

Responses to Recommendations

CONGO

Review in the Working Group: 6 May 2009
 Adoption in the Plenary: 23 September 2009

Congo's responses to recommendations:

In the Report of the Working Group:	In the Addendum:	During the plenary:	Recommendations pending responses:	Summary:
51 REC accepted; 9 rejected, 1 pending	No addendum	The delegation commented the pending REC but did no clear position was given	None	Accepted: 51 Rejected: 9 No clear position: 1 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/12/6:

“79. The recommendations formulated during the interactive dialogue have been examined by Congo and the recommendations listed below enjoy the support of Congo:

A - 1. Sign and ratify the Optional Protocol to the Convention on the Right of the Child on the involvement of children in Armed Conflict (CRC-OP-AC) (France, Gabon); ratify both Protocols to the Convention on the Rights of the Child (CRC) (CRC-OP-AC and the Optional Protocol on the sale of children, child prostitution and child pornography, CRC-OP-SC) (Argentina, Slovenia);

A - 2. Consider accelerating the ratification of all human rights treaties to which it is not yet party, particularly ICESR-OP, ICCPR-OP 2, CEDAWC, CAT-OP, CRC-OPAC, and CRC-SC-OP (Slovenia); ratify CEDAW-OP, as well as the Convention on the Prevention and Punishment of the Crime of Genocide, the Palermo Protocol and the optional protocols to CRC (Argentina); ratify the Convention on the protection of all persons against enforced and involuntary disappearances (Argentina); ratify the ICRMW, as well as the International Convention for the Protection of All Persons from Enforced Disappearance (Mexico); ratify CAT-OP and establish a national preventive mechanism (Czech Republic, Benin);

A - 3. Accede to ILO Convention No.169 concerning Indigenous and Tribal Peoples in Independent Countries (Mexico);

A - 4. Consider the appropriateness of taking measures to have the National Human Rights

Commission accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (Algeria); enhance the mandate and capacity of the National Human Rights Commission and bring it into line with the Paris Principles (Germany); give appropriate mandate and financial resources to the National Human Rights Commission and the Office of the Mediator of the Republic (Spain); ensure that the National Human Rights Commission complies with the Paris Principles and that the institution seeks accreditation from the International Coordinating Committee (Belgium);

A - 5. Support efforts aimed at protecting and enhancing human rights on the African continent, particularly through the African Commission on Human and Peoples' Rights (Sudan); continue efforts aimed at protecting and promoting human rights and fundamental freedoms (Egypt); continue efforts to improve the human rights situation (Chad); continue efforts in promoting the Congolese people's rights (Burkina Faso);

A - 6. Specifically determine its needs in order to be able to seek international assistance in its endeavors (Egypt); define its priorities and determine its needs in order to support its request for technical assistance in the area of human rights (Democratic Republic of the Congo); seek assistance from the international community to take up the various challenges confronting it (Chad);

A - 7. Cooperate closely with United Nations bodies and address the issue of overdue reports to ICESR, the Human Rights Committee, CEDAW and CAT, among others (Germany);

A - 8. Remain committed to promoting human rights and engage in a continuous and constructive dialogue with the leading human rights bodies and the international community (Equatorial Guinea);

A - 9. Adopt all necessary measures to ensure the right to life and protect individuals (Argentina); prohibit torture in its domestic legislation in line with CAT and abolish the death penalty (Argentina); fully abolish the death penalty (Holy See); abolish capital punishment (Azerbaijan); consider legally abolishing the death penalty as soon as possible (Slovenia); consider the complete abolition of capital punishment in its internal legislation (Italy);

A - 10. Guarantee that each detainee effectively has the right to contest the legality of his or her arrest (Netherlands); end immediately the detention of those who are not held in detention centres as foreseen by article 341 of the Penal Code (Netherlands);

A - 11. Ensure compliance with the provisions against torture laid down in the Penal Code and the prosecution of all perpetrators and establish a monitoring mechanism in order to verify this compliance (Germany);

A - 12. Open inquiries, as soon as possible, into all allegations of torture and death in detention and prosecute and convict all those who have committed acts of torture in prisons or other places of detention (Canada); ensure effective investigation of and accountability for all cases of torture and death in detention (Czech Republic);

A - 13. Ensure the independence of the judiciary and improve access to justice (Czech Republic);

A - 14. Review conditions in all prisons and detention facilities with a view to ensuring their compliance with the Standard Minimum Rules for the Treatment of Prisoners, in particular to establish separate juvenile detention facilities (Czech Republic);

