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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
IN ACCORDANCE WITH ARTICLE 16 OF THE INTERNATIONAL
COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Replies by the Government of the Democratic Republic of the Congo
to the list of issues (E/C.12/COD/Q/5) on its second, third, fourth
and fifth periodic reports, submitted in a single document, under
articles 16 and 17 of the Covenant (E/C.12/COD/5)**

DEMOCRATIC REPUBLIC OF THE CONGO*

[14 August 2009]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services. Annexes can be consulted with the Secretariat.

1. GENERAL INFORMATION

Question 1. Please indicate whether the Supreme Court created by law in August 2008 is now fully operational. Please also indicate whether the Plan of Action for Justice Reform has been approved by the Mixed Committee on Justice Reform and whether it contains specific measures to ensure that victims of violations of economic, social and cultural rights have access to effective judicial remedies, and that court orders and judgements are being enforced.

1. The Republic's Constitution of 18 February 2006 provides, in article 152, that the Supreme Court is the Judicial Service Commission (CSM). Its organization and operations are governed by Law 08/013, promulgated by the Head of State on 5 August 2008.
2. This body is already in operation, having held two extraordinary general assemblies from 8 to 19 December 2008 and from 11 to 22 June 2009. The President of the High Court presides over the CSM.
3. As for the Mixed Committee on Justice Reform, it has already endorsed the Plan of Action for Justice Reform. However, the Mixed Committee is merely a technical body composed of national actors and outside partners. Texts approved by the Mixed Committee are subsequently adopted, in due sequence, by the Government.
4. A start has already been made on implementing the Plan of Action, including the parts relating to the rehabilitation of the judicial system (with the support of the European Union and the "REJUSCO" programme for the restoration of justice in the Congo) and the reform of the prison system (with the cooperation of MONUC), etc.
5. As of now, victims of violations of economic, social and cultural rights are limited in their recourse to justice to the traditional judicial structures, including the commercial and labour courts.
6. However, with the forthcoming establishment of the Economic and Social Council provided for in the Constitution, special measures can be taken to strengthen the protection of economic and social rights.

Question 2. Please indicate whether the draft Act on the National Commission for Human Rights (CNDH) submitted to the National Assembly in June 2008 has been adopted and to what extent has the State party taken into consideration the observations made by the Office of the High Commissioner for Human Rights on the designation of the Commission's members, the Commission's financing, the protection of its members and the necessity of having offices in the regions' representation.

7. The draft Act on the establishment and functions of the National Commission for Human Rights in the Democratic Republic of the Congo (CNDH) was submitted to the Senate in June 2008 and adopted in July 2008. It has been transmitted to the National Assembly, which is due to reconvene on 15 September 2009.

8. The observations made by the Office of the High Commissioner for Human Rights derive from the Paris Principles, being the principles to be observed when setting up national human rights institutions. They will certainly be taken into account by the National Assembly when it votes on the draft Act.

9. However, the Senate itself took account of the Paris Principles when considering the draft Act. For example, draft article 1, paragraph 3, states that the National Commission for Human Rights enjoys administrative, financial and technical autonomy. Articles 13 and 14 read as follows:

Article 13: “The Commission shall be pluralist and non-political. Its membership shall reflect the social forces committed to the promotion and protection of human rights. These are:

Non-governmental human rights organizations

Trade unions

Socio-professional organizations

Academics and experts

Religious groups.”

Article 14: “Commission leaders at the national, provincial and local levels will be appointed in the light of their competence and experience and their moral and intellectual integrity, with due regard to the representation of women.”

10. In this connection, mention should be made of the participation of the Democratic Republic of the Congo in the Workshop for national human rights institutions in West and Central Africa, held in Lomé (Togo) on 19-20 January 2009, for the purpose of enabling the participants to study and absorb the Paris Principles. The Democratic Republic of the Congo was represented by the former President of the National Human Rights Observatory, and by a delegation from the Ministry of Human Rights.

Question 3. Please provide information on the measures taken to increase awareness among the public at large and in particular among teachers, judges, police officers and other public authorities of the provisions of the Covenant. Is there any information on the Covenant available in the minority languages and dialects?

11. The measures taken to increase awareness include:

(a) Teaching a course on human rights in the country’s universities, one chapter of the course being devoted to the Covenant;

(b) Planning seminars on human rights standards and the provisions of the Covenant for members of the police force, the army, the security services and law enforcement personnel. For example, a seminar was organized on 20-22 October 2008 for judicial police officers belonging to the national police service, with financial support from the United Nations Development Programme (UNDP).

12. Instructors use local languages and dialects to communicate more effectively when giving information about the Covenant. There are also plans to translate the teaching aids into various languages and dialects, to make them more accessible.

