

The Parliament of the Republic of the Congo and human rights treaty bodies: strategies for enhanced cooperation



Seminar for Congolese parliamentarians and other socio-political actors organized jointly by the Inter-parliamentary Union (IPU), the Office of the United Nations High Commissioner for Human Rights (UNHCHR) in collaboration with the Parliament of the Congo

Brazzaville, 23-25 July 2008

Recommendations

The Congolese Parliament hosted from 23 to 25 July 2008 in the international conference room of the Parliament building a seminar on the theme *The Parliament of the Republic of the Congo and human rights treaty bodies: strategies for enhanced collaboration*. Organized under the second phase of an Inter-Parliamentary Union project on "The role of parliaments in the implementation of international and regional human rights treaties", the seminar brought together about one hundred participants, including parliamentarians and parliamentary staff, representatives of government, civil society and international organizations, and members of the national Human Rights Commission.

The seminar aimed to sensitize Congolese parliamentarians to human rights issues by involving them in the work of treaty bodies and in following up their recommendations. Moreover, it provided participants with an opportunity to familiarize themselves with international and regional mechanisms to promote and defend human rights.

Through the various presentations, participants were able to understand the importance of human rights to the promotion of democracy and the pivotal role that parliamentarians should play in the promotion and protection of those rights.

Regarding how the Congolese Parliament should deal with human rights issues, participants made the following recommendations:

- The parliament should procure a medium for disseminating information on human rights. That institutional mechanism should be supplemented by an array of specific laws in line with international human rights instruments;
- A body should be set up in both chambers of parliament to monitor the protection and promotion of human rights;
- The promotion of human rights should be placed at the centre of parliamentary action to prevent internal conflicts;
- A booklet for legislators and the general public on human rights should be produced jointly by the parliament, government and civil society as a tool for popularizing related issues;
- Human rights-related matters should be mainstreamed into school curricula;

- Freedoms and human rights should be strengthened by incorporating them systematically into campaigns on democratic culture when parliamentarians go out on the field;
- Collaboration should be enhanced among parliament, government and civil society in the area of promoting and protecting human rights; and
- Parliamentarians should be involved in the process of preparing country reports for treaty bodies and in the follow-up of their recommendations.

Participants unanimously expressed the need for parliament to take the issue of human rights on board. Such “ownership” should be reflected in the parliament’s organization, i.e. through its Bureau’s regulations, or various parliamentary bodies such as committees or networks. Participants also underscored the need for legislators and their staff to familiarize themselves with legal instruments and other legal texts. To that end, it is important to fit out documentation centres within parliament.

In order for parliament to effectively manage human rights, participants recommended the establishment of a mechanism to evaluate parliamentary action in that field. They also made the following related proposals:

- Set up a joint Congolese Parliament-UNDP programme with a set deadline;
- Boost parliamentary oversight over the elaboration and transmission of ratification documents to be deposited with the Office of the United Nations Secretary General; and
- Organize periodic meetings with civil society on human rights-related questions.

Participants applauded the fact that the Republic of the Congo had ratified most international treaties. However, they expressed concern over the irregular manner in which country reports were submitted to treaty bodies. Given the fact that such reports are intended to assess the human rights situation in the Congo, as well as to what extent commitments undertaken in ratified instruments have been honoured, and considering the information deficit that such delays can cause, participants recommended that the government submit those reports as soon as possible to the treaty bodies.

Furthermore, participants deplored the fact that treaty bodies lacked any means of coercion to encourage States parties to implement their recommendations, their display of timidity vis-à-vis States that openly breach international human rights standards; the gap between the marriage laws and custom on the issue of polygamy, the lack of communication on human rights matters and the absence of implementing legislation for the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Participants recognized the efforts made by the Republic of the Congo, in particular the framing of a bill on the promotion and protection of indigenous peoples, and suggested that its submission to parliament for adoption be expedited.

Regarding African human rights bodies, participants called for the review of the Charter of the African Commission on Human and Peoples’ Rights with a view to avoiding a conflict of interest between the Commission and the Pan-African Parliament.

Following the general presentations, the participants split up into working groups with a view to assessing the status of Republic of the Congo’s implementation of the recommendations made by human rights treaty bodies. Three working groups were formed to deal each with

one of the following themes: the right to education, the functioning and administration of justice, and promoting the future of children.

The first group noted the significant progress made by the Republic of the Congo in the area of education. Advances included the renovation of schools by international agencies and NGOs, the elimination of measures related to the payment of school fees, thereby allowing children of school-going age to access an education, particularly those from underprivileged sectors, and the organization in recent years of national examinations and the release of results within a reasonable deadline.

They furthermore underscored the pivotal role of education in the promotion of health, the prevention of HIV/AIDS, the acquisition of life skills, awareness about environmental protection, combating social violence, etc.

