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Draft report of the Working Group on the Universal Periodic Review*

Democratic Republic of the Congo

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its nineteenth session from 28 April to 9 May 2014. The review of the Democratic Republic of the Congo was held at the 3rd meeting on 29 April 2014. The delegation of the Democratic Republic of the Congo was headed by H.E. Ms Mumba Matipa Wivine, Minister of Justice and Human Rights. At its 10th meeting held on 2 May 2014, the Working Group adopted the report on the Democratic Republic of the Congo.
2. On 15 January 2014, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of the Democratic Republic of the Congo: Algeria, Kuwait and the United States of America.
3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of the Democratic Republic of the Congo:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/19/COD/1);
 - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/19/COD/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/19/COD/3).
4. A list of questions prepared in advance by Belgium, the Czech Republic, Germany, Liechtenstein, Mexico, the Netherlands, Portugal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, was transmitted to the Democratic Republic of the Congo through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. La délégation de la République démocratique du Congo a commencé par souligner que, depuis son passage au premier cycle, l'Etat avait fourni des efforts notables dans le cadre de la promotion et protection des droits de l'homme.
6. Sur les plans politique et diplomatique, la délégation a rappelé les initiatives qui ont conduit à la signature de plusieurs accords, notamment l'Accord pour la paix, la sécurité et la coopération pour la République Démocratique du Congo et la région, conclu le 24 février 2013, et les déclarations de Nairobi du 12 décembre 2013.
7. Sur le plan militaire, la délégation a mentionné la réforme du secteur de la défense. Elle a affirmé que, grâce à cette restructuration et avec l'appui de la brigade spéciale d'intervention créée par la résolution 20/98 du Conseil de sécurité de l'ONU, les forces armées de la République démocratique du Congo (FARDC) avaient détruit, en 2013, le Mouvement du 23 mars (M23) et restaurer l'autorité de l'Etat dans les zones autrefois occupées.
8. S'agissant de la réforme de la justice, la délégation a déclaré que le Gouvernement s'était engagé dans un vaste programme à long terme, enclenché par l'entrée en vigueur de la constitution de 2006. A ce jour, les textes de lois portant organisation et fonctionnement

de la Cour de cassation, du Conseil d'Etat et de la Cour constitutionnelle ont été adoptés par le Parlement et promulgués par le Président de la République. La délégation a indiqué que l'installation de ces hautes juridictions était imminente.

9. Dans le cadre de la lutte contre l'impunité, la délégation a souligné que le législateur avait reconnu la compétence des Cours d'appel en matière de crime de génocide, de crimes de guerre et de crimes contre l'humanité commis par les personnes relevant de leur compétence et de celle des tribunaux de grande instance. Dans le même contexte, pour sanctionner les graves violations des droits de l'homme commises au cours des vingt dernières années, un projet de loi portant création, organisation et fonctionnement des chambres spécialisées a été élaboré par le Ministre de la Justice et Droits Humains. Adopté en conseil des ministres, il a été envoyé au Parlement pour examen.

10. La délégation a également relevé l'adoption par le Parlement de la loi portant modalités d'application des droits de la femme et de la parité ainsi que le projet de loi portant organisation des élections urbaines, municipales et locales qui prévoit, au sein de chaque conseil municipal et local, des sièges supplémentaires réservés aux candidats non élus de sexe féminin ayant obtenu le plus grand nombre de suffrages.

11. La délégation a rappelé la création de la Commission Nationale des Droits de l'Homme et annoncé que la désignation des commissaires par l'Assemblée nationale était en cours.

12. La délégation a affirmé que la guerre demeurait à la fois la source et le facteur d'aggravation des violences sexuelles, car celles-ci étaient utilisées comme une arme de destruction de la société. Dès 2009, une stratégie nationale de lutte contre les violences sexuelles et basées sur le genre a été adoptée et expérimentée dans la partie orientale du pays. Cette stratégie est en voie d'être étendue à l'ensemble du pays.

13. La délégation a également relevé que le Gouvernement avait signé, en 2013, un communiqué conjoint avec la Représentante spéciale du Secrétaire général chargée des violences sexuelles en situation de conflit et un plan de suivi a été conclu à ce sujet. La délégation a ajouté que le Président de la République procédera prochainement à la nomination d'un Représentant personnel chargé de la question des violences sexuelles.

14. La délégation a déclaré que des poursuites étaient menées contre tous les auteurs présumés des violences sexuelles dont les cas étaient portés à la connaissance des autorités judiciaires. Elle a ajouté que les personnes qui étaient reconnues coupables de tels crimes ne pouvaient profiter des arrêtés de libération conditionnelle, de l'ordonnance de grâce ou de l'amnistie.

15. En ce qui concerne les enfants associés aux conflits armés, la délégation a signalé qu'en 2012, le Gouvernement et l'équipe spéciale des Nations-Unies pour les enfants associés aux conflits armés avaient signé un plan d'action pour la lutte contre le recrutement et l'utilisation d'enfants ainsi que d'autres violations graves des droits de l'enfant par les forces armées et les services de sécurité de la République démocratique du Congo. La délégation a relevé que 2.894 enfants avaient ainsi quitté les forces armées et les groupes armés.

16. La délégation a appelé la communauté internationale à soutenir la cessation définitive de la guerre et pour que tous les auteurs de graves violations des droits de l'homme, circulant librement dans certains Etats, soient appréhendés et traduits en justice.

17. La délégation a ensuite répondu aux questions posées en avance par différents Etats. Elle a commencé par parler de l'intégration dans la législation interne du Statut de Rome de la Cour pénale internationale et signalé qu'un projet de loi à ce sujet avait été déposé au Parlement.

18. Parmi les initiatives prises pour faciliter l'accès à la justice pour les femmes victimes de violences sexuelles, la délégation a mentionné, entre autres, l'assistance juridique gratuite et la tenue régulière d'audiences foraines.

19. La délégation a également affirmé que le Gouvernement travaillait au renforcement de l'appareil judiciaire notamment par le recrutement de magistrats et l'installation de tribunaux de la paix dans toutes les provinces. Par ailleurs, les témoins et les victimes de violences sexuelles bénéficient de la protection apportée par la police spéciale de protection de la femme et de l'enfant. La délégation a cependant ajouté qu'il fallait élaborer des dispositions légales spécifiques pour plus de garantie de sécurité.

20. La délégation a affirmé que des mesures avaient été prises pour améliorer les conditions de détention et que, grâce à différentes initiatives, la malnutrition était en baisse dans les prisons. Le Gouvernement a également mis en place un plan de rénovation des établissements pénitentiaires.

21. En ce qui concerne les questions liées à la collaboration avec les mécanismes de protection et de promotion des droits de l'homme, la délégation a souligné qu'aucune demande de visite adressée à la République démocratique du Congo n'avait été refusée. La délégation a également précisé que tous les rapports dus aux organes des traités devraient être soumis d'ici fin mars 2015.

22. Quant à la mise en œuvre des recommandations du CEDAW, la délégation a signalé qu'un projet de loi portant révision du Code de la famille en vue de la suppression des dispositions discriminatoires à l'égard des femmes était en cours de discussion.

23. La délégation a également noté que le processus de ratification de la Convention relative aux droits des personnes handicapées était en cours. Par contre, le processus de ratification de la Convention concernant la protection de toutes les personnes contre les disparitions forcées n'a pas été enclenché. Quant au mécanisme de prévention prévu par OP-CAT, la délégation a souligné que, pour éviter la multiplicité des structures, les attributions qui lui sont dévolues pourraient être confiées à la Commission nationale des droits de l'homme.