Question 4. Please indicate to what extent the realization of economic, social and cultural rights were incorporated in peace negotiations and agreements and to what extent they generated a domestic legal framework for their implementation.

13. In the period leading up to the signing of the Goma Accords on 23 January 2008 to restore peace in the east of the country, a conference on peace, security and development in North and South Kivu was organized from 5 December 2007 to 23 January 2008. In addition to the cessation of hostilities, the Peace Conference focused on aspects relating to the economic development of the two provinces.

14. The Goma Accords resulted in the drawing up, through a presidential ordinance, of the AMANI programme, which has recently been transformed into a broader legal framework called STAREC (Stabilization Programme for regions emerging from armed conflict), operating in the regions of North Kivu, South Kivu, Northern Katanga, Maniema and the districts of Bas-Uélé, Haut Uélé and Ituri in Eastern Province.

Question 5. Please inform the Committee of any measures foreseen to protect human rights defenders advocating for economic, social and cultural rights, and comment on reports that they are facing serious risks, in particular when they denounce the damaging effects of the illegal mining and logging activities of private actors or corruption cases.

15. Human rights defenders in the Democratic Republic of the Congo are not victimized.

16. Whenever the Ministry for Human Rights is informed of the arrest of a human rights defender, immediate steps are taken to secure his release or, if the law has been transgressed, the courts are asked to see that justice is done.

17. The Government also supports a number of initiatives to improve protection for human rights defenders, such as:

(a) Sponsoring the activities of the Congolese Network for the protection of human rights defenders, including the national workshop for strengthening the capacity of human rights defenders, held in Kinshasa from 26 to 30 January 2009;

(b) The invitation to the United Nations Special Rapporteur on the situation of Human Rights Defenders, who visited the Democratic Republic of the Congo from 21 May to 3 June 2009.

18. These activities indicate the degree of the Government's interest in this category of social actors.

Question 6. Please indicate whether civil society organizations have been consulted in the preparation of the State party's report.

19. Civil society organizations were consulted and were given the draft report. They made their own comments and amendments to the report, especially on 9 and 10 May 2006 at the plenary meeting held for the purpose of endorsing the report.

Question 7. Please inform the Committee of the measures taken to reduce deforestation and to protect the economic, social and cultural rights of people living in the country's forests.

20. The following measures have been taken to reduce deforestation:

- (a) The adoption and promulgation of the Forest Code;
- (b) The promotion of reforestation initiatives, alongside the non-governmental organizations working on environmental matters, with the aim of planting thousands of trees;
- (c) Reviewing contracts for the development of forest land, followed by a reduction in the number of holders of current permits to operate in this sector;
- (d) Transmitting a draft framework law on the environment to Parliament, as well as a draft law on nature conservation;
- (e) Signing the ministerial decree 0011/CAB/MIN/ECN-EF/2007 of 12 April 2007, which regulates permits for industrial logging and for the purchase, sale and export of timber.

21. This decree of the Ministry for the Environment, Nature Conservation, Water and Forests is also intended to strengthen the capacity of the forest services to monitor and supervise the use of forests.

22. Under article 3 of this decree, a special permit must be obtained for the cutting of timber from the Wenge (*Millettia Laurentii*) and Afrormosia (*Pericopsis elata*) species, or from any forest species on the list of plant varieties in Annex III to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

23. To protect the economic, social and cultural rights of people living in the forests, agreements are entered into, under the aegis of the public authorities, between the developers and the indigenous populations, for the development of the local communities, the building of schools and health centres, the improvement of the local habitat, etc.

24. Additionally, thanks to the project for sustainable management and conservation of the forest ecosystems in the Democratic Republic of the Congo, implemented with the technical support of the World Wildlife Fund (WWF), the first phase of which covered the period 2004-2008, it was decided that assisting populations in their development efforts and carrying out socio-economic, ecological and environmental studies should be among the chief activities chosen in pursuing effective and sustainable forest management, through technical partnerships with the forest developers.

Question 8. *Please provide the Committee with an update on the initiatives taken to address concerns in reports on the illegal exploitation, pillaging and mismanagement of the country's natural resources. Furthermore, please also provide the Committee with information on the implementation of the Mining Code and Mining Plan and on the Kasumbalesa project as well as on the measures adopted to follow up on the work done by the Lutundula Commission and on the Ituri civil society cooperation framework conclusions of March 2008.*

25. Initiatives taken to remedy the illegal exploitation of natural resources include the launching of the process of restoring peace in the east of the country. The public authorities have also decided to revisit all mining contracts entered into since 1997, in order to ensure rational exploitation of the resources. An ad hoc commission, composed of the public actors and the economic operators concerned, has been established for this purpose. Government measures have been taken to monitor mineral deposits in the East, to ensure that resources are rationally managed, and to secure favourable economic and social outcomes for the local populations.

