



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined third to fifth periodic reports of the Democratic Republic of the Congo\*

#### I. Introduction

1. The Committee considered the consolidated third to fifth periodic reports of the Democratic Republic of the Congo (CRC/C/COD/3-5) at its 2168th and 2169th meetings (see CRC/C/SR.2168 and 2169), held on 18 and 19 January 2017, and adopted the present concluding observations at its 2193rd meeting, held on 3 February 2017.

2. The Committee welcomes the submission of the consolidated third to fifth periodic reports of the State party and the written replies to its list of issues (CRC/C/COD/Q/3-5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress made by the State party in implementing the Convention and notes as positive its latest ratifications of international human rights treaties, especially its accession to the Convention on the Rights of Persons with Disabilities on 30 September 2015.

4. The Committee notes also the legislative, institutional and policy measures adopted to implement the Convention, in particular the Act amending the Family Code of 1987, adopted on 15 July 2016, which introduces some measures against child marriage, and the framework Law on education of 11 February 2014. The Committee welcomes the establishment of the National Commission for Human Rights in March 2013, and the adoption of a number of strategies and plans, including the National Education Strategy, the national plan for developing literacy and informal education (2012-2020), the action plan to combat the recruitment and use of children, and other grave violations of children's rights, by the armed forces and security services (2012), the national action plan to end child

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\* Adopted by the Committee at its seventy-fourth session (16 January-3 February 2017).



marriage (2015-2018) and the national action plan for orphans and vulnerable children (2016-2020).

### **III. Factors and difficulties impeding the implementation of the Convention**

5. The Committee notes the persisting effects of the armed conflict, owing to the presence of armed groups in parts of the State party, which have led to severe violations of children's rights. It also notes that the political instability may constitute an obstacle to the implementation of the rights enshrined in the Convention. The Committee reminds the State party of the continuity of international human rights obligations and that the rights under the Convention apply to all children at all times. The Committee also reminds the State party that it bears the primary responsibility to protect its population and should therefore continue to take immediate measures to stop further deterioration of the situation and to prevent violence against children.

### **IV. Main areas of concern and recommendations**

6. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: the right to life, survival and development (paras. 18 and 19), birth registration (para. 22), gender-based and sexual violence against children (para. 26), harmful practices (paras. 28 and 30), education and aims of education (para. 40), the administration of juvenile justice (para. 45) and follow-up to the Committee's previous concluding observations and recommendations on the implementation of the Optional Protocol to the Convention on the involvement of children in armed conflict (para. 48).

#### **A. General measures of implementation (arts. 4, 42 and 44 (6))**

##### **Legislation**

7. **Noting the insufficient implementation of legislation, in particular of the Act of 10 January 2009 on the protection of children (Child Protection Code), the Committee recommends that the State party take all measures necessary for implementing its legislation in compliance with the Convention, in particular by expediting the adoption of the decrees to establish mechanisms for the implementation of such legislation. It also recommends that the State party ensure that the human, technical and financial resources for the implementation of legislation providing for the rights of children are adequate and sufficient.**

##### **Comprehensive policy and strategy**

8. **While noting the numerous new strategies and plans of action adopted by the State party in many areas under the Convention, the Committee recommends that the State party adopt a national comprehensive policy on children that encompasses all areas covered by the Convention and, on the basis of the policy, develop a strategy, including the elements necessary for its application, and support the strategy with sufficient human, technical and financial resources.**

### Coordination

9. Noting that the national council for children envisioned in the Child Protection Code as a coordinating body for activities to implement the Convention is not yet operational, the Committee recommends that the State party accelerate the signing of the decree to make the council operational and provide the council with appropriate human, technical and financial resources to ensure that it functions effectively.

### Allocation of resources

10. With reference to general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party set up a budgeting process that includes a child rights perspective and specifies clear allocations to children in the relevant sectors and agencies, including specific indicators and a tracking system to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention, including by:

(a) Setting performance targets linking child-related programme goals to budget allocations and actual expenditures, to allow for the monitoring of outcomes and impacts on children, including those in vulnerable situations;

(b) Developing disaggregated budget lines and codes for all planned, enacted, revised and actual expenditures that directly affect children;

(c) Using budget classification systems that allow for expenditures related to the rights of the child to be reported, tracked and analysed;

(d) Ensuring that the fluctuation of or reduction in budget allocations for the delivery of services does not have a negative impact on the existing level of enjoyment of children's rights;

(e) Ensure that services aimed at children are not compromised by the State party's other commitments, including the organization of nationwide elections and defence-related expenses;

(f) Strengthening audits to increase the transparency and accountability of public expenditure across all sectors and reduce wasteful and irregular expenditure, including that related to corruption, in order to mobilize the maximum available resources for the implementation of the rights of the child;

(g) Expediting the reform of its fiscal policy in order to ensure that it is adequate, progressive and socially equitable and improves tax collection so as to increase the resources available for implementing children's rights.

