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Universal Periodic Review

## 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, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its sixth session from 30 November to 11 December 2009. The review of the Democratic Republic of the Congo was held at the 7th meeting, on 3 December 2009. The delegation of the Democratic Republic of the Congo was headed by H.E. Mr. Upio Kakura Wapol, Minister of Human Rights. At its 11th meeting, held on 7 December 2009, the Working Group adopted the present report on the Democratic Republic of the Congo.

2. On 14 September 2009, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of the Democratic Republic of the Congo: Gabon, Japan and Slovenia.

3. In accordance with paragraph 15 of the annex to resolution 5/1, 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.6/6/COD/1);

(b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/6/COD/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/COD/3).

4. A list of questions prepared in advance by Argentina, Belgium; Canada, the Czech Republic, Denmark, Hungary; Latvia, the United Kingdom of Great Britain and Northern Ireland, Germany, Sweden and the Netherlands was transmitted to the Democratic Republic of the Congo through the troika. These questions are available on the Extranet of the UPR Working Group.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The Congolese delegation introduced the national report, which was the product of broad consultations, notably with civil society, and replied to the questions put in advance by States. The delegation said that the Democratic Republic of the Congo had ratified numerous instruments for the protection of civil and political, economic, social and cultural rights, and was determined to implement them. Its efforts were being held back, however, by the recurring armed conflicts raging mainly in the east of the country, with the involvement of several external actors.

6. The delegation noted that, in many cases, documents on the human rights situation tended to give an incomplete rendering of some of the facts and omitted — often deliberately — to report the noteworthy efforts made by the Government to improve the promotion and protection of rights and freedoms.

7. According to the delegation, the framework for the protection and extension of human rights currently comprised the 18 February 2006 Constitution, which gave constitutional status to the majority of rights and made them fundamental values (notably the right to life and the prohibition of torture); various international and regional instruments, duly ratified; and the body of legislation, which included in particular a number of laws recently promulgated by the President on sexual violence, the status of

opposition parties, the protection of children and the rights of persons living with or affected by HIV/AIDS, and the High Council of the Judiciary.

8. As to the establishment of effective structures for the protection of human rights, the Democratic Republic of the Congo had honoured its undertaking, made at the end of the tenth ordinary session of the Human Rights Council, by establishing on 12 August 2009 the “Entité de Liaison des Droits de l’Homme” (Human Rights Liaison Unit), a mechanism comprising various stakeholders whose task was to study the underlying causes of human rights violations and propose appropriate solutions. Human rights consultative bodies were also planned at the provincial level. In addition, the bill on the creation of a national human rights commission in accordance with the Paris Principles was before Parliament. The Government was making efforts to ensure that the necessary resources were allocated to those mechanisms.

9. The Democratic Republic of the Congo had created a national agency to combat violence against women and girls, which was being made operational. Synergies at the provincial level were also very active in efforts to combat impunity for sexual violence. According to the delegation, there were no reliable global statistics on sexual violence.

10. The delegation said that the shortcomings in support for the victims of sexual violence were due in part to the fact that some victims did not report incidents and also to the scarcity of available resources. The two laws on sexual violence enacted in 2006 were already being applied, and several convictions had been handed down by both civil and military courts.

11. The delegation welcomed the creation of the National Fund for the Advancement of Women and the Protection of Children in October 2009, the first State fund specifically for women and children since independence.

12. As to the use of child soldiers and violence against children, the Democratic Republic of the Congo had a national policy to combat the recruitment of child soldiers, spearheaded by the disarmament, demobilization and reintegration programme implementation unit, and was committed to making those responsible for child recruitment, the sale of children, trafficking in children and any other form of exploitation of children answer for their actions in court. Various activities were being organized to help such children reintegrate.

13. The delegation said that combating impunity was a priority and was characterized by a zero tolerance policy. Disciplinary and criminal sanctions were imposed at various levels. The Democratic Republic of the Congo confirmed its firm intention to continue cooperating with the International Criminal Court.

14. With regard to the establishment of a transitional justice system for crimes committed between 1993 and 2003, the Democratic Republic of the Congo stated that it intended to make use of the outcome of the mapping exercise conducted by the United Nations.

15. With regard to human rights violations committed by the Armed Forces of the Democratic Republic of the Congo (FARDC), internal verification mechanisms within FARDC facilitated the identification of officers who violated human rights, and the imposition of disciplinary or judicial penalties.

16. As to the fight against corruption, the delegation said that penalties were imposed on all who were found guilty. In addition, the High Council of the Judiciary monitored judges’ ethical standards and could propose dismissal for those who failed to comply.

17. According to the delegation, human rights defenders were expected to work within the legal and regulatory framework that governed the life of the country and the

Government had expressed its willingness to work towards implementation of a special framework for the protection of human rights defenders setting forth rights and obligations in accordance with the 1998 Declaration on Human Rights Defenders. Journalists and human rights defenders whose rights had been violated were urged to take judicial action. There was a regular framework for consultation and dialogue between the Government and civil society.

18. As to the abolition of the death penalty, the delegation stated that under the Constitution the death penalty had been abolished. A bill amending the Criminal Code to explicitly repeal the death penalty was before the National Assembly. No death sentence had been carried out for over seven years.

19. With regard to the reform of the army and the police, draft legislation had been debated in plenary and was being aligned in committee.

20. The reform of the Criminal Code was under way, as was the prison system reform. Provincial governments had been delegated responsibility for managing the situation in prisons. With assistance from its partners, the Government had begun building new prisons and setting up prison farms.

21. Access to persons subject to administrative detention measures, under judicial supervision, did not present any problem when procedures were followed. The difficulties met would be discussed in the "Entité de Liaison des Droits de l'Homme" at the national and provincial levels.

22. According to the delegation, press freedom was guaranteed in the Democratic Republic of the Congo and was administered in accordance with the law. As to the isolated (not systematic) cases of murders of journalists, which the Democratic Republic of the Congo condemned, it was up to the judicial system, which was independent, to do its work properly.

23. With regard to the improvement of economic and social rights, the delegation emphasized that employment, housing, health, education, and water and electricity were the priorities that formed the focus of the Government's action under its "five priorities" drive and the growth and poverty-reduction strategy.