Question 9. *Please provide information on the achievements of the Land Commission established in Ituri in February 2008 and about the resources allocated to this mechanism. Please provide further information on the consultation process, if any, to revise the current Land Act as stated in paragraph 209 (g) of the State party's report.*

26. The Land Commission established in Ituri in February 2008 has been financed by a Belgian non-governmental organization, the RCN. Its achievements include:

- (a) Improved familiarity among the public with the so-called Land Act (popularization);
- (b) A subsequent reduction in land disputes.

27. The consultation process on revising the present land law has not yet formally begun.

28. Discussion of this matter is however continuing within the Commission dealing with the reform of Congolese law.

Question 10. Please provide precise information on the measures taken to combat corruption, especially in the judiciary and among public employees. Please also provide information on the steps taken to ensure the independence of the Ethics and Anti-Corruption Commission.

29. Since the promulgation of the Constitution of 18 February 2006, and pursuant to article 222 of the Constitution, the Ethics and Anti-Corruption Commission is no longer in existence.

30. Measures taken to combat corruption in the judiciary include:

- (a) The adoption of a plan for overall reform of the justice system;
- (b) A gradual improvement in the salaries of judges;
- (c) The forthcoming establishment of the Ecole supérieure de la magistrature, in accordance with the Regulations for judges of 30 October 2006;
- (d) The establishment of disciplinary chambers by the Judicial Service Commission at its second session of June 2009. The Presidents of the Courts of Appeal, as members of the Commission, have been appointed to receive the files in disciplinary cases;
- (e) Both positive and negative sanctions for judges have been introduced through 14 presidential Ordinances of 15 July 2009, adopted on a proposal by the Judicial Service Commission. They have resulted in 15 resignations, 104 dismissals for corruption, 606 promotions and honourable retirements, etc.

31. Measures taken in respect of public employees include:

- (a) The adoption of Law 05/006 of 29 March 2005 to amend and supplement the decree of 30 January 1940, which imposes stricter penalties for corruption;
- (b) The adoption of Law 017/2002 of 3 October 2002, introducing a code of conduct for public officials;
- (c) The creation, by way of a ministerial decree, of an Observatory for the professional code of ethics for public employees, and the establishment of committees to serve on it;
- (d) The introduction of the Disciplinary Board as an advisory body within the Ministry of the Civil Service. Between 2006 and 2009 the Board dealt with six cases from government departments and public bodies, as follows:
 - (i) Finance - embezzlement of public funds;
 - (ii) Posts, telephones and telegraph - embezzlement;
 - (iii) Mines - withholding public funds;
 - (iv) Environment - embezzlement;

- (v) Tax Office - melting down coins;
- (vi) Office of receipts from administrative, judicial and real estate transactions - embezzlement.

Question 11. While taking note of the legal provisions against discrimination enumerated in the State party's report (E/C.12/COD/5, paras. 46 to 53), the Committee would like to receive additional information on the situation in the State party in particular where it concerns indigenous populations. Please provide detailed information regarding Pygmies and indicate the measures taken by the State party to protect them from discrimination, abuse and marginalization.

32. The efforts made to protect the indigenous populations in the Democratic Republic of the Congo are described in our report to the Human Rights Committee (paragraphs 291 to 295, CCPR/C/COD/2005/3).

33. In addition to these progressive measures, mention should be made of:

(a) The targeted programmes for pygmies which are implemented by the Ministry of Social Affairs, with the support of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Children's Fund (UNICEF): school enrolment, improvement of habitats, access to health care and other basic social services. The World Bank lends support to the Ministry of the Environment in the forest management project, which takes account of the rights of the indigenous populations (pygmy minorities) in all the country's provinces;

(b) The administrative instructions on how to make specific provision for pygmies, especially through education;

(c) The plans being made by the Ministry of Human Rights for a seminar on the rights of indigenous populations, to be held in January 2010.

34. The part played by the Democratic Republic of the Congo in the proceedings of the International Conference on the Rights of Indigenous Peoples (pygmies) in Central Africa, held at INFONDO (Republic of the Congo) in 2007 at the recommendation of the Secretary-General of the United Nations. This conference assessed the impact of the initiatives already undertaken. The work of the conference was taken up at Kinshasa by the delegate of the Association of Pygmies of the Democratic Republic of the Congo, with the technical assistance of UNICEF.

Question 12. Please indicate the measures the State party intends to take to end discrimination against persons with albinism and prevent killings of albinos which are apparently fuelled by the superstitious belief that the use of body parts of persons with albinism in witchcraft will lead to prosperity.

