recommendations were made by United Nations mechanisms on that issue.<sup>74</sup> In 2009, the Secretary-General reported on a comprehensive strategy on combating sexual violence, which had been endorsed by the Government.<sup>75</sup>

23. Particular concern was expressed in 2009 by the Committee on the Rights of the Child (CRC) and the Security Council Working Group on Children and Armed Conflict about the very high number of child soldiers.<sup>76</sup> In November 2008, the Secretary-General reported that more than 31,000 children had been released since 2004, but was deeply concerned about the re-recruitment of children, due in part to insufficient reintegration support from earlier disarmament, demobilization and reintegration processes.<sup>77</sup> New outbreaks of hostilities resulted in higher trends in child recruitment.<sup>78</sup> In March 2009, the seven special procedures reported on the recent explosion of child recruitment by non-State armed groups. Children were also still present in FARDC despite orders to the contrary.<sup>79</sup> CRC was disturbed that children had been tried in military courts for crimes allegedly committed while they were enrolled.<sup>80</sup> Special procedures recommended that all parties to the conflict prepare, in the framework of Security Council resolution 1612 (2005), action plans to identify, release and ensure reintegration of all child soldiers, to prevent further recruitment and to address all other grave violations against children.<sup>81</sup> In April 2009, the Special Representative of the Secretary-General for children and armed conflict emphasized that the reintegration of children remained a critical priority.<sup>82</sup>

24. In a larger context, the Secretary-General and special procedures reported that members of the intelligence services, both civil and military, and security services, were implicated in human rights violations.<sup>83</sup> The High Commissioner stressed that FARDC continued to arrest people without the legal power to do so and that PNC detained persons for civil matters such as non-payment of debts and property disputes.<sup>84</sup> Torture and ill-treatment in detention facilities of ANR (Agence nationale de renseignement) and Republican Guard were all the more worrisome that they remained almost inaccessible to outside observers, including judicial authorities and UNJHRO.<sup>85</sup> In 2006, the Committee against Torture (CAT) also expressed concern about secret places of detention and recommended bringing all places of detention under judicial control.<sup>86</sup> It recommended, with CRC, that the State amend its criminal legislation and adopt a definition of

torture complying with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>87</sup> The seven special procedures recommended comprehensively reforming the police, intelligence services and in particular FARDC.<sup>88</sup> In 2004 and 2006, the HR Committee adopted views on two individual cases, finding inter alia violations of the right to life, freedom from torture, the right to liberty and security, arbitrary arrest and detention.<sup>89</sup>

25. In 2006, the HR Committee encouraged the State to abolish the death penalty and to accede to ICCPR-OP 2.<sup>90</sup>

26. In 2009, CRC was concerned that violence against children accused of witchcraft was increasing,<sup>91</sup> and echoed the recommendation of the independent expert that the Government punish such conduct.<sup>92</sup> CRC also recommended that the State explicitly prohibit corporal punishment in all settings,<sup>93</sup> and adopt a legal framework clearly defining the crime of trafficking for sexual exploitation, economic exploitation or other purposes.<sup>94</sup> CRC was gravely concerned about reports that the military and police regularly harass, threaten, beat or arrest street children.<sup>95</sup>

### **3. Administration of justice, including impunity, and the rule of law**

27. The Special Rapporteur on the independence of judges and lawyers found that the judicial system was in a deplorable state and lacked the necessary resources. The judiciary cannot function independently, as it is subject to political interference and corruption, partly because of the lack of adequate salaries and of an independent Higher Council of the Judicature.<sup>96</sup> Many of these concerns were echoed by the Secretary-General,<sup>97</sup> the High Commissioner,<sup>98</sup> and special procedures.<sup>99</sup> The Secretary-General indicated that the President's extensive reshuffle of the judicial branch, without consultation, led to a strike by judges in February 2008.<sup>100</sup> A number of recommendations were made by special procedures<sup>101</sup> and the High Commissioner<sup>102</sup> to promote judicial independence and provide the judiciary with the necessary resources. It was also recommended to expand the State justice system in rural territories.<sup>103</sup>

28. In 2009, the Secretary-General reported that, despite some cases of prosecution of low-ranking officials responsible for human rights violations, impunity at higher levels of the police and military hierarchies remained a major challenge.<sup>104</sup> The independent expert, while noting some progress, referred to the pervasive impunity in the country, citing North Kivu as a flagrant example.<sup>105</sup> The issue of impunity was also addressed by treaty bodies,<sup>106</sup> special procedures,<sup>107</sup> and the High Commissioner.<sup>108</sup>

29. The Special Rapporteur on Violence against Women noted that impunity for rape remained massive especially for State security forces.<sup>109</sup> According to the seven special procedures, a road map against impunity for sexual violence was adopted by the Government, and in July 2006, the Laws on Sexual Violence introduced major improvements to the Penal Code and the Code of Penal Procedure, which had yet to lead to real changes on the ground.<sup>110</sup> The independent expert stressed that in breach of these Laws, many out-of-court settlements related to sexual violence were concluded by traditional chiefs or local administrative officials,<sup>111</sup> and accompanied by intimidation and punishment of the victim.<sup>112</sup> He noted that in South Kivu, between 2005 and 2007, less than 1 per cent of rapes led to complaints being filed with the local judicial authorities.<sup>113</sup> In 2009, however, the Secretary-General noted some progress.<sup>114</sup> According to special procedures, the State has been sentenced to pay compensation to a number of women raped by State agents; however, none of them received actual compensation.<sup>115</sup>