24. Concernant l'abolition de la peine de mort, la délégation a confirmé qu'elle n'était pas formellement à l'ordre du jour, mais qu'un moratoire de fait était en vigueur depuis 10 ans.

25. La délégation a affirmé que les actes d'intimidation, de menaces de mort, d'arrestations arbitraires et autres violations des droits de l'homme commis contre les défenseurs des droits de l'homme étaient enregistrés dans les zones en conflit à l'est du pays. Par ailleurs, un projet de loi sur la protection des défenseurs des droits de l'homme avait été soumis au Parlement qui ne l'a pas adopté.

26. Par rapport à la réforme des FARDC, la délégation a signalé que le plan global s'articulait autour de trois phases et qu'il s'agissait d'un processus à long terme que le Gouvernement entendait réaliser jusqu'en 2025.

B. Interactive dialogue and responses by the State under review

27. During the interactive dialogue, 94 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

28. The Netherlands welcomed the Peace, Security and Cooperation Framework, which provided a base to implement the rule of law and prosecute those who committed crimes against humanity and other international crimes in the past.

29. While acknowledging the efforts made to strengthen human rights, Nicaragua stated that many tasks remained and resources were insufficient. It encouraged the Democratic Republic of the Congo to step up its efforts to improve the lives of its citizens.
30. Niger commended the progress made since the last review, through the adoption of legislation and improvements in education, health, access to water and job creation.
31. Nigeria urged the country to provide education and health care and to ensure respect for women's and children's rights. It called on the international community to support the DRC.
32. Norway believed that it was important to introduce legislation to protect human rights defenders. It stated that women were poorly represented in political bodies, while sexual and gender-based violence remained a widespread and serious human rights violation.
33. Paraguay commended the country for its ratification of OP-CAT, approval of a Child Protection Code and issuance of a Presidential Decree ordering the demobilization of child soldiers.
34. The Philippines welcomed the reforms in laws and infrastructure in the areas of education, health, water and sanitation and recognized that the assistance of the international community remained valuable.
35. Poland welcomed the adoption of a plan of action to combat the recruitment and use of children by the armed forces and security services and the promulgation of law envisaging the establishment of the National Human Rights Commission.
36. Portugal welcomed the creation of the National Human Rights Commission and noted with satisfaction the joint plan of the State under review and the United Nations to combat the recruitment of children by the armed forces.
37. The Republic of Korea noted the reported progress in eliminating sexual violence, combating torture and strengthening the human rights infrastructure. It expressed concern about the human rights situation in the East of the country.
38. The Russian Federation noted the Government's willingness to implement the recommendations of international monitoring bodies and the decisions of international and regional judicial bodies despite the extreme complexity of the human rights situation.
39. Namibia commended the *de facto* moratorium on the death penalty and the efforts to ensure gender parity.
40. Senegal welcomed progress made in the implementation of recommendations from the first cycle, notably through the adoption of policies and legislative reforms.
41. Sierra Leone noted the steps taken to implement recommendations of the first cycle. It expressed concern about the dire situation in parts of the country which affected some 2.6 million internally displaced persons.
42. Singapore noted the efforts undertaken to combat sexual and gender-based violence and achievements in improving access to health care.
43. Slovakia encouraged the authorities to investigate attacks against human rights defenders and civil society representatives and expressed concern at the situation of women.
44. Slovenia welcomed the action plan to combat recruitment of children by armed forces and remained concerned at reports of prevalence of sexual gender-based violence across the country.

45. South Africa commended the policies and legislative changes, such as the establishment of a national human rights institution and noted the State's request for technical assistance and capacity building.
46. South Sudan acknowledged the role of the government in combating torture and criminalizing it as a separate offence. It welcomed the establishment of the National Human Rights Commission.
47. Spain commended progress in human rights, in particular the country policies on integration of women in political life and the ratification of OP-CAT. It acknowledged efforts to combat sexual violence against women and the *de facto* moratorium on death penalty.
48. The State of Palestine welcomed the enactment of legislation to promote human rights and, in particular, to criminalize torture. It commended action in support of non-discriminatory education and the policy on free and compulsory primary education.
49. Sudan commended action to bolster the institutional and legislative human rights framework through amendments to the Constitution and domestic legislation.
50. Sweden noted that despite progress made in addressing impunity within the security services, security agents remained responsible for violations. It urged to continue to reform the justice sector.
51. Thailand commended the State under review on improving domestic legislation in line with its international human rights obligations. It encouraged the country to appoint the members of the national human rights commission and allocate sufficient resources to it.
52. The former Yugoslav Republic of Macedonia was concerned about the rights of women and children, noting that 400,000 women and children were victims of sexual violence in the country and that children continued to be recruited and detained.
53. Timor-Leste noted the positive steps taken by the State under review to protect human rights; ratification of human rights conventions and improvement of education and health.
54. Togo commended the efforts of the Democratic Republic of the Congo to bring an end to armed conflict and to implement the recommendations of the previous UPR cycle.
55. Tunisia welcomed measures taken to promote human rights, including the revision of the Constitution. It encouraged the country to ensure that human rights defenders and journalists could exercise their rights. It called upon the international community to provide technical assistance.
56. Uganda noted progress made in human rights, among others, the establishment of the Independent National Electoral Commission; the National Human Rights Commission; and the National Fund for women and children.
57. The United Kingdom of Great Britain and Northern Ireland noted that serious human rights violations persisted in the country, including the murder and rape of civilians and recruitment of children. It remained concerned about impunity although it welcomed the country's commitment to combat it.
58. The United Republic of Tanzania commended the country's commitment to good governance and peace, to institutional and judicial reform, and to combating impunity, *inter alia*. It welcomed the plan of action to prevent the recruitment of children by armed forces. It called upon the international community to provide technical assistance.
59. The United States of America welcomed the signing of the Nairobi Declarations and encouraged the Democratic Republic of the Congo to implement the action plan on child

soldiers. It welcomed the investigation into the 2012 mass rapes in Minova but remained concerned by the slow pace of judicial and security sector reform.

60. Uruguay recognized the work carried out by the Democratic Republic of the Congo in response to previous recommendations and the ratification of international human rights instruments. It commended the adoption of a national strategy to combat sexual violence.

61. The Bolivarian Republic of Venezuela welcomed the introduction of free primary education, improved health care and safe water. It called upon the international community to support the State under review.

62. Zimbabwe noted the establishment of the National Human Rights Commission, the National Agency to Combat Violence against Women and Girls and the Protection Unit for Human Rights Defenders.

63. Algeria noted the country's constructive approach to the UPR process and to human rights, as evidenced in its constitutional and legislative reforms and the human rights institutions it had established.

64. Angola welcomed the laws introduced by the State under review and the ratification of international instruments in order to promote and protect human rights. It acknowledged the efforts for peace, namely the signature of the Addis-Ababa Agreement.

65. Argentina was concerned about the human rights situation in the State under review. It noted actions taken and challenges with respect to the organization and functioning of courts and its cooperation with the International Criminal Court

66. Australia commended the progress achieved in ending the recruitment of child soldiers but remained concerned about the prevalence of child labour and the level of sexual and gender violence.

67. Austria encouraged the Democratic Republic of the Congo to continue its fight against impunity. It welcomed the 2012 plan of action to combat recruitment of child soldiers. It noted with concern that journalists and civil society activists had been killed in order to silence them.

68. Bangladesh acknowledged the developments made in the promotion and protection of human rights, including, *inter alia*, the establishment of a National Human Rights Commission and the adoption of the Child Protection Code and the decree ordering the demobilization of child soldiers.