35. This practice is not known to exist in the Democratic Republic of the Congo.

36. However, the Government is taking steps to ascertain the true situation.

Question 13. Please explain why the intervention of the State party to protect particularly vulnerable groups, including women and children in difficult situations remains limited (E/C.12/COD/5, paras. 173, 178, 181 and 182). Please also provide specific [information] on programmes, if any, to support persons living with disabilities and their families.

37. State action to protect these vulnerable groups is limited, for both financial and structural reasons.

38. The shortage of financial resources following the destruction of the economic fabric, especially because of the war, makes it harder to implement the programmes already adopted.

39. The Government is making efforts to introduce ad hoc measures for protecting women and children in difficult situations, such as:

(a) The programme to advance women's self-sufficiency (microcredit schemes, etc.);

(b) The decision to set up a national agency to combat violence towards women and children;

(c) The promulgation of the Law of 10 January 2009 on the protection of children. As well as the special children's courts (art. 84), this Act provides for a number of agencies to protect children, such as the National Children's Board, the Educational and Vocational Guidance Council, the Social Workers Panel, the Special Child Protection Brigade, and the children's parliament and committees (art. 74).

40. There are support programmes for persons living with disabilities both within the Ministry of Social Affairs (Office for the Coordination of Rehabilitation Activities for Persons with Disabilities) and within the Ministry of Primary, Secondary and Vocational Education (Department of Special Education for Persons with Disabilities).

Question 14. Please explain why the discriminatory provisions contained in articles 444 (the wife must obey her husband) and 448 (for any legal act women should obtain their husband's authorization) of the Family Code have not yet been repealed.

41. The process of revising the Family Code is continuing, with the support of UNICEF and the United Nations Population Fund (UNPF). The most recent workshop on updating and harmonizing the text was held in June 2009. As a result of the work done so far, all the discriminatory provisions affecting women and children have been removed. The amended text has been submitted to the Government for its endorsement and onward transmission to the Parliament.

Question 15. Please provide information on the outcome of the national programme for the advancement of women of 1999 and the mainstreaming document of 2004. Please also provide information on the resources allocated to the Ministry of Gender, Family and Children.

42. As a result of the campaign for the advancement of women, the principle of the equality of men and women has been enshrined in the Constitution, and the representation of women in public institutions has improved.

43. As for the resources allocated to the Ministry of Gender, Family and Children, the State budget for 2009 under this heading is about 1 billion Congolese francs (operating budget) out of a total of 89,363,073,532 francs.

Question 16. Please indicate whether the State party implements or envisages implementing a comprehensive strategy, including goals and timetables, to modify and eliminate negative cultural attitudes and practices and stereotypes that discriminate against women in the State party. The Committee would also like to receive information on any awareness-raising campaigns aimed at the elimination of stereotypes associated with men's and women's traditional roles in the family and in society at large.

44. The global strategy to modify and eliminate negative cultural attitudes and discriminatory prejudices against women takes the following approaches:

(a) Legislative measures, with the law on the equality of men and women, the draft being under discussion by Government experts. The forthcoming adoption of this law will help to boost the steps being taken for the gradual elimination of gender-related prejudices and stereotypes;

(b) Practical measures: awareness campaigns to publicize the Convention on the Elimination of All Forms of Discrimination against Women. Another nationwide campaign will shortly be organized by the Ministry of Gender, Family and Children.

Question 17. Please indicate what measures have been taken by the State party to abolish the legal provisions (Act No. 76-011 of 21 May 1976 and its implementing Ordinance/sections 18 to 21 of Legislative Ordinance No. 71/087 of 14 September 1971 and Ordinance No. 15/APAJ of 20 January 1938) as observed by the ILO Committee of Experts on the Application of Conventions and Recommendations.

45. The texts referred to above are inherently contrary to article 16, paragraph 5, of the 2006 Constitution, which provides that "No person may be compelled to perform forced or compulsory labour." They are therefore deemed to have lapsed by virtue of article 221 of the Constitution, which states: "provided they are not contrary to the Constitution, legislative and regulatory texts in force are maintained until they are repealed or amended".

Question 18. *Please explain the reasons why the guaranteed minimum wage is not applicable to the public sector (E/C.12/COD/5, paras. 107 and 108). Please also explain why the minimum wage has been fixed under the poverty line in contradiction with article 7, paragraph (a) (ii) of the Covenant.*

46. The SMIG (Minimum Guaranteed Inter-Occupational Wage) does not apply to the public sector because, in a strictly formal sense, public employees are subject to a special set of regulations (applying to career civil servants). They are not governed by the Labour Code.

47. When the SMIG was fixed in 2002, it was not below the poverty line. The present situation has arisen from the depreciation of the Congolese currency against the United States dollar.

