



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**  
**Seventy-sixth session**

**Summary record of the first part (public)\* of the 1909th meeting**

Held at the Palais Wilson, Geneva, on Thursday, 19 February 2009, at 10 a.m.

*Chairperson:* Ms. Dah

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Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

*Initial to ninth periodic reports of the Republic of the Congo (continued)*

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\* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.1909/Add.1.

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*The meeting was called to order at 10.15 a.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention** *(continued)*

*Initial to ninth periodic reports of the Republic of the Congo (continued) (CERD/C/COG/9; HRI/CORE/1/Add.79; CERD/C/COG/Q/9; CERD/C/COG/Q/9/Add.1)*

1. *At the invitation of the Chairperson, the members of the delegation of the Congo took places at the Committee table.*
2. **Mr. Okio** (Congo) said that the personal details included on the identity cards issued to Congolese nationals were the bearer's family name, first name, filiation, address and place and date of birth and that all persons of legal age could obtain a biometric identity card for a fee of 2,500 CFA francs.
3. Replying to questions about the life expectancy of members of indigenous minorities and about their access to drinking water, he said that no surveys concerning the life expectancy of indigenous people had been carried out and that there was not even any estimate of the number of persons belonging to that population group. Since the indigenous minorities generally lived a long way from urban centres, they used the resources available in their immediate surroundings and therefore drew the water that they needed from rivers. In that respect, they were no different from other population groups living in rural areas. Lack of access to drinking water was not therefore a problem specifically affecting the indigenous minorities.
4. With regard to the deterioration in social and health conditions in rural areas, he recalled that the Congo had undergone several conflicts in the 1990s, which had affected living standards not only in rural areas but also in urban centres. The Government had launched various initiatives to address that situation, including the accelerated introduction of a municipal system of government, as referred to in paragraph 38 of the State party report, in a bid to improve the situation of the rural population and reduce the disparity between rural and urban standards of living.
5. The first internal conflict, which had broken out in 1997, had undoubtedly been linked to tension in the Great Lakes Region between the Democratic Republic of the Congo and Rwanda, which had spread to the Congo. In the aftermath of hostilities at the border between the former two countries, Congo had had to deal with an influx of Rwandan refugees, who had settled in regions where space and resources were already limited and humanitarian aid had been slow to arrive, which had at times fuelled tensions between the new arrivals and the local population. Their fraught coexistence had been exacerbated by cultural differences, especially when disagreements arose; while the Congolese favoured the use of traditional courts to settle disputes, the Rwandans were more likely to resort to violence. However, whenever conflict had broken out following a dispute between Rwandan refugees and the local Congolese population, the authorities had intervened to restore order and to encourage the harmonious coexistence of the two communities.
6. At the end of the 1997 war, the Congolese Government, with the aid of its bilateral and multilateral partners, had taken various steps to reinitiate dialogue between the main actors in the conflict and construct a lasting peace. Those initiatives had resulted in agreements being signed between the main parties concerned. In contrast to other countries in the subregion, the Congo had not requested the support of an international peacekeeping force but had instead established a national mechanism for finding solutions to its internal problems. Those efforts had already borne fruit; most of the country's exiled political leaders had returned; legislative elections had been organized and conducted without irregularities, and the country was preparing to hold presidential elections in July 2009.

However, the peace remained fragile and politicians had to be very careful with what they said in order to avoid reigniting tensions.

7. Lastly, the Congolese Government fully intended to make the declaration provided for in article 14 of the Convention, but the delegation was not in a position to say when that would come about.

8. **Mr. Mavoungou** (Congo) said that, by virtue of article 167 of the Constitution, the National Human Rights Commission enjoyed the same status in the Congolese system as other national institutions, such as the Constitutional Court, the Ombudsman and the High Court of Justice. There had been no inaugural meeting as yet because a full quota of members had yet to be appointed and the Committee was not therefore properly operational. However, its funding was secured on the basis of a budget of 600 million CFA francs, which was a substantial sum when compared with the budget allocated to similar institutions in other countries of the region. The State authorities were doing everything in their power to ensure that the Commission would very soon have the personnel it needed to begin its activities.

9. The Commission had been established in conformity with the Paris Principles and enjoyed all the required autonomy. Its role was to oversee all activities to promote and protect human rights, whereas the Ombudsman's role, by virtue of article 164 of the Constitution, was to simplify and impart a more human dimension to relations between the administration and the general public. By virtue of article 165 of the Constitution, the Ombudsman was also responsible for handling complaints against public officials filed by individuals and legal entities. Thus, the Commission had a general mandate, whereas the Ombudsman handled specific cases. Their roles were therefore complementary; if the Ombudsman was unable to resolve a particular matter, it could ask the Commission to take over, and vice versa.

10. **Mr. Okio** (Congo), referring to the right of individuals and legal entities to lodge complaints against public officials, specified that legal proceedings had been instituted against a number of public officials and that some of those proceedings had resulted in convictions.

