

# DEMOCRATIC REPUBLIC OF THE CONGO

## Follow-up - State Reporting Action by Treaty Bodies

CCPR, A/61/40 vol. I (2006)

### CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

234. In chapter VII of its annual report for 2003 (A/58/40, vol. I), the Committee described the framework that it has set out for providing for more effective follow-up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/60/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2006.

235. Over the period covered by the present annual report, Mr. Rafael Rivas Posada continued to act as the Committee's Special Rapporteur for follow-up to concluding observations. At the Committee's eighty-fifth, eighty-sixth and eighty-seventh sessions, he presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions on a State-by-State basis.

236. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table. Over the reporting period, since 1 August 2005, 14 States parties (Albania, Belgium, Benin, Colombia, El Salvador, Kenya, Mauritius, Philippines, Poland, Serbia and Montenegro, Sri Lanka, Tajikistan, Togo and Uganda) have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, only 11 States parties (Equatorial Guinea, Greece, Iceland, Israel, Mali, Moldova, Namibia, Suriname, the Gambia, Uzbekistan and Venezuela) have failed to supply follow-up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

237. The table below details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided to take no further action prior to the period covered by this report.

<b>State party</b>	<b>Date information due</b>	<b>Date reply received</b>	<b>Further action</b>
...			
<i>Eighty-sixth session (March 2006)</i>			
Democratic Republic of the Congo	25 March 2007		
Third periodic report examined	Paras. 9, 10, 15 and 24		
...			

**CHAPTER VII. FOLLOW-UP ON CONCLUDING OBSERVATIONS**

220. In chapter VII of its annual report for 2003 (A/58/40, vol. I), the Committee described the framework that it has set out for providing for more effective follow-up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/61/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2007.

221. Over the period covered by the present annual report, Mr. Rafael Rivas-Posada continued to act as the Committee's Special Rapporteur for follow-up to concluding observations. At the Committee's eighty-fifth, eighty-sixth and eighty-seventh sessions, he presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State. In view of Mr. Rivas-Posada's election to the Chair of the Committee, Sir Nigel Rodley was appointed the new Special Rapporteur for follow-up on concluding observations at the Committee's ninetieth session.

222. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.<sup>1</sup> Over the reporting period, since 1 August 2006, 12 States parties (Albania, Canada, Greece, Iceland, Israel, Italy, Slovenia, Syrian Arab Republic, Thailand, Uganda, Uzbekistan and Venezuela) have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, only 12 States parties (Brazil, Central African Republic, Democratic Republic of the Congo, Equatorial Guinea, Mali, Moldova, Namibia, Surinam, Paraguay, the Gambia, Surinam and Yemen) and UNMIK have failed to supply follow-up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

223. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided before 1 August 2006 to take no further action prior to the period covered by this report.

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**Eighty-sixth session (March 2006)**

**State party: Democratic Republic of the Congo**

**Report considered:** Third periodic (due since 1991), submitted on 30 March 2005.

**Information requested:**

Para. 9: Follow-up on the Committee's recommendations on individual communications; acceptance of a mission by the Committee's Special Rapporteur on follow-up (art. 2).

Para. 10: Steps to ensure that human rights violations are investigated (art. 2).

Para. 15: Inquiries into any forced disappearances or arbitrary executions; prosecution and punishment of the culprits; appropriate reparations for victims; strengthened measures to curb the displacement of civilian population groups (arts. 6, 7 and 9).

Para. 24: Expansion of the programme for the care of orphans; punishment of any person guilty of abusing orphans (art. 24).

**Date information due:** 25 March 2007

**Date information received: NONE RECEIVED**

**Action taken:**

29 June 2007 A reminder was sent to the State party.

**Recommended action:** Consultations should be scheduled for the ninety-first session.

**Next report due:** 1 April 2009

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Note

1/ The table format was altered at the ninetieth session.

**CCPR, CCPR/C/SR.2533 (2008)**

Human Rights Committee  
Ninety-second session

Summary record of the 2533rd meeting  
Held at Headquarters, New York,  
on Wednesday, 2 April 2008, at 11 a.m.

