

EU ANNUAL REPORT ON HUMAN RIGHTS AND DEMOCRACY IN THE WORLD 2019 COUNTRY UPDATES

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1. Overview of the human rights and democracy situation : Although the fundamental freedoms of the majority of the Congolese people are respected, serious human rights violations occurred in 2019, due to general shortfalls in the police, judiciary and penitentiary system and when dealing with minorities and vulnerable groups. A climate of impunity persists while practices of summary executions have been noted. NGOs routinely denounce the harsh conditions faced by prisoners in detention centres (including torture and severe malnutrition). Vulnerable groups, in particular women and indigenous peoples, continue to be discriminated against and are respectively subject to domestic violence and forced labour. The ratified international treaties have not been transposed into Congolese law and human rights are not effectively taken into account by the judiciary due to a lack of knowledge of the issues at stake and the means of implementation. The rights enshrined in the 2015 Constitution remain largely unenforced.

As a result, the media impose self-censorship for fear of being accused of ‘threatening the security of the state’. For the time being, the detention of journalists is not to be deplored, but the risk to them remains in a worrying pre-electoral context. Civil society in general and the traditional driving forces behind the promotion of human rights (opposition political forces, media, academic elites, diaspora) are too weakly structured, organised and supported to have any real influence.

At the 2018 Universal Periodic Review (UPR), the Republic of Congo had accepted 97 per cent of the recommendations made. A number of them, notably those regarding indigenous peoples, stateless persons, women's rights and the fight against human trafficking have already been implemented during 2019.

Important commitments were made in the framework of the International Conference for the Great Lakes Region in May 2019 concerning the ratification of international treaties, the end of impunity and respect for human rights. However, the translation of these non-binding declarations into concrete measures is lacking. In February 2019, the signature of a protocol with some twenty NGOs involved in the advancement of human rights was marked by the refusal to participate of two of them, fearing limitations in their intervention.

2. EU action - key focus areas : The dialogue between the Ministry of Justice and the European Union has been strengthened in line with the progress made in 2018. A ‘Justice’ sectoral political dialogue with the government on the problems of adapting Congolese law and the Congolese judicial system to human rights protection issues took place in June 2019. This dialogue will continue with a next session in March 2020, during which issues of electoral governance will also be raised. In 2019, the EU contributed to the effective functioning of the emergency mechanism of the European Instrument for Democracy and Human Rights (EIDHR) and continued to monitor the agreement signed in February between the eighteen HRDOs and the Ministry of Justice.

3. EU bilateral political engagement: The sectoral political dialogue with the Ministry of Justice, launched in 2018 in the framework of the (now finished) PAREDA project (‘Projet d'Actions pour le Renforcement de l'Etat de Droit et des Associations’) focused, in 2019, on the nine draft legislations concerning changes to criminal and civil law, as well as the implementation of alternative methods for dispute resolution.

The EU maintained its dialogue with civil society organisations through formal and informal venues to share views and discuss key human rights concerns. EU organised a number of events linked to Human Rights, such as the month of the Woman in partnership with the Institut Francais du Congo, the fourth edition of the 'Fortnight Week of Human Rights' in Brazzaville and Pointe-Noire (together with France) and a competition for Law students on the theme of Human Rights. France organised a conference on violence against women and one on the world environmental pact.

4. EU Financial engagement: The two EIDHR projects which started in 2018, for a combined budget of EUR 715.000, namely: i) 'Strengthening the role of civil society in the three districts of Lékoumou to promote respect for human rights and consolidate the rule of law'; and ii) 'Project to monitor and evaluate public debt in the Republic of Congo (PROSEREPCO)', continued their activities. Also supported by the EIDHR, the project PACTE ('Prévenir et Agir Contre la Torture et les Détentions Arbitraires Ensemble' – EUR 341.000) to combat torture and arbitrary detention, was launched in 2019, for a duration of three years. The 'Commissariat Modèle' (exemplary police station) initiative is currently supported by France. With regard to the defence of vulnerable groups, the project 'Strengthening capacities for the promotion and protection of the rights of the indigenous peoples of the Bouenza region – EUR 335.000' was selected and started its activities in 2019. General accompanying measures continued in 2019 with a total budget of EUR 104.000. A new Call for proposals worth EUR 972.000 will be launched in 2020.

5. Multilateral context: The government began the process of ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty. Despite accession to the 'Hague Convention' limiting individual adoption, the submission of the report on the implementation of the Convention on the Rights of the Child in 2019 highlighted a worrying deterioration in children's rights.

The National Human Rights Commission was re-established in 2019. Suffering from a lack of financial and human resources, it has started a discussion with the United Nations Information Centre (UNIC) with a view to obtaining a training plan for its members.