69. Belgium welcomed the Government's efforts to combat sexual violence and the recruitment and use of child soldiers. It remained deeply concerned about the high incidence of gender-based violence.

70. Benin commended efforts made in the implementation of recommendations from the first review, notably the adoption of a strategy and operationalization of the National Agency to Combat Violence against Women and Girls, establishment of the National Human Rights Commission and provision of free primary education.

71. Répondant aux questions posées, la délégation de la République démocratique du Congo a indiqué que la responsabilité de la nomination des membres de la Commission nationale des droits de l'homme appartenait à l'Assemblée nationale. Elle a relevé que les lenteurs observées dans cette désignation n'étaient pas seulement dus à l'Assemblée nationale, mais était aussi liée à la participation des ONGs, car celles-ci doivent élire leurs représentants à la Commission. Par ailleurs, le Gouvernement s'assurera que la Commission reçoive les ressources nécessaires pour lui permettre de fonctionner efficacement.

72. Concernant l'éducation primaire gratuite, la délégation a mentionné l'article 43 de la Constitution qui dispose que l'enseignement primaire est obligatoire et gratuit dans les établissements publics. La délégation a également signalé que le Gouvernement s'était engagé à réhabiliter ou construire 1.000 écoles.
73. Au sujet des statistiques sur les violences sexuelles, la délégation a relevé que les chiffres mentionnés par certains Etats étaient erronés et ne correspondaient pas au nombre indiqué lors du panel de haut niveau sur les violences sexuelles. La délégation a noté qu'un projet de décret portant sur des fonds d'indemnisation aux victimes de violences sexuelles était en train d'être examiné par le Premier Ministre et que la contribution de la communauté internationale à cet égard était la bienvenue.
74. A propos de la promotion et protection des droits économiques, sociaux et culturels, la délégation a fait référence aux cinq chantiers du Président de la République, au programme de modernisation des infrastructures de base, au programme visant l'accélération de la croissance économique et à la mise en place du Conseil économique et social.
75. En ce qui concerne l'abolition de la peine de mort, la délégation a noté qu'un projet de loi avait été déposé à l'Assemblée nationale, il y a trois ans. Elle a cependant expliqué que la population congolaise, confrontée au contexte de violence dû au conflit armé, n'était pas en faveur de cette abolition et que donc la loi n'avait pas été votée.
76. Abordant la question du processus électoral, la délégation a indiqué que le Gouvernement tenait à travailler au respect des cycles électoraux et que le cadre institutionnel d'organisation des élections, qui a été révisé, améliorera de façon substantielle les élections locales prévues pour l'année prochaine.
77. Sur les exécutions extrajudiciaires et autres violations des droits de l'homme commises par les forces de défense et de sécurité, la délégation a indiqué que le problème était en train d'être résolu dans le cadre de la réforme de l'armée et de la police avec l'adoption de lois portant sur le statut du militaire et du policier. Désormais, il faudra satisfaire à des critères spécifiques pour être recruté dans ces corps professionnels.
78. Botswana commended the country for having taken a number of legislative and institutional reforms since the last review, notably the implementation of laws pertaining to sexual violence and provision of holistic care to victims.
79. Brazil noted with appreciation advances regarding the fights against impunity related to cases of sexual violence in conflict and specific programmes in the field of social rights.
80. Burkina Faso appreciated the ratification of OP-CAT, enactment of law criminalizing torture, prosecution of perpetrators of human rights violations, notably gender-based violence against women, reform of the penitentiary system, establishment of juvenile courts and measures to protect children from being recruited.
81. Burundi commended the delegation for the efforts undertaken to implement recommendations for the first review. It encouraged the Government to continue pursuing a free and compulsory primary education policy, and to step up its efforts to improve the functioning of the justice system.
82. Cabo Verde welcomed the adoption, *inter alia*, of a Decree for the demobilization of children from the armed forces, Child Protection Code, as well as the criminalization of charges of child witchcraft, criminalization of torture, and the moratorium on capital punishment.

83. Canada asked what action the Democratic Republic of the Congo proposed to take in response to the MONUSCO report on progress made and obstacles encountered in the fight against impunity of gender-based violence.
84. The Central African Republic encouraged the Government to enact a law to promote and protect the rights of indigenous peoples based on the UN Declaration on the Rights of Indigenous Peoples.
85. Chad noted with satisfaction that the State under review was a party to the core international human rights instruments and that it took vigorous action to guarantee economic, social and cultural rights.
86. Chile recognized efforts made and encouraged the country to ratify the international instruments listed in the OHCHR report and, in particular, to enact legislation to implement the Rome Statute of the International Criminal Court.
87. China commended action taken since the first review, in particular to alleviate the impact of the armed conflict, such as measures to reduce poverty and increase employment, investment in primary education, health and rural infrastructure, and efforts to eliminate violence against women.
88. The Congo welcomed, inter alia, efforts undertaken to provide free primary education as well as in the area of health, and the adoption of a National Strategy to Combat Sexual and Gender-Based Violence.
89. Costa Rica commended legislative initiatives aimed at protecting vulnerable groups and action to prevent human trafficking and violence against women and children. It encouraged the State to strengthen the National Human Rights Commission.
90. Côte d'Ivoire welcomed measures taken in support of the education system and the health-care sector, reform of the judicial system with a view to guaranteeing access to justice for all, and action aimed at countering gender-based violence.
91. Croatia welcomed the adoption of the plans of action to combat recruitment and use of children by the armed forces. It expressed concern about gender-based violence and urged the Government to allocate resources to reduce child mortality.
92. Cuba commended the efforts undertaken in the implementation of recommendations from the first review notwithstanding the challenges. It noted plans for the rehabilitation of school facilities, increase of the budget for education and adoption of plans for the reduction of poverty.
93. The Czech Republic acknowledged the complex security challenges faced by the Democratic Republic of the Congo. It welcomed the ratification of the OP-CAT.
94. Djibouti took note of efforts undertaken in the areas of constitutional and institutional reforms and appreciated the steps being taken to ratify a number of international instruments.
95. Ecuador acknowledged the efforts to implement previous recommendations on education and commended the accession to the CRPD and its Optional Protocol and measures to access health-care.
96. Ghana commended the accession to CAT and the ratification of the Rome Statute. However, it was concerned about the challenges facing the national judicial system, including the severe shortage of judges.
97. Estonia encouraged the Government to implement the provisions of the OP-CAT, to appoint members to the National Human Rights Commission and to adopt a bill abolishing the death penalty.

98. Ethiopia commended the process started by the State under review to ratify CRPD, the introduction of free primary education and the adoption of a National Strategy to Combat Sexual and Gender-Based Violence.

99. Finland welcomed the Government's commitment to facilitating access to justice and fighting impunity. It asked how civil society could contribute to the process of establishing specialized mixed chambers in the national judicial system.

100. France welcomed the convening of a high-level panel on sexual violence against women in the Democratic Republic of the Congo and urged the authorities to redouble their efforts in that regard.

101. Gabon welcomed the priority accorded to education, health, access to safe drinking water and persons with disabilities. It encouraged the country to promote increasingly effective action against sexual violence.

102. Germany expressed concern about the overall human rights situation in the Democratic Republic of the Congo, despite progress achieved. It emphasized that accountability was of the utmost importance for victims and for the restoration of stability.

103. Iraq commended action to update the legislative and judicial systems through the enactment of laws and regulations in the area of human rights. It also commended efforts to eradicate violence against women and children by prosecuting the perpetrators.

104. Guatemala welcomed the ratification of the OP-CAT, CRPD and its Optional Protocol. It shared CESCR concern about the killing of persons with albinism and the use of their organs for witchcraft ceremonies. It acknowledged improvements.