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**Follow-up to concluding observations on State reports and to Views under the Optional Protocol**

Progress report of the Special Rapporteur for follow-up on concluding observations

1. Sir Nigel Rodley (Special Rapporteur for follow-up on concluding observations), introducing an updated English version of his earlier report (CCPR/C/92/R.1) tracking the changes made in the light of developments since its publication, said that he had consulted with representatives of the Central African Republic, Mali, Namibia, Sri Lanka and Suriname and would soon be meeting with representatives of the Democratic Republic of the Congo. Regrettably, it had not been possible to meet with representatives of the Gambia and Namibia, which had not been forthcoming in making the necessary arrangements.

2. The Special Rapporteur's role was to urge States to provide prompt feedback on the points raised by the Committee in its concluding observations. Such efforts were counter-productive, however, if requests for information were made year after year and a subsequent periodic report of the State party was due or overdue. In those cases, the State party should be encouraged to submit a report rather than respond to concerns paragraph by paragraph. Nevertheless, failing the submission of a report, a response to the individual paragraphs would be better than nothing.

3. He hoped that the updated version of his report could be reformatted to make it more reader-friendly. Concerning overdue responses to concluding observations, he recommended, with respect to Moldova and Uzbekistan, that no further action should be taken in view of the States parties' submission of periodic reports.

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30. [Sir Nigel Rodley] In the case of the Democratic Republic of the Congo, since consultations were scheduled for the following day, the recommended action should be that the results of those consultations should be reported to the Committee at its ninety-third session.

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33. *The recommendations contained in the progress report of the Special Rapporteur for follow-up on concluding observations, as amended, were approved.*

The meeting was suspended at 12.30 p.m. and resumed at 12.35 p.m.

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**CCPR, CCPR/C/SR.2564/Add.1 (2008)**

HUMAN RIGHTS COMMITTEE

Ninety-third session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)\* OF THE 2564th MEETING

Held at the Palais Wilson, Geneva,  
on Wednesday, 23 July 2008 at 11.25 a.m.

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FOLLOW-UP TO CONCLUDING OBSERVATIONS ON STATE REPORTS AND TO  
VIEWS UNDER THE OPTIONAL PROTOCOL

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Report of the Special Rapporteur for follow-up on concluding observations (CCPR/C/93/R.1)

1. Sir Nigel RODLEY, Special Rapporteur for follow-up on concluding observations, introduced his report contained in document CCPR/C/93/R.1.

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6. The following information should be inserted under "Action taken" in the case of the Democratic Republic of the Congo: "17 July 2008: During the ninety-third session the Special Rapporteur met with a representative of the State party, who indicated that there were problems of coordination in the preparation of the follow-up replies. He would convey the urgency of submitting the replies before the Committee's ninety-fourth session to his Government." He recommended that a reminder should be sent and the situation reviewed at the ninety-fourth session.

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39. The draft report of the Special Rapporteur for follow-up on concluding observations was adopted.

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## **CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS**

194. In chapter VII of its annual report for 2003,<sup>20</sup> the Committee described the framework that it has set out for providing for more effective follow up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/62/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2008.

195. Over the period covered by the present annual report, Sir Nigel Rodley acted as the Committee's Special Rapporteur for follow-up on concluding observations. At the Committee's ninety-first, ninety-second and ninety third sessions, he presented progress reports to the Committee on inter-sessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State.

196. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.<sup>21</sup> Over the reporting period, since 1 August 2007, 11 States parties (Bosnia and Herzegovina, Brazil, Hong Kong Special Administrative Region (China), Mali, Paraguay, Republic of Korea, Sri Lanka, Suriname, Togo, United States of America and Ukraine), as well as the United Nations Interim Administration Mission in Kosovo (UNMIK), have submitted information to the Committee under the follow up procedure. Since the follow up procedure was instituted in March 2001, 10 States parties (Barbados, Central African Republic, Chile, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Honduras, Madagascar, Namibia and Yemen) have failed to supply follow up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

197. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow up responses provided to it, decided before 1 August 2007 to take no further action prior to the period covered by this report.

198. The Committee emphasizes that certain States parties have failed to cooperate with it in the performance of its functions under Part IV of the Covenant, thereby violating their obligations (Gambia, Equatorial Guinea).

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20/ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40 (A/58/40), vol. I.*

21/ The table format was altered at the ninetieth session.