30. As indicated by the independent expert, in 2005, an amnesty law was promulgated, amnestying “all Congolese” for “acts of war, political offences and crimes of opinion” committed between August 1996 and June 2003.<sup>116</sup> The Secretary-General referred to the promulgation in May 2009 of an amnesty law for acts of war and crimes committed in North and South Kivu after June 2003. The law does not cover genocide, war crimes or crimes against humanity.<sup>117</sup>

31. According to the seven thematic special procedures, fighting impunity should be the number one priority.<sup>118</sup> They recommended that the Government remove identified perpetrators of serious human rights violations from its ranks, and echoed the call of the Security Council for the establishment of a screening mechanism where each officer is vetted for his past human rights record, including for key official positions.<sup>119</sup> The High Commissioner recommended that the Government take all necessary measures to execute arrest warrants issued by the International Criminal Court (ICC) and combat impunity domestically, inter alia through the adoption of legislation implementing the Rome Statute, and that alleged perpetrators of war crimes and crimes against humanity regardless of hierarchical rank be prosecuted.<sup>120</sup> Regarding the massive violations that took place between 1993 and 2003, notably, special procedures suggested establishing joint benches, comprising national and international judges, sitting in national courts, as an appropriate transitional justice tool that could be combined with truth-seeking initiatives.<sup>121</sup> The Secretary-General reported on the priority that should be accorded to assisting the authorities in devising and implementing a transitional justice strategy based on the recommendations of the OHCHR-led mapping exercise, which is due to end in June 2009.<sup>122</sup>

32. In 2009, CRC recommended ensuring the swift establishment of the juvenile court system envisaged by the Child Protection Code.<sup>123</sup>

33. CAT recommended ensuring that military courts solely try military personnel for military offences.<sup>124</sup> The HR Committee<sup>125</sup> and the independent expert<sup>126</sup> made similar recommendations.

34. Special procedures observed deplorable conditions of detention<sup>127</sup> and described penitentiary reform as an absolute necessity.<sup>128</sup> The Secretary-General reported on overpopulation being 600 per cent of capacity, lack of food and health care, outdated prison laws and regulations, and severe shortcomings in terms of infrastructure, operations and training.<sup>129</sup> In her report, the High Commissioner estimated that more than 80 per cent of inmates were on remand,<sup>130</sup> and that 65 prisoners died between March 2008 and March 2009.<sup>131</sup> She considered that confinement in a Congolese prison in itself often amounted to cruel, inhuman or degrading treatment,<sup>132</sup> and recommended allocating adequate resources to the penitentiary system.<sup>133</sup> In 2006, CAT also expressed concern regarding the treatment of prisoners, referring to the use of corporal punishment, solitary confinement and food deprivation as disciplinary measures, and to minors and women often not being segregated from adults and men.<sup>134</sup>

#### **4. Freedom of expression, association and peaceful assembly, and right to participate in public and political life**

35. The High Commissioner noted that two years after the 2006 elections, a climate of intimidation expanded and seriously hampered any form of critical dialogue, political tolerance or free expression.<sup>135</sup> She referred to clashes in Bas-Congo in February-March 2008 between PNC and the local politico-religious movement Bundu Dia Kongo (BDK) as striking examples of such repression.<sup>136</sup> A MONUC investigation into these events concluded that the death toll of over 100 resulted largely from unwarranted or excessive use of force and in some cases arbitrary



executions by PNC, although some civilians lost their lives due to violence by BDK adherents. The Government, rejecting these conclusions, stated it would launch its own investigation.<sup>137</sup>

36. The High Commissioner stressed that other political groups such as the Mouvement de Libération du Congo (MLC) of former Vice-President Bemba were the targets of threats, arbitrary arrests, incommunicado detention, torture and other forms of intimidation or repression.<sup>138</sup> The Secretary-General and MONUC reported on the March 2007 events in Kinshasa, when security forces assaulted the Bemba security detail and about 300 persons were killed.<sup>139</sup> The High Commissioner indicated that in 2008, dozens of new cases of arbitrary detention of persons affiliated with MLC were reported.<sup>140</sup>

37. The High Commissioner further noted in her April 2009 report that several persons were arrested due to their ethnicity or perceived affiliation to CNDP and detained in Kinshasa.<sup>141</sup>

38. The High Commissioner noted that in July 2008, a governmental commission began a process of releasing more than 200 political detainees, but estimated that there were still 160 remaining political detainees.<sup>142</sup> She recommended clarifying charges against persons held in pre-trial detention, releasing those solely detained for their opinions or for civil matters, and providing expeditious judicial review for all others.<sup>143</sup>