105. Hungary encouraged the authorities to provide the necessary financial and logistic support for the National Human Rights Commission. It deplored the number of victims of sexual violence and that free education was not guaranteed.

106. Indonesia welcomed the ratification of several treaties and the establishment of the Independent National Electoral Commission and the National Agency to combat violence against Women and Girls. It considered that priority should be given to addressing sexual and gender-based violence.

107. Egypt commended new policies and legislative changes aimed at advancing human rights and welcomed the establishment of the National Human Rights Commission.

108. Ireland expressed grave concern about sexual and gender-based violence and impunity for such crimes. It encouraged the State under review to continue to implement the Addis-Ababa Framework. Ireland was also concerned by high under-five mortality.

109. Israel welcomed the signing of peace declarations and hoped that the Government would continue to oppose the ongoing violence perpetrated by rebels against civilians. It underlined the importance of strengthening accountability mechanisms.

110. Italy asked whether any measures were envisaged to protect the human rights of the most vulnerable, including allocating budgetary and human resources to address the situation of women victims of sexual violence, abandoned children and detainees held in harsh conditions.

111. Japan was concerned about sexual violence, children forced labour and trafficking. It called for the eradication of impunity and urged to establish an independent judicial system. It encouraged the development of effective mechanisms to protect and provide relief for internally displaced persons.

112. Latvia noted the establishment of the National Human Rights Commission and the adoption of the Plan of Action to combat child recruitment, but remained concerned about

violence against women and children. It encouraged efforts to bring national policies and legislation into line with relevant international instruments.

113. Lesotho commended the country on the establishment of the National Human Rights Commission, the development of the National Strategy against Sexual and Gender-Based Violence and the enactment of the Child Protection Act.

114. Libya commended the establishment of the National Human Rights Commission, development of a national education strategy providing for free primary education and adoption of a National Strategy to Combat Sexual and Gender-Based Violence.

115. Lithuania remained concerned about the magnitude of sexual violence and its use as a weapon of war, recruitment and use of children by armed forces and groups, and lack of implementation of the Government's commitment made during the first UPR to abolish the death penalty.

116. Luxembourg welcomed measures to end the recruitment and use of child soldiers and the establishment of the National Human Rights Commission and encouraged targeted and sustainable action in those areas. It remained concerned about sexual violence and ongoing impunity.

117. Madagascar encouraged continued efforts to eradicate sexual violence. It urged the Democratic Republic of the Congo to ratify the international treaties as recommended during the first UPR.

118. Malaysia recognized the numerous challenges hindering the advancement of human rights due to the armed conflict, but encouraged the Government to continue efforts to improve the situation.

119. Mali welcomed initiatives to protect children and promote gender equality. It encouraged the Government to step up efforts to promote and protect the rights of all persons living in the country.

120. Mauritania noted the accession to the treaty on the Harmonization of Business Law in Africa, OP-CAT, CRPD and OP-CRPD.

122. Mauritius commended the strengthening of the legislative and institutional framework for human rights and measures taken to step up efforts to combat sexual and gender-based violence and to protect women and children from violence.

121. Mexico was concerned about the significant number of children stigmatized by witchcraft. It urged the State under Review to take steps to raise public awareness of the CRC and to eliminate the scourge.

122. Montenegro commended efforts to address violence against women, including adopting a national strategy and establishing a national agency. It asked whether additional steps would be taken to address sexual violence and to assist victims.

123. Morocco supported the State under review's political reforms and its ongoing efforts to ensure human rights, despite constraints. It commended action taken in the areas of freedom of expression and information and education.

124. Mozambique commended steps taken to combat sexual violence but was concerned that efforts had not reached all parts of the country. It encouraged implementation of the remaining recommendations of the first UPR cycle.

125. Rwanda appreciated that the report had been prepared with the full participation of civil society. It commended ongoing efforts to promote and protect human rights, as reflected in the adoption of new legislation.

126. Switzerland was concerned about the lack of progress in combating sexual violence, violence against human rights defenders and widespread corruption and impunity within the judiciary. It stressed the importance of cooperation with the International Criminal Court.

127. Romania acknowledged developments since the last UPR but remained concerned over the lack of progress in key human rights. It hoped to see further sustained efforts to promote and protect all fundamental rights and freedoms.

128. Revenant sur la question des violences sexuelles, la délégation de la République démocratique du Congo a insisté sur le fait que les statistiques nationales indiquaient que 40.000 femmes avaient été violées dans le pays et non 400. 000 Comme l'ont noté certaines délégations.

129. En ce qui concerne le nombre des déplacés internes, la délégation a relevé que le Gouvernement s'attelait au retour, au rapatriement et à la réinsertion des déplacés.

130. Par rapport à l'amélioration du climat des affaires, la délégation a indiqué que la création d'entreprise et l'encouragement à l'entrepreneuriat étaient au centre des actions du Gouvernement.

131. En conclusion, la délégation a souligné que L'Etat congolais était conscient de la responsabilité qu'il avait envers ses citoyens pour l'amélioration des droits de l'homme et qu'il poursuivra ses efforts jusqu'à l'éradication de toutes formes de discrimination et de violences.

II. Conclusions and/or recommendations**

132. **The recommendations formulated during the interactive dialogue/listed below enjoy the support of the Democratic Republic of the Congo:**

132.1. **Take necessary steps to ratify or accede to major international human rights instruments which are still outstanding (Lesotho);**

132.2. **Ratify the Convention for the Protection of All Persons from Enforced Disappearance (Tunisia);**

132.3. **Ratify the Convention for the Protection of All Persons from Enforced Disappearance (France);**

132.4. **Ratify the OP-ICESCR (Portugal);**

132.5. **Ratify the OP-CEDAW (Portugal);**

132.6. **Consider ratifying the Optional Protocol to CEDAW (Paraguay);**

132.7. **Consider adhering to the Convention relating to the Status of Stateless Persons (Nicaragua);**

132.8. **Adopt legislation in accordance with the Rome Statute of the International Criminal Court and have a thorough discussion in Parliament on the establishment of mixed chambers, in order to guarantee fair trials for those who committed crimes against humanity (Netherlands);**

- 132.9. **Adopt provisions prohibiting polygamy, early marriages, female genital mutilation and levirate (Israel);**
- 132.10. **Fulfil its commitments under the Addis Ababa Peace, Security and Cooperation Framework to comprehensively fight against all armed groups, in particular the Forces démocratiques de libération du Rwanda (FDLR) (Rwanda);**
- 132.11. **Provide more resources and intensify implementation of programmes that would better ensure protection of women and children from abuse and violence (Philippines);**
- 132.12. **Ensure sufficient resources so that the National Human Rights Commission can fully carry out its mandate (Republic of Korea);**
- 132.13. **Attend to the appointment of members of the National Human Rights Commission to enable it to commence its work (Zimbabwe);**
- 132.14. **Facilitate shortly the visit of the Special Rapporteur of the United Nations on the situation of human rights defenders (Uruguay);**
- 132.15. **Increase efforts to prevent and punish episodes of extrajudicial executions and illegal or arbitrary detentions (Italy);**
- 132.16. **Pursue the reforms in the penitentiary system with a view to end the overpopulation in the prisons (Djibouti);**
- 132.17. **Increase medical, judicial, psychological and socio-economic support to victims of sexual violence (Lithuania);**
- 132.18. **Ensure access to justice and full reparation for victims and survivors (Lithuania);**
- 132.19. **Strengthen the capacities of the judiciary, including by increasing the personnel and improving its working conditions (Luxembourg);**
- 132.20. **Implement recommendations of 2011 international election observation missions with special emphasis on the enhancement of equal participation of women in political life (Czech Republic);**
- 132.21. **Respect and promote the democratic principle of the right to participate in public and political life without discrimination, so that everyone can pursue their activities freely and without fear of intimidation (Germany);**
- 132.22. **Continue to prioritize delivery of basic social services, such as primary education and health, giving particular attention to increasing access, improving infrastructure, and curbing discriminatory practices, including in the rural areas (Philippines);**
- 132.23. **Ensure allocations for the implementation of the Government's poverty reduction strategy and ensure that international development aid is utilized for the realization of the right to an adequate standard of living (South Africa);**
- 132.24. **Make economic, social and cultural rights a first priority, which means to allocate sufficient resources (Germany);**