### Data collection

11. In the light of general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party establish a centralized data collection system, and reiterates its previous recommendation (see CRC/C/COD/CO/2, para. 21) that the State party use the data collected as a basis for assessing progress achieved in the realization of child rights and to help design policies to implement the Convention. The State party should ensure that the information collected can be disaggregated by, inter alia, age, sex and geographic location and that it contains up-to-date data on a wide range of vulnerable groups, including former child soldiers, children living in poverty, street children and working children.

#### **Independent monitoring**

12. In view of the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party ensure that the National Commission on Human Rights is independent, including with regard to its funding and mandate and the appointment and remuneration of its members, so as to ensure full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The State party is encouraged to establish, either within the Commission or separately, a mechanism dealing specifically with children's rights that can receive, investigate and address complaints from children.

#### **Cooperation with civil society**

13. Noting the difficulties faced by non-governmental organizations in obtaining legal status, which in turn limits their access to funding, the Committee recommends that the State party facilitate the work of such organizations by ensuring their registration. It also recommends that the State party strengthen further its collaboration with civil society organizations, including by providing support necessary to their activities in all areas related to the promotion and protection of the rights of children.

#### **Children's rights and the business sector**

14. In the light of general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and given the fact that extractive industries continue to cause the destruction of lands, ecosystems and the livelihoods of families, in particular indigenous families with children, and forcing them into situations of internal displacement, the Committee recommends that the State party establish and implement regulations to ensure that extractive industries comply with international and national human rights, labour, environment and other standards, particularly with regard to children's rights. In particular, it recommends that the State party:

(a) Establish a clear regulatory framework for the extractive industries operating in the State party to ensure that their activities do not negatively affect human rights or endanger the enforcement of environmental and other standards, especially those relating to children's rights;

(b) Ensure effective implementation by companies, especially those in extractive industries, of international and national environment and health standards and effective monitoring of the implementation of those standards, ensure that appropriate sanctions are imposed and remedies provided when violations occur, and ensure that appropriate international certification is sought;

(c) Require companies to undertake assessments and consultations regarding the environmental, health-related and human rights impacts of their business activities and to provide full public disclosure of such impacts and their plans to address them;

(d) Be guided by the "protect, respect and remedy" framework, recognized by the Human Rights Council in 2008, while implementing these recommendations.

## **B. General principles (arts. 2, 3, 6 and 12)**

### **Non-discrimination**

15. While noting the persistent discrimination against children in vulnerable and marginalized situations, including children with disabilities, children with HIV/AIDS, children accused of witchcraft, children with albinism, indigenous children, lesbian, gay, bisexual and transgender children, demobilized child soldiers and internally displaced children, and the lack of an overall strategy to combat such discrimination, the Committee recommends that the State party adopt comprehensive legislation prohibiting discriminatory behaviour on any grounds. The Committee, reiterating its previous recommendation (see CRC/C/COD/CO/2, para. 29), also urges the State party to:

- (a) Take all measures, including administrative measures, to ensure the implementation of legislation protecting children against discrimination;
- (b) Adopt a comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups;
- (c) Conduct studies to identify and act on causes of discrimination, carry out awareness-raising activities in order to combat such discrimination, and train professionals working with and for children.

### **Best interests of the child**

16. Given that there are gaps in the implementation of article 6 of the Child Protection Code, which provides for the best interests of the child to be considered in all decisions concerning him or her, the Committee, in the light of general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, recommends that the State party:

- (a) Ensure that this right is integrated appropriately and applied consistently in all legislative, administrative and judicial proceedings, as well as in all policies, programmes and projects that are relevant to and have an impact on children;
- (b) Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.

### **Right to life, survival and development**

17. The Committee remains seriously concerned about:

- (a) Grave violations committed against children by State and non-State armed forces in the context of the armed conflict, including the killing, maiming and abduction of children — both civilians and those recruited by the non-State armed groups;
- (b) The child mortality rate, in particular the fact that despite some decrease, especially among those under the age of five years, the rate remains extremely high in the State party, especially in rural areas, and is reportedly caused by preventable diseases, such as malaria and HIV/AIDS, among others;
- (c) The lack of appropriate medical assistance provided to mothers, including adolescent mothers, during and after the delivery of their baby;
- (d) The reports of prevalent violence against, ritual killings of and abductions of children with albinism, as well as the mutilation of such children for the purpose of selling

their body parts, even though during the dialogue the State party denied the existence of such practices.

