



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

Pre-sessional working group

21 – 25 May 2012

### Implementation of the International Covenant on Economic, Social and Cultural Rights

#### List of issues prepared in the absence of the initial report of Congo due in 1990

#### Congo

Taking into account the prolonged absence of the report of the State party under articles 16 and 17 of the Covenant on Economic, Social and Cultural Rights and the established practice of the Committee, the Committee decided to initiate the analysis of the implementation of the rights under the Covenant in the State party. This list of issues, which follows the communication of 13 December 2011 from the Secretariat, may assist the State party in the preparation of its report to the Committee or in providing relevant information to the Committee otherwise.

#### I. General information

1. Please provide specific information about the state of realization of economic, social and cultural rights in the State party to the extent possible in accordance with the harmonized reporting guidelines under the international human rights treaties, including the Covenant (HRI/GEN/2/Rev.5).
2. Please clarify the status of the Covenant in the domestic legal system. Please provide examples of cases where the provisions of the Covenant have been invoked before or by national courts.
3. Please provide information on the role and functions of the National Human Rights Commission, in particular in relation to economic, social and cultural rights.

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\* Reissued for technical reasons on 18 June 2012.

## **II. Issues relating to the general provisions of the Covenant (arts. 1-5)**

### **Article 2, paragraph 2 – Non-discrimination**

4. Please provide information on anti-discrimination provisions in the laws of the State party insofar as economic, social and cultural rights are concerned and provide examples of application of these provisions in courts.

5. Please provide information on the impact of the implementation of the National Plan of Action to Improve the Quality of Life of the Indigenous Peoples (2009-2013), in particular with regard to the enjoyment by indigenous populations of their right to work, education and health. Please also provide information on the measures taken so far to implement the law on the promotion and protection of the rights of indigenous populations. In particular, please explain how articles 31, 32 and 36 of the Law are implemented in practice.

6. Please indicate what rights have been recognized to persons with disabilities and whether the law on the promotion and protection of the rights of persons with disabilities defines the notion of reasonable accommodation. Please also provide information, including statistical data, on any impact of the implementation of the national action plan adopted in 2009 as regards the enjoyment by persons with disabilities of their right to work, health and education. In particular, please provide information on measures taken to address environmental barriers to access to public goods and services and to encourage employers to hire persons with disabilities.

### **Article 3 – Equal rights of men and women**

7. Please inform the Committee of the status of the revision of the Family Code and of the adoption of the gender equality bill. Please indicate whether the discriminatory provisions in various laws, as raised by the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women in their last concluding observations, have been abrogated.

## **III. Issues relating to the specific provisions of the Covenant (arts. 6-15)**

### **Article 6 – The right to work**

8. Please provide information on the application of the penalty of forced labour in practice. Referring to article 29 of the law on the promotion and protection of the rights of indigenous populations, please also indicate the circumstances under which forced labour is permitted by law.

9. Referring to the objective set out in the PRSP to reduce unemployment from 19.4 per cent in 2005 to 15.52 per cent in 2009, please provide information on progress achieved as well as updated statistical data on unemployment/underemployment, disaggregated by sex, urban/rural area, formal/informal economy, region and age group.

10. Please provide information on measures taken to address the lack of professional training and qualification opportunities and the inadequacy of training offers vis-à-vis the labour market needs which, according to the PRSP, are among the root causes of high unemployment in the State party. In view of the very low number of unemployed persons

registered at the *Office national de l'emploi et de la main-d'œuvre*, please provide information on measures taken to improve the services provided to the unemployed, in particular, outside Brazzaville and Pointe-Noire. Please also provide information on the impact of targeted measures to reduce unemployment among vulnerable groups such as youth, women, indigenous people and persons with disabilities.

11. Please provide information on work in the informal economy, including on its extent. Please also provide information on measures taken to assist workers to move out of the informal economy and to ensure their access to social services.