24. The Democratic Republic of the Congo urged the international community to support its efforts to reach completion point in the Highly Indebted Poor Countries (HIPC) initiative, which would enable it to cancel its debt in mid-2010 and thus better promote human rights.

25. With regard to rational management of natural resources, the Democratic Republic of the Congo was making efforts to regulate the sector through a policy of transparency and was renegotiating mining contracts with due regard for the mining code and regulations. A similar process was under way with the conversion of titles to forest land in consultation with the indigenous and local populations.

26. The Democratic Republic of the Congo was now formally cooperating with seven special procedures and was open to any other special rapporteurs who so requested, as with the Special Rapporteur on extrajudicial, summary or arbitrary executions, who had recently visited the country, and the independent expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights, who was to be invited during 2010.

27. The delegation urged the international community to continue its assistance to the Democratic Republic of the Congo for the full restoration of peace in the country, to mobilize more resources and to integrate human rights concerns in all cooperation initiatives.

## **B. Interactive dialogue and responses by the State under review**

28. During the interactive dialogue 59 delegations made statements. A number of delegations thanked the Government for the comprehensive national report, prepared through a large consultation process; for its comprehensive presentation; and for responses to advance questions that allowed for an assessment of its human rights promotion and protection efforts. Recommendations made during the interactive dialogue are to be found in section II of the present report.

29. Cuba appreciated the major efforts and political will of the Democratic Republic of the Congo to promote and protect human rights and noted positive developments in the institutional field, particularly regarding the protection of women and children rights. It urged the international community, particularly the developed countries, to step up economic cooperation with the Democratic Republic of the Congo.

30. Canada welcomed the cooperation with special procedures and the elaboration of the “zero tolerance” policy regarding sexual violence. It expressed concern about human rights violations by elements of the armed forces and armed groups. It expressed concern at the intimidation of human rights defenders and journalists. Canada made recommendations.

31. Belgium noted that serious human rights violations continued to be committed in the Democratic Republic of the Congo. It welcomed the 2006 law on sexual violence and the campaign “zero children in forces and armed groups”. It expressed concerns about child rights, particularly the important number of child soldiers and the situation of human rights defenders. Belgium made recommendations.

32. The United Kingdom welcomed the commitment of the Democratic Republic of the Congo to improving human rights and the announcement of zero tolerance policy towards sexual violence. It noted the extremely high number of human rights violations and abuses, particularly in the eastern part of the country. It welcomed the unprecedented number of members of the Forces démocratiques de libération du Rwanda (FDLR) repatriated under the disarmament, demobilization, repatriation, resettlement and reintegration programme. It was pleased with the good past cooperation with the International Criminal Court and asked when the Government plans to deliver Bosco Ntaganda to this Court. The United Kingdom made recommendations.

33. The Netherlands acknowledged the adoption of a “zero tolerance” approach, but noted that higher ranking officers of the Armed Forces were rarely sentenced. It noted reports that human rights defenders were regularly faced with threats and harassment. While recognizing initiatives to improve prisons situation, it noted that some poor living and health conditions in prisons remained. It made recommendations.

34. Belarus noted with satisfaction the number of legislative initiatives, particularly the adoption of a law for the protection of child rights and to combat sexual violence. Belarus noted efforts to combat pandemics and ensure access to medical services, welcomed the willingness of the Democratic Republic of the Congo to combat corruption and made recommendations.

35. Denmark expressed deep concern on impunity related to widespread sexual violence crimes perpetrated by members of army, police and militia groups. Denmark noted the law on sexual violence, but questioned the Government on its application and other measures to be taken to stop this practise and end impunity. Denmark made recommendations.

36. France noted that women continued to be victims of sexual violence committed by the armed forces and rebel groups. While welcoming that the fight against impunity was raised to constitutional level, France noted that the independence and resources of the

judicial system were too limited and observed limitations on the freedom of expression and attacks against journalists. France made recommendations.

37. The Democratic People's Republic of Korea noted the efforts to protect human rights and concrete measures to improve living conditions. It requested information about the strategies for effective management of natural resources and human rights structure in place. It made recommendations.

38. Brazil expressed readiness to consider cooperation with the Democratic Republic of the Congo and recognized efforts to pacify the country, end impunity, realize the rights to health and education and combat Malaria and HIV/AIDS. It requested information on the law on sexual violence, the zero tolerance policy and the situation of migrants. Brazil made recommendations.

39. Algeria noted that despite the fragile peace process and constraints, the Government had showed determination working with seven thematic Rapporteurs. It welcomed laws on the rights of the child and to combat sexual violence. Algeria made recommendations.

40. Ireland welcomed the 2006 law on sexual violence and expressed concern about sexual violence against women and girls. The integration of non-State armed groups who have committed serious human rights violations into the armed forces promotes a culture of impunity. The situation of human rights defenders was of concern. Ireland made recommendations.

41. Finland appreciated the publication of an action plan against sexual violence, the zero tolerance policy in this regard and the call upon the army to show discipline and respect for human rights. It asked about the resources and structures directed at implementing these initiatives and made a recommendation.

42. Austria welcomed the national strategy against gender-based violence and asked about its implementation in a challenging context. The continued recruitment of children by armed groups was a cause of great concern. It asked how the Government was following the recommendations of the Committee against Torture to bring all places of detention under judicial control. Austria made recommendations.

43. The Czech Republic welcomed the comprehensive strategy on combating sexual violence. It made recommendations in this area and on freedom of expression, rule of law and right to privacy and non-discrimination.

44. Germany noted worrying reports about large-scale violations of human rights and humanitarian law. It asked about measures to protect civilians, particularly women and children affected by conflict. Germany made recommendations.

45. Italy noted that women continue to suffer the consequences of military operations in the east of the country as victims of sexual violence. Italy expressed satisfaction that the Democratic Republic of the Congo respected its moratorium on the death penalty. Although the Government cooperated with the International Criminal Court, Mr. Bosco Ntaganda, who is subject to an arrest warrant by this Court, plays an important role in the armed forces. Italy commented on the treatment of children considered "witches". It made recommendations.