39. As stressed by the High Commissioner,<sup>144</sup> the Secretary-General<sup>145</sup> and the independent expert,<sup>146</sup> human rights activists and journalists also regularly faced death threats, intimidation and harassment, ill-treatment, arbitrary arrests and detention and violations of their freedom of movement, speech and association.<sup>147</sup> Emblematic cases were the killings of journalists Serge Maheshe and Didace Namujimbo, from the United Nations Radio Okapi.<sup>148</sup> In 2009, the Special Rapporteur on human rights defenders stressed that journalists often exercised self-censorship in fear of reprisals and were denied access to information. She noted that authorities and non-State actors stigmatized human rights defenders as “enemies” or “opponents”; that defenders were particularly exposed when supporting victims of grave violations, most notably sexual violence; and when fighting impunity; supporting the ICC work; and denouncing the illegal exploitation of natural resources. Several non-governmental organizations (NGOs) had not been granted legal personality; and defenders needed an authorization to hold demonstrations, despite constitutional provisions.<sup>149</sup> Special procedures promoted the adoption of national and provincial laws protecting defenders and made several other recommendations.<sup>150</sup>

40. CEDAW expressed concern about the small number of women in public life and decision-making,<sup>151</sup> and in leadership positions in the transition process.<sup>152</sup> The seven special procedures indicated that the drafting of a gender parity law to implement the Constitution was still ongoing. Women remained grossly underrepresented in the newly established democratic institutions and within law enforcement, armed forces and the justice system.<sup>153</sup> A 2008 United Nations Statistics Division source indicated that the proportion of seats held by women in Parliament decreased from 12 per cent in 2005 to 8.4 per cent in 2008.<sup>154</sup>

## **5. Right to work and to just and favourable conditions of work**

41. In 2009, the ILO Committee of Experts on the Application of Conventions and Recommendations noted reports of arrests and acts of violence against strikers,<sup>155</sup> and the reported obstruction of trade-union activities, arrest of trade unionists and threats.<sup>156</sup>

42. The seven special procedures stressed that the extraction and trade of minerals often involved forced labour.<sup>157</sup> In 2007, particular concern was expressed by CERD about reports that “Pygmies” (Bambuti, Batwa and Bacwa) were sometimes subjected to forced labour,<sup>158</sup> and the independent expert referred to evidence that police forces in Equateur had been responsible for forced labour inflicted on the civilian population in Boklongo-Loka.<sup>159</sup>

43. In 2009, CRC was concerned that child labour persisted and that five-year-old children worked in dangerous conditions in the mining industry, notably in the Katanga region.<sup>160</sup> The ILO Committee requested information concerning measures taken to prohibit hazardous work for children in mines.<sup>161</sup>

44. CEDAW expressed concern that Labour Code provisions continued to discriminate against women.<sup>162</sup> In 2008, the ILO Committee referred to legislation appearing to require/requiring women to obtain their husband’s authorization to take up salaried employment, to be recruited as a career member of the public service or appointed as a magistrate.<sup>163</sup> In 2009, the ILO Committee welcomed the Government’s statement that the provisions were void and modifications were under way, and requested receiving the amended texts.<sup>164</sup>

45. The ILO Committee recalled that non-nationals cannot be excluded from the scope of application of ILO Convention No. 111.<sup>165</sup>

## **6. Right to social security and to an adequate standard of living**

46. CRC and CEDAW expressed concern at the high level of poverty in the country,<sup>166</sup> as highlighted also by the Office of the United Nations High Commissioner for Refugees (UNHCR).<sup>167</sup> While noting the State’s Poverty Reduction Strategy, CRC remained concerned that access to safe drinking water decreased between 1990 and 2004; that less than half of the population had access to hygienic sanitation facilities; that the majority of the urban population lived in an unhealthy environment and that there was a lack of food security in the country.<sup>168</sup> The Secretary-General stressed that vital health, nutrition and food security indicators were at emergency thresholds,<sup>169</sup> and the independent expert that there was no real social security system.<sup>170</sup>

47. CRC recommended that the Poverty Reduction Strategy take into account the root causes of poverty, including the inequitable distribution of available resources.<sup>171</sup> The High Commissioner recommended enhancing the efficiency of, and increasing transparency over, the collection of State resources and prioritize the allocation of these resources to further the realization of human rights.<sup>172</sup> According to the Special Rapporteur on violence against women, in 2005, a National Assembly Commission declared that a number of mining and other contracts signed by government authorities between 1996 and 2003 were either illegal or of limited value to the country’s development and recommended their termination or renegotiation.<sup>173</sup>

48. CRC expressed grave concern at the current situation in the health services sector, particularly in rural areas, and the deplorable conditions and lack of human, medical and financial resources in hospitals.<sup>174</sup> It expressed concern, with CEDAW, at the very high rates of infant and maternal mortality,<sup>175</sup> and at deaths caused by preventable diseases or by HIV/AIDS.<sup>176</sup> According to the seven special procedures, the Government should progressively re-establish a functioning and accessible health system, while ensuring minimum standards right away. Other specific recommendations were made.<sup>177</sup>

## **7. Right to education**

49. While noting the constitutional provision for free public primary education, CRC was concerned that schooling costs remained relatively high. Despite governmental efforts, school enrolment rates in primary and secondary schools were low; the educational infrastructure and equipment was poor; only a small percentage of teachers were qualified and salaries were not paid regularly.<sup>178</sup> Similar concern was expressed by the independent expert.<sup>179</sup> CEDAW was concerned about the high rate of illiteracy among women and the high drop-out rate of girls, including for reasons such as pregnancy and early and forced marriage.<sup>180</sup> CRC recommended ensuring access to free primary education without discrimination; continuing efforts to reduce gender disparities in education, as also recommended by CEDAW;<sup>181</sup> and increasing expenditure on the education sector.<sup>182</sup>