48. However, the 2002 level of the SMIG was raised to 1,120 Congolese francs (US\$ 1.96) between July and December 2008, and to 1,680 francs (US\$ 2.5) from 1 January 2009 (see Ordinance 08/040 of 30 April 2008 setting the level of the SMIG, minimum family allowances and the housing exchange-value) and ministerial decree 12/CAB/MIN.ETPS/024/08 of 19 July 2008).

Question 19. *Please inform the Committee of the concrete measures taken to eliminate the wage gap between men and women. Please also provide information on the concrete results achieved by the anti-discriminatory measures set up by law No. 015/2002 of 16 October 2002 referred to in paragraph 102 of the State party's report.*

49. The measures taken to eliminate the wage gap between men and women include the provision in article 36, paragraph 3, of the Constitution of 18 February 2006, which prohibits discrimination in employment on grounds of gender or because of socio-economic conditions.

50. To implement this provision, a draft law on parity between men and women is under discussion by the Government experts. The labour inspectorate is also working to put an end to the instances of discrimination which persist in some private enterprises.

Question 20. *According to information before the Committee, while scores of artisanal miners die every year in preventable accidents in Katanga's copper and cobalt mines, the State party has still not adopted any strategy of prevention. Please provide further information in this regard.*

51. Measures are being taken in line with a strategy to prevent deaths among artisanal miners. For example, there are arrangements to prohibit access to sites which carry a high risk of caving in because of the fragility of the soil. The same applies to the closure of sites with high levels of radioactivity.

Question 21. Please provide additional information on the efforts made (E/C.12/COD/5, para. 112) to strengthen the labour inspectorate and to shield the inspectors from improper external influence. In particular, please inform the Committee of the distribution of powers between the central authority and the provincial authorities with regard to the organization and functioning of labour inspection structures, the appointment of labour inspection staff and the budgetary decisions concerning the resources of the labour inspectorate.

52. The following steps are being taken to strengthen the labour inspectorate and protect the inspectors against undue outside pressures:

(a) Raising the labour inspectorate to the rank of a “general secretariat” through a decree of the Civil Service Ministry;

(b) Making bonus payments to the inspectors (from 2008);

(c) Organizing a training programme on employment, with the support of the African Regional Centre for Labour Administration (CRADAT).

53. The distribution of powers between the central authority and the provincial authorities of the labour inspectorate is as follows:

(a) The national labour inspectorate only monitors enterprises which operate in two or more provinces;

(b) If an enterprise operates in only one province, monitoring falls to the provincial inspectorate or the inspectorate with responsibility for the enterprise in question;

(c) With regard to the number of inspectors, in the coming months the Government intends to recruit and train a hundred more.

Question 22. Please provide additional information on the efforts made (E/C.12/COD/5, para. 112) to strengthen the labour inspectorate and to shield the inspectors from improper external influence. Please indicate the follow-up given to the observations put forward by the ILO Committee of Experts in 2008 on the obstruction of trade union activities in certain administrative branches and enterprises (ban on holding meetings, ban on access to installations) as well as the results of any investigations conducted into the cases of abduction, torture, threats, intimidation and harassment against trade union leaders.

54. The Government is awaiting precise information from the Trade Union Confederation of the Congo (CSC) with a view to making the appropriate enquiries into these allegations.

Question 23. Please provide the Committee with information on the current situation of Mr. Nginamau Malaba, president of the Congolese trade union centre and two other trade unionists arrested in January 2009.

55. The trade unionist Nginamau Malaba was set free a long time ago and as of now the Government is not aware of any other trade unionist being detained.

Question 24. *While taking note of the malfunctioning of the social security system as indicated in the State party's report (E/C.12/COD/5, para. 146), please provide information on the concrete measures which the State party intends to adopt to rebuild a sustainable national security system. Please also indicate at what stage the draft Social Security Code is, which, according to the Government's announcement to the ILO in 2008, was due to be examined during the thirtieth session of the National Labour Council.*

56. The draft law on social security to be considered at the thirtieth session of the National Labour Council is the basis of the reform of the social security system in the Democratic Republic of the Congo. Preparatory work is now in progress, for example at the workshop held from 8 to 15 July 2009, at which plans were made to extend social security coverage to a large proportion of the population through the mutual insurance associations (for health, unemployment, old age, etc.) in accordance with ILO Convention No. 102 (1952) on minimum standards of social security.

Question 25. *Please provide information on the implementation of the law on sexual violence adopted in 2006, including on the number of cases that have been prosecuted and tried by the courts.*

57. In addition to the information already provided in our periodic report to the Committee on the Rights of the Child (CRC/C/COD/2, paras. 157 to 169), it should be mentioned that prosecutions have been taken out in several places in the country.