46. The Congo underlined efforts regarding freedoms of the press and assembly. There was a need to respond favourably to the request for technical assistance voiced by the delegation. The Democratic Republic of the Congo is committed to cooperate with international organizations and the Council's mandate holders. It made a recommendation.

47. Hungary commended achievements in human rights and the strategy on combating sexual violence. It noted that sexual violence continued to be prevalent and that members of police and armed forces were involved. It commented on the use of child soldiers and

expressed concern at the security of human rights defenders and journalists. Hungary enquired about steps to improve the judicial system and made recommendations.

48. Chile referred to measures taken by the Democratic Republic of the Congo to promote and protect human rights in a particularly complex context and made recommendations.

49. Turkey indicated that the armed conflict killed more than 5 million people and led to unprecedented displacement. It encouraged cooperation between the Democratic Republic of the Congo and the OHCHR field office and with special procedures. Turkey asked about measures to combat impunity and discrimination against women and encouraged the Democratic Republic of the Congo to take appropriate measures for the reintegration of child soldiers.

50. Switzerland welcomed the past cooperation with the International Criminal Court and encouraged its continuation. It was alarmed by sexual violence against women and children accused of witchcraft and the use of children in child labour and as soldiers. It criticized the intimidation of journalists and expressed concern at conditions in the prison system. Switzerland made recommendations.

51. Spain noted with satisfaction cooperation with OHCHR and the ratification of various international instruments related to human rights, and enquired about the definitive abolition of death penalty. Spain made recommendations.

52. Holy See noted the high number of abandoned children and asked about practical initiatives to protect children accused of witchcraft and reintegrate street children. It underlined the difficulties for students whose families did not have sufficient resources and drew attention to the crime of trafficking of children for sexual or economic exploitation. Holy See made recommendations.

53. India highlighted the re-establishment of the autonomous status of the Human Rights Ministry, the adoption of a zero tolerance policy on sexual violence, the law on sexual violence and the Child Protection Code. India hoped that the establishment of a national human rights commission would be expedited and encouraged a continued focus on health and education. India underscored the important role of the international community to assist the Democratic Republic of the Congo.

54. Azerbaijan noted that the armed conflict led to a worsening of the human rights situation. It supported all measures taken by the Government to mitigate the humanitarian consequences of the conflict and enjoy respect of human rights. Azerbaijan made recommendations.

55. Mexico welcomed progress in institutional developments related to the protection of vulnerable groups and enquired about the Government's programmes to demobilize and socially reintegrate children recruited by different parties to the conflict. Mexico made recommendations.

56. Sweden welcomed the adoption of a law on sexual violence but was concerned at its insufficient implementation. It highlighted the need for structural reform of the human rights situation and expressed concern on prison and detention facilities, freedom of expression and extrajudicial killings. Sweden made recommendations.

57. Angola noted that Congolese courts based their decisions on international treaties ratified by the Democratic Republic of the Congo. The Government attached great importance to education. Angola asked about measures to combat trafficking in persons and how the international community could help the Democratic Republic of the Congo to carry out those measures. Angola made recommendations.



58. The Republic of Korea referred to new constitution, the re-establishment of the Ministry of Human Rights and the bill on a national human rights commission. It expressed concern at sexual violence, child soldiers, torture, killing of civilians, illegal detention and obstruction of human rights activities and journalists. It made recommendations.

59. Egypt noted significant efforts towards the realization of human rights and the need for international support and assistance in the process of reconstruction. Egypt commended the commitment to combating sexual violence and impunity through the “zero tolerance” policy and asked for more information about the Stabilization and Reconstruction Plan for Areas Emerging from Armed Conflict. Egypt made recommendations.

60. Australia expressed concern at the risk of genocidal violence. Human rights abuses by the armed forces, intelligence services and others continued unabated. Australia commended steps to implement Kimberley Process obligations but expressed concern at the continuing recruitment of child soldiers. It welcomed plans to combat sexual violence and enquired about their implementation. Australia made recommendations.

61. Morocco noted with satisfaction various constitutional, institutional and legislative reforms and welcomed the process of establishing a national institution for human rights. It welcomed efforts of the Government to realize the right to education. Morocco made recommendations.

62. Japan expressed concern at the worsening situation in the eastern Democratic Republic of the Congo and highlighted the important role of a fully equipped police force. It stressed the need to address impunity and hoped that the zero tolerance policy would produce results. It noted continued recruitment of child soldiers even in FARDC. Japan made recommendations.

63. Zimbabwe noted that the Government acknowledged a number of challenges due largely to decades of political instability, ethnic conflicts and corruption. It was confident that the democratically elected Government in 2006 would be able to divert more resources towards economic development and provision of social services. Zimbabwe made recommendations.

64. Slovakia expressed deep concern at the human rights situation, noting that about 1,100 rapes were reported each month, often committed by members of armed groups, the army or the police. It welcomed the announcement of a zero tolerance policy. Slovakia expressed concern at child labour and the intimidation and torture of human rights defenders and journalists. Slovakia made recommendations.

65. China noted the difficulties encountered by the Democratic Republic of the Congo on human rights, as a result of a long period of conflict and poverty. It called upon the international community to provide the necessary funds and technical assistance to help the country develop long-term stability and security and to improve the human rights situation.

66. Slovenia expressed concern at widespread sexual violence and noted the adoption of laws and a strategy to address this phenomenon. It was concerned about the high number of child soldiers, including in FARDC. Slovenia made recommendations.

67. Niger asked about measures to end the recruitment of child soldiers and the rape of women in conflict areas. It urged the international community and neighbouring countries to continue to support the efforts to ensure effective rule of law. Niger made recommendations.

68. Nigeria noted that the Democratic Republic of the Congo is party to major international human rights instruments and welcomed efforts to incorporate such instruments in domestic legislation. Nigeria recognized challenges faced by the Democratic

Republic of the Congo as a large multi-ethnic country, expressed support to the Government in meeting these challenges and made a recommendation.

69. Cameroon noted measures on child trafficking, education, sexual violence against women, child soldiers and corruption. Cameroon encouraged the Democratic Republic of the Congo to intensify measures to protect the rights of children and women, minorities and vulnerable populations and to combat impunity. It appealed to the Council and the international community for increased assistance.