18. **The Committee urges the State party to take measures to protect children from falling victim to armed conflict and/or participating in armed hostilities, and to punish those who have been involved in killing, maiming and recruiting children. It also urges the State party to improve its health services to decrease infant and child mortality by providing better protection against preventable diseases, raising awareness of methods of prevention, and providing appropriate health-care services for mothers and postnatal care for infants and children.**

19. **The Committee urges the State party to take measures to protect children with albinism from violence and killing. In particular, it recommends that the State party:**

(a) **Ensure the immediate and long-term protection of children with albinism and address the root causes of the violence they suffer;**

(b) **Strengthen awareness-raising campaigns against superstitious beliefs concerning children with albinism;**

(c) **Expedite the investigation and prosecution of all cases involving children with albinism so that no perpetrator can escape with impunity, and provide the victims with rehabilitation and redress.**

**Respect for the views of the child**

20. **In view of the low level of comprehension in society of the right of children to express their views and to have them taken into account and the limited support provided for organizing child parliaments throughout the country, the Committee draws the State party's attention to general comment No. 12 (2009) on the right of the child to be heard, in which the Committee underlines that the right of children to freely express their views constitutes one of the fundamental values of the Convention and that a family where children can freely express their views and be taken seriously from the earliest ages provides an important model, and prepares the child to exercise the right to be heard in the wider society. The Committee recommends that the State party conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, community and schools, including within student councils, paying particular attention to children in vulnerable and marginalized situations.**

**C. Civil rights and freedoms (arts. 7, 8 and 13-17)**

**Birth registration**

21. **The Committee takes note of the information provided by the State party regarding the establishment of the national identification office, which will be tasked with providing all Congolese nationals with identification, but expresses its grave concern that, at the moment, rates of birth registration remain extremely low and continue to decrease, especially in North Kivu, rendering children vulnerable to statelessness and limiting their access to social benefits and services. The Committee is also concerned at reports that such low rates are due to the lack of information provided to parents on the importance of birth registration, the negligence of parents, the long distances that must be travelled to access civil registration offices, which are underresourced, slow administrative processes, the associated hidden costs for parents and caregivers, and continuous armed conflicts, which lead to a constant movement of the population in affected areas.**

22. Taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, the Committee strongly urges the State party to:

(a) Raise awareness among its population, especially those in rural areas and conflict-affected territories, of the importance of birth registration;

(b) Provide easy and timely access to civil registration offices, including by initiating mobile registration services and increasing the number of registration centres;

(c) Provide the human, technical and financial resources necessary for the effective functioning of registration offices;

(d) Consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

#### **D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

##### **Torture and ill treatment**

23. While noting the establishment of a police unit responsible for protecting children, given the fact that children, especially those suspected of association with armed groups, are ill-treated by the police and detained in dire conditions, the Committee recommends that the State party take the measures necessary to prevent, and protect children from, ill-treatment in detention centres and ensure that conditions in detention are in line with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

##### **Corporal punishment**

24. In view of the fact that corporal punishment remains lawful under article 326 of the Family Code of 1987 as amended in July 2016 and is frequently practised in various care settings, the Committee urges the State party to enact legislation that clearly prohibits corporal punishment in all settings, including in the home, schools and other care settings. The Committee also recommends that the State party introduce sustained public education, awareness-raising and social mobilization programmes, involving children, families, communities and their leaders, on the physically and psychologically harmful effects of corporal punishment, with a view to changing the general attitude towards this practice and promoting positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment.

##### **Gender-based and sexual violence against children**

25. The Committee notes the efforts made by the State party in the past several years, including the adoption of a law against sexual violence (2006) and a national strategy to combat sexual violence and gender-based violence, and the information provided during the dialogue that sexual violence had been reduced by half over the past two years. However, the Committee expresses its deep concern that:

(a) The rate of sexual violence against children, notably rape, reportedly remains high;

(b) Rape and other types of sexual violence against women and children are used as weapons of war in conflict-affected areas of the country;

(c) Children surviving sexual violence receive little access to health care, psychological support and compensation;

(d) Perpetrators of rape and sexual violence against children enjoy impunity.

26. **With reference to general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of target 16.2 of the Sustainable Development Goals on ending, among other things, violence against children and target 5.2 on eliminating violence against all women and girls, including sexual and other types of exploitation, the Committee urges the State party to:**

(a) **Develop a national action plan to combat sexual violence and abuse of children both by civilians and in the context of the armed conflict, to ensure that the relevant legislation and national strategy are fully implemented;**

(b) **Ensure prompt and effective investigation, prosecution and punishment of all perpetrators of sexual violence and abuse, and sanctions commensurate with the gravity of their crimes;**

(c) **Establish mechanisms, procedures and guidelines to ensure effective mandatory reporting of cases of child sexual abuse and violence, and ensure accessible, confidential, child-friendