



**WILPF Report:**  
**UPR DR Congo**  
*6<sup>th</sup> Universal Periodic Review*

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**1. Summary:**

During each UPR 60 minutes are allotted to the State under Review (SuR). The Democratic Republic of the Congo used 40 minutes of these for their first presentation, which is unusual as it leaves less time to respond to recommendations and questions. The presentation of the country situation was neither informative nor self-critical. The representative kept on repeating points which were already made.

Most of the 59 Member and Observer States clearly stated the extreme number of human rights violations and their deep concern with the current situation. The following issues were mentioned most: sexual violence, fragile peace process, weak judiciary, impunity among police and military forces, lack of Overseas Development Aid (ODA) and continual poverty.

The DRC Government supports 124 recommendations made during the session. These can be found in outcome document:  
[http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/CD/A\\_HRC\\_WG.6\\_6\\_L.7\\_DRC.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/CD/A_HRC_WG.6_6_L.7_DRC.pdf).

**2. Presentation DR Congo Delegation**

**(Mr. Upio Kakura Wapoi, Minister for Human Rights):**

The Minister described the country as reborn, after it has been wartorn, its natural resources pillaged, its economic structure ripped apart and its social fabric weakened. He addressed the burden of state debt and widespread poverty and responded to the questions which were send to the Delegation prior to the UPR session:

New legal constitution:

The new 2006 legal constitution was presented to include the abolition of the death penalty, the protection of human rights defenders, the rights based protection of natural resources and the ending of impunity crimes committed by the armed forces present in the DRC. The death penalty has been abolished via changes in the constitution, but the legal practices still have to change. There has been no execution in 7 years, but further implementation and signing of international agreements requires continued efforts.

#### Judicial system:

Major concerns lie in the transition of the justice system which leaves a lot of cases unsolved. Operation Zero Tolerance was mentioned as the key policy in the fight against impunity and is said to be continued, and as the Minister described even in the army. Rape and pillage by DRC army officers is said to lead to arrests and prosecutions. Governmental discussions continue for the reform of the police and military forces, particularly in ensuring that local police and army officers adhere to central codes of conduct. The Minister said that within the DRC support should be provided for subjects detained by intelligence services. New prisons are said to be built to ensure the humane treatment of prisoners.

#### Sexual violence against women:

76 rape crimes committed by military in 2009 are said to be processed through the judicial system. Protection of women and children is part of the national strategy against VAW (Violence Against Women) and there is a national fund allocated to this end. There is also special attention for women and children in the DDR programmes (Disarmament, Demobilisation and Rehabilitation) ran throughout the country. The Minister said that the statistics show that most sexual violence is not committed by the army, but mostly by civilians. The DRC government is working closely together with the UN following the relevant Security Council resolutions.

#### Poverty:

Priorities are put on the rights to health, food, housing and water. The 2010-2015 National Action Plan aims to decrease the level of poverty among the citizens of the DRC.

#### Armed violence:

In North Kivu there were allegations of September massacres, said to be committed by the FDLR. Currently the Government is working closely together with MONUC in researching these. Army officers, as well as citizens are accused of committing sexual violence. The Minister said that the Government is working closely together with the media to ensure that incitement for sexual violence will not continue. New national monitoring mechanisms have been implemented for the military. Proposals have been made to remove human rights violators from the army. These mechanisms are said to be designed on the basis of international humanitarian and human rights law. The Minister called upon the international community to assist in restoring peace, democracy and the rule of law. The DRC said to be looking forward to the visit of the Independent Expert. There is a specific commission within the government for displaced persons and refugees, focusing on housing, food and protection.

### **3. Questions / Recommendations:**

#### Sexual violence:

*(UK, the Netherlands, Belarus, Denmark, France, Brazil, Ireland, Austria, Germany, Italy, Hungary, Chile, Spain, Azerbaijan, Mexico, Sweden, Angola, Egypt, Japan, Slovakia, Slovenia, Niger, Poland, Burkina Faso, Argentina, Senegal, Belarus, Holy See):*

The DRC has the highest prevalence of sexual violence in the world. The impunity of sexual violence needs to be ended, especially in the Congolese army. Higher army officers should be arrested and prosecuted when responsible for committing sexual violence. Adhere more strongly to the 2006 law against sexual violence. Focus on the protection of girl children in this concern. Initiate awareness raising campaigns to ensure that there is less stigmatization for rape survivors. Investigate allegations of

rape being used as a weapon of war. Allow implementation of SCR 1325 and 1820 in their fight against sexual violence and implement the roadmap against sexual violence. Ensure access to justice for rape survivors. Investigate all cases of sexual violence, hold all perpetrators accountable, including any rank in the army and improve the judicial system in ending impunity. Ensure the decrease of trafficking of women and children.