70. Poland commended the adoption of the Constitution with human rights provisions, the Child Protection Code and the law on sexual violence. It recognized many challenges faced by the Democratic Republic of the Congo and expressed concern at widespread sexual violence. Poland made recommendations.

71. Greece acknowledged that the 2006 Constitution contained important human rights provisions and welcomed the approval of a decree on the creation of the "Entité de liaison des droits de l'homme". Greece was concerned about the severe humanitarian situation in the eastern part of the country. It took note of the Government's intention to abolish capital punishment.

72. Luxembourg welcomed ratification of the Convention on the Elimination of All Forms of Discrimination against Women, but noted that inequalities between the sexes remained deeply anchored in society and were recognized in legislation and reflected in political decision-making. Luxembourg observed high maternal and child mortality rates and the prevalence of sexual violence. It welcomed the commitment of the Democratic Republic of the Congo to abolishing the death penalty. Luxembourg made recommendations.

73. The Libyan Arab Jamahiriya considered it of high importance to have joint cooperation to overcome obstacles and eradicate illiteracy and poverty. It supported the Government's appeal for technical assistance and capacity-building in the field of human rights.

74. Burkina Faso noted efforts in elaborating norms to ensure human rights and strengthen institutions and expressed hope that reparations for victims would be at the centre of the Government's preoccupations. It expressed satisfaction at efforts to fight violence against women and made a recommendation.

75. Uganda noted the signing and ratification of a significant number on international and regional human rights and humanitarian instruments. It made recommendations.

76. Norway welcomed the establishment of the Ministry for Human Rights, plans to establish a national institution and educational initiatives. It noted that sexual violence continued unabated. It expressed concern about the situation of human rights defenders and journalists. Norway commented on limitations of the law enforcement agencies and made recommendations.

77. The United States of America noted that fighting impunity should be the Government's number one priority and asked about concrete actions taken in 2009 to remove and suspend perpetrators of serious human rights violations or crimes. It referred to torture, ill-treatment and failure to provide food and health care in prisons. It made recommendations.

78. South Africa commended the Government's determination to lay a human rights foundation through law reform and enquired about measures to address the illicit exploitation of natural resources, which fuels conflict; training for police, military and security services; and child soldiers. It made recommendations.

79. Djibouti noted with satisfaction the many initiatives to combat impunity of security forces. It referred to policies to ensure adequate housing and access to drinking water. Djibouti made recommendations.

80. Gabon, noting that the civil war brought about numerous rights violations, observed steps taken to improve the functioning of institutions. It noted good cooperation with international human rights mechanisms. It encouraged further efforts regarding access to justice and hoped that OHCHR would strengthen its assistance. Gabon made a recommendation.

81. Latvia made a recommendation on standing invitation to special procedures.

82. Argentina noted some positive developments with the adoption of the new Constitution reflecting the International human rights obligations. Argentina referred to the problems of sexual violence on women and child soldiers. It made recommendations.

83. Ghana welcomed that members of armed and police forces were tried and sentenced for war crimes and crimes against humanity. Ghana remained concerned about sexual violence and the situation of victims. While recognizing challenges in education and health systems and economic constraints, Ghana hoped for further progress. It made a recommendation.

84. Senegal welcomed measures to disseminate human rights in public administration and asked about their extension to non state actors. Senegal enquired about the national agency for combating violence against women. It supported the appeal for technical assistance on child protection.

85. Côte d'Ivoire acknowledged the constraints faced by the Democratic Republic of the Congo and its ambitious programme for reconstruction. It highlighted the adoption of the Child Protection Code and the law against sexual violence. It called for more efforts to assist internally displaced persons and made recommendations.

86. Burundi encouraged the Democratic Republic of the Congo to continue improving access to justice, health and education for all. Burundi noted that there is an autonomous ministry dealing with human rights and a ministry for gender, family and children. It made a recommendation.

87. Uruguay stressed progress in implementing international child rights instruments. Uruguay referred to difficulties in implementing measures allowing children, particularly in rural areas, to have access to free, universal and compulsory education. It made a recommendation.

88. The delegation of the Democratic Republic of the Congo replied to the many questions put during the meeting by the representatives of member States; some of those replies were already included in the national report. It expressed the willingness of the Democratic Republic of the Congo to continue with the interactive dialogue now under way and its firm determination and intent to improve the human rights situation.

89. The delegation said that, under the Child Protection Act, treating a child as a witch was an offence. The delegation also said it would be necessary to review the issue of reintegration of former child soldiers, as it had been found that militias that were re-forming were doing so around such ex-child soldiers.

90. The Democratic Republic of the Congo undertook to further raise public awareness of the problem of trafficking and to punish trafficking severely. It was already receiving somewhat desultory cooperation from its partners in that regard and hoped that it could be stepped up.

91. On the issue of control over natural wealth and resources, the Government had decided to extend the Kimberley Process, which covered diamonds, to other resources, notably gold and coltan.

92. The National Plan for the Promotion and Protection of Human Rights was the framework document for the efforts of all State and non-State actors in promoting and protecting human rights. It had been updated with all stakeholders at the August 2009 National Conference on Human Rights and the Rule of Law.

93. Lastly, the delegation confirmed that the Democratic Republic of the Congo was committed to pursuing its efforts in cooperation with the entire international community.

