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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Reports submitted by States parties to the Covenant, in
accordance with Council resolution 1988 (LX), concerning
rights covered by articles 13-15

ZAIRE

[3 February 1987]

INTRODUCTION

In Zaire, the right of peoples to self-determination is enshrined in article 10 of the Constitution, in which ownership of the national soil and subsoil is conferred on the State. This is a way of affirming the sovereignty of the State, and consequently of the people, over natural and mineral resources. Pursuant to this constitutional provision, the Land Act of July 1973, as amended in 1982, defines the conditions governing concessions that individuals may enjoy.

It should be borne in mind that, under article 31 of the Constitution, all aliens living in the territory of the Republic of Zaire enjoy the same protection as nationals in regard to their person and property, except as provided for by law.

Under the Act establishing the general property régime, the system of tenure of land and real estate and the system of warranties, only Zairians can acquire ownership in perpetuity of buildings that they construct, the right of aliens in this respect being limited to 30 years although it can be renewed. That is the only difference. At all events, there is no distinction or discrimination in Zaire on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, wealth or birth etc., in regard to enjoyment of the recognized rights of individuals.

Men and women have equal rights in Zaire; they are equal before the law and entitled to equal protection by the law, under the terms of article 12 of the Constitution. Likewise, no discriminatory measure can be applied between men and women in any respect whatsoever. However, as frequently happens, equality is not absolute. For example, under the Act relating to names, only the father is entitled to confer his patronym on his children. A married woman must also seek her husband's permission to work outside the home. However, in the event of an unjustifiable refusal, she may apply to the courts (new Family Code). The same applies to the opening of a personal bank account by a married woman.

ARTICLE 13. THE RIGHT TO EDUCATION

1. Principal texts and measures.

"The care and education to be given to children constitutes, for parents, a right and a duty which they shall exercise under the supervision and with the help of the People's Movement for the Revolution" (Constitution, art. 19, para. 1).

"The instruction of young persons shall be assured by the national education system, which includes the public schools as well as private schools that are approved and supervised by the People's Movement for the Revolution". (Constitution, art. 20, para. 1). The aim of the national education system is to fulfil the State's obligation to enable all Zairians to exercise their right to education; it also enables the parents to fulfil their duty to educate their children under the supervision and with the help of the State (art. 2 of the Outline Law No. 86-005 (National Education) of 22 September 1986).

The ultimate objective of national education is the harmonious training of the Zairian, as an activist in the People's Movement for the Revolution and a responsible citizen, useful to himself and to society, and capable of participating in the development of the country and the national culture.

Non-discrimination in national education, regardless of ethnic or racial origin, social status, sex and the religious options proclaimed by the Outline Law on National Education, promotes understanding, tolerance and friendship among all nations and all social, ethnic and religious groups and consequently falls within the development of United Nations peace-keeping activities. The State, which supervises all educational establishments under the terms of article 7 of the Outline Law on National Education, is under an obligation to ensure the education of young persons and adults in a manner consistent with the ideals of the People's Movement for the Revolution.

2. Primary Education

The State has an obligation to ensure the school enrolment of children at the primary education level (art. 9 of the Outline Law on National Education).

Education is therefore compulsory for every male or female Zairian child aged between 6 and 15 years. The obligation of every Zairian child to attend school begins at the first primary year and ends when the child has completed his primary studies or when, without having completed them, he reaches the age of 15 years (art. 115, para. 1, of the Outline Law on National Education).

However, the obligation to attend school is enforced in successive phases, as determined by the Executive Council in the light of local particularities and the general development plan for national education (op. cit., art. 115, para. 2).

The head of the family or the person exercising parental authority or guardianship over minor children, in accordance with the Zairian Civil Code, must meet the obligation to ensure their education by enrolling his children either in an approved private establishment (op. cit., art. 116-117) or in an official establishment.

He is liable to imprisonment for a maximum period of one month and/or a fine of up to 500 zaires if he fails to fulfil that obligation, unless proof can be provided of a justified denial of access to his children or of the non-existence of an establishment within a radius of 5 kilometres from his place of residence, or in the event of duly established poverty (op. cit., art. 117).

Although primary education is compulsory in Zaire, as can be seen from the above-mentioned legal provisions, it is no longer free of charge. Due to the difficult economic circumstance with which the country is faced, the State, which formerly bore almost all the costs of child education, decided that parents should contribute. That measure was based on the principle that child education was the responsibility of parents as well as the State. This reduction in the cost to the State enabled the latter to channel the resources released in this way to other vital sectors. Although the cost of the textbooks and other academic requisites for the personal use of pupils and students is borne by the parents, it should be noted that the Zairian State

has never abandoned the ideal of free primary education, as can be judged from the moderate school fees laid down by the State for the entire system, including both official and private schools.