Child rights / child soldiers:

*(Belgium, Algeria, Austria, Germany, Turkey, Switzerland, Holy See, Azerbaijan, Mexico, Egypt, Australia, Japan, Slovakia, Slovenia, Norway, USA, South Africa, Argentina, Senegal):*

Protect children from being enlisted in the army or forcefully recruited. Organize a national campaign to ensure that children are no longer targeted on the basis of witchcraft allegations. Implement specific measure to reintegrate street children and children accused of witchcraft. Ensure receptive centres for street children, the prevention of recruitment of child soldiers and the solid rehabilitation of ex child soldiers. Protect children from employment in the dangerous mines. Ensure regional awareness raising campaigns so no child will be recruited. Pay teachers their salaries to allow for each child access education without any costs. Commit actively, in cooperation with the UN, to action plans to ensure the protection of children. Implement the recent adopted child protection legislative measures and protect children from dangerous work in the mines. Adhere and allow for the implementation of SCR 1612 concerning child soldiers. Establish a mechanism to ensure the implementation of the recently adopted Child Code in close collaboration with civil society. Adopt a legal framework clearly criminalizing the crime of trafficking of children.

Security sector reform:

*(Canada, Belgium, Denmark, France, Brazil, Austria, Germany, Australia, South Africa, Ghana, Netherlands)*

Arrest and prosecute all those in the police and army forces that commit sexual violence, no matter what their rank is. Put in place independent vetting systems to ensure exclusion of human rights violators from the police forces and army. Take practical measures and ensure housing and pay for soldiers and remove human rights violators from the army ranks. Address the culture of impunity via an independent mechanism, because there are non-state actors which merge with the official armed forces. End impunity of crimes committed by government funded non-state actors. Best practices need to lead the reform and focus on the Eastern parts of the country.

Overseas Development Aid (ODA):

*(Cuba, Egypt, Australia, Libya, Norway, Gabon, Senegal, Ivory Coast)*

The international community should increase their economical aid to the DRC. Material construction and institutional reconstruction is needed after long years of warfare. International support can aid to developing the human rights mechanisms within the DRC. International and regional institutions should support the DRC government in establishing the rule of law. International support is needed, but the DRC needs to take the lead. The OHCHR should increase its technical assistance

and support the DRC, especially on the ability of the DRC to be critical towards TNCs (Trans National Cooperations) present in their country. The UN agencies should provide widespread training on human rights and establish guidelines to address sexual violence, poverty, HIV/AIDS, appropriate justice system for minors and child protection.

Arbitrary executions:

*(France, Austria, Sweden, Greece, Netherlands, Japan, USA):*

Follow-up on the recommendations made by the special procedure holder on arbitrary executions after his visit to the DRC. Ensure that arbitrary executions do not continue. Address extrajudicial killings and take measures to stop their prevalence. The special procedure recommendations of extrajudicial killings need to be followed up on and civilians protected from extensive violence. Specifically focus on the rape crimes committed by both the army and non-state actors in the counter insurgency actions.

Human rights defenders:

*(Belgium, Netherlands, Ireland, Switzerland, Spain, Sweden, Korea, Norway):*

Work towards the further protection of human rights defenders and allow them to conduct their work freely. Conduct research and put an end to all forms of harassment and violence against human rights defenders. The special rapporteur on human rights defenders should be invited. Take legal measures to ensure the protection of human rights defenders before the law. The DRC needs to give human rights defenders legitimacy by clearly acknowledging them.

Media freedom:

*(Canada, Netherlands, France, Hungary, Spain, Sweden, Korea, Norway):*

Stop the intimidation, threats and arrests of journalists. Free those journalists which are currently imprisoned. Ensure the rights for free assembly, free expression and free movement. Allow access to all journalists to all areas of the countries.

Increase social spending:

*(Mexico, Angola, South Africa, Djibouti, Uruguay):*

Increase social spending, particularly on education and health care. Develop strategies to decrease poverty according to the Millennium Development Goals (MDGs). Focus especially on the rural poor in making investments to ensure their access to food, health care and education. All citizens have the right to decent housing. Make investments to allow true access to free education and decrease the number of school drop-outs.

ICC:

*(Brazil, Italy, Switzerland, USA):*

Fully cooperate with the ICC. Send those individuals to the ICC which are requested to appear before it. Ratify and implement the Statute of Rome. Arrest and transfer Bosko and others to the ICC.

Judicial system reform:

*(Italy, Spain, Niger):*

The DRC needs to work towards the abolishment of capital punishment de jure and de facto. Ensure the humane treatment of those imprisoned. Increase the budget to ensure an effective judicial system, with the incorporation of international human rights and humanitarian law.

Other issues:

*(Republic of Congo, Djibouti, Austria, Algeria, Brazil, Luxembourg, Canada)*

Abolish all discriminatory laws and ensure an increase of women in decision making bodies in all levels according to CEDAW recommendations. Continue to fight all forms of discrimination. Protect the human rights of people living with disabilities in the DRC. Continue the cooperation with national NGOs, especially in the follow up to the UPR outcomes. Work together with the relevant UN agencies to ensure the increase of literacy among the population of the DRC. Ensure the rights of those living with HIV/AIDS in the DRC via amendments to the legal code. Continue working on peace agreements and promotion of peace.

**4. Human Rights Framework:**

Chile, Spain, Latvia, Brazil and Zimbabwe requested the DRC government to extend an invitation to all UN special procedure holders to pay a visit to the DRC. Uganda especially requested the invite for the Special Rapporteur on Trafficking.

Other States raised the following possibilities for the DRC to strengthen their Human Rights framework:

<b>Instrument:</b>	<b>Countries:</b>	<b>Action:</b>
International Covenant on Economic, Social and Cultural Rights	France, Argentina	Remove reservation on death penalty
2 <sup>nd</sup> Optional Protocol International Covenant on Civil and Political Rights	Chile, Argentina	Signing and ratification
Optional Protocol Convention Against Torture	Chile, Uganda, Argentina, Czech Republic	Signing and ratification
Convention on the Protection of the Rights of All Migrant Workers and Their Families	Niger, Argentina	Ratification
Convention on the rights of persons with disabilities	Chile, Uganda, Argentina	Signing and ratification
Optional Protocol Convention on the Elimination of all forms of Discrimination Against Women	Argentina	Signing and ratification
Convention on Enforced Disappearances	Spain, Argentina	Signing and Ratifying

Algeria, Egypt, Morocco, Niger, Libya, Uganda and Djibouti requested the set up of a NHRI (National Human Rights Institute) according to the Paris Principles. The DRC should deepen

its cooperation with regional human rights mechanisms and ensure that a future NHRI has full freedom to assist the DRC in increasing their adherence to international humanitarian and human rights law.

**5. Answer from the DRC Delegation:**

- Strategy of zero tolerance was written and implemented in close collaboration with for example the United Nations. Synergy is needed with civil society to make this strategy a reality in cases of sexual violence. Human and financial resources need to be mobilized in order for this to become a reality.
- The Minister said the DRC is removing death penalty clauses from their legal framework.
- The Minister said that the presence of child soldiers is debatable as there was success in governmental projects to integrate former child soldiers. The Minister admitted that there was resistance on demobilization of child soldiers. New militia came forth out of demobilized former child soldiers, which is a problem in the reality of the implementation of the programme.
- The main problem is recognized as the reintegration of non-state actors.
- Reintegration of women surviving sexual violence is needed to ensure that stigmatization will not occur.
- There are allegations of a genocide risk in the DRC. The Minister said to have reservations towards this.
- Human rights education is recognized as a need for police and military forces, but is currently not sufficiently addressed.
- The killing of journalists or human rights defenders is not always clearly related to their professions.