

29 April 2019

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Republic of the Congo and welcome the constructive engagement of your Government during the 31st session of the UPR Working Group in November 2018.

As the final outcome report on the review of the Republic of the Congo has been recently adopted by the Human Rights Council at its 40th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of the Republic of the Congo – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying those areas, I have also considered the statements and/or recommendations made by 83 delegations, the presentation and responses made by the delegation of the Republic of the Congo and the actions taken by your Government to implement the 164 recommendations it had accepted during the second cycle of the UPR. The aforementioned areas cover a range of issues and appear in the Annex to this letter.

I express the hope that the process of ratification of international instruments will proceed without further delay, in particular with regard to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. I noted with satisfaction the inclusion in the new Constitution of the abolition of the death penalty and I hope it will be incorporated quickly into the Penal Code. In this connection, I encourage the Government to pursue its efforts towards gender equality and non-discrimination, the elimination of violence against women and the empowerment of women.

I welcome the results achieved thanks to the March 2018 Humanitarian Assistance Plan in the Department of Pool and encourage the Government to continue implementing the disarmament, demobilization and reintegration programme and undertake any initiative necessary to ensure the success of the peace process.

Economic development, poverty reduction, universal health coverage and the reform of the administration of justice, including of the prison administration and the independence of the judiciary, remain priorities, which require continuous action by the Government, with the increased assistance of international organizations.

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H.E. Mr. Jean Claude Gakosso
Minister of Foreign Affairs, Cooperation and Congolese Abroad
Republic of the Congo



I encourage the Republic of the Congo to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the Annex to this letter and to facilitate the preparations for the Republic of the Congo's fourth cycle of the UPR. My advice to Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and civil society organizations, and, where necessary, the support of international organizations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I encourage the Republic of the Congo to establish a national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and treaty obligations, and linking this to the Sustainable Development Goals. I strongly recommend the use of the practical guide that my Office released on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage the Republic of the Congo to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2021.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist the Republic of the Congo in relation to the areas identified in this letter and its Annex.

Please, accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention for the Protection of All Persons from Enforced Disappearance; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Convention on the Prevention and Punishment of the Crime of Genocide; the United Nations Convention against Transnational Organized Crime and its 2000 Trafficking in Persons Protocol; the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness; the International Labour Organization (ILO) Convention on Domestic Workers (No. 189), and the ILO Indigenous and Tribal Peoples Convention (No. 169).

National human rights framework

- Strengthening the capacity of the National Human Rights Commission, in compliance with the Paris Principles.
- Establishment of a national mechanism for the prevention of torture, incorporation into the Criminal Code of a definition of torture that is in line with the Convention against Torture, and reform of the registration system for persons deprived of their liberty.
- Establishment of an independent child rights monitoring mechanism to receive, investigate and respond appropriately to complaints from children, and to take effective measures to combat discrimination faced by children living in disadvantaged communities.
- Implementation of the National Development Plan 2018-2022 to strengthen economic and social development and improve the quality of life of the population, particularly of the most vulnerable sectors.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Civil and political rights

Right to life, liberty and security of person

- Revision of the Penal Code to bring it into line with the provisions of the Constitution abolishing the death penalty.
- Taking steps to ensure that any human rights violations committed by security forces, particularly extrajudicial executions, arbitrary detention and torture, cease.
- Ensuring that, in accordance with the law, impartial investigations are conducted, and that the rights of victims and their families to obtain justice, reparation and guarantees of non-repetition are guaranteed.



- Increasing efforts to improve conditions in prisons and places of detention and implementing a strategy to address prison overcrowding, ensuring necessary resources are available.
- Provision of human rights training to law enforcement officials so that police operations are carried out in compliance with human rights standards and international commitments made by the Republic of the Congo.

Administration of justice, including impunity, and the rule of law

- Further consolidating the independence of the judiciary, ensuring effective respect for the right to a fair trial, and combating impunity.

Fundamental freedoms

- Guaranteeing the exercise of the rights to freedom of expression, association and peaceful assembly, in accordance with international law; releasing all prisoners of conscience still in detention; and creating a safe and supportive environment in which civil society actors, especially human rights defenders, can operate without hindrance.

B. Economic, social and cultural rights

Right to an adequate standard of living

- Increasing efforts to fight extreme poverty and improving the functioning of basic social services, the education system and the health system; and reducing maternal and child mortality and the incidence of communicable diseases.
- Achieving universal health coverage in the country.

Right to education

- Intensification of efforts to ensure inclusive access to education for all children, including expansion of access to education in rural areas, especially for children belonging to vulnerable groups, including indigenous children and poor children, girls and disabled children.

C. Rights of specific persons or groups

Women

- Increasing legislative guarantees to ensure the protection and promotion of women's rights; combatting all forms of discrimination against women and taking all necessary measures to strengthen gender equality; intensification of efforts to combat gender-based violence; and promotion of greater participation of women in public life.
- Adoption of comprehensive legislation repressing all forms of violence against women, including marital rape, female genital mutilation, sexual violence and sexual exploitation of women in prisons and conflict zones; intensification of actions to combat trafficking in persons, especially women and children; and completion of the process of adopting the Anti-Trafficking Bill.



Children

- Development of a national strategy to combat all forms of violence against children; protection of vulnerable children from discrimination; and improvement of the birth registration system so that it is universal and accessible, and allows immediate registration without discrimination.
- Taking specific measures to combat the sexual exploitation of children and adolescents, early marriage of girls and forced labour throughout the country.

Indigenous peoples

- Taking effective action to combat discrimination and stereotyping of indigenous peoples and creating mechanisms for their protection, including a climate of mutual respect and tolerance for all.

Refugees and asylum seekers

- Intensification of actions to update the refugee and refugee protection framework of asylum.