3. The right to secondary education

Secondary education is available to all children who meet the legally prescribed conditions.

In this connection, article 25 of the Outline Law on National Education stipulates that: "Only students holding a certificate of primary education, and who are under 16 years of age at the beginning of the academic year, shall be admitted to the first year of secondary education, unless exemption is granted under conditions to be laid down by statute".

For the same reasons as those explained in the case of primary education, free education is not being considered, for the moment, at the secondary educational level. However, it should be noted that, as in the case of primary education, the policy that is being pursued in this respect enables the Zairian State to remain as close as possible to the ideal of free education in view of the moderate financial contribution, which almost all parents are able to afford.

An improvement in the financial situation will eventually enable Zaire to consider a gradual return to secondary education free of charge.

4. The right to higher education

Higher education is available to all on a basis of full equality. To this end, it is necessary to fulfil the conditions laid down in article 33 of the Outline Law on National Education, which stipulates that: "No one shall be admitted to an establishment of higher or university education unless he holds a certificate of completion of his secondary education or a certificate that is recognized as equivalent under the provisions of the regulations in force".

Being aware of the fact that highly qualified technical personnel are indispensable for the country's development, Zaire is sparing no effort to promote higher and university education.

Up until recently, when the economic situation permitted, Zaire made a general principle of granting fellowships to all students attending institutions of higher education and universities.

Although, in principle, a fellowship constitutes a loan and not a gift, the Zairian State has never recovered this debt from its former fellowship-holders. Thus, the policy of free education is currently being applied. For the same reasons as those explained in the case of primary and secondary education, although the principle of fellowships for all has been abandoned, they are still awarded to students who have obtained marks of at least 60 per cent. Here again, the State has always refrained from recovering the amounts of these fellowships, even though they normally constitute a loan.

5. The right to fundamental education

Zaire recognizes the obligation of States to combat illiteracy. Accordingly, the Central Committee has undertaken to ensure that every Zairian is able to read, write and count (State decision No. 44/C.C./86 of 11 April 1986 concerning national education).

Article 9 of the Outline Law on National Education further stipulates that: "The State has an obligation to ensure the school enrolment of children at the primary educational level and to ensure that every adult Zairian is able to read, write and count".

The State therefore has an obligation to take all the appropriate steps at the structural, educational, administrative and financial levels to combat illiteracy. Furthermore, with a view to ensuring ongoing education for adults, a permanent interdisciplinary education centre, known by its acronym CIDEP, has been established. Instruction is organized in the form of evening classes so that persons working during the day can benefit therefrom.

6. The development of a system of schools

National education is provided at the kindergarten, primary, secondary, higher and university levels (art. 16 of the Outline Law on National Education). Reference has already been made to the problem of free education and the difficulties that this implies for a young country.

National education is available at public and approved private teaching establishments (art. 6, para. 1, of the Outline Law on National Education and art. 20 of the Constitution).

Parents have the right to send their children to the educational establishment of their choice and to give them the intellectual, moral and religious education which they deem appropriate, without authorization and with the help of the People's Movement for the Revolution (art. 10 of the Outline Law on National Education). It is prohibited for any person to engage in acts prejudicial to the freedom of education by inducing the head of a family to place his child in, or withdraw his child from, an educational establishment ... (op. cit., art. 132).

By law, any person who engages in such acts is liable to a penalty of imprisonment for a period of up to three months and/or a fine of 500 to 1,000 zaires.

Private schools must be approved before they can be opened; this enables the State to determine whether these schools meet the national education standards (op. cit., arts. 19 to 60).

Approval of a private establishment signifies official recognition of its teaching standard and of the academic certificates and diplomas that it issues (op. cit., art. 58).

It should be noted that, in Zaire, colleges of higher or university education can be established only by the State which, however, may entrust their management to private individuals or bodies corporate (State decision No. 44/C.C./86 of 11 April 1986, concerning national education).

This principle is also laid down in article 42 of the Outline Law on National Education, paragraph 2 of which stipulates that the Executive Council is solely responsible for the formulation and implementation of national policy in regard to higher and university education.

7. Improvement of the material conditions of teaching staff

In State decision No. 44/C.C./86 of 2 April 1986, concerning national education, the Central Committee called upon the Executive Council (Government) to make every effort to improve the living and working conditions of teachers.

The same concern is expressed in article 12 of the Outline Law on National Education, which also recognizes the right of teaching staff to participate in the management of educational establishments.

