



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: CAT/Follow-up

4 November 2020

Excellency,

In my capacity as Rapporteur a.i. for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the second periodic report of the Democratic Republic of the Congo, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 66th session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/COD/CO/2, para. 42) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 13 (c), 25, 33 (a) and (b), and 35 (a) and (c).

On behalf of the Committee, allow me to express appreciation for your letter of 18 September 2020 providing your Government's response to the above-mentioned paragraphs (CAT/C/COD/FCO/2) and to make the following comments:

Fundamental legal safeguards (para. 13 (c) of the Committee's concluding observations)

While taking note of the information provided by the State party, the Committee regrets that the follow-up replies did not include the results of the inspection and monitoring activities conducted to ensure compliance in practice with the obligation to respect fundamental legal safeguards and the rights of detainees. It also regrets not having received any information regarding the outcome of the measures taken to ensure accurate record-keeping (1/D).

National mechanism for the prevention of torture (para. 25 of the Committee's concluding observations)

The Committee takes note of the establishment of a national committee for the prevention of torture in the Ministry of Human Rights in 2019. It regrets, however, that the State party has not yet established an independent national preventive mechanism since ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in September 2010 (1/C).

.../...

Mr. Serge Ndaie Musenge
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Sexual violence (para. 33 (a) and (b) of the Committee's concluding observations)

The Committee regrets that the information submitted by the State party in its follow-up replies does not address the specific concerns mentioned in its concluding observations, mainly regarding the investigation and prosecution of cases of sexual violence and on the redress provided to victims (1/D).

Violence against children (para. 35 (a) and (c) of the Committee's concluding observations)

The Committee takes note of the information provided by the State party with regard to the legal framework governing the protection of minors, but notes that the follow-up replies do not indicate whether the State party has taken specific new measures to ensure that all allegations of child abuse, including sexual violence, lead to prompt investigations whenever there are reasonable grounds to believe that such acts have been committed. This appears to be an ongoing situation according to a report of violence against children by armed groups and elements of the Armed Forces of the Democratic Republic of the Congo (see '*Détérioration de la situation des droits de l'homme dans le Masisi et le Lubero (Nord-Kivu) et défis relatifs à la protection des civils entre janvier 2017 et octobre 2018*', paras. 18 and 49, United Nations Joint Human Rights Office, December 2018). The Committee also notes the lack of information on any action taken to ensure the separation of adults and minors in detention facilities (1/C).

Implementation plans (para. 42 of the Committee's concluding observations)

Lastly, the Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, the recommendations included in its concluding observations (C).

The Government of the Democratic Republic of the Congo is encouraged to provide additional information, if there is any, which would further contribute to the Committee's analysis of the progress made regarding the specific issues of concern cited above. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the second periodic report of the Democratic Republic of the Congo or other future periodic reports.

The Committee looks forward to a continued constructive dialogue with the authorities of the Democratic Republic of the Congo on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

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Bakhtiyar Tuzmukhamedov
Rapporteur a.i. for follow-up to concluding observations
Committee against Torture