## **8. Minorities and indigenous peoples**

50. In 2007, CERD regretted the State's reluctance to acknowledge the existence of indigenous peoples and minorities in its territory, and urged it to respect and protect the existence and cultural identity of all ethnic groups.<sup>183</sup>

51. The independent expert noted many reports calling for a focus on the rights of the indigenous and minority peoples as a matter of urgency.<sup>184</sup> CERD was concerned that the rights of "Pygmies" (Bambutu, Batwa and Bacwa) to own, exploit, control and use their lands, resources and communal territories were not guaranteed and that concessions were granted on the lands and territories of indigenous peoples without prior consultation.<sup>185</sup> It recommended taking urgent measures to redress the situation.<sup>186</sup>

## **9. Internally displaced persons and refugees**

52. According to the Secretary-General, as of June 2009, there were an estimated 1.7 million IDPs in the country, mainly concentrated in the Kivus and Oriental province.<sup>187</sup> CRC expressed concern that half of IDPs were children, as also highlighted by UNHCR.<sup>188</sup>

53. The dire humanitarian situation of IDPs was stressed by special procedures.<sup>189</sup> The Representative of the Secretary-General on the human rights of internally displaced persons indicated that IDPs were exposed to attacks by armed groups and FARDC.<sup>190</sup> Agreeing that the Government lacked the capacity to respond on its own to the needs of IDPs, he stressed the authorities' duty and responsibility to assist IDPs. He regretted the lack of a legal framework, of government strategy and clearly demarcated areas of competence; the lack of focal points in the central Government and in provinces, and the lack of resources needed for activities aimed at IDPs.<sup>191</sup> He underscored the ratification by the State of the Protocol on Protection and Assistance to Internally Displaced Persons, which offered a unique opportunity to develop, in cooperation with the international community, the framework required to enable the authorities to take on this responsibility,<sup>192</sup> and made several recommendations.<sup>193</sup>

## **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

54. According to the Secretary-General, the implementation of the 23 March 2009 peace agreement continued to face significant challenges, including with respect to security, governance, community reconciliation and political participation. The capacity and conduct of the newly integrated FARDC units in North and South Kivu was one key challenge.<sup>194</sup>

55. CRC welcomed the adoption of, inter alia, the Child Protection Code (2009) and the Law on Sexual Violence (2006).<sup>195</sup>

#### IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

##### Specific recommendations for follow-up

56. In Human Rights Council resolution 10/33, the seven thematic special procedures and the High Commissioner were asked to report again on the development of the situation.<sup>196</sup>

57. Treaty bodies requested follow-up information on their recommendations regarding the incorporation and implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;<sup>197</sup> impunity, forced disappearances, arbitrary executions, abuse of orphans and follow-up on views on individual communications (HR Committee);<sup>198</sup> and sexual violence and the rights of “Pygmies” (Bambuti, Batwa and Bacwa) (CERD).<sup>199</sup>

#### V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

58. Recommendations to the international community were made by special procedures,<sup>200</sup> the High Commissioner,<sup>201</sup> and the Human Rights Council, which also requested OHCHR to increase and enhance its technical assistance in consultation with the Congolese authorities.<sup>202</sup>

59. Treaty bodies recommended seeking technical assistance/cooperation from United Nations agencies and programmes and/or the international community in a number of areas.<sup>203</sup> Reference to the support of the international community and MONUC was also made by the Security Council.<sup>204</sup>

60. In 2007, the United Nations Development Assistance Framework (UNDAF) listed envisaged activities in 2008/2012 in areas including good governance, pro-poor growth, basic social services and HIV/AIDS.<sup>205</sup>

#### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

<sup>2</sup> The following abbreviations have been used for this document:

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

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 Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance.

<sup>3</sup> Adopted by the General Assembly in its resolution 63/117 of 10 December 2008, in which the Assembly recommended that a signing ceremony be organized in 2009. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.

<sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>5</sup> 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.

<sup>6</sup> 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); Convention relative to the Treatment of Prisoners of War (Third Convention); 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); 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](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

<sup>7</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; 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.

<sup>8</sup> Concluding Observations of the Committee on the Elimination of Racial Discrimination (CERD/C/COD/CO/15), para. 6.

<sup>9</sup> S/2008/218, para. 76.

<sup>10</sup> A/61/475, para. 12. See also A/HRC/7/6/Add.4, para. 7.

<sup>11</sup> CERD/C/COD/CO/15, para. 5; Concluding observations of the Human Rights Committee (CCPR/C/COD/CO/3), para. 5. Concluding observations of the Committee on the Rights of the Child (CRC/C/COD/CO/2), para. 3 (c).

<sup>12</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.

<sup>13</sup> CERD/C/COD/CO/15, para. 11; CRC/C/COD/CO/2, para. 17. See also S/2009/160, para. 68.

<sup>14</sup> A/HRC/8/4/Add.2, para. 89; Press release of the Special Rapporteur on the situation of human rights defenders (June 2009).

<sup>15</sup> A/HRC/10/58, para. 61 (a) (iv).