58. Information gathered from three of the regional courts in Kinshasa in 2008 shows that there were:

- One hundred and thirty-four cases of minors who were victims of sexual violence, including 131 rapes, 2 attempted acts of indecency and 1 case of wounding plus rape
- Forty court decisions, including 29 convictions (with a minimum penalty of 12 months' imprisonment deferred for 24 months, in case RP 2216; and a maximum penalty of 14 years' imprisonment in case RP 2382)
- Thirty-two decisions, including:
 - Twenty-one convictions (minimum penalty, 12 months' imprisonment deferred for 24 months, in the case RP 2216; maximum penalty, 14 years' imprisonment, in case RP 2382)
 - One acquittal, in case RP 2184
 - Eighteen unreported decisions
 - Seven cases under deliberation

It should be added that in other provinces also, especially in Goma (North Kivu) and Bukavu (South Kivu) exemplary sentences have been handed down.

Question 26. Please indicate the priority measures which the State party intends to adopt to render health services affordable and accessible to victims of sexual violence (E/C.12/COD/5, para. 174). Please also supply data on the number of women who have received compensation payments from the State party as the result of sexual violence by State agents.

59. The Government, with the notable assistance of civil society organizations, is implementing the strategic plan for providing care for victims of sexual violence. It comprises:

- (a) Medical treatment and care;
- (b) Legal aid and assistance;
- (c) Psychosocial support;
- (d) Reintegration into the community.

60. To ensure that medical treatment and care are made available, the technical capacity of the providers has been strengthened and arrangements made to supply logistical support and medicines, with the help of international partners (UNICEF and UNPF). It is important to note that medical care is free of charge. The supply of medicines comprises the special kit (PEP: post-exposure prophylaxis, tests for HIV/AIDS, emergency contraception, medicines for the treatment of lesions, burns and wounds and trauma to the genital area, and repair of tearing).

61. Hospitals have been built or rehabilitated throughout the country for the special purpose of caring for the victims.

62. As regards the number of women to be compensated, budgetary constraints are preventing disbursement of the sums allocated. The intention is to increase these sums in future budgets.

63. Moreover, in conjunction with its partners the Government is supporting the case for setting up a special fund for the victims of sexual violence.

Question 27. Please indicate the priority measures which the State party intends to adopt to render health services affordable and accessible to victims of sexual violence (E/C.12/COD/5, para. 174). Please also supply data on the number of women who have received compensation payments from the State party as the result of sexual violence by State agents.

64. The Democratic Republic of the Congo has provided information on this question in its second periodic report to the Committee on the Rights of the Child (CRC/C/COD/2, para. 197). It is continuing to pursue inquiries into this situation, and its findings may be included in its initial report on the implementation of the Optional Protocol to the Convention on the Rights of the Child, concerning the sale of children, child prostitution and pornographic displays of children.

Question 28. *Please provide updated information on the situation of so-called child-witches in the country's towns of Kinshasa, Mbuji-Mayi, Kisangani, Lumumbashi and Bukavu. Please also provide information on measures taken to address the grave abuses, ill treatment and violence suffered by these children, in particular the measure to bring the perpetrators to justice (E/C.12/COD/5, para. 181).*

65. As well as the information provided in our country's second periodic report to the Committee on the Rights of the Child (CRC/C/COD/2, para. 151), mention should be made of a significant breakthrough in prosecuting these practices. Ill-treatment of this kind has been classified as an offence under articles 151 and 160 of the Act of 10 January 2009 on the protection of children.

66. Article 151 provides that subjecting a child to torture is punishable by one to five years of penal servitude, and a fine of 500,000 to 1 million Congolese francs.

67. Article 160 adds:

“Any person who maliciously and publicly commits an act against a child which offends the child's honour and dignity, will be punished by 2 to 12 months of penal servitude and a fine of 200,000 to 600,000 Congolese francs.

If a child is accused of witchcraft, the perpetrator will be punished by one to three years of penal servitude and a fine of 200,000 to 1 million Congolese francs.”

Question 29. *Please provide more specific information as to measures taken to protect the most vulnerable children, namely street children, orphans, child soldiers, children trafficked for forced labour and sexual exploitation, children living with a handicap and children victims of sexual violence.*

68. Information about the protection of all these categories of children was supplied in the second periodic report to the Committee on the Rights of the Child (CRC/C/COD/2). This information was supplemented by the written replies to the list of issues (CRC/C/COD/Q/2/Add.1).

69. At all events, Law 09/001 of 10 January 2009 on the protection of children has strengthened judicial and institutional protection for children.

Question 30. *Please provide information on the concrete measures taken by the State party to prohibit worst forms of child labour, particularly employment of very young children, sometimes as young as 5 years old and working in dangerous conditions in mines.*

70. The report submitted by the State party to the Committee on the Rights of the Child (CRC/C/COD/2, paras. 185 to 195) contains the principal information on the efforts to eradicate the worst forms of child labour.