## **II. Conclusions and/or recommendations**

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

- 1. Proceed to ratify the second protocol to the International Covenant on Civil and Political Rights (ICCPR) concerning the abolition of the death penalty. (France);**
- 2. Accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) and establish its national preventive mechanism accordingly. (Czech Republic);**
- 3. Ratify OP-CAT, the second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP 2) and the Convention of the Rights of Persons with Disabilities (CRPD) and its Optional Protocol. (Chile);**
- 4. Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CED). (Spain);**
- 5. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW). (Niger);**
- 6. Ratify human rights instruments, particularly CRPD, OP-CAT and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. (Uganda);**
- 7. Sign and/or ratify the following international human rights instruments: the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, ICCPR-OP 2, the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women, OP-CAT, ICRMW, CED and CRPD and its Optional. (Argentina);**
- 8. Undertake further measures to improve the legislative and regulatory basis with respect to human rights and their effective implementation. (Belarus);**
- 9. Effectively implement the 2006 law on sexual violence and train judicial officials in its application. (Denmark);**
- 10. Take necessary legislative measures to bring existing laws and regulations into conformity with the human rights provisions in the new Constitution. (Republic of Korea);**
- 11. Continue efforts to incorporate the standards of international humanitarian law into national legislation. (Niger);**

12. Take all necessary measures to improve implementation of the human rights provisions of the Constitution into the laws enacted thereof. (Greece);
13. Accelerate the process of establishing the national commission for the promotion and protection of human rights, in accordance with the Paris Principles, and undertake the steps necessary for its accreditation with the coordinating committee for national institutions for the promotion and protection of human rights. (Algeria);
14. Accelerate steps under way to establish the national human rights commission in accordance with the Paris Principles. (Egypt);
15. Continue efforts to establish a national human rights commission in accordance with the Paris Principles. (Morocco);
16. Take all necessary urgent measures to set up the national human rights commission in accordance with the Paris Principles. (Niger);
17. Expedite the establishment of an independent national human rights institution in accordance with the Paris Principles. (Uganda);
18. Continue its efforts to establish a national human rights commission, which is an essential tool to promote and protect human rights. (Djibouti);
19. Provide human rights education and sensitivity training to all members of civil service, armed forces, prison and judicial staff, focusing specifically on protection of human rights of women, children and other vulnerable groups. (Czech Republic);
20. Continue close cooperation with various stakeholders and non-governmental organizations in the follow-up of its review. (Austria);
21. Deepen cooperation with international and regional human rights mechanisms. (Egypt);
22. Do its utmost to submit regular reports to the treaty bodies. (Gabon);
23. Continue on its path of cooperation with the special procedures of the Human Rights Council and other relevant regional mechanisms. (Zimbabwe);
24. Take better account of the situation of vulnerable populations and adopt legislation to ensure promotion and protection of handicapped persons, children and women. (Congo);
25. Abolish all discriminatory laws which still exist in relation to women in the Democratic Republic of the Congo. (Luxembourg);
26. Expedite action on the reform process to remove provisions in domestic legislation which discriminate against women. (Ghana);
27. Adopt awareness-raising measures to address the root causes in society of inequalities which continue to affect women. (Luxembourg);
28. Continue effectively to combat all forms of discrimination which the most vulnerable groups may suffer from and continue efforts to pacify the eastern part of the country. (Djibouti);
29. Consider developing a comprehensive action plan to operationalize the recently adopted Child Code and to address concerns related to the care and protection of children; in this regard, give due consideration to the recently adopted Guidelines for the Alternative Care of Children. (South Africa);

30. Speedily implement provisions related to the intention of the Government to abolish capital punishment. (Greece);
31. Introduce a formal moratorium on the death penalty with a view to its abolition. (Italy);
32. Transform the de facto moratorium on the application of the death penalty into an abolition in law. (Luxembourg);
33. Strengthen the protection of the civilian population affected by the conflict and clashes between non-State groups. (Azerbaijan);
34. Continue its efforts to protect and promote the rights of children to life and to a sufficient standard of living and education; and seek the assistance of relevant United Nations agencies and programmes for the establishment of reception and training centres for delinquent street children of school age. (Algeria);
35. Take all necessary steps to strengthen the protection of the civilian population, particularly women and children, from violence. (Germany);
36. Adopt effective measures, including allocating sufficient resources to implement the existing legislation for the protection of women and children. (Switzerland);
37. Provide material and psychological support to victims of sexual violence and undertake extensive educational campaigns to inform women of their rights. (South Africa);
38. Ensure progress in combating trafficking in persons and overcoming violence against women and children. (Belarus);
39. Adopt a legal framework clearly defining crimes of trafficking of children for sexual exploitation, economic exploitation or other purposes, while imposing appropriate sanctions. (Holy See);
40. Ensure the effective prosecution of all forms of violence against women. (Austria);
41. Continue to make efforts to eradicate violence against women and children and take the necessary measures to provide appropriate treatment for victims of crimes of this sort. (Argentina);
42. Continue its policy to nationally implement its international and regional commitments regarding the rights of women, effectively combating all forms of violence against them. (Burkina Faso);
43. Act on its commitment to set up a national agency to combat sexual violence and ensure access to justice and compensation for victims of sexual violence. (Belgium);
44. Take further steps to tackle sexual violence, bring perpetrators of human rights violations to justice and ensure full implementation of the 2006 law against sexual violence, including through urgent implementation of the “zero tolerance policy” and establishment of a State-run vetting mechanism to remove the worst abusers from the Congolese army. (United Kingdom);
45. Fully implement the 2006 law on sexual violence and monitor the application of this law in order to ensure that impunity for sexual violence is addressed, including in the security forces. (Ireland);

46. Continue its efforts to combat sexual violence against women and to effectively apply the law against sexual violence of 2006. (Spain);
47. Strengthen action to enforce the law on sexual violence against women and girls and continue to provide affordable health and physical services to the victims of sexual violence. (Ghana);
48. Continue firmly to combat the scourge of sexual violence and impunity and bring to justice those responsible for grave human rights and international humanitarian law violations. (Azerbaijan);
49. Make specific efforts to implement the action plan against sexual violence fully and to make this the Government's priority. (Finland);
50. Take urgent and robust action to implement the law of 2006 and recent national strategies against sexual violence by investing more resources in prevention and training, law enforcement and assistance to the victims of sexual violence. (Luxembourg);
51. Initiate awareness-raising campaigns and improve the discipline of its security forces with regard to combating sexual violence against women and girls. (Austria);
52. Take systematic action on the ground for the prevention and elimination of sexual violence against women and girls. (Hungary);
53. Strengthen measures to improve conditions in the prisons. (Netherlands);
54. Give priority to penitentiary reform, allocating adequate resources, and provide responses to the lack of food and care and the fact that the laws and regulations on the prison system are out of date, as well as to the insufficient infrastructure, management and training. (Switzerland);
55. Accompany the policy of setting up provincial committees with sensitization campaigns against gender-based violence and discrimination to better prevent the voluntary recruitment of children in armed groups. (Spain);
56. Take the necessary steps to ensure, in the context of accelerated integration, that all child soldiers are released from the Congolese army. (United Kingdom);
57. Take actions to avoid the further recruitment of child soldiers, and ensure the reintegration of all ex-child soldiers to avoid future re-recruitment. (Argentina);
58. Give stronger emphasis to securing the identification, release and reintegration of all child soldiers and the prevention of further recruitment. (Germany);
59. Commit to action plans for indentifying, releasing and ensuring reintegration, and prevent the further recruitment of children. (Australia);
60. Undertake systematic actions for the reintegration of former child soldiers into civil society. (Hungary);
61. Prepare action plans to identify, release and ensure reintegration of all unlawful child soldiers, to prevent further recruitment, to investigate and prosecute those perpetrators of child soldiering who have violated domestic criminal law, and to address other violations and abuses committed against