11. **Mr. Mavoungou** (Congo) said that the Congolese authorities had decided to draft a law to promote and protect the rights of indigenous peoples after it had found that the benefits of Government measures to improve the situation of the population in general had not filtered through to that sector of the population, which remained marginalized. That situation was in part attributable to the fact that the indigenous peoples were not sedentary, that, unlike the Bantu population, they had not been keen to change their way of life and that, whether due to lack of knowledge or cultural ties, they made no effort to claim the social allowances to which they might be entitled.

12. The aim of the bill to promote and protect the rights of the indigenous peoples of the Republic of the Congo was to enable the indigenous population to find their place within the Republic. The bill had been drawn up in consultation with various international organizations and partners, including the International Labour Office (ILO), the Office of the United Nations High Commissioner for Human Rights and the Sub-regional Centre for Human Rights and Democracy in Central Africa. The purpose of the bill, which was about to be adopted, was to provide a legal framework for the protection of indigenous peoples that guaranteed the preservation of their culture, lifestyle, customs and identity. As soon as the bill was adopted, the necessary funds would be freed up and the support mechanisms needed to facilitate implementation established.

13. The forest guards were not members of the militia. They were recruited to protect the ecosystem and in particular to deter poachers. Although the indigenous peoples were not solely responsible for the deterioration of the natural environment, they did contribute,

through their traditional lifestyle based on hunting and gathering, to the destruction of certain protected species. However, the fact that members of indigenous communities had been caught in the act of destroying protected species did not justify the violence that some had been subjected to, and the authors of such violence had been punished.

14. According to the law regulating the forestry sector, loggers needed to consult the indigenous communities before commencing logging activities in the areas they inhabited. To that end, councils composed of members of non-governmental organizations with close links to local populations and representatives of the central administration, including the Government, had been established to give indigenous peoples a voice on such issues.

15. Various minorities coexisted in the Congo and the Government was endeavouring to ensure that all of them were represented in political forums and were able to find their place in society. Furthermore, all Congolese citizens were equal under the Constitution, whether or not they belonged to a minority group, and their rights were guaranteed.

16. Rwandan refugees had access to employment on an equal footing with Congolese nationals and a number of them even worked as doctors, teachers and university professors. They could apply for naturalization provided that they met the legally-established nationality criteria inherited from the French system.

17. **Mr. Okio** (Congo) said that the campaign to raise awareness among the Bantu population of the Pygmy people's culture and way of life had borne fruit in that, in the Plateaux department, for example, the two populations currently coexisted in certain villages, with their children attending the same schools. The Bantu and Pygmy communities had access to the forests and agricultural areas on an equal footing, and there had even been some intercommunity marriages.

18. There were no legal or administrative obstacles preventing the Pygmies from obtaining identity documents but in practice members of the Pygmy community neglected to carry out the formalities necessary to obtain them because they were unaware that it was in their interest to do so. For that reason, nationwide awareness-raising campaigns were being conducted with support from UNICEF and other organizations and all the persons concerned were being issued with a birth certificate, which was one of the documents needed to obtain an identity card. More and more indigenous persons had the feeling that they were Congolese, although a certain cultural reluctance still persisted.

19. In spite of those measures, it remained difficult to persuade Pygmies to settle in one place — and therefore also to educate them — as their seasonal lifestyle caused them to move around within the country. Furthermore, it was impossible to estimate exactly how many people lived in the dense forest areas. Since much still remained to be done to eliminate the racial discrimination suffered by certain indigenous groups, one approach might be to opt for a less restrictive definition of discrimination.

20. **Mr. Prosper** asked whether the Rwandan refugees who had become teachers, university professors or doctors were exceptions to the rule, and whether or not there were many former Rwandan refugees in paid employment.

21. **Mr. Murillo Martinez** suggested that it might be preferable to take account of the specificities of indigenous communities and try to understand their way of life and cultural practices rather than to attempt to persuade them to adopt a sedentary lifestyle.

22. **Mr. Ewomsan** said that the operating problems of the National Human Rights Commission were a matter for concern and he wondered whether the Commission really complied with the Paris Principles. In his view, until it began to implement concrete measures and adopt decisions, it was not possible to gauge whether such a commission was working to safeguard the rights of citizens or whether it was furthering the interests of the State.

23. **Mr. Thornberry** asked whether the State party intended to ratify International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries once its bill to promote and protect the rights of indigenous peoples had been adopted.

24. He also wished to know whether the State party planned to adapt the school calendar for children from nomadic indigenous groups, who moved around the country according to the seasons, so that they could attend school and exercise their right to education enshrined in the Convention, and whether steps had been taken to ensure that children from those minority groups were not subjected to bullying by their schoolteachers or classmates.

25. Lastly, the Committee wished to know whether or not the representatives of indigenous groups designated to liaise with representatives of the authorities and logging companies in the consultation process were chosen by the communities themselves.

26. **Mr. Amir** enquired whether the Pygmies were officially recognized as an indigenous community entitled to claim specific rights and whether, in particular, they were permitted to participate in political life by exercising their right to elect and to be elected.

27. **Mr. de Gouttes** welcomed the Congolese delegation's frank acknowledgement of the fragility of the peace process and the persistent tensions between the refugee and local populations. The Committee would be monitoring developments in those areas very closely. He requested additional information on the ethnic and racial composition of the Congolese nation, particularly concerning the indigenous communities, who were thought to account for 1.4 per cent of the population. He also requested an update on the status of the bill for the protection of indigenous peoples and the development of the process of consultation with indigenous communities prior to the start of logging activities. Lastly, he asked when the National Human Rights Commission would become operational.

28. **Mr. Okio** (Congo) said that refugees had no difficulty in accessing education, health care and employment. Many refugees from Rwanda and the Democratic Republic of the Congo ran small shops, worked in construction or drove taxis. The aim of the Congolese authorities' attempts at sedentarization was to improve indigenous people's access to basic infrastructures, which were already limited by the country's low level of development. Village resettlement campaigns had been carried out in order to improve access to those infrastructures. The Government did not have the resources to respond to the specific needs of each separate population group but ensured that basic requirements were met for all groups.

29. Nomadic movement was geographically very limited. The indigenous communities living on the plateaus did not migrate into other regions, and in particular did not enter the Sangha regions. The rationale for the integration of indigenous peoples was to prevent their isolation, and it should be noted in that regard that none of the indigenous communities had as yet secured representation in national institutions. Considerable advances remained to be made in that area and legislation was needed to improve the situation. Consultations with indigenous communities were conducted directly between the authorities and the communities themselves.

30. The Constitution did not expressly recognize the Pygmies as a distinct indigenous minority, since the authorities considered the unity of the Congolese people to be of paramount importance and for that reason did not wish to create distinctions between individual groups. The Pygmies' ancestral knowledge and customs clearly enriched the country's national culture. Their traditional medicine was recognized and widely used by all Congolese people. Although the Government acknowledged that tensions existed between the refugee and local populations, such tensions reflected routine quarrels rather than a visceral rejection of the refugees on the part of the Congolese people. Political tensions had wasted a great deal of time, energy and resources in the Congo but the

country's institutions had started functioning smoothly and its political leaders were all showing a readiness to move forward in the reconstruction of the social fabric.

31. **Mr. Mavoungou** (Congo) said that the National Human Rights Commission was already up and running, albeit on an irregular basis, and was already organizing meetings and awareness-raising activities. The Congo had not yet ratified ILO Convention No. 169 but the bill to promote and protect the rights of indigenous peoples took the requirements of the Convention into account. With regard to indigenous peoples and in particular their access to education, the bill provided that the State must value cultural diversity and implement adequate educational programmes and appropriate services that were suited to their way of life. Once they had been properly identified and located, it was easy to undertake education and awareness-raising campaigns targeting those communities. With regard to the consultation process, the State had developed effective partnerships with non-governmental organizations that were in direct contact with the indigenous communities. The Government knew whom to contact when it wished to engage in dialogue with those communities. The Congo officially recognized the existence of the Pygmies, who were its earliest inhabitants, even though they were not expressly mentioned in the Constitution. However, it was up to the Pygmies to secure their place in the management of public affairs.

32. The figure of 1.4 per cent referred to as the proportion of indigenous peoples in the total population did not accurately reflect reality because it took into account only the country's visible minorities and excluded, for example, the forest-dwelling peoples who could not be counted. The Congolese Government would endeavour to provide more accurate statistics in its next periodic report. As the delegation had already explained, the bill concerning the protection of indigenous peoples had been finalized and the minister in charge would do his utmost to ensure its smooth passage through Parliament. No logging activity was permitted without the prior approval of the indigenous population, including in the Sangha region. In the consultation process, input was sought from civil society, the relevant international organizations and business partners working in regions where logging took place.

33. **Mr. Ewomsan** (Country Rapporteur) welcomed the constructive dialogue that had taken place between the Congolese delegation and the Committee, which had enabled Committee members to assess the situation in the Congo with regard to the Convention. It had also given them an opportunity to evaluate the problems that undermined Congolese society and to highlight the imperative need for a successful conclusion to the reconciliation process, through which the State party was seeking to build a peaceful society. Adoption of the bill to promote and protect indigenous peoples was essential and the members of the Congolese delegation were urged to do everything in their power to ensure its prompt approval.

34. Although there was a limit to the action that any individual country could take, where there was a desire for improvement, there was also a will for change. In that respect, it was clear that the Congolese authorities were determined to build a democratic society and to work to ensure the elimination of discrimination.

35. **The Chairperson** said that she hoped that the circumstances that had delayed the submission of the Congo's initial report to the Committee for 20 years would not recur and that national reconciliation and democracy-building would be the way forward.

36. *The Congolese delegation withdrew.*

*The meeting was suspended at 12.25 p.m. and resumed at 12.40 p.m.*