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**Eighty-sixth session (March 2006)**

<b>State party: Democratic Republic of the Congo</b>
<b>Report considered:</b> Third periodic (due since 1991), submitted on 30 March 2005.
<b>Information requested:</b>  Para. 9: Measures to follow up on the Committee's recommendations on individual communications and submission of a report on such measures; acceptance of a mission by the Committee's Special Rapporteur for follow-up to Views (art. 2).  Para. 10: Steps to ensure that all reported human rights violations are investigated and that those responsible are prosecuted and punished (art. 2).  Para. 15: Inquiries into all reported forced disappearances and arbitrary executions; prosecution and punishment of perpetrators; appropriate compensation for victims; strengthen measures to curb the displacement of civilian populations (arts. 6, 7 and 9).  Para. 24: Strengthen the programme for the care of orphans; punishment of any person guilty of abusing orphans (art. 24).
<b>Date information due:</b> 25 March 2007
<b>Date information received: NONE RECEIVED</b>
<b>Action taken:</b>  <u>29 June 2007</u> A reminder was sent.  <u>28 September 2007</u> A further reminder was sent, and the Special Rapporteur requested a meeting with a representative of the State party. <u>29 October 2007</u> During the ninety-first session, the Special Rapporteur met with a



representative of the State party, who indicated that the Government is in the process of preparing the follow-up replies, without being able to specify the date by which the replies will be submitted.

Between January and June 2008, the Special Rapporteur sent three letters requesting a meeting with a representative of the State party.

17 July 2008 During the ninety-third session, the Special Rapporteur met with a representative of the State party, who indicated that there were problems of coordination in the preparation of the follow-up replies. He would convey the urgency of submitting the replies before the Committee's ninety-fourth session to his Government.

**Recommended action: A reminder should be sent and the situation should be reviewed at the ninety-fourth session.**

**Next report due:** 1 April 2009

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## VII. FOLLOW UP TO CONCLUDING OBSERVATIONS

237. In chapter VII of its annual report for 2003,<sup>20</sup> the Committee described the framework that it has set out for providing for more effective follow up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/63/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2009.

238. Over the period covered by the present annual report, Sir Nigel Rodley acted as the Committee's Special Rapporteur for follow-up on concluding observations. At the Committee's ninety-fourth, ninety-fifth and ninety-sixth sessions, he presented progress reports to the Committee on inter-sessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State.

239. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.<sup>21</sup> Over the reporting period, since 1 August 2008, 16 States parties (Austria, Barbados, Bosnia and Herzegovina, Chile, Costa Rica, Czech Republic, France, Georgia, Honduras, Hong Kong Special Administrative Region (China), Ireland, Libyan Arab Jamahiriya, Madagascar, Tunisia, Ukraine and United States of America), as well as the United Nations Interim Administration Mission in Kosovo (UNMIK), have submitted information to the Committee under the follow up procedure. Since the follow up procedure was instituted in March 2001, 11 States parties (Botswana, Central African Republic, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Namibia, Panama, Sudan, the former Yugoslav Republic of Macedonia, Yemen and Zambia) have failed to supply follow up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.<sup>22</sup>

240. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow up responses provided to it, decided before 1 August 2008 to take no further action prior to the period covered by this report.

241. The Committee emphasizes that certain States parties have failed to cooperate with it in the performance of its functions under Part IV of the Covenant, thereby violating their obligations (Gambia, Equatorial Guinea).

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**Eighty-sixth session (March 2006)**

**State party: Democratic Republic of the Congo**

**Report considered:** Third periodic (due since 1991), submitted on 30 March 2005.

**Information requested:**

Para. 9: Measures to follow up on the Committee's recommendations on individual communications and submission of a report on such measures; acceptance of a mission by the Committee's Special Rapporteur for follow-up on Views (art. 2).

Para. 10: Steps to ensure that all reported human rights violations are investigated and that those responsible are prosecuted and punished (art. 2).

Para. 15: Inquiries into all reported forced disappearances and arbitrary executions; prosecution and punishment of perpetrators; appropriate compensation for victims; strengthen measures to curb the displacement of civilian populations (arts. 6, 7 and 9).

Para. 24: Strengthen the programme for the care of orphans; punishment of any person guilty of abusing orphans (art. 24).

**Date information due:** 25 March 2007

**Date information received: NONE RECEIVED**

**Action taken:**

29 June 2007 A reminder was sent.

28 September 2007 A further reminder was sent, and the Special Rapporteur requested a meeting with a representative of the State party.

29 October 2007 During the ninety-first session, the Special Rapporteur met with a representative of the State party, who indicated that the Government is in the process of preparing the follow-up replies, without being able to specify the date by which the replies will be submitted.

Between January and June 2008, the Special Rapporteur sent three letters requesting a meeting with a representative of the State party.