132.25. Continue the current efforts to finalize the process of adoption of a social security code and the establishment of a sustainable social security system (Egypt);

132.26. Improve access for women and girls to basic health-care services (Malaysia);

132.27. Establish a programme of medical, psychological and social assistance for teenage mothers and develop a support network for young women to continue their studies (Mexico);

133. The following recommendations enjoy the support of the Democratic Republic of the Congo which considers that they are already implemented or in the process of implementation:

133.1. Ratify the Convention on the Rights of Persons with Disabilities (Poland);

133.2. Ratify the Convention on the Rights of Persons with Disabilities (France);

133.3. Consider ratifying the Convention on the Rights of Persons with Disabilities (Paraguay);

133.4. Ratify the Convention on the Rights of Persons with Disabilities (Tunisia);

133.5. Implement the Rome Statute into domestic law, as recommended previously (Australia);

133.6. Implement the Rome Statute of the International Criminal Court in law and practice (Botswana);

133.7. Fully align its national legislation with the Rome Statute, including by incorporating provisions to cooperate promptly and fully with the ICC and to investigate and prosecute individuals found guilty of genocide, crimes against humanity and war crimes effectively before its national courts (Estonia);

133.8. Adopt national legislation implementing the Rome Statute of the ICC (Finland);

133.9. Take necessary measures to combat impunity, by incorporating the Rome Statute into domestic legislation (France);

133.10. Align its national legislation with all obligations under the Rome Statute, including by incorporating the provisions enabling cooperation with the Court (Latvia);

133.11. Incorporate expeditiously in domestic law the Rome Statute, to which the DRC is party (Luxembourg);

133.12. Fully cooperate with the International Criminal Court for all open cases, especially for the execution of arrest warrants issued by the Court (Switzerland);

133.13. Conclude quickly the alignment of its domestic legislation with the provisions of the Rome Statute (Tunisia);

133.14. Adopt legislation for the implementation of the Rome Statute of the International Criminal Court (Paraguay);

- 133.15. Fully implement the Rome Statute of the International Criminal Court (Poland);
- 133.16. Strengthen measures to protect women victims of rape during conflict, by integrating these measures in legislation (Madagascar);
- 133.17. Revise the Family Law to ensure gender equality (Norway);
- 133.18. Adopt provisions prohibiting polygamy, early marriage and female genital mutilation (Poland);
- 133.19. Withdraw the discriminatory provisions contained in their Family Code and adopt the draft Law on Gender Equality (Israel);
- 133.20. Accelerate its efforts to establish the national human rights institution in line with the Paris Principles (Tunisia);
- 133.21. Complete the nomination of members of the National Human Rights Commission with a view to render it operational, if not done so yet (Niger);
- 133.22. Operationalize the National Human Rights Commission and strengthen its capabilities in technical, human and financial fields for better protection of human rights (Morocco);
- 133.23. Continue efforts for the establishment of a national human rights institution with an “A” status in conformity with the Paris Principles (Portugal);
- 133.24. Establish a National Human Rights Commission, provide it with necessary resources for its proper functioning, and ensure its conformity with the Paris Principles (France);
- 133.25. Speed up its efforts to ensure the functioning of the Commission in accordance with the Paris Principles on the National Human Rights Institutions (Indonesia);
- 133.26. Ensure that human rights defenders can exercise their rights without interference and ensure the effective establishment of the National Human Rights Commission (Switzerland);
- 133.27. Implement article 3 of OP-CAT and immediately establish an independent national mechanism for the prevention of torture with the mandate to visit all places of detention (Czech Republic);
- 133.28. Continue working towards the establishment of a national mechanism for the prevention of torture (Guatemala);
- 133.29. Establish a national preventive mechanism to prevent torture (South Sudan);
- 133.30. Establish the national mechanism for the prevention of torture under the OP-CAT and appoint an independent and qualified expert, provided with necessary resources to exercise its mandate (Uruguay);
- 133.31. Establish a national agency aimed at preventing sexual and gender based violence and at ensuring access to justice for these victims (Netherlands);
- 133.32. Continue its reforms to improve policies and programmes towards promotion and protection of all human rights (Lesotho);

- 133.33. **Further improve and implement the relevant laws and policies to better protect the rights of women and children (China);**
- 133.34. **Step up efforts on gender promotion, the protection of children's rights and the fight against acts of sexual violence as envisaged in the national strategy in this regard (Niger);**
- 133.35. **Strengthen its protection for vulnerable groups, particularly women, children, persons with disabilities, the elderly and ethnic minorities and adopt corresponding national legislation on the protection of those vulnerable groups (Russian Federation);**
- 133.36. **Strengthen measures to protect vulnerable persons (Senegal);**
- 133.37. **Ensure implementation of new measures to improve business and investment climate in the country (South Africa);**
- 133.38. **Continue promoting a dialogue and national reconciliation to achieve peace and move towards the development of country (Nicaragua);**
- 133.39. **Extend its sovereign jurisdiction to the protection of the people of the country and take concrete steps to eliminate all negative forces operating on the eastern part of the country (Uganda);**
- 133.40. **Pursue ongoing efforts and negotiations that have as an objective to end the recurring armed conflicts in the East province of the country (Côte d'Ivoire);**
- 133.41. **Actively pursue its cooperation with UN mechanisms and the international community to restore security and establish the rule of law (Japan);**
- 133.42. **Cooperate with the International Criminal Court (Uruguay);**
- 133.43. **Collaborate with the special procedures mandate holders (Chad);**
- 133.44. **Strengthen its cooperation with the special procedures of Human Rights Council by responding positively to pending visit requests (Latvia);**
- 133.45. **Undertake activities to eliminate stereotypes, identifying the obstacles that hindered women from taking up their rightful place in society (The former Yugoslav Republic of Macedonia);**
- 133.46. **Strengthen the implementation of measures and provisions to eradicate all forms of discrimination and violence against women and girls (Chile);**
- 133.47. **Combat all forms of discrimination against persons with albinism (Guatemala);**
- 133.48. **Take all the preventive measures to ensure the implementation of the Plan of Action, including provision on birth registration (also late birth registration) free of charge, effective implementation of the free and compulsory primary education policy and access to basic health-care services (Slovenia);**
- 133.49. **Adopt measures to prevent the possibility of extrajudicial executions and to fully prevent the use of torture by State Security Forces (Spain);**