<sup>16</sup> Except in 2006 and 2007. Commission on Human Rights resolutions 1993/61, 1994/87, 1995/69, 1996/77, 1997/58, 1998/61, 1999/56, 2000/15, 2001/19, 2002/14, 2003/15 (Situation of human rights in Zaire and in the Democratic Republic of the Congo); resolutions 2004/84 and 2005/85 (Technical cooperation and advisory services in the Democratic Republic of the Congo); Human Rights Council resolutions 7/20 of 2008 (Technical cooperation and advisory services in the Democratic Republic of the Congo) and 10/33 of 2009 (Situation of human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services).

<sup>17</sup> Human Right Council resolution 7/20.

<sup>18</sup> Resolution S-8/1, paras. 11-12.

<sup>19</sup> The following abbreviations have been used for this document:

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.

<sup>20</sup> Chairman of CERD, letter dated 18 August 2006.

<sup>21</sup> CERD, Seventy-first Session, summary record of the 1827<sup>th</sup> meeting (6 August 2007) (CERD/C/SR.1827), para. 10.

<sup>22</sup> See the press release of the Special Rapporteur on the situation of human rights defenders (June 2009).

<sup>23</sup> A/HRC/8/6/Add.3.

<sup>24</sup> A/HRC/10/59.

<sup>25</sup> A/HRC/7/6/Add.4.

<sup>26</sup> A/HRC/8/4/Add.2.

<sup>27</sup> A/HRC/10 /59, para. 6.

<sup>28</sup> The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

<sup>29</sup> See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (b) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (e) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (f) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (h) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent in July 2006; (j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (k) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (l) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations sent in 2007; (m) report of the Special Rapporteur on the right to education (June 2009) (A/HRC/11/8), questionnaire on the right to education for persons in detention; (n) report of the independent expert on the question of human rights and extreme poverty to the HRC eleventh session (June 2009) (A/HRC/11/9), questionnaire on Cash Transfer Programmes, sent in October 2008; (o) report of the Special Rapporteur on violence against women (June 2009) (A/HRC/11/6), questionnaire on violence against women and political economy.

<sup>30</sup> A/HRC/10/58, para. 47.

<sup>31</sup> For the mandate of the Human Rights Division of MONUC, see Security Council resolutions 1565 (2004), 1756 (2007), 1794 (2007) and 1856 (2008).

<sup>32</sup> OHCHR Annual Report 2006, p. 48.

<sup>33</sup> OHCHR 2008 Report, Activities and results, p. 87.

<sup>34</sup> OHCHR Annual Report 2007, Activities and results, p. 77.

- <sup>35</sup> A/HRC/10/58, para. 48.
- <sup>36</sup> OHCHR 2008 Report, Activities and results, p. 88.
- <sup>37</sup> With the Department of Peacekeeping Operations (DPKO), MONUC and the United Nations Development Programme (UNDP). See OHCHR 2008 Report, Activities and results, p. 88. See also A/HRC/10/58, para. 24.
- <sup>38</sup> A/61/38 (Part III), para. 345; CERD/C/COD/CO/15, para. 12.
- <sup>39</sup> A/HRC/10/59, paras. 82-85. See also A/HRC/7/6/Add.4, paras. 96-101.
- <sup>40</sup> A/61/38 (Part III), para. 347; CCPR/C/COD/CO/3, para. 11 (*a*).
- <sup>41</sup> A/HRC/10/59, para. 84.
- <sup>42</sup> A/61/38 (Part III), para. 341.
- <sup>43</sup> CERD/C/COD/CO/15, paras. 18-19.
- <sup>44</sup> *Ibid.*, para. 17.
- <sup>45</sup> A/HRC/10/59, para. 80. See also A/HRC/7/6/Add.4, para. 8.
- <sup>46</sup> A/HRC/7/6/Add.4, paras. 4-6; A/HRC/8/6/Add.3, para. 9. See also A/HRC/8/4/Add.2, para. 3.
- <sup>47</sup> A/60/395, summary; E/CN.4/2006/113, summary; A/61/475, summary; A/HRC/4/7, summary; A/62/313, summary; A/HRC/7/25, summary. See also CCPR/C/COD/CO/3, para. 15.
- <sup>48</sup> A/HRC/10/30, para. 29.
- <sup>49</sup> A/HRC/10/59, para. 77.
- <sup>50</sup> A/HRC/10/58, para. 6.
- <sup>51</sup> *Ibid.*, para. 15.
- <sup>52</sup> S/2008/728, paras. 27 and 31. See also S/2008/433, para. 61; S/2008/218, para. 48 (CNDP). See also H/HRC/10/59, paras. 24 and 26-27.
- <sup>53</sup> S/2009/335, paras. 8-10 and 27. See also Group of Experts on the Democratic Republic of the Congo (S/2009/253), paras. 26 and 29-40.
- <sup>54</sup> Resolution S-8/1, para. 9 (*a*).
- <sup>55</sup> A/HRC/10/59, paras. 73-74; A/HRC/8/4/Add.2, para. 76 (*c*), A/HRC/7/6/Add.4, para. 9.
- <sup>56</sup> S/2005/832, para. 49.
- <sup>57</sup> See also the United Nations Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2001/357); Group of Experts appointed by the Security Council, which investigated the illicit transfer of embargoed materials in South Kivu, North Kivu and Ituri (S/2007/423), para. 37. See also the Final report of the Group of Experts on the Democratic Republic of the Congo, (S/2008/773), para. 113.
- <sup>58</sup> Final report of the Group of Experts on the Democratic Republic of the Congo (S/2008/773), paras. 130 and 135.
- <sup>59</sup> A/HRC/10/59, para. 105; A/HRC/4/7, para. 67.
- <sup>60</sup> Resolution S-8/1, para. 9 (*a*).
- <sup>61</sup> A/HRC/10/59, paras. 68-69.
- <sup>62</sup> Resolution S-8/1, para. 6.
- <sup>63</sup> A/HRC/10/59, para. 86.
- <sup>64</sup> *Ibid.*, para. 86.
- <sup>65</sup> *Ibid.*, para. 106.
- <sup>66</sup> Report of the Secretary-General on children and armed conflict (A/63/785-S/2009/158), para. 44.
- <sup>67</sup> A/HRC/10/58, para. 36; A/HRC/7/6/Add.4, p 105.

