



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE

ADVANCED UNEDITED VERSION

**Consideration of reports submitted by states parties
under article 40 of the covenant**

**List of issues to be taken up in connection with the consideration
of the third periodic report of the Democratic Republic of the Congo
(CCPR/C/COD/2005/3)**

**Constitutional and legal framework within which the Covenant
is implemented, measures to fight impunity (art. 2)**

1. In the light of the information in paragraph 47 of the report, please indicate whether and to what extent customary law continues to be applied in the Democratic Republic of the Congo and conflicts with positive law, including the provisions of the Covenant.
2. It is reported that the identity of persons responsible for human rights violations is often known and cited in various reports of the United Nations and non-governmental organizations (NGOs). Please indicate (a) the measures taken by the State party to ensure that the perpetrators of these acts, including persons in public institutions and the armed forces of the Democratic Republic of the Congo, are prosecuted and punished if found guilty, and that remedies are granted to the victims; (b) the follow-up measures taken by the National Human Rights Observatory (ONDH) in connection with the complaint filed against the generals responsible for the storming of Bukabu in June 2004.
3. Please indicate what action the State party has taken to give effect to the Committee's Views regarding the following communications: No. 366/1989 (*Isidore Kanana Tshiongo a*

Miranga v. Zaire); No. 542/1993 (*Agnes N’Gora v. Zaire*); No. 641/1995 (*Nyekuma Kopita Toro Gedumbe v. Democratic Republic of the Congo*); No. 933/2000 (*Adrien Mundy Busyo, Thomas Osthudi Wongodi, René Sibum Matubuka et al. v. Democratic Republic of the Congo*); No. 962/2001 (*Marcel Mulezi v. Democratic Republic of the Congo*).

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Equal rights of men and women, measures to prevent discrimination (arts. 3 and 26)

4. What has been the outcome of the State party’s efforts to harmonize its national law with international instruments to prevent discrimination against women, including the International Covenant on Civil and Political Rights (paragraph 48 of the report)? In particular, what measures have been taken to amend the Family Code, specifically article 448 on the legal transactions of married women, article 467 on punishments for adultery, and article 490 on the management of family property?

5. Please provide detailed information on (a) the school enrolment campaign entitled “Every girl in school” (para. 52), especially the impact it is having; and (b) the status of women in public life, especially in politics and the civil service.

6. It is reported that, there is a direct link between discrimination practiced against women in general and the exacerbated violence inflicted on women in time of war. In this context, do the programmes undertaken by the State party (para. 89) aim to tackle prejudices against women by encouraging them to report violence directed against them, and do they aim to sensitize women’s families to ensure that sexually abused women are no longer disowned? What help does the State party give to abused women? Please provide details of the implementation in practice of “the initiative to combat rape and violence against women and children” (para. 90).

Right to life and prohibition of torture (arts. 6 and 7)

7. According to paragraph 91 of the report that legal proceedings were taken against police officers at Kalemie in 2004, please describe the outcome of these proceedings, the number and rank of those punished, if at all, and any remedies decided upon.

8. Please cite any action the State party has taken to inform and make victims aware of their right not to be subjected to ill-treatment or torture in any circumstances and to seek justice and remedies when this right is violated.

9. Please comment on the growing number of reports of enforced disappearances and summary executions throughout the territory of the State party, apparently committed by all the parties to the armed conflict. What has the State party done to stop these violations and afford remedies to the victims and their families?

10. Please specify when and why the moratorium on the death penalty was lifted and its consequences for persons under sentence of death (paragraph 67 of the report). Have the statistics cited in paragraph 68 changed?

Prohibition of slavery (art. 8)

11. It is reported that, the parties to the armed conflict abduct women and children and subject them to forms of slavery, including sexual slavery. What is the State party doing to end such practices, punish the perpetrators and afford remedies to the victims?