children, including all forms of forced child labour and child prostitution. (United States);

62. That the Government and FARDC, in cooperation with the United Nations country-level task force, swiftly formulate an action plan to identify, release and ensure the reintegration of all child soldiers, as requested by Security Council resolutions. (Japan);

63. Ensure that all parties to the conflict prepare, in the framework of Security Council resolution 1612 (2005), action plans to identify, release and ensure reintegration of all child soldiers, to prevent further recruitment and to address all other grave violations against children. (Slovenia);

64. Promote the reintegration of child soldiers. (Azerbaijan);

65. Criminalize acts of violence against children accused of witchcraft and organize a national campaign of awareness-raising on this issue. (Belgium);

66. Adopt legislative measures to incriminate accusations of witchcraft against children. (Italy);

67. Promote legislative and administrative measures to prevent and punish attacks and persecution of children accused of witchcraft. (Mexico);

68. Ensure that the recently adopted Child Protection Code is duly implemented to prevent child labour. (Slovakia);

69. Take effective measures to strengthen the independence of the judiciary. (Azerbaijan);

70. Increase efforts to ensure the independence of the judiciary and strengthen the capacity of law enforcement and judicial organs. (Sweden);

71. Further pursue programmes for the reform of the justice system, and the police and security services, with a view to concretizing its will to better protect the human rights of its citizens in the country. (Democratic People's Republic of Korea);

72. Further seek international financing and cooperation for judiciary and police reform and for the provision of care and support for victims of sexual violence. (Brazil);

73. Pursue effectively its recently adopted Plan of Action for Justice Reform, inter alia by allocating the necessary resources for its prompt and full implementation. (Norway);

74. Facilitate training for members of the law enforcement agencies to effectively combat all forms of violence and sexual exploitation of children. (Nigeria);

75. Implement an effective programme to combat corruption, with the establishment of a better financed judicial system. (Spain);

76. Strengthen measures to ensure the independence of the judiciary, fight corruption and political interference and expand the State justice system effectively in rural territories. (Czech Republic);

77. Take all necessary measures to ensure that those responsible for violations of international law, including human rights and international humanitarian law, are held accountable. (Greece);



78. Continue to bring to justice all those who have participated in war crimes, crimes against humanity and other heinous acts, and combat impunity in society. (Ghana);
79. Arrest and bring to justice members of the armed forces of the Democratic Republic of the Congo who perpetrate sexual violence or any other form of human rights violations, without exception and without regard to their rank. (Canada);
80. Ensure effective investigation of and accountability for all cases of sexual violence. (Czech Republic);
81. Strengthen measures to combat impunity for acts of violence against women. (Angola);
82. Ensure investigation and prosecution of all soldiers, police officers, intelligence agents and any other official, including higher-level ranking officers of FARDC, implicated in killing, torture, rape and other human rights violations. (Netherlands);
83. Ensure that all individuals, including members of the armed forces, police and intelligence services, suspected of committing crimes under international law or other serious human rights abuses are brought to justice in fair trials. (Denmark);
84. Intensify the efforts aimed at ensuring that those responsible for acts of sexual violence against women are brought to justice. (Italy);
85. Implement its road map against impunity for sexual violence, the law on sexual violence as well as other applicable laws, policies and programmes in compliance with international human rights standards to hold all offenders fully accountable and punished; implement an open, effective mechanism of access to justice for the victims in an expeditious manner; and establish a functioning rehabilitation scheme for the victims. (Slovakia);
86. Take effective measures to implement the laws on sexual violence adopted in 2006, the comprehensive strategy on combating sexual violence endorsed by the Government and the road map against impunity for sexual violence, investigate all cases of sexual violence and hold the perpetrators (including all members of the State security forces) accountable for their crimes. (Slovenia);
87. Continue and strengthen the efforts to eliminate impunity and ensure that all alleged perpetrators of crimes against international human rights and humanitarian law are brought to justice. (Sweden);
88. Take appropriate steps to strengthen the implementation of the comprehensive strategy on combating sexual violence and to improve the effectiveness of the prosecution aimed at ending impunity of the perpetrators of crimes. (Poland);
89. Implement with urgency its national strategy against sexual violence, and establish a mechanism to monitor the implementation of this strategy in consultation with civil society. (Norway);
90. Elaborate emergency programmes of appropriate medical and psychological care for rape survivors. (Poland);
91. Investigate allegations of rape being used as a weapon of war, and sanction perpetrators. (Chile);