### **Article 7 – The right to just and favourable conditions of work**

12. Please indicate whether the minimum wage (SMIG) enables a decent living for workers and their families. Please provide explanation on the mechanism in place to ensure that the minimum wage is periodically reviewed and determined at a level sufficient to provide all workers, including those who are not covered by a collective agreement, and their families, with a decent living.

13. Please explain the changes introduced by the revision of the Labour Code which contribute to guaranteeing workers' right to just and favourable conditions of work. Please also provide information on: (a) legal safeguards in place to protect workers from unfair dismissal; (b) legal and administrative provisions ensuring safety and healthy conditions at the workplace; and (c) their enforcement in practice.

14. In view of reports that sexual harassment is widespread in the State party, please inform the Committee of measures taken to combat and prevent sexual harassment as well as to improve victims' access to justice/reparation, particularly on sexual harassment in the workplace.

15. Please provide information on the steps taken, legislative or otherwise, with a view to implement the principle of equal pay for work of equal value.

### **Article 8 – Trade union rights**

16. Please provide details of how minimum service is defined in the amended section 248-15 of the Labour Code.

17. Please provide information on the percentage of workers and the number of sectors covered by collective bargaining, as well as information on measures taken to enlarge its coverage geographically and across sectors.

### **Article 9 – The right to social security**

18. Please inform the Committee of the percentage of the population covered by the various social security schemes for the following branches: health care, sickness, old age, unemployment, employment injury, family and child support, maternity, disability, and survivors and orphans. Please also inform the Committee of the percentage of workers governed by the Labour Code who are covered by the general social security scheme.

19. Please provide information on the various social security benefits and indicate to what extent their amounts, including pensions, ensure an adequate standard of living for recipients and their families.

20. Please provide information the revision of the civil service pension scheme and on any reforms being undertaken so as to increase the number of persons covered by the social security system.

21. Please provide information on social security programmes to protect workers in the informal economy, in particular in relation to health care, maternity and old age. Please provide information on the maternity protection scheme applicable to women who are not covered by employment-related maternity benefits.

### **Article 10 – Protection of the family, mothers and children**

22. Please indicate the age limits below which the paid employment of children in different occupations is prohibited under the law of the State party and any legal proceedings against the employment of under-aged children. Please provide an estimation of the percentage of children who work. Please also provide information on the measures taken, and the impact thereof, to combat child labour, particularly in rural areas and in the informal economy.

23. Please provide information on the measures taken to implement the 2010 law on protection of the child.

24. Please provide information on the legislative and administrative provisions regulating the creation, functioning and monitoring of orphanages.

25. Please provide information on the availability and coverage of social services in favour of older persons as well as laws and programmes in place to protect against abuse, abandon, negligence and ill-treatment of older persons.

26. Please provide information on measures, legislative and otherwise, taken to combat domestic violence, to address impunity in this regard, and to provide access to remedies. Please also provide information on measures taken to address sexual violence against women, in particular the lack of prosecution, including among indigenous populations.

27. Please provide information on the legal provisions prohibiting trafficking in persons, on any plan or programme to combat trafficking and sexual exploitation as well as on support provided to victims of trafficking.

### **Article 11 – The right to an adequate standard of living**

28. Please indicate to what extent the State party's poverty reduction strategy and plan include measures targeted at the rural areas as well as the regions most affected by poverty. Please also provide information on the impact of these targeted measures.

29. Please provide information on the impact of measures taken, such as the strategy for the development of the agriculture sector, with a view to improving availability and the affordability of food including through increase of the local production of food well as the reduction of the State party's reliance on food import. Please provide information on measures taken to alleviate food insecurity in the most affected departments such as Lekoumou, Plateaux, Cuvette, Pool and Niari.

30. Please provide information on arrangements in place to ensure that foodstuff made available to consumers, in particular imported food, is safe. Please also indicate the measures taken to disseminate knowledge of the principles of nutrition, including of healthy diets.