<sup>68</sup> A/HRC/10/59, para. 43; A/HRC/7/25, para. 39; A/HRC/4/7, para. 30; E/CN.4/2006/113, para. 101; E/CN.4/2005/120, para. 56. See also Special Representative of the Secretary-General for Children and Armed Conflict, Submission to UPR on the Democratic Republic of the Congo, p. 2.

<sup>69</sup> A/61/38 (Part III), para. 338; CERD/C/COD/CO/15, para. 15; Concluding observations of the Committee against Torture (CAT/C/DRC/CO/1), para. 12; CRC/C/COD/CO/2, para. 41. See also CCPR/C/COD/CO/3, para. 13.

<sup>70</sup> S/2009/160, para. 69.

<sup>71</sup> S/2008/433, para. 67.

<sup>72</sup> A/HRC/7/6/Add.4, para. 106.

<sup>73</sup> A/HRC/7/25, para. 49.

<sup>74</sup> A/HRC/10/58, para. 61; A/HRC/10/59, paras. 102-104; A/HRC/7/6/Add.4, paras. 108-111; A/HRC/8/4/Add.2, para. 80; A/HRC/7/25, para. 66; CERD/C/COD/CO/15, para. 15; CRC/C/COD/CO/2, para. 42; A/61/38 (Part III), para. 339; CCPR/C/COD/CO/3, para. 13.

<sup>75</sup> S/2009/335, para. 43.

<sup>76</sup> CRC/C/COD/CO/2, para. 67; S/AC.51/2009/3, para. 5.

<sup>77</sup> S/2008/693, para. 105.

<sup>78</sup> Ibid., para. 19.

<sup>79</sup> A/HRC/10/59, para. 54. See also the Group of Experts (December 2008) (S/2008/728), paras. 169-170.

<sup>80</sup> CRC/C/COD/CO/2, para. 72. See also ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182), (, Geneva, 2009) ((ILOLEX) 062009COD182), p. 3.

<sup>81</sup> A/HRC/10/59, para. 99.

<sup>82</sup> Special Representative of the Secretary-General for Children and Armed Conflict submission to UPR on the Democratic Republic of the Congo, p. 6.

<sup>83</sup> S/2009/160, para. 66. See also S/2008/218, para. 49; A/HRC/10/59, para. 18.

<sup>84</sup> A/HRC/10/58, paras. 39-43.

<sup>85</sup> Ibid., para. 43. See also recommendation, para. 61 (a) (vi).

<sup>86</sup> CAT/DRC/CO/1, para. 7.

<sup>87</sup> Ibid., para. 5; CRC/C/COD/CO/2, para. 38.

<sup>88</sup> A/HRC/10/59, para. 96.

<sup>89</sup> CCPR/C/81/D/962/2001, paras. 5.2-6; CCPR/C/86/D/1177/2003, paras. 6.1-7.

<sup>90</sup> CCPR/C/COD/CO/3, para. 17.

<sup>91</sup> CRC/C/COD/CO/2, para. 78.

<sup>92</sup> Ibid., para. 79; A/61/475, para. 118. See also E/CN.4/2006/113, para. 119.

<sup>93</sup> CRC/C/COD/CO/2, para. 40.

<sup>94</sup> Ibid., para. 83.

<sup>95</sup> Ibid., para. 76.

<sup>96</sup> A/HRC/8/4/Add.2, para. 69.

<sup>97</sup> S/2008/433, para. 62.

<sup>98</sup> A/HRC/10/58, para. 19.

<sup>99</sup> A/HRC/7/25, paras. 23-27; A/61/475, paras. 143 and 145; A/HRC/10/59, paras. 61-62. See also A/HRC/7/6/Add.4, para. 108 (b).

<sup>100</sup> S/2008/218, para. 24.



- <sup>101</sup> A/HRC/7/25, pp. 2-3. See in particular A/HRC/8/4/Add.2, paras. 74-90. See also A/HRC/10/59, paras. 91-92.
- <sup>102</sup> A/HRC/10/58, para. 61 (a) (v).
- <sup>103</sup> A/HRC/10/59, para. 93.
- <sup>104</sup> S/2009/160, para. 67.
- <sup>105</sup> A/HRC/7/25, paras. 5-15.
- <sup>106</sup> CCPR/C/COD/CO/3, para. 10; CAT/C/DRC/CO/1, para. 6; CRC/C/COD/CO/2, paras. 42, 70 and 85.
- <sup>107</sup> A/HRC/10/59, paras. 59 et seq.; A/HRC/8/6/Add.3, para. 75 (a) (ii); Press release of the Special Rapporteur on the situation of human rights defenders (June 2009). See also Special Representative of the Secretary-General for Children and Armed Conflict submission to UPR on the Democratic Republic of the Congo, p. 7.
- <sup>108</sup> A/HRC/10/58, paras. 17-24.
- <sup>109</sup> A/HRC/7/6/Add.4, para. 105.
- <sup>110</sup> A/HRC/10/59, paras. 41-42.
- <sup>111</sup> A/HRC/7/25, para. 40. See also A/HRC/10/58, para. 36.
- <sup>112</sup> A/HRC/7/25, para. 41.
- <sup>113</sup> *Ibid.*, para. 44.
- <sup>114</sup> S/2009/335, para. 42.
- <sup>115</sup> A/HRC/10/59, para. 40.
- <sup>116</sup> E/CN.4/2006/113, para. 27.
- <sup>117</sup> S/2008/693, para. 4; S/2009/335, para. 7.
- <sup>118</sup> A/HRC/10/59, para. 91.
- <sup>119</sup> *Ibid.*, para. 97. See also A/HRC/4/7, para. 67; Security Council resolution 1856 (2008), para. 22.
- <sup>120</sup> A/HRC/10/58, para. 61.
- <sup>121</sup> A/HRC/10/59, para. 95. See also A/HRC/7/25, para. 69 (g).
- <sup>122</sup> S/2009/160, para. 68. See also A/HRC/10/58, para. 24.
- <sup>123</sup> CRC/C/COD/CO/2, para. 89 (a).
- <sup>124</sup> CAT/C/DRC/CO/1, para. 9.
- <sup>125</sup> CCPR/C/COD/CO/3, para. 21.
- <sup>126</sup> A/HRC/7/25, para. 65 (e). See also A/HRC/10/59, para. 90.
- <sup>127</sup> A/61/475, paras. 138-141; A/HRC/10/59, para. 63. See also S/2009/160, para. 88.
- <sup>128</sup> A/HRC/10/59, para. 63.
- <sup>129</sup> S/2009/160, para. 88; S/2008/728, para. 39.
- <sup>130</sup> A/HRC/10/58, para. 41.
- <sup>131</sup> *Ibid.*, para. 44. See also S/2008/728, para. 39; S/2008/218, para. 68.
- <sup>132</sup> A/HRC/10/58, para. 44.
- <sup>133</sup> *Ibid.*, para. 61 (a) (viii).
- <sup>134</sup> CAT/DRC/CO/1, para. 11.
- <sup>135</sup> A/HRC/10/58, para. 25. See also A/HRC/7/25, para. 52.
- <sup>136</sup> A/HRC/10/58, para. 3.
- <sup>137</sup> S/2008/433, paras. 59-60. OHCHR, Division des droits de l'homme de la MONUC, Rapport spécial, Enquête spéciale sur les événements de février et mars 2008 au Bas-Congo (mai 2008).

<sup>138</sup> A/HRC/10/58, para. 26.

<sup>139</sup> S/2007/391, para. 5. MONUC, *Rapport spécial, Enquête spéciale sur les événements de mars 2007 à Kinshasa* (janvier 2008). See also S/PRST/2007/9.

<sup>140</sup> A/HRC/10/58, para. 26.

<sup>141</sup> *Ibid.*, para. 27.

<sup>142</sup> *Ibid.*, paras. 3 and 28.

<sup>143</sup> *Ibid.*, para. 61 (a) (ix).

<sup>144</sup> *Ibid.*, para. 29.

<sup>145</sup> S/2008/728, para. 31; S/2009/160, para. 66.

<sup>146</sup> A/HRC/7/25, para. 52.

<sup>147</sup> See CCPR/C/COD/CO/3, paras. 22-23, and A/HRC/10/59, paras. 43-49. See also Press release of the Special Rapporteur on the situation of human rights defenders (June 2009).

<sup>148</sup> A/HRC/10/58, paras. 30-32; Press release of the Special Rapporteur on the situation of human rights defenders (June 2009).

<sup>149</sup> Press release of the Special Rapporteur on the situation of human rights defenders (June 2009).

<sup>150</sup> *Ibid.*; A/HRC/10/59, paras. 114-116.

<sup>151</sup> A/61/38 (Part III), para. 354.

<sup>152</sup> *Ibid.*, para. 334.

<sup>153</sup> A/HRC/10/59, para. 84.

<sup>154</sup> United Nations Statistics Division coordinated data and analyses, available at <http://mdgs.un.org/unsd/mdg>.

<sup>155</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (Geneva, 2009) ((ILOLEX) 062009COD087), para. 2.

<sup>156</sup> *Ibid.*, p. 1.

<sup>157</sup> A/HRC/10/59, para. 74.

<sup>158</sup> CERD/C/COD/CO/15, paras. 18-19.

<sup>159</sup> A/HRC/4/7, para. 32.

<sup>160</sup> CRC/C/COD/CO/2, para. 80.

<sup>161</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2009 ((ILOLEX) 062009COD182), p. 4.

<sup>162</sup> A/61/38 (Part III), para. 346.