92. Increase its efforts to reform FARDC, and bring the perpetrators of atrocious crimes committed against the wider population from within the military to justice. (Germany);
93. Ensure that officers and military personnel responsible for human rights violations, particularly sexual violence, are prosecuted, especially in cases which have been brought to the attention of the authorities by the Security Council. (France);
94. Adopt necessary legislative measures to halt impunity, with effective punishment of sexual violence and of recruitment of children into armed conflict. (Mexico);
95. Take all necessary measures to execute arrest warrants issued by the International Criminal Court. (Netherlands);
96. Fully cooperate with the International Criminal Court. (Brazil);
97. Bearing in mind the accusations of war crimes and crimes against humanity, incorporate the Rome Statute into the internal legislation as soon as possible. (Argentina);
98. Ensure that security sector reform remains a key priority, the first and most important steps being the adoption of the DRC's national security sector reform plan, coupled with practical measures to ensure the housing, pay and feeding of soldiers, particularly those deployed in the east. (United Kingdom);
99. Continue to pursue its search for ways and means to restore peace throughout the country as peace is quite essential for development and human rights protection. (Democratic People's Republic of Korea);
100. Ensure the safety of journalists and take further steps to create an environment conducive to a free and independent media. (United Kingdom);
101. Adopt measures to ensure protection of journalists and human rights defenders against harassment, attacks and arbitrary detention. (Czech Republic);
102. Ensure that members of political parties, media and civil society are permitted to exercise freely their rights to free expression, association and peaceful assembly according to international standards. (Netherlands);
103. Take further measures to protect the rights of human rights defenders and ensure that they, and also journalists, can be active in the country without facing threats to their safety. (Sweden);
104. Ensure that crimes and violations against human rights defenders and journalists are effectively investigated and prosecuted. (Norway);
105. Make further efforts to address reported cases of obstructions to human rights activities, including attacks and threats against journalists and human rights activists. (Republic of Korea);
106. Adopt an effective legal framework for the protection of human rights activists in line with the Declaration on Human Rights Defenders. (Slovakia);
107. End all forms of attacks and harassments as well as cases of arbitrary arrest of human rights defenders and address the problem of impunity for these acts. (Ireland);

108. Launch an urgent appeal to the international community to provide the Congolese population with aid for the strengthening of basic infrastructure, such as the construction of distribution centres for drinking water, roads, housing, power stations, etc. (Algeria);
109. Make the necessary efforts to increase spending on social programmes, particularly with respect to education and access to health. (Mexico);
110. Continue to develop efforts to implement strategies to reduce poverty in line with the Millennium Development Goals. (Angola);
111. Further strengthen natural resources management to end the diversion of profits to fund armed conflict. (Australia);
112. Take measures to diversify its economy with a view to reducing its dependence on the export of primary products. (Zimbabwe);
113. Continue to strengthen measures aimed at poverty eradication, facilitation of access to medical care and services, and education and housing, especially for the rural poor. (South Africa);
114. Continue the comprehensive efforts to improve the system of education. (Belarus);
115. Seek support from the relevant United Nations agencies and programmes in order to establish literacy programmes and strategies for the benefit of the population, in particular school-age children. (Algeria);
116. Guarantee effectively that education is free for all children. (Holy See);
117. Redouble its efforts to reduce poverty and increase national spending on education to eliminate the high level of illiteracy. (Azerbaijan);
118. Increase available resources for education. (Angola);
119. With the support of the international community, persevere in its efforts in education in order to guarantee the realization of this right for all and integrate education and human rights training in its curriculum. (Morocco);
120. Give priority to free education in the national budget allocations and take measures to prevent school drop out. (Uruguay);
121. Fully cooperate with the competent humanitarian organizations with a view to ensuring the protection of the internally displaced, particularly women and children. (Chile);
122. Associate human rights defenders in the following up and implementation of recommendations which it will accept in the context of its universal periodic review. (Belgium);
123. Seek the support of the international community in its post-conflict reconstruction phase, including capacity-building and training and institution building in the area of promotion and protection of human rights. (Egypt);
124. Seek the assistance of the international community to effectively support its efforts to face material, technical and financial challenges, which remain the major handicap to promoting fundamental human rights in the country. (Burundi).
95. The Democratic Republic of the Congo considers that recommendations Nos. 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 29, 31, 32,33, 35, 36, 37, 39,40,43,44,45,46,47, 48, 52, 53, 54, 57, 59, 60, 64, 65, 66, 67, 68, 69, 70, 71, 75, 76, 81,

84, 94, 96,101,104,107,114 above are either already implemented or in the process of implementation.

96. The following recommendations will be examined by the Democratic Republic of the Congo, which will provide responses in due time. The response of the Democratic Republic of the Congo to these recommendations will be included in the outcome report adopted by the Human Rights Council at its thirteenth session:

1. Establish land commissions at the community level. (Niger);
2. Consider issuing a standing invitation to all United Nations human rights special procedures (Brazil); consider extending a standing invitation to all special procedures of the Human Rights Council. (Latvia);
3. Extend an open and permanent invitation to the United Nations human rights special procedures mandate holders; (Chile) extend an open and permanent invitation to all special procedures; (Spain) issue open and permanent invitations to the special procedures. (Argentina);
4. Consolidate the process of national healing with a view to achieving long-term political stability. (Zimbabwe);
5. Seek support from the international community, and in particular the United Nations organs and programmes, in relation to human rights training; work against sexual violence, especially violence perpetrated against women; measures against child labour; the eradication of the phenomenon of “child soldiers”; security; assistance to families and communities in combating the effects of poverty and AIDS; education; and juvenile justice. (Côte d’Ivoire);
6. Set up a task force within the Ministry of Justice with international participation to combat arbitrary detentions and to seek urgent ways of improving the situation of prisoners. (Spain);
7. Develop a national action plan for FARDC in accordance with United Nations Security Council resolution 1612 (2005), working closely with the United Nations task force on monitoring and reporting, and prioritize the reintegration of children associated with armed groups, with a focus on family tracing and reunification, the provision of psychosocial support as well as education and vocational training. (Austria);
8. Consider developing a comprehensive plan for the training of the judiciary, as well as a structured remuneration package that addresses conditions of service. (South Africa);
9. Ensure access for all detainees to legal counsel and judicial oversight as well as the effective investigation and prosecution of alleged cases of torture by security forces. (Austria);
10. Implement the recommendations made by the Special Rapporteur on extrajudicial, summary or arbitrary executions during his recent visit to the Democratic Republic of the Congo. (France);
11. Strengthen measures to combat impunity with regard to the extreme violence against civilians, and in this regard take into account among others the recommendations of the Special Rapporteur on extrajudicial executions. (Netherlands);
12. Invite the international community to assist in the monitoring of the action plan against sexual violence. (Finland);