Statistical information concerning the application of the right to education will be provided in subsequent reports.

ARTICLE 14. THE PRINCIPLE OF COMPULSORY EDUCATION FREE OF CHARGE FOR ALL

In connection with the preceding article, reference has already been made to the economic difficulties that have forced the Zairian State to discontinue the provision of education completely free of charge and to require that parents make a financial contribution which, however, remains nominal in view of the moderate school fees and the substantial financial contribution that is still borne by the State itself.

As soon as the economic situation has improved, Zaire will once again be able to consider the provision of education free of charge at the primary level.

As has already been emphasized, in view of the moderate cost of school fees, Zaire remains as close as possible to the ideal of education free of charge at the primary level.

Reference has already been made to texts and measures that have been adopted in fulfilment of the obligation to ensure primary education for the population.

ARTICLE 15. THE RIGHT TO TAKE PART IN CULTURAL LIFE AND TO BENEFIT
FROM SCIENTIFIC PROGRESS AND FROM THE PROTECTION OF
THE INTERESTS OF AUTHORS

1. The right to take part in cultural life

The right of every citizen to take part in cultural life is set forth, in general, in the provisions of the Constitution and in other texts adopted in application thereof, by which fundamental freedoms are guaranteed. Reference can be made, in particular, to the preamble to the Constitution, under which the people are assured of their cultural independence. The right of every citizen to the free development of his personality in a manner that is not prejudicial to the rights of others or to public order, as stipulated in article 14, paragraph 1, of the Constitution, also implies the right to take part in cultural activity.

The dissemination and protection of culture which, in Zaire, is based on the policy of authenticity, are assured by and through the Department of Culture and the Arts, which possesses an assistance fund for that purpose. It should also be noted that there is a Mobutu Sese Seko Fund, which is intended to assist and promote culture.

With regard to the plastic and theatrical arts, the image of Zairian culture in particular, and of African culture in general, is being developed by the Academy of Fine Arts, the National Institute of Arts and the various theatrical troupes, including the National Ballet. The encouragement that is being given to Zairian musicians to study and improve the propagation of national musical culture is well known throughout black Africa, in the principal capitals of which Zairian artists and musicians are performing to an increasing extent, thereby making a name for themselves on the African international artistic scene.

The policy of authenticity is the best way to develop the particular culture of each ethnic group of the Zairian population.

As in the case of the education sector, the inadequacy of financial resources is impeding the development and dissemination of culture and, in particular, the efforts to assist and support artists.

2. The right to enjoy the benefits of scientific progress and its applications

This right is being enjoyed primarily through the system of higher and university education. To this end, the libraries of universities and higher educational establishments are playing an effective role in making world-wide scientific knowledge available to young Zairians. There is also a National Library, which is open to the public every day.

The development of the programme for the construction of ground stations in each major regional city enables the population of the hinterland to keep pace with the capital through the direct transmission of radio and television broadcasts that can be received live in the interior of the country through regional stations.

However, this sector is also facing the acute problem of financial resources. Nevertheless, the efforts that have been made in this field have made it possible to achieve a very substantial overall result.

3. Protection of the moral and material interests of authors

Copyright is protected and guaranteed by various provisions of national laws and of international conventions to which Zaire has acceded such as, in particular, the Berne Convention for the Protection of Literary and Artistic Works.

The protection of copyright is ensured by a central organization, SONECA, which is backed by the State. Industrial and commercial property is also protected by the penalties that the law prescribes for any infringement of the legislation promulgated to that end.

The development of reproduction techniques, particularly in the cassette and video industry, has had serious repercussions on the protection of copyright. An international effort must therefore be made to deal with this situation through the proposal of a more effective system for the protection of those rights.

4. The right to freedom of scientific research and creative activity

Scientific research is carried out mainly by universities, higher educational establishments and specialized research institutions. In the latter case, reference can be made to the various regional stations of the National Institute for Agronomic Research. There is also a Centre for Nuclear Studies at Kinshasa, which has been granted the status of a regional agency for OAU member States.

Exchanges of scientific information take place at national and international seminars and conferences. Exhibitions also help to disseminate scientific information. At Kinshasa, a national fair is held every year and an international fair every two years. Through the exhibitions that are organized on those occasions, these fairs also constitute a forum for the exchange of information.

Unfortunately, the organization of meetings at the national and international levels inevitably requires considerable financial resources that the country does not always possess. Nevertheless, appreciable efforts have been made in spite of the limited resources. This therefore constitutes a highly important factor without which it would be difficult to implement or develop the policy of promoting international and national contacts.