<sup>163</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (Geneva, 2008) ((ILOLEX) 092008COD111), para. 5.

<sup>164</sup> *Ibid.*, Individual Observation concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (Geneva, 2009) ((ILOLEX) 062009COD111), para. 2.

<sup>165</sup> *Ibid.*, Individual Direct Request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (Geneva, 2008) ((ILOLEX) 092008COD111), para. 2.

<sup>166</sup> CRC/C/COD/CO/2, para. 7; A/61/38 (Part III), para. 340.

<sup>167</sup> UNHCR submission to UPR on the Democratic Republic of Congo, p. 1, citing CRC/C/COD/CO/2, para. 7.

<sup>168</sup> CRC/C/COD/CO/2, para. 63.

<sup>169</sup> S/2008/728, para. 40.

- <sup>170</sup> S/HRC/7/25, para. 58.
- <sup>171</sup> CRC/C/COD/CO/2, para. 64.
- <sup>172</sup> A/HRC/10/58, para. 61 (a) (i). See also A/HRC/7/25, para. 56.
- <sup>173</sup> A/HRC/7/6/Add.4, para 10.
- <sup>174</sup> CRC/C/COD/CO/2, para. 53.
- <sup>175</sup> Ibid., para. 33; A/61/38 (Part III), para. 360.
- <sup>176</sup> CRC/C/COD/CO/2, para. 33.
- <sup>177</sup> A/HRC/10/59, para 111.
- <sup>178</sup> CRC/C/COD/CO/2, para. 65.
- <sup>179</sup> A/HRC/7/25, para. 57.
- <sup>180</sup> A/61/38 (Part III), para. 358.
- <sup>181</sup> Ibid., para. 359.
- <sup>182</sup> CRC/C/COD/CO/2, para. 66.
- <sup>183</sup> CERD/C/COD/CO/15, para. 14.
- <sup>184</sup> A/61/475, para. 134.
- <sup>185</sup> CERD/C/COD/CO/15, para. 18. See also A/61/475, paras. 135-137.
- <sup>186</sup> CERD/C/COD/CO/15, para. 18.
- <sup>187</sup> S/2009/335, para. 23. See also A/HRC/10/59, paras. 23-26; and UNHCR, 2008 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons, Annex Table 1 (Geneva, 2009), p. 1, available at <http://www.unhcr.org/4a375c426.html>. See also S/2008/728, paras. 3-21; S/2008/693, para. 7; S/2009/160, paras. 3-16; A/61/475, paras. 124-133; E/CN.4/2006/113, paras. 74-75. See also A/HRC/8/6/Add.3, paras. 9-17.
- <sup>188</sup> CRC/C/COD/CO/2, para 74; UNHCR submission to UPR on the Democratic Republic of Congo, p. 2.
- <sup>189</sup> A/HRC/10/59, paras. 30-34; A/HRC/8/6/Add.3, paras. 45-49.
- <sup>190</sup> A/HRC/8/6/Add.3, paras. 45 and 55.
- <sup>191</sup> Ibid., para. 27.
- <sup>192</sup> Ibid., para. 28.
- <sup>193</sup> Ibid., paras. 71-75. See also CRC/C/COD/CO/2, para. 75.
- <sup>194</sup> S/2009/335, paras. 71-72.
- <sup>195</sup> CRC/C/COD/CO/2, para. 3.
- <sup>196</sup> Resolution 10/33, paras. 5 and 8.
- <sup>197</sup> CAT/C/DRC/CO/1, para. 17.
- <sup>198</sup> CCPR/C/COD/CO/3, para. 9. See also HR Committee, Report of the Special Rapporteur for Follow-Up on Concluding Observations, Ninety-fifth session, 16 March-3 April 2009 (CCPR/C/95/2), pp. 13-14.
- <sup>199</sup> CERD/C/COD/CO/15, para. 27 (see also paragraph 18).
- <sup>200</sup> A/HRC/10/59, paras. 89-116. See also paragraph 118. See further A/HRC/8/6/Add.3, para. 75 (c); A/HRC/7/6/Add.4, paras. 110-111; A/HRC/8/4/Add.2, para. 90; A/HRC/7/25, para. 69. See also Special Representative of the Secretary-General for Children and Armed Conflict submission to UPR on the Democratic Republic of the Congo, p. 7.
- <sup>201</sup> A/HRC/10/58, para. 61 (b). See also S/AC.51/2009/3, paras. 6 and 13-14.
- <sup>202</sup> Resolution 7/20, paras. 4-5; resolution S-8/1, para. 9. See also resolution 10/33, paras. 9-10.

<sup>203</sup> CRC/C/COD/CO/2, paras. 17, 42 (*c*), 46, 48 (*h*), 54, 81, 89 (*c*); CAT/C/DRC/CO/1, para. 8 (*b*); A/61/38 (Part III), paras. 349, 361 and 364.

<sup>204</sup> Security Council resolution 1856 (2008), para. 22.

<sup>205</sup> Country Assistance Framework (CAF)/United Nations Development Assistance Framework (UNDAF) for the Democratic Republic of the Congo, 2007, pp. 84-126, available at [www.undg.org/unct.cfm?module=CoordinationProfile&page=Country&CountryID=ZAI](http://www.undg.org/unct.cfm?module=CoordinationProfile&page=Country&CountryID=ZAI).

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