- 133.50. Investigate all cases of torture and ill treatment in detention, as recommended previously (Austria);
- 133.51. Try all perpetrators of torture, regardless of rank (Australia);
- 133.52. Take necessary measures to prevent any threat against human rights defenders and ensure their effective protection (Spain);
- 133.53. Adopt as soon as possible the law protecting human rights defenders (Sweden);
- 133.54. Take adequate measures for better protecting human rights defenders and journalists (Djibouti);
- 133.55. Establish a training program for penitentiary, judicial and security personnel to ensure its consistent application (State of Palestine);
- 133.56. Make further efforts to improve the penitentiary system (Russian Federation);
- 133.57. Enact specific legislation to eradicate all sexual gender-based incidents of violence and punish the perpetrators of sexual violence (Namibia);
- 133.58. Strictly enforce the 2006 law on sexual violence and its zero tolerance policy (Norway);
- 133.59. Take more effective measures to combat incidents of sexual violence and intensify efforts to implement its reintegration and rehabilitation policies for victims of gender-based violence (Sierra Leone);
- 133.60. Take adequate measure to reduce and eradicate incidents of sexual gender-based violence committed by armed elements and establish and strengthen accountability mechanisms (Slovenia);
- 133.61. Continue its efforts to eradicate violence against women and children and continue implementing the national strategy to fight against sexual violence in order to eliminate this phenomenon (Sudan);
- 133.62. Double its efforts in its fight against sexual violence against women and girls (The former Yugoslav Republic of Macedonia);
- 133.63. Intensify the efforts to combat effectively violence against women and girls and prosecute perpetrators (Togo);
- 133.64. Ensure that perpetrators of crimes of sexual violence are consistently brought to justice, and guarantee the protection of witnesses and survivors (United Kingdom of Great Britain and Northern Ireland);
- 133.65. Continue efforts towards the elimination of violence against women in all conflict areas, female genital mutilation and early and forced marriage (Paraguay);
- 133.66. Continue to combat human trafficking and violence against children and women (Timor-Leste);
- 133.67. Strengthen legal and policy frameworks, programmes and coordination measures to address child labour and sexual exploitation of children (Namibia);

- 133.68. **Improve training of security forces with regard to combating sexual violence against women and girls and ensure accountability of perpetrators (Austria);**
- 133.69. **Strengthen the implementation of the National Strategy against Sexual and Gender-Based Violence by accelerating the judicial system and security sector reform, protecting the population and guaranteeing the right to the security of persons (Canada);**
- 133.70. **Implement a zero tolerance policy to eradicate all forms of sexual and domestic violence against women (Costa Rica);**
- 133.71. **Investigate and prosecute all perpetrators of serious human rights abuses, especially acts of rape and sexual violence, regardless of their rank and affiliation (Croatia);**
- 133.72. **Develop appropriate mechanisms to prevent all forms of violence against women; to effectively prosecute perpetrators of such violence and to provide adequate redress for victims (Slovakia);**
- 133.73. **Implement the July 2013 recommendations of the CEDAW Committee focusing on the recommendations under paragraph 10 and, inter alia, investigate violations of women's rights committed by Congolese security forces and armed groups and ensure access to justice for all women affected by sexual violence during the conflict (Czech Republic);**
- 133.74. **Create a framework for the socio-economic rehabilitation and reintegration of women victims of sexual violence in the regions affected by the conflict (Djibouti);**
- 133.75. **Intensify the fight against sexual violence and the prosecution and punishment of those responsible (Senegal);**
- 133.76. **Strengthen the efforts aimed at fighting against violence and sexual slavery and at providing medical, legal, psychological and socio-economic assistance to the victims (Ecuador);**
- 133.77. **Investigate, prosecute and punish systematically all cases of sexual violence against girls and women, organise awareness-raising campaigns on the subject of sexual violence and put in place a national hot line (Hungary);**
- 133.78. **Exert more efforts to provide care to victims of sexual violence in collaboration and assistance with its partners and the international community (South Sudan);**
- 133.79. **Continue its efforts in addressing sexual and gender-based violence, in particular by developing effective mechanism to prevent violence against women and girls (Indonesia);**
- 133.80. **Continue its efforts to eliminate gender-based violence and enhance public security (Singapore);**
- 133.81. **Investigate, prosecute and take all adequate measures to reduce and eradicate incidents of sexual gender-based violence committed by armed elements (Israel);**
- 133.82. **Strengthen the ability to prevent and contrast the impunity that often surrounds sexual violence, first of all by prosecuting and bringing to justice those responsible for these crimes (Italy);**

- 133.83. Continue its efforts to implement the national strategy of November 2009 to combat sexual violence and fulfil its action plan, which includes the fight against impunity, protection and security sector reform (Libya);
- 133.84. Increase the protection of victims of sexual violence by providing them with the necessary support to facilitate their psychological and physical rehabilitation (Luxembourg);
- 133.85. Continue implementing effectively the 2006 law on sexual violence and the zero tolerance policy (Madagascar);
- 133.86. Adopt additional measures aimed at providing assistance for victims of sexual violence and combat such scourge (Argentina);
- 133.87. Strengthen without delay the measures to fight against sexual violence and amplify efforts to ensure gender equality and women's participation in peacebuilding, as recommended previously (Switzerland);
- 133.88. Continue the efforts for the protection of children and the elimination of violence against them (Algeria);
- 133.89. Accelerate the implementation of legislation prohibiting the worst forms of child labor (Madagascar);
- 133.90. Take all measures to eliminate child labour and illegal mining (Australia);
- 133.91. Intensify the fight against the exploitation of children in all its forms (Cabo Verde);
- 133.92. Prevent and eradicate child labour through a national strategy (Chile);
- 133.93. Ensure the elimination of the sale and trafficking of children for sexual exploitation (Egypt);
- 133.94. Take immediate measures in order to comply fully with the OP-CRC-AC (Lithuania);
- 133.95. Adopt additional measures within the Action Plan to fight against forced recruitment of children aimed at the prevention, protection and social reintegration of such minors (Spain);
- 133.96. Step up the efforts to ensure the non-recruitment and demobilisation of child soldiers (Togo);
- 133.97. Develop and implement a new Disarmament, Demobilisation and Reintegration programme for dealing with armed groups, ensuring that former combatants are given realistic opportunities to reintegrate into the community and that children involved with armed groups are treated in line with international law (United Kingdom of Great Britain and Northern Ireland);
- 133.98. Continue to work to ensure full implementation of UN Security Council resolutions 1325 and 2122 on women, peace and security, including by increasing the active and equal participation of women in peace-building initiatives and decision-making processes at all levels (Ireland);

- 133.99. Ensure that children captured by the FARDC shall be treated primarily as victims, that they have access to justice and that their reintegration into their communities is facilitated (Austria);
- 133.100. Further strengthen specific plans for the demobilization of children and their social reintegration (Brazil);
- 133.101. Ensure that as part of the national disarmament, demobilization and targeted reintegration programme, special attention is given to the rights of women and children, particularly to prevent repeated recruitment by armed groups and to ensure that they can enjoy their fundamental rights (Canada);
- 133.102. Ensure that the national legislation enables the establishment and exercise of jurisdiction on war crimes related to conscription, recruitment and use of children in armed conflict (Costa Rica);
- 133.103. Continue the actions aimed at duly implementing the Action Plan to fight against the recruitment and use of children and other serious violations of the rights of the child by the armed forces and security services of 2012, and of the National Action Plan against the worst forms of child labour of 2011 (Ecuador);
- 133.104. Fully implement the plan of action to combat the recruitment and use of child soldiers (Germany);
- 133.105. Implement the Action Plan to end the recruitment and use of children, signed at the UN in 2012 (Lithuania);
- 133.106. Install a vetting mechanism to remove persons responsible for serious human rights and child rights violations from the security forces (Austria);
- 133.107. Take further steps to strengthen the independence of the judiciary, including by allocating sufficient resources and adequate training to judges and prosecutors (Thailand);
- 133.108. Create a strong, independent judiciary by training more judges, prosecutors and court clerks and establishing mixed chambers (United States of America);
- 133.109. Seek assistance to increase the number and scope of its magistrate courts to address the many legal problems it faces (Sierra Leone);
- 133.110. Concentrate efforts to establish an independent, efficient, responsible and properly resourced judicial system (Chile);
- 133.111. Pursue judicial reform to improve access to justice by promoting a better geographical coverage and upgrading the prison administration (Morocco);
- 133.112. Take the necessary measures to ensure the independence of the judiciary and create specialized mixed chambers in support of judgments of crimes under international law (Switzerland);
- 133.113. Continue activities aimed at strengthening the judiciary and promoting access to justice, including through expanding the provision of free legal aid to victims of sexual violence, training members of the judiciary to fight against sexual violence and promoting awareness against the stigmatization of victims (Brazil);