31. Please provide information on the housing situation in the country, including any deficit and homelessness. Please provide information on social housing programmes, in urban and rural areas, such as the provision of low-cost social housing units, and on the extent to which these units are accessible to those living under the poverty line and those working in the informal economy.

32. Please provide information on any measures taken to overcome the serious problems of urban slums.
33. Please indicate the legal provisions defining the circumstances under which evictions may take place as well as the rights of tenants to security of tenure and protection from eviction. Please provide information on the regulations applicable to development-based evictions, including the participation of those affected in decision-making, their adequate resettlement and fair compensation. Please also indicate the kind of protection extended to tenants occupying housing units without land title against arbitrary eviction. Indicate the number of forced evictions which took place in the last five years.

### **Article 12 - The right to physical and mental health**

34. Please provide information on the impact of the implementation of the 2007-2011 National Plan for Health Development. Please provide information on the affordability and quality of public health services.
35. Please provide information on the impact of measures taken to prevent outbreaks of cholera, Ebola fever and Buruli ulcer, and to make treatment readily available.
36. Please inform the Committee of the progress made towards the achievement of the targets set for 2013 by the implementation of the National Strategic Framework for Combatting HIV-AIDS and STDs, such as those on the availability and accessibility of sexual and reproductive health services and goods, including for young persons and indigenous people. Please explain whether measures have been taken to amend the 1920 law prohibiting abortion and the promotion of contraception. Please also provide updated information, including recent statistical data, on teenage pregnancy, as well as information on measures taken to discourage pregnancy among teenagers.
37. Please provide information on measures taken to improve access to safe drinking water as well as to expand the SNDE network of water distribution, especially in rural areas. Please also indicate the steps taken to ensure that water services are affordable for everyone, particularly for poor urban households. Please provide information on measures taken, such as educative measures, to protect water sources, particularly in rural areas.
38. Please provide information on the impact of initiatives taken to improve the State party's network of waste disposal and treatment of waste water, both in urban and rural areas.

### **Articles 13 and 14 – The right to education**

39. Please provide statistical data for the last five years on enrollment and completion at the different levels of education, disaggregated by sex, ethnic background, region, rural/urban and year.
40. Please provide information on steps taken to reduce repetition rate and to increase completion rate at the primary and secondary levels, particularly among marginalized and vulnerable groups. Please also provide information on steps taken, and the impact thereof, to promote adult literacy and to increase the offer of non-formal education outside large cities.
41. In view of the fact that the payment of school fees is one of the main reasons of absenteeism, please indicate the measures taken to reduce the reliance on the contribution of parents associations for the functioning of public schools and to ensure that, in line with articles 13 and 1 of the Covenant, primary education is free.

42. Please indicate the measures taken to make secondary education, including technical and vocational education, and higher education generally available and accessible to all.
43. Please provide information on steps taken to address the difficulties identified in higher education, such as the limited infrastructure, the insufficient number of permanent teaching personnel, and the inadequacy of teaching materials.
44. Please indicate to what extent human rights are included in school curricula at the various levels of education and in university curricula.

### **Article 15 – Cultural rights**

45. Please provide information on the implementation of the law on the orientation of the culture policy, adopted in 2008. Please also indicate the measures taken to increase the offer of, and promote broad participation in, and access to, cultural goods, institutions and activities, such as concerts, theatre, museums, cinema and sport events.
46. Please provide information on concrete steps taken (a) to protect the cultural, religious and spiritual goods of indigenous populations; (b) to protect the individual and collective intellectual property rights of indigenous populations relating to their traditional knowledge; and (c) to ensure that indigenous populations benefit from the use and the commercial exploitation of their traditional knowledge, as provided for by the 2011 law on the promotion and protection of the rights of indigenous populations.
47. Please provide information on the measures taken to protect the moral and material interests resulting from any scientific, literary or artistic production and to ensure the freedom of scientific research.
48. Please indicate the measures taken by the State party to ensure universal access to the Internet, in particular for disadvantaged and marginalized individuals and groups.
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