over the situation of women in conflict areas and where refugee populations were high. The Committee expressed regret that the oral report had not adequately reflected the close link between discrimination against women, gender-based violence, and violations of women's human rights and fundamental freedoms. The Committee noted the need for effective and immediate measures to protect the physical and moral integrity of refugee and displaced women and all women victims of armed conflict. The Committee recommended that the government include in its presentation of the initial and subsequent reports at future sessions information on the consequences of armed conflict for women in the DR Congo as well as refugee women from neighbouring countries.

Torture
Acceded: 18 March 1996.
DR Congo's initial report was due 16 April 1997.

Rights of the Child
Signed: 20 March 1990; ratified: 27 September 1990.
DR Congo's initial report was due 26 October 1992.

COMMISSION ON HUMAN RIGHTS

Special Rapporteur on the human rights situation in the Democratic Republic of Congo

The CHR, in resolution 1994/87, created a Special Rapporteur to examine the situation of human rights in Zaire (now the Democratic Republic of the Congo), and appointed Roberto Garreton to that position. The report of the SR to the 1997 Commission, plus two addendums (E/CN.4/1997/6; E/CN.4/1997/6/Add.1; E/CN.4/1997/6/ Add.2) are based on circumstances and conditions under Mobutu's government. Bearing in mind that a state's obligations to promote and protect human rights do not change with the government, responsibility for addressing the violations and areas of concern outlined in the reports devolved to the new government.

The reports outline a number of areas in which human rights are violated or where provisions in law or practice remain a concern. These include: application of the death penalty; political assassinations; enforced disappearances; arbitrary deprivation of life by excessive use of force in repressing crime; arbitrary deprivation of life through abuse of power shielded by impunity; death by torture; death through failure to perform the duty to protect life; and, deaths from failure to perform the duty to protect life during armed conflicts. The SR denounced the rape of women detainees and noted that rape of women was a common feature in actions by police and security forces outside a prison setting. The SR also noted that security of the person was violated in various incidents involving armed raids on private homes, soldiers firing indiscriminately in the market place, raids on medical centres, and the arbitrary banning of freedom of movement. The SR reported that the right to liberty was severely compromised, specifically stating that arbitrary arrests were facilitated by the non-existence of habeas corpus and by anarchy in the functions assigned to various police services, all of which were empowered *de jure* or de facto to arrest people.

Other rights consistently violated by the previous government included: right to privacy related to attacks on homes and interference with correspondence; right to fair trial related to lack of judicial equality between parties, lack of independence of the judiciary, and impunity for perpetrators of human rights violations; freedom of opinion and expression — related to dismissal of employees from state-owned media for political reasons, compulsory disclosure of sources, harassment of journalists and other media professionals; freedom of association — related to attacks by authorities on human rights NGOs and repressive action taken against organizations working in the area of education for democracy; freedom of assembly — related to excessive use of force by security personnel to break up student demonstrations; right to dignity of person — related to, among other concerns, slavery and slavery-like practices used by the military against civilians in the eastern part of the country; and, right to nationality — related to the status of indigenous peoples in the eastern part of the country, as well as the practice by government of deprivation of nationality as a means to punish political dissent.

In terms of economic, social and cultural rights, the SR stated that the economic decline had had a negative impact on the enjoyment of economic, social and cultural rights, and that there appeared to be no effort made to ensure, among other things, equality of opportunity for all in their access to basic resources, education, and health services. A number of economic, social and cultural rights were identified as remaining in jeopardy and included the right to education (accounting for 2 per cent of the national budget), the right to health (1.3 per cent of the budget), and the right to work (including delays by the state in payment of salaries to public officials).

The SR notes that previous recommendations had not been implemented, particularly in the areas of: the effective separation of police and defence forces; an end to the impunity enjoyed by members of both forces; adequate training; respect for the independence of the judiciary; acceptance of and respect for the work of NGOs; and the institution of a climate of respect for all the country's inhabitants, free of any ethnic discrimination, in the enjoyment of their human rights.

The addenda to the SR's main report refer to fact-finding missions focused on the situation in regions affected by ethnic conflict . Sections of the reports address issues such as the origins of violence in Northern Kivu, the problem of nationality, the rivalry between Hutus and Tutsis in DR Congo, the state of conflict as of July 1996, conflict between Tutsis and indigenous ethnic groups, and conflicts between indigenous peoples and the former Zaïrian Armed Forces. The report of the first mission noted three areas in which the former government had failed to meet its international obligations, namely: failure to prevent incitement to violence and racial or national hatred; direct involvement of military and security forces in attacks, pillaging and burning and expulsion of Congolese from the country; and failure to take all necessary steps to eliminate impunity which in the SR's view, remained an incentive to the abuse power, pillaging and robbery. The rights repeatedly violated in the conflict zone were noted as including freedom from racial and/or ethnic discrimination, the rights to life, physical and mental integrity, the right to a nationality, the right to live in one's own country, the right to choose one's own place of residence and the right to security.