- 133.114. **Take measures to complete the reforms in the judicial system, the defence and security sectors (Djibouti);**
- 133.115. **Give prior attention to address the challenges faced by the national judicial system, including implementing the zero tolerance policy for perpetrators of violations of international human rights and humanitarian laws in the Democratic Republic of the Congo (Ghana);**
- 133.116. **Provide gender-sensitive human rights education to all police and military, and try all perpetrators of sexual and gender-based violence, regardless of rank (Australia);**
- 133.117. **Continue strengthening the judicial system in order to put a real end to impunity for human rights violations (Republic of Korea);**
- 133.118. **Pursue its efforts to improve its justice system and its commitment to fight against impunity (Timor-Leste);**
- 133.119. **Hold accountable security forces who commit human rights violations, including those involving child soldier recruitment and sexual violence (United States of America);**
- 133.120. **Continue the efforts to attain the respect for the rights and fundamental freedoms of the entire population, and adopt all necessary measures to guarantee the fight against impunity of perpetrators of crimes, acts of violence and all human rights violations (Argentina);**
- 133.121. **Investigate, prosecute and punish all cases of summary and extrajudicial executions, and provide adequate compensation to victims (Chile);**
- 133.122. **Take necessary measures to ensure that individuals suspected of committing crimes under international law and other serious human rights violations are thoroughly investigated and brought to justice (Botswana);**
- 133.123. **Ensure that civilian officials or military personnel implicated in providing support to foreign or Congolese armed groups responsible for crimes against humanity are suspended from their positions, investigated and appropriately prosecuted (Croatia);**
- 133.124. **Strengthen efforts to enhance the capacities of law enforcement agencies and the judicial organs (Ethiopia);**
- 133.125. **Engage firmly against sexual violence, ensure the right of victims to obtain justice and redress, combat persistent impunity and strengthen the capacities of the national agency fighting against sexual violence (France);**
- 133.126. **Improve the support to victims of sexual violence and facilitate their access to justice, notably by simplifying the administration of justice, and their access to medical and psycho-social care (Belgium);**
- 133.127. **Adopt specific additional measures to strengthen the fight against impunity with regard to cases of sexual violence against women and provide greater care for victims (Spain);**
- 133.128. **Strengthen the capacities of judicial institutions in order to bring those responsible of sexual violence to justice (Lithuania);**
- 133.129. **Take all necessary measures to facilitate access for victims to justice and ensure that they obtain redress (Luxembourg);**

- 133.130. **Strictly enforce relevant laws, with equal emphasis on care and rehabilitation, and to prosecute those responsible in order to provide meaningful results and ensure the protection of women and children, especially in the Eastern part of the country (Thailand);**
- 133.131. **Take all necessary steps to ensure freedom of media and duly address all cases of restrictions on media (Slovakia);**
- 133.132. **Assure transparent and credible elections by ensuring freedom of peaceful assembly and expression for all persons, including members of political parties, candidates and members of the press (United States of America);**
- 133.133. **Bring all perpetrators of violence against journalists and human rights defenders to justice and ensure that journalists and human rights activists are able to pursue their activities, including by expressing criticism of the government policies, without intimidation and harassment (Austria);**
- 133.134. **Ensure that the freedom of expression and peaceful assembly are respected in conformity with international standards and that members of political parties, journalists and human rights activists are able to exercise their activities and to criticize the government without being subject to intimidation, reprisals or harassment (Belgium);**
- 133.135. **Enhance the engagement towards increasing the role of civil society, especially by widening the space for political debate and ensuring the right of human rights defenders, opposition parties and journalists to freely carry out their activities (Italy);**
- 133.136. **Ensure that the rights to freedom of expression and peaceful assembly are respected and all citizens, including journalists and human rights defenders are able to pursue their activities without intimidation (Romania);**
- 133.137. **Revise the election law to guarantee a 30 percent representation of women on electoral lists as this would be positive step towards equity (Norway);**
- 133.138. **Continue the promotion of economic and social development, and maintain domestic peace and stability to provide a solid basis for the protection and promotion of human rights (China);**
- 133.139. **Continue its efforts to improve the public health and education systems, as a mean to reduce poverty and to advance in the economic and social development of the country (Cuba);**
- 133.140. **Continue making progress on the fight against poverty, with its correct social policies for its people, in particular for the most needed, with the cooperation and the technical assistance that the country requires (Bolivarian Republic of Venezuela);**
- 133.141. **Continue to take measures to eradicate poverty and to ensure better access to education and health care (Morocco);**
- 133.142. **Pursue and deploy in all the territory the programmes and projects for the development of rural infrastructure, in particular those aimed at guaranteeing access to drinking water (Côte d'Ivoire);**
- 133.143. **Ensure the effective implementation of the national strategy to combat maternal and infant mortality and to increase access for women and girls to basic health-care services (Egypt);**

- 133.144. **Ensure the effective implementation of the National Strategy on maternal and child mortality, including through addressing root causes of under-five mortality, such as poverty, under-nutrition, harmful practices, lack of access to safe drinking water, health care services and education (Ireland);**
- 133.145. **Continue, in cooperation with the relevant international organisations, to improve access to quality health care for all its people (Singapore);**
- 133.146. **Implement policies to ensure free education throughout the country (Namibia);**
- 133.147. **Continue allocating adequate funding for education to increase the number of schools and teachers, improve the quality of teaching and school infrastructure and ensure equal access of girls to all levels of education (State of Palestine);**
- 133.148. **Enhance efforts to provide free quality education in all parts of the country (Sudan);**
- 133.149. **Ensure the effective implementation of free primary education throughout the country (Timor-Leste);**
- 133.150. **Strengthen measures to progressively ensure free primary education (Ethiopia);**
- 133.151. **Allocate at least 25 percent of the national budget for education and eliminate all discretionary fees in order to ensure free primary education for all children (Hungary);**
- 133.152. **Consider adopting legal provisions to ensure that primary education is free and compulsory for all children without discrimination (Egypt);**
- 133.153. **Extend the free primary education policy throughout the country (Zimbabwe);**
- 133.154. **Ensure adequate funding for education to increase the number of schools and teachers and ensure equal access of girls to all levels of education (South Africa);**
- 133.155. **Continue its efforts in including awareness of human rights within the school curricula (Libya);**
- 133.156. **Continue its efforts in providing free primary education for all throughout the country (Malaysia);**
- 133.157. **Allocate adequate funding to improve its education system (Malaysia);**
- 133.158. **Continue the implementation of the strategic plan for the development of literacy and non-formal education 2012-2016 (Algeria);**
- 133.159. **Ensure that primary education is free and of quality and contains special programmes for the local population, including Pygmies (Mexico);**
- 133.160. **Pay particular attention to indigenous Pygmies peoples, in order to guarantee their access to land and natural resources (Benin);**
- 133.161. **Continue working towards the recognition of indigenous peoples at a national level (Guatemala);**