A - 15. Take steps to ensure that prison conditions are independently monitored, perpetrators of acts of torture are duly prosecuted and detainees have the right to a fair trial (United Kingdom); take measures to ensure full compliance with the CAT and other international standards regarding the treatment of detainees (Sweden); pay special attention to the condition of persons in prisons and continue its capacity-building policy in the field of health care services (Djibouti); establish a programme to monitor places of detention and a human rights training programme for staff working in places of detention (Canada);

A - 16. Consider non-custodial measures for offenders, particularly for women, as a means of reducing overcrowding in prisons and the pressure on reintegration efforts (Ghana);

A - 17. Reinforce women's rights within the labour market (Brazil);

A - 18. Adopt measures to combat attitudes and persistent stereotypes concerning the role and responsibilities of women in society (Mexico); increase its efforts, especially educational and public awareness measures, to improve the realization of women's rights (Azerbaijan);

A - 19. Request the support of United Nations programmes and agencies to establish programmes and strategies for literacy and employment training in for women in order to improve their conditions and their participation in the development of the country (Algeria);

A - 20. Take all appropriate measures to eliminate all forms of discriminations against women, in particular with respect to property, the sharing and inheritance of land and access to education, the labour market and political life (France); introduce legislation that eliminates discrimination in ownership, co-sharing and inheritance of land, protects victims of sexual violence, criminalizes marital rape and gives women equal rights in marriage and pre-marriage (Netherlands);

A - 21. Include provisions in domestic legislation to define discrimination against women and to eliminate all discrimination related to the possession, sharing, ownership and inheritance of land (Spain);

A - 22. Take additional measures to strengthen the fight against discrimination against women (Morocco); reinforce efforts to combat discrimination against women (Azerbaijan);

A - 23. Continue implementing measures to handle the problem of violence against women and combat impunity in this regard (Sweden); take further steps to address discrimination against women and vulnerable groups, including children, persons belonging to minorities and indigenous people (United Kingdom);

A - 24. Adopt laws prohibiting female genital mutilation and take focused measures to ensure that such practices are dropped as a result of broader awareness-raising campaigns (France); prohibit female genital mutilation (Netherlands); adopt legislation to prohibit female genital mutilation and measures to eradicate this practice, including campaigns to increase awareness of this issue (Spain);

A - 25. Adopt legislation prohibiting practices of violence affecting Congolese women in line with CEDAW and eradicate female genital mutilation (Argentina);

A - 26. Continue efforts undertaken for the protection and realization of the rights of the child, particularly regarding access to education (Algeria);

A - 27. Consider reviewing strategies aimed at the protection of children with a view to developing a comprehensive plan for the care of children and aligning them with the provisions of the CRC and all applicable international human rights instruments to which the Congo is a party (South Africa);

A - 28. Improve procedures aimed at raising the percentage of children registered at birth (Italy);

A - 29. Make further efforts to combat violence and sexual abuses against children for the effective realization of their rights (Burkina Faso);

A - 30. Adopt measures immediately and in line with international human rights standards to protect the rights of children and in particular to prohibit child labour and prevent, criminalize and punish sexual exploitation and child trafficking (France);

A - 31. Reinforce national legislation prohibiting trafficking in persons, in particular children (Angola); criminalize trafficking in children and sexual exploitation of children, in line with international standards, (Argentina);

A - 32. Finalize and enact the draft law prohibiting all forms of trafficking and develop formal procedures for identifying trafficking victims among vulnerable populations such as females in prostitution, street children and Pygmies, and train police and social workers to implement these

procedures (United States);

A - 33. Continue efforts to combat all forms of discrimination which may victimize vulnerable groups such as indigenous peoples and the disabled (Djibouti);

A - 34. Allow for greater freedom of expression for members of the press in advance of the elections, including political reporting, granting equal media access to and coverage of opposition candidates (United States); take all measures to ensure that the forthcoming elections are peaceful, free and fair and occur in a climate free of intimidation and where the right of assembly is fully respected (United Kingdom);

A - 35. Encourage civic participation, including of civil society in the electoral process (United States);

A - 36. Guarantee the right to receive, seek and impart information and ideas in compliance with article 19 of ICCPR (Italy);

A - 37. Adopt measures, together with non-governmental organizations and anticorruption groups, with a view to combating corruption, particularly within the judicial system, in order to promote the respect of human rights (Canada);