In this regard, they expressed the need to devise suitable and viable measures to educate young people. Aware of the active role of the authorities in regulating education and of the need to create an appropriate legislative environment that could serve as a framework for drawing up articulate and efficient policies for quality education, the participants made the following suggestions:

- Set up a parliamentary committee to assess existing legislation on education with a view to preparing a status report, on the basis of which a planning law could be drawn up;
- Bring this legislation in line with the provisions of international instruments, in particular the International Covenant on Economic, Social and Cultural Rights;
- Institute a day of awareness on the right to education just prior to the start of the school year or to coincide with 16 June, known as the “Day of the African Child”;
- Allocate at least 20 per cent of the national budget to the education sector in accordance with the lower limit set by UNESCO;
- Train teachers on a permanent and ongoing basis and pass a solid budget in order to pay them well.

Regarding the second working group on the functioning and administration of justice, participants recommended that the government implement the Optional Protocol on the Elimination of all Forms of Discrimination Against Women adopted by the Congolese Parliament in 2007 with a view to promoting women’s rights. Bringing up the question of women’s representation in political, legislative and management positions, they recommended the expeditious drawing up and submission to parliament of a relevant bill.

They condemned the growing number of incidents of rape, which was a source of suffering for the victims. To effectively deal with that scourge, the participants recommended the framing, passing and implementation of a law punishing rapists. With a view to facilitating the reintegration of rape victims into society, participants suggested that they should be afforded counselling, medical treatment, financial assistance and recourse to the judicial system.

They also expressed their concern over the systematic practice of torture, which constituted a human rights violation. As a step in the right direction, the participants suggested that information on laws prohibiting that practice should be widely disseminated in police stations and army posts.

In order to facilitate citizens’ access to the administration and meet their expectations, the participants appealed for the removal of administrative red tape and all other forms of

obstacles (inflexible opening hours, long queues, corruption, etc.) which prevent people from benefiting from administrative services.

Equitable justice can only be served if good conditions prevail. This would entail sound training for judges and an appropriate remuneration package. The participants regretted the fact that the branch of magistracy had been abolished although there was a growing need for those in that profession. To fill the gap in the number of magistrates, participants recommended that that branch of study be re-opened at the academy that trains top-ranking civil servants (Ecole Nationale d'Administration et de la Magistrature - ENAM). They also agreed that it was necessary to retrain magistrates periodically in order to update their knowledge.

The members of the third working group on the promotion of the future of children expressed concern over the ever growing problem of child exploitation and the vulnerability of street children who were marginalized and exposed to sexually-transmitted diseases - including HIV/AIDS - due to unprotected sex and to social problems such as human trafficking, street violence, drugs, dropping out of school early, recruitment by adults for illegal activities, etc.

In order to enhance the protection of children's rights, the participants recommended the following:

- Enhance awareness-raising among the general public about the principles and provisions of the Convention on the Rights of the Child in rural areas and isolated regions;
- Devise measures and formulate policies on the protection of the most vulnerable population groups, especially children;
- Increase financial, technical and human resources with a view to ensuring respect for the economic, social and cultural rights of children in the Congo;
- Develop information and sensitization programmes close to the population on the consequences of violence against children and on promoting preventive measures;
- Finalize and prepare a summary of the study on the adoption of Congolese children in keeping with relevant international conventions;
- Ratify the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, of 29 May 1993, and the Abuja multilateral accord of 7 July 2006 against the trafficking of human beings, especially women and children;
- Frame a law on the protection and promotion of the rights of persons with disabilities;
- Strengthen targeted information programmes and campaigns on HIV/AIDS prevention among young people and other vulnerable children;
- Conclude an accord between Benin and the Congo on combating child trafficking;
- Undertake an analysis of the situation regarding the worst forms of child labour in the Republic of the Congo;
- Update the list of ratified conventions and the list of implementing legislation for ILO Conventions Nos. 138 and 182 (on the effective abolition of child labour), which have already been ratified;
- Ascertain the status of the implementing legislation for the two Optional Protocols to the Convention on the Rights of the Child ratified in 2006.

Following the working group sessions, the participants drew up a national strategy on the basis of activities reports that had been submitted. The national strategy will be implemented by a pilot committee composed of seven members as follows:

- Hon. Claudine Munari, Second Secretary, Bureau of the National Assembly;
- Hon. Emmanuel Bete-Siba, Chairperson of the Committee on Legal Affairs of the National Assembly;
- Hon. Accel Ndinga Makanda, Member of the IPU parliamentary group in the National Assembly;
- Hon. Philomène Fouty-Soungou, First Secretary, Bureau of the Senate ;
- Hon. Alphonse Gondzia, Chairperson, Committee on Laws and Human Rights;
- Mr. Maurice Massengo Tiasse, Vice-President, National Human Rights Commission ;
- Mr. Jean-Gabriel Mavanga Bakala, Member of the Congolese Human Rights Watch.

The participants expressed their thanks to the Inter-Parliamentary Union and the Office of the United Nations High Commissioner for Human Rights for organizing the seminar which enabled them to gain new knowledge in the area of promoting and defending human rights. They also expressed the wish to benefit further from IPU support, particularly with regard to implementation of the national strategy that was devised during this event.

They also thanked the Congolese Parliament for hosting the seminar.

Done in Brazzaville on 25 July 2008