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Items 3 and 4 of the provisional agenda*

Follow-up to the recommendations of the Permanent Forum

Human rights

Information received from Governments

Democratic Republic of the Congo

Summary

This document contains the responses of the Government of the Democratic Republic of the Congo to the questionnaire sent to Member States concerning the recommendations of the seventh session of the Permanent Forum.

* E/C.19/2009/1.



I. Economic and social development

1. The Government has consulted all social groups (including indigenous peoples) during the preparation and implementation of the relevant measures, which include:

- (a) Act No. 011/2002 of 29 August 2002 on the forestry code and Act No. 007/2002 of 11 July 2002 on the mining code;
- (b) The poverty reduction strategy paper (PRSP);
- (c) The multisectoral emergency and rehabilitation programme (PMURR).

II. Indigenous women

2. The Government has the necessary determination and political will to reduce the illiteracy rates of both men and women by the year 2015 by means of a steady increase in the number of literacy centres and capacity-building through training of trainers.

III. Second International Decade of the World's Indigenous Peoples

3. The political and economic situation of the country prevents it from making generous contributions to the support fund for the second Decade.

IV. Obstacles to implementation of recommendations of the Permanent Forum on Indigenous Issues

4. The obstacles are:

- (a) Political and institutional: the situation of armed conflict, especially in the eastern areas of the Republic;
- (b) Economic and financial: lack of State funds to address the many challenges;
- (c) Social:
 - (i) Attachment to ancestral customs and mores;
 - (ii) A natural environment that is often inhospitable to new ideas.

V. Factors facilitating implementation of recommendations of the Permanent Forum on Indigenous Issues

5. The facilitating factors include:

- (a) The resumption of bilateral and multilateral cooperation;
- (b) The gradual restoration of peace in the country;
- (c) Democratization of the country.

VI. Laws, policies and other instruments designed specifically to deal with indigenous peoples' issues

6. The Constitution of the Democratic Republic of the Congo of 18 February 2006 makes the following provisions:

(a) All Congolese are equal before the law and have the right to equal protection by the law (article 12);

(b) In education, access to public services or any other area, no Congolese shall be subject to discrimination, whether on the basis of law or executive action, on the grounds of religion, family origin, social status, residence, political opinions or convictions or of belonging to a race, ethnic group, tribe or cultural or linguistic minority (article 13);

(c) The State has the duty to ensure and promote the peaceful and harmonious coexistence of all of the country's ethnic groups.

It also ensures the protection and promotion of vulnerable groups and of all minorities. It ensures their development (article 51).

7. The following international agreements and conventions have been ratified:

(a) United Nations Declaration on the Rights of Indigenous Peoples;

(b) African Charter on Human and Peoples' Rights.

VII. Some of the ministries dealing with relevant aspects of indigenous peoples' issues

8. The human rights, environment, interior, and social affairs and humanitarian action ministries are involved.

VIII. Other aspects

9. A national capacity-building service exists: the National Secretariat for Capacity-Building (SENAREC).

10. The Government of the Democratic Republic of the Congo has ratified the United Nations Declaration on the Rights of Indigenous Peoples and the Constitution has reaffirmed in that regard the attachment of the Democratic Republic of the Congo to human rights and fundamental freedoms such as those proclaimed by the international legal instruments to which it has acceded.

11. Pursuant to article 42 of the Declaration, the Permanent Forum could engage in a constructive dialogue with Member States in order to promote respect for and full application of the provisions of the Declaration by establishing monitoring mechanisms to reiterate its unequivocal interest in that subject. Such action could only be taken with the indispensable support of the international community.