Security of the person and the right not to be subjected to arbitrary detention (art. 9)

12. Please comment on reports that (a) the authorities sometimes do not feed detainees. b) arrests for minor offences are followed by excessive periods of detention that generally end in release without charge or sentence; (c) persons under investigation are detained for long periods and the investigating officer ignores the correct procedure for extending detention; (d) the civil and military security services and the former Special Presidential Security Group (the presidential guard) detain people indefinitely, sometimes in secret, without allowing them to communicate with a lawyer or members of their family; (e) the civil and military security services continue to detain people despite the existence of a circular from the Head of State ordering the closure of all places of detention not subject to the jurisdiction of the civil or military prosecution services.

Prohibition of imprisonment for failure to discharge contractual obligations (art. 11)

13. How prevalent is imprisonment for failure to pay debts? Does the State party plan to adopt measures to ensure compliance with article 11 of the Covenant?

Right to a fair trial (art. 14)

14. Does the the State party plans to abolishing the military courts? Does the State party consider that there are still very few judges; given that the population has increased to nearly 60 million (paragraph 158 of the report)?

Right to recognition as a person before the law (art. 16)

15. It is reported that there is no civil registration of births almost anywhere in the State party, thus adversely affecting the enjoyment of rights under the Covenant. Please comment on this information and describe what measures, if any, the State party is taking to comply with the provisions of the Covenant.

Freedom of thought and expression (art. 19)

16. It is reliably reported that journalists are harassed, assaulted and even deprived of their liberty or assaulted, by the authorities of the State party in an attempt to obstruct their activities. For example, in September 2004, it is alleged that a provisional arrest warrant was issued for Freddy Monsa Iyaka Duku, editor of the Kinshasa daily newspaper *Le Potentiel*, by the Kinshasa/Gombe district court prosecution service for “injurious allegations” against the Vice-President of the Republic in an article entitled “Land scandal: Z’Ahidi Ngoma wants to help himself”. In December 2004, Feu d’Or Bonsange Ifonge, editor of the Kinshasa newspaper *Tapis Rouge*, was reportedly arrested by police from the Kinshasa/Gombe district court prosecution service on account of an article on the running of the Internal Revenue Service. Please comment on these allegations in the light of article 19 of the Covenant.

Freedom of assembly and association (arts. 21 and 22)

17. It is reported that the authorities of the State party do not in reality permit human rights defenders to go about their normal business and resort to intimidation that can amount to arbitrary arrest and detention. For example, a) M. Pascal Kabungulu, Secretary of the League of Human Rights for the Great Lakes Region (LDGL) was killed on 31 July 2005 in front of his

family. Two militaries were reportedly suspected. b) Mr. N'sii Luanda, chairperson of the Committee of Human Rights Observers (CODHO), was reportedly arrested at his home on 19 April 2002 by two inspectors from the Military Order Court, and he is apparently still in detention despite the fact that no formal charges have been brought against him. Please comment on this information in the light of articles 21 and 22 of the Covenant.

Protection of the family (art. 23)

18. Are forced marriage legal, according to article 336 of the Family Code (paragraph 249 of the report)? What measures has the State party taken to ensure that the relevant provisions of the Covenant are respected?

Protection of children (art. 24)

19. It is reported that since early 2004 a government commission has paid an allowance to the commanders of armed groups answering to the Government of the State party. This allowance, calculated on the basis of the number of troops under the orders of the unit commanders, encourages the mass recruitment of children. Please comment on these reports, specifying in particular whether, when the allowance is paid, the above-mentioned commission systematically checks the soldiers' age and the date of their enrolment into the army. Please report on the accomplishments of the special bureau for the demobilization and reintegration of child soldiers (DUNABER).

20. It is reported that the State party would be a source of children trafficked for sexual or economic exploitation. Street children are apparently abused by the police and girls must resort to prostitution to support their families. What is the State party doing to stop these practices, punish the perpetrators and help the victims?

Dissemination of information regarding the Covenant (art. 2)

21 Please indicate what the State party has done to disseminate information about the submission of its third periodic report, its examination by the Committee and the Committee's concluding observations on the report. Please also provide information about steps currently being taken to raise awareness of the Covenant and its Optional Protocol among judges, public officials, police and law enforcement officers, legal advisers and teachers.