A - 38. Continue to invest in education, giving special attention to women and girls (Holy See);

A - 39. Continue efforts to promote and facilitate school attendance, in particular among children from economically disadvantaged families, and to ensure nondiscrimination within the school environment (Angola);

A - 40. Incorporate instruction on human rights in school curricula (Azerbaijan);

A - 41. Further invest in obstetric clinics and in the formation of skilled birth attendants (Holy See);

A - 42. Continue its efforts in the area of the promotion of gender equality and of the health of the mother and the girl child (Tunisia);

A - 43. Improve efforts aimed at increasing access to safe drinking water and reducing cases of infectious diseases (Japan);

A - 44. Continue efforts for the protection of the rights of people affected by HIV/AIDS, including through the approval of the bill prepared by the Government for the protection of persons living with HIV/AIDS, which is now under consideration by the Council of Ministers (Cuba);

A - 45. Strengthen its efforts to address unequal access to the labour market and educational opportunities (Japan);

A - 46. Continue efforts with a view to fully tackling the problem of discrimination against minority groups (Sweden);

A - 47. Fulfil its obligations in the field of human rights and step up its efforts with respect to the rights of people from vulnerable groups, including persons in detention, women and children (Belgium);

A - 48. Prepare and adopt national legislation establishing an effective asylum procedure and ensuring protection of all human rights of asylum-seekers (Czech Republic);

A - 49. Approve in the shortest period of time the new law regarding indigenous peoples with the aim of safeguarding minority rights, specifically those of the Pygmies (Italy); continue strengthening its institutional reform in the field of human rights and, in particular, encourage rapid consideration of the bill for the promotion and protection of the rights of indigenous populations (Côte d'Ivoire); continue its efforts to assist indigenous communities, including the Pygmies, who share the same culture as those living in the Central African Republic (Central African Republic); streamline and fine-tune policies to improve indigenous people's rights (Angola);

A - 50. Continue to resist attempts to enforce any values or standards beyond the universally agreed base, through the exercise of its sovereign right to implement its laws and legislation in conformity with those values and standards (Egypt);

A - 51. Accomplish progressively human rights goals as set forth in Human Rights Council resolution 9/12 (Brazil).

80. The following recommendation will be examined by the Congo which will provide responses in due time. The response of the Congo to this recommendation will be included in the outcome report to be adopted by the Human Rights Council at its twelfth session:

NC - Finalize its plan to elaborate a national law on assistance and protection of IDPs (Democratic Republic of the Congo).

81. The recommendations noted in the present report at paragraphs 23 (g), 26 (f), 27 (d), 54 (b), 58 (a), 59 (b), 59 (g), 63 (c) and 67 above did not enjoy the support of the Congo."

R - Paragraph 23 (g) (Netherlands) "Recommended that in line with ICCPR, Congo repeals article 331 of the Penal Code that criminalizes same sex practices between consenting adults, also with a view to more effective HIV/AIDS prevention and treatment of vulnerable sectors of the Congolese population"

R - Paragraph 26 (f) (United States) "Increase efforts to provide care to trafficking victims and end the practice of jailing children found in prostitution and increase efforts to raise awareness among vulnerable populations of the danger of trafficking"

R - Paragraph 27 (d) (United Kingdom) "Remove the provisions that criminalize homosexuality"

R - Paragraph 54 (b) (Slovenia) "Implement the Committee's recommendation with regard to the Act of 1920 which in current form prohibits the advertising of contraceptives and consider establishing and providing adequate resources for a sufficient number of "safe houses" for victims of domestic violence"

R - Paragraph 58 (a) (Canada) "Step up its efforts to make the community aware of the risks of HIV and establish a campaign to increase awareness among young people"

R - Paragraph 59 (b) (Czech Republic) "Provide specific training aimed at the protection of human rights in particular of women, children and persons of minority ethnicity, sexual orientation or gender identity to all law enforcement and judicial officials"

R - Paragraph 59 (g) (Czech Republic) "Decriminalize same-sex sexual activity between consenting adults and adopt measures to promote tolerance in this regard, which would also facilitate more effective educational programmes for the prevention of HIV/AIDS"

R - Paragraph 63 (c) (Spain) "Recommended that matrimonial legislation be made compatible with international instruments with a clear schedule so that family legislation can be replaced together with the abolition of the ban on advertising for contraceptives"

R - Paragraph 67 (Latvia) "Recommended that the Congo consider extending a standing invitation to all special procedures of the Human Rights Council"

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