71. Apart from this information, it should be noted that the Government's strategic aim is to eradicate the worst forms of child labour once and for all. A national plan of action for this purpose is now being finalized, chiefly based on the formation of a database on child labour together with action to prevent the worst forms of child labour.

72. The national committee against the worst forms of child labour has been set up and its members have been trained. From 2009 provincial committees will be gradually put in place.

Question 31. The Committee requests that the State party clarify whether a strategy has been adopted to ensure adequate housing for the homeless and to improve the housing conditions as described in the State party's report (E/C.12/COD/5, paras. 214 and 234).

73. The Government has a national housing plan, and around 20 projects have been included in formal agreements with bilateral partners and are now awaiting execution.

74. There are also some major sites awaiting funding for social housing. One example is the inauguration on 24 June 2009 of the "Mitendi ecological town", a project for the erection of 1,878 low-cost housing units, using the modern technology of prefabricated construction.

75. Another formal agreement was signed on 20 March 2009 between the Democratic Republic of the Congo and the Finnish company FINDOMO for the construction of 1,500 prefabricated social housing units, comprising a living room, a dining room, three bedrooms, a veranda, an internal kitchen and a bathroom.

76. The homeless are largely people displaced by war or victims of erosion. Provision is also being made for them. In Kinshasa, a site called "Town of Hope" has been made available to 1,456 families who are living temporarily in tents provided by the Government through the Ministry of Social and Humanitarian Affairs. There are plans to build 4,000 units of housing in this town, funded from the Government's investment budget for 2010.

77. A project for the construction of social housing is presently being implemented with the Swedish development cooperation agency.

Question 32. According to information received from United Nations agencies and programmes, the detention conditions, in particular the overcrowding, the lack of food, basic hygiene and medical care in the prisons are said to transform the country's prisons into real death traps. Please provide information on the measures taken to improve detention conditions, especially in the prisons of Goma, Mbuji-Mayi, Mwene-Ditu, Bunia and Kisangani.

78. The measures taken to improve detention conditions in these prisons include the following:

(a) A policy for the gradual refurbishment of the prisons, with the assistance of partners working in the justice sector;

(b) The regular provision of a daily meal for each of the 415 prisoners held in the Mbuji-Mayi prison, with the help of the International Committee of the Red Cross (ICRC);

(c) Awareness-raising campaigns among prison governors about the need for proper discharge of their duty to look after the prisoners (such as the workshop organized in Kinshasa by the Ministry of Justice from 23 June to 3 July 2009);

(d) Measures to relieve overcrowding in the prisons (remitting sentences, conditional release, etc.);

(e) Building extra wings in the prisons for women and children;

(f) Paying the operating costs of penal institutions;

(g) Developing prison farms, especially at Bunia and Mbuji-Mayi;

(h) Implementing the part devoted to prisons in the ongoing general plan of action for justice reform.

Question 33. Please indicate the measures taken to ensure access to health services to the most disadvantaged and marginalized groups and in particular in the regions where there have been no such services at all (E/C.12/COD/5, para. 243).

79. To ensure access to health services for the most disadvantaged and marginalized groups, especially in regions where these services do not exist, the State party intends that medical care, which has until now been subsidized by international partners (UNICEF, UNPF), the International Catholic Child Bureau and the German development cooperation agency, should in future be provided free of charge. Social initiatives to provide care for the destitute are also being encouraged.

Question 34. Please describe the measures already adopted to implement the Bill passed on 30 May 2008 on the Protection of the Rights of Persons Living with HIV/AIDS and Affected Persons (E/C.12/COD/5, para. 272). In particular, please indicate the protection measures adopted for children infected with HIV and for AIDS orphans.

80. With regard to prevention:

(a) Awareness-raising is being pursued through the National Multisectoral Programme to Combat HIV/AIDS (PNMLS) and civil society organizations;

(b) Nevirapine is continuing to be given to pregnant women infected with HIV/AIDS, to prevent mother-to-child transmission.

81. With regard to treatment:

(a) Programmes for the care of sick people have been stepped up, especially through access to antiretrovirals (ARV);

(b) Special provision is made for AIDS-affected children and HIV/AIDS orphans, with the support of UNICEF.

82. From a social perspective, there are campaigns to prevent infected persons from being stigmatized.

Question 35. Please provide specific information as to when the budget allocations for education will be increased to at least 10 per cent to ensure free access to education as stated in paragraph 284 of the State party's report.

83. There is a steady increase in the budget allocations for education, with a view to achieving at least a 10 per cent share of total budget resources. The education budget rose from 7.1 per cent in 2006 to 7.8 per cent in 2007 and 8.2 per cent in 2008. The 10 per cent level should be reached very shortly.