133.162. **Ensure land rights of indigenous communities within protected natural parks, in particular Pygmies. Likewise harmonize projects of greenhouse gas reduction; deforestation reduction and forest degradation in line with the United Nations Declaration on the Rights of Indigenous Peoples (Mexico);**

133.163. **Put in place adequate measures to protect civilians, in particular innocent women and children, in any armed violence, and to create the necessary conditions to abate the present situation of the millions of internally displaced persons (Ghana).**

134. **The following recommendations will be examined by the Democratic Republic of the Congo which will provide responses in due time, but no later than the 27th session of the Human Rights Council in September 2014:**

134.1. **Ensure that all persons, including members of the national army, the police and intelligence service, who are suspected of having committed crimes of international law and other grave human rights violations, are brought before the courts in fair trials that do not lead to the death penalty (Belgium).**

135. **The recommendations below did not enjoy the support of the Democratic Republic of the Congo and would thus be noted:**

135.1. **Consider the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Cabo Verde);**

135.2. **Consider ratifying the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ghana);**

135.3. **Take appropriate steps to ratify various international treaties including the Second Optional Protocol to ICCPR aiming at the abolition of the death penalty and the Optional Protocol to CEDAW (Romania);**

135.4. **Abolish the death penalty in law and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (France);**

135.5. **Remove the death penalty from its criminal statutes and ratify the Second Optional Protocol of the ICCPR (Australia);**

135.6. **Abolish the death penalty and ratify the Second Optional Protocol to the ICCPR (Germany);**

135.7. **Ratify the Second Optional Protocol of ICCPR and provide for the *de jure* abolition of the death penalty (Hungary);**

135.8. **Abolish the death penalty and sign and ratify the Second Optional Protocol to the ICCPR (Portugal)¹;**

135.9. **Ratify the OP-CRC-IC (Portugal);**

135.10. **Become a party to the UNESCO Convention against Discrimination in Education (Chad);**

¹ The text of the recommendation as read during the interactive dialogue: «Abolish the death penalty and sign and ratify the two Optional Protocols to the ICCPR (Portugal).

- 135.11. **Ratify the UNESCO Convention against Discrimination in Education (Tunisia);**
- 135.12. **Undertake constitutional and legislative reforms aimed at the full abolition of the death penalty (Spain);**
- 135.13. **Amend the Criminal Code as to abolish the death penalty (The former Yugoslav Republic of Macedonia);**
- 135.14. **Adopt a law abolishing the death penalty (Togo);**
- 135.15. **Adopt a law to abolish the death penalty (Benin);**
- 135.16. **Ensure the implementation of an official moratorium on all executions, commuting death penalty sentences by imprisonment periods, with a view to the definitive abolition of the death penalty (Uruguay);**
- 135.17. **Take all necessary measures to implement the commitment to abolish the death penalty (Argentina);**
- 135.18. **Take again into consideration the possibility to soon abolish the *de jure* death penalty (Italy);**
- 135.19. **Intensify its efforts to establish an official moratorium on the use of the death penalty with a view to abolish it and in the meantime to immediately remove all provisions on national laws which are in breach of international human rights law (Lithuania);**
- 135.20. **Adopt a law abolishing the death penalty (Montenegro);**
- 135.21. **Abolish the death penalty in order to allow abolitionist countries to consider the possibility of extradition of persons suspected of having committed crimes in the Democratic Republic of the Congo (Rwanda);**
- 135.22. **Ensure the speedy adoption of the law on protection of human rights defenders by the Parliament and its immediate and effective implementation (Czech Republic);**
- 135.23. **Adopt a law on the protection of human rights defenders (Mali);**
- 135.24. **Combat violations and violence against human rights defenders, particularly by adopting a law protecting them (France);**
- 135.25. **Adopt urgently legislation for complementarity with the Rome Statute and provide means for implementation (Sweden);**
- 135.26. **Ensure its domestic legislation establishes universal jurisdiction over war crimes, especially with regard to the use of children in hostilities and sexual violence, including rape (Sierra Leone);**
- 135.27. **Enhance engagement with regional and international partners to gather support, as it may deem necessary, for building structural and operational capacities and augmenting existing human rights mechanisms (Philippines);**
- 135.28. **Request the international community assist the Democratic Republic of the Congo in strengthening the operational capacities of its provincial human rights divisions within the country (Uganda);**
- 135.29. **Strengthen its cooperation with the United Nations, through a standing invitation to all special procedures of the Human Rights Council and**

by submitting due reports on the application of international human rights instruments that the country is part of (Portugal);

135.30. Issue an open invitation to the United Nations special mechanisms (Uruguay);

135.31. Issue an open invitation to Special Procedures (Guatemala);

135.32. Eventually consider extending a standing invitation to all special procedures mandate holders (Latvia);

135.33. Formalize its acceptance of the special procedures by issuing a standing invitation to all special procedures (Montenegro);

135.34. Fully cooperate with the Human Rights Council Independent Expert on technical cooperation and advisory services in the Democratic Republic of the Congo (The former Yugoslav Republic of Macedonia);

135.35. Establish - with the involvement of the Congolese civil society and the support of the international community in the process - an independent and impartial Specialized Mixed Chambers within the national judicial system to address crimes committed under international law and other serious human rights violations (Finland);

135.36. Undertake immediate inquiry and prepare a report between now and the holding of the local elections regarding the allegations of arbitrary detention of journalists, activists and political opponents (Canada);

135.37. Free all persons arrested as a result of their political opinion or because they took part in peaceful demonstrations, and ensure that charges against them are dismissed (Belgium);

135.38. Ensure the full enjoyment of freedom of expression and of the press by removing all of the restrictions imposed, including by decriminalizing of defamation, in accordance with its obligations under ICCPR and its commitment taken during the previous review (Estonia);

136. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

The delegation of the Democratic Republic of the Congo was headed by H.E. Ms Mumba Matipa Wivine, Minister of Justice and Human Rights, and composed of the following members:

- S.E. Madame MUMBA MATIPA Wivine, Ministre de la Justice et Droits Humains, Chef; de la délégation;
- Mme BANDUI SAMENE THEMBELA Joséphine, Secrétaire Général aux Droits; Humains;
- M. MUTOMB MUJING Sébastien, Ministre Conseiller et Chargé d'Affaires a.i, Mission; RDC-Genève;
- M. MWILANYA WILONDJIA Néhémie, Conseiller Juridique Principal du Chef de l'Etat;
- M. MANASWALA LOBSANG Serge, Chargé d'Etudes au Cabinet du Premier Ministre de la RDC;
- M. LUKUNDA VAKALA-MFUMU Richard, Directeur de Cabinet, Ministère du Genre, Famille et Enfant;
- Mme KENDA BAKAJIKA Annie, Directrice des Services Juridiques au Ministère du Genre, Famille et Enfant;
- Mme AMBU SIBELA Fatou, Chargée d'Etudes à la CEPFE du Ministère du Genre, Famille et Enfant;
- M. MPINDA MUNUINA Albert, Chef de Division aux Droits Humains;
- M. KUDURA BIN ISSA, Conseiller du Miniske de la Justice et Droits Humains;
- M. INGOLI BOLAMBA Jean-Baptiste, Chef de Division au Secrétariat Général des Droits Humains;
- M. MUTANGALA MUANA NGONGO Jean-Pierre, Conseiller du Ministre de l'Enseignement Primaire, Secondaire et Professionnel;
- M. ITUMBU MAJIKO Philippe, Conseiller du Ministre des Affaires Sociales;
- M. MUKOLE KAPILA, Représentant du Ministère de la Défense Nationale;
- M. KISUNDA-VISI PEDRO, Collaborateur extérieur, Mission RDC-Genève.