13. End impunity for crimes of sexual violence, establish effective mechanisms to prevent sexual violence, and ensure that victims have access to appropriate health care, in line with Security Council resolutions 1325 (2000) and 1820 (2008) and the Government's international obligations at large. (Sweden);
14. Work to ensure that the legislation necessary to give effect to the Rome Statute be adopted as soon as possible, prosecute all those accused of war crimes and crimes against humanity, regardless of their position in the hierarchy, and strip of their function in the army or civil service those identified as perpetrators of grave human rights violations. (Switzerland);
15. Ensure that International Criminal Court arrest warrants are executed regardless of rank; the Rome Statute is enacted into domestic law; demobilization and reintegration are accelerated; and the Security Council's recommendations on military officer screening and transitional justice are implemented. (Australia);
16. Establish a form of vetting mechanism for the promotion and training of the Armed Forces and remove and exclude members of the forces who are suspected of human rights violations, pending judicial investigation. (Netherlands);
17. Establish an independent vetting mechanism to exclude suspected perpetrators of gross human rights violations from the army, police and intelligence services. (Denmark);
18. Establish effective mechanisms of transitional justice. (Luxembourg);
19. Further professionalize the armed forces, including by regular and increased payment of wages. (Brazil);
20. Ensure that disarmament, demobilization, repatriation, resettlement and reintegration for rebel groups remains a high priority in operations against FDLR and the Lord's Resistance Army. (United Kingdom);
21. In order to fully implement an all-encompassing system that spans crime prevention to the eradication of impunity, hold periodic reviews, issue external progress reports and request technical support when necessary. (Japan);
22. Noting the responsibility to protect human rights defenders, develop a specific regulatory framework to ensure the security of journalists and civil society, and also of members of the political opposition. (Spain);
23. Forcefully denounce attacks against human rights defenders and that State authorities give human rights defenders legitimacy and recognition through supportive statements. (Norway);
24. Elaborate legislation for the protections of human rights defenders in consultation with civil society and the relevant international agencies, and adopt such legislation. (Canada);
25. Adopt a law to protect the rights of human rights defenders as well as a plan to ensure their security, particularly in the east of the country. Conduct an appropriate investigation and publicly condemn attacks against human rights defenders. (Belgium);
26. Adopt legislation at the national and provincial levels to protect human rights defenders and take effective measures to ensure its implementation. (Switzerland);

27. Put in place concrete policies to ensure that human rights defenders can conduct their work freely without any hindrance; in this regard one of the concrete steps to be taken is the establishment of a legal framework for the protection of human rights defenders. (Netherlands);

28. During the consultation on human rights defenders referred to by the Minister of Human Rights, invite the Special Rapporteur on human rights defenders to help establish laws and structures which will be in accordance with the realities of the country. (Ireland).

97. The following recommendations did not enjoy the support of the Democratic Republic of the Congo:

1. Grant to the Joint United Nations Human Rights Office and other independent mechanisms free access to places of detention of the National Intelligence Agency and the National Guard and any other detention centre that is still inaccessible to external observers. (France);

2. Pursue the implementation of the peace accords with a view to stabilizing and pacifying the eastern part of the Democratic Republic of the Congo and create suitable conditions to ensure and promote respect for international humanitarian law and the protection of the civilian population. (Canada);

3. Grant United Nations special rapporteurs regular access to detention facilities run by the National Intelligence Agency and the Republican Guard, and adopt a viable action plan to better address the urgent need for comprehensive penal system reform. (United States);

4. Significantly increase its commitment to fight impunity, specifically that it (a) suspend, investigate and prosecute as appropriate FARDC soldiers who have been identified as perpetrators of serious human rights abuses or crimes, including the FARDC's 213th Brigade, as well as the five members of the FARDC who were credibly accused of serious human rights abuses by MONUC and United Nations Security Council over the past year; and (b) establish an effective screening mechanism to vet the past human rights records of officers, particularly for important posts in the military. (United States);

5. Proceed to arrest and transfer to the Hague Mr. Bosco Ntaganda, who is subject to an arrest warrant by the International Criminal Court. (Italy);

6. Meet the commitment it has undertaken to cooperate with the International Criminal Court on cases that the Democratic Republic of the Congo government has self-referred to the Court and uphold its treaty obligations by arresting Bosco Ntaganda and transferring him to the International Criminal Court. (United States);

7. Put a vetting process in place in the Congolese security forces, based on the past record of its members, with the aim of preventing the recruitment of individuals who have committed human rights violations. (Canada);

8. Establish an independent mechanism in order to identify and take measures against members of the security forces who are responsible for serious human rights violations. (Ireland);

9. Bring to account individuals and groups who use inflammatory rhetoric. (Australia);

**10. Decriminalize consensual same-sex activity between adults. (Czech Republic);**

**11. Stop the intimidation, threatening and arrest of human rights defenders and journalists and release political prisoners who are still in detention. (Canada);**

98. 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. Mr. Upio Kakura Wapol, Minister of Human Rights, and composed of 10 members:

- Monsieur Dikanga Kazadi, Ministre de l'Intérieur, décentralisation, justice et droits humains de la province du Katanga;
- Monsieur Sébastien Mutomb Mujing, Ministre Conseiller à la Mission Permanente à Genève;
- Monsieur Fidèle Sambassi Kakhessa, Ministre Conseiller à la Mission Permanente à Genève;
- Monsieur Dieudonné Pieme Tutokot, Directeur de Cabinet adjoint du Ministre des Droits Humains;
- Monsieur Richard Lukanda Vakala Mfumu, Conseiller du Ministre des Droits Humains;
- Madame Sulubika Asha, Conseillère du Ministre des Droits Humains;
- Madame Esther Mputu Ekanga, Conseillère du Ministre des Droits Humains;
- Madame Suzy Mbadu Beysard, Stagiaire à la Mission Permanente à Genève;
- Monsieur Jean-Pierre Onemako, Attaché de Presse à la Mission Permanente à Genève;
- Madame Henriette Kayembe Mbalayi, Premier Conseiller à la Mission Permanente à Genève;
- Madame Bofando Laine, Attaché de Presse au Ministère de la Fonction Publique.

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