Year	Total budget	Budget	%
2006	1 089 365 970 124 FC	77 392 284 321 FC	7.1
2007	1 370 309 606 010 FC	107 732 322 606 FC	7.8
2008	1 781 415 163 097 FC	146 458 334 625 FC	8.2

Question 36. Please indicate the priority measures taken to ensure the right to education of children belonging to the most vulnerable groups and children living in areas affected by armed conflict. Please also inform the Committee of the measures adopted with a view to eliminating traditional stereotypes that hinder girls' education and guaranteeing equal access by girls and young women to all levels of education, retaining girls in schools and improving literacy rates among women and girls.

84. Apart from the information already provided on this subject in our second periodic report to the Committee on the Rights of the Child (CRC/C/COD/2, paras. 177 to 179), we should mention that a law on child protection was promulgated on 10 January 2009, and measures to implement it are in preparation.

85. Statistics on the results of the mass campaign to enrol girls and boys in primary education are available in the addendum to our second periodic report, referred to above (CRC/C/COD/Q/2/Add.1).

Question 37. The State party is requested to provide information on the measures taken to improve teachers' professional training and standard of living (E/C.12/COD/5, para. 298 (g)).

86. The conversion of the National Pedagogical Institute (IPN) to the National Pedagogical University (UPN) is one of the measures for improving the professional training of the students being trained there for teaching. In addition to this initial training, there are in-service refresher courses for serving teachers.

87. As regards the teachers' standard of living, the Government is endeavouring, in a difficult economic and financial situation, to improve pay levels for this professional category, which is of great importance in creating a prosperous nation.

Question 38. *Please provide information on the impact of the armed conflict on the practice and enjoyment of the right to take part in cultural life throughout the State party.*

88. The impact of the war on the country's cultural life has been highly negative, as cultural property in particular has been affected. For example:

- (a) The museum in the town of Mbandaka, the chief town in Equateur province, was destroyed, the entire collection of artworks being stolen and pillaged;
- (b) The Mont Ngaliema museum in Kinshasa suffered the same fate;
- (c) Throughout the East region, all the archives were burned.

89. It will of course be evident that during a war, it is almost impossible for cultural life to express itself.

Question 39. *Please provide information on the concrete measures adopted by the State party to promote and protect the rights of indigenous and tribal peoples to enjoy their cultural rights under article 15, paragraph 1 (a), of the Covenant.*

90. Festivals of traditional music and dance are organized virtually throughout the national territory, as a particular way of promoting the culture of the indigenous peoples and the local populations.

91. The public and private media also set aside special slots for programmes on traditional culture.

Question 40. *Please provide more specific information on policies adopted and measures taken to protect the cultural heritage of the State party.*

92. The policy for protecting the country's cultural heritage is reflected in the measures taken by the Ministry for Culture and the Arts and its plan of action, including:

- (a) Granting ISBN and ISSN classification for published works and series publications;
- (b) The publication of annual national bibliographies;
- (c) The conservation of memoirs and theses;
- (d) The creation of a bank of documentation on purely Congolese literature;
- (e) The digitalization of about 7,000 photographs dating from the colonial era to the beginnings of independence;
- (f) The creation, through ministerial decree 25/CA/CAB/027/BOS/2006, of 26 provincial and urban branches of the Ministry of Culture, in order to gather, process and preserve documentation in the provinces, and ultimately to reconstitute a national network.

93. The Ministry's plan of action will focus on:

(a) Constructing new buildings to house the whole of the cultural heritage, together with Congolese cultural centres throughout the country;

(b) Setting up specialist research centres on culture and the arts in the universities and national institutions of higher education;

(c) Building a museum in every province, and specialist museums in Kinshasa (an army museum, a museum of technology, a museum of the natural sciences, etc.);

(d) Creating cinema and music industries by encouraging private investors, and locating drama schools in the chief towns of the provinces (Lubumbashi, Bandundu, Bukavu, Kisangani, Mbandaka, Kananga, Mbuji-Mayi, etc.);

(e) Marking all cultural works in the course of creation and execution, to combat piracy;

(f) Promoting books and reading through the media, in broadcasts such as "Notes de lecture" and "Espace biblio", and supplying locally produced books to school, university and public libraries;

(g) Endowing public libraries with a budget for purchases, to enable them to renew their collections on a regular basis, especially where local publications are concerned;

(h) Granting micro-credits for research into the country's history, with a view to re-reading and rewriting its diverse cultural history, while correcting the gaps or errors found in monographs from the colonial period;

(i) Organizing annual literary competitions and awarding literary prizes;

(j) Encouraging artists to join together in cooperatives.