17 July 2008 During the ninety-third session, the Special Rapporteur met with a representative

of the State party, who indicated that there were problems of coordination in the preparation of the follow-up replies. He would convey the urgency of submitting the replies before the Committee's ninety-fourth session to his Government.

22 September 2008 A reminder was sent.

16 December 2008 The Special Rapporteur requested the State party to include the outstanding information on paragraphs 11 and 14 in its fourth periodic report, due 1 April 2009.

**Recommended action: The follow-up procedure with respect to the third periodic report is terminated. A note verbale will be sent to the State party reminding it that its fourth periodic report is overdue and should be submitted promptly, and that the requested follow-up information should be included in the periodic report.**

**Next report due:** 1 April 2009

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20/ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40 (A/58/40), vol. I.*

21/ The table format was altered at the ninetieth session.

22/ As the next periodic report has become due with respect to the following States parties, the Committee has terminated the follow-up procedure despite deficient information or the absence of a follow-up report: Mali, Sri Lanka, Suriname, Namibia, Paraguay, and the Democratic Republic of the Congo.

**CCPR, CCPR/C/SR.2738/Add.1 (2010)**

Human Rights Committee  
Ninety-ninth session

Summary record of the second part (public) of the 2738th meeting  
Held at Palais Wilson, Geneva,  
on Wednesday 28 July 2010, at 11:25 am

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**Follow-up to concluding observations on State reports and to Views under the Optional Protocol**

*Report of the Special Rapporteur for Follow-up on Concluding Observations*  
(CCPR/C/99/2/CRP.1)

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3. Introducing his report (CCPR/C/99/2/CRP.1), he drew attention to the footnote on the first page. In the cases of the Democratic Republic of the Congo, Mali, Namibia, Paraguay, Sri Lanka, Suriname and Yemen, the follow-up procedure had been suspended despite the fact that those States parties had not provided sufficient information. That decision had been taken because there remained one year or less before the States were due to submit their next reports. The current dilemma facing the Committee was that those States' reports were now overdue. He asked whether colleagues agreed that, under those circumstances, the follow-up procedure should remain suspended.

4. **The Chairperson** said that, if there was no objection, he took it that the Committee agreed with that conclusion.

5. *It was so decided.*

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## **Chapter VII: Follow-up to Concluding Observations**

203. In chapter VII of its annual report for 2003,<sup>16</sup> the Committee described the framework that it has set out for providing for more effective follow-up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report,<sup>17</sup> an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2010.

204. Over the period covered by the present annual report, Mr. Abdelfattah Amor acted as the Committee's Special Rapporteur for follow-up on concluding observations. At the Committee's ninety-seventh, ninety-eighth and ninety-ninth sessions, he presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State.

205. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.<sup>18</sup> Over the reporting period, since 1 August 2009, 17 States parties (Bosnia and Herzegovina, Chile, Costa Rica, Czech Republic, Denmark, France, Georgia, Japan, Monaco, Spain, the former Yugoslav Republic of Macedonia, Sudan, Sweden, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland and Zambia), as well as the United Nations Interim Administration Mission in Kosovo (UNMIK), have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, 12 States parties (Australia, Botswana, Central African Republic, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Namibia, Nicaragua, Panama, Rwanda, San Marino and Yemen) have failed to supply follow-up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the preparation of the next periodic report by the State party.<sup>19</sup>

206. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, the report does not cover those States parties with respect to which the Committee has completed its follow-up activities, including all States parties which were considered from the seventy-first session (March 2001) to the eighty-fifth session (October 2005).

207. The Committee emphasizes that certain States parties have failed to cooperate with it in

the performance of its functions under Part IV of the Covenant, thereby violating their obligations (Equatorial Guinea, Gambia).

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<sup>16</sup> *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40*, vol. I (A/58/40 (vol. I)).

<sup>17</sup> *Ibid.*, *Sixty-Fourth Session, Supplement No. 40*, vol. I (A/64/40 (vol. I)).

<sup>18</sup> The table format was altered at the ninetieth session.

<sup>19</sup> As the next periodic report has become due with respect to the following States parties, the Committee has terminated the follow-up procedure despite deficient information or the absence of a follow-up report: Austria, Brazil, Central African Republic, Democratic Republic of the Congo, Hong Kong (China), Mali, Namibia, Paraguay, Republic of Korea, Sri Lanka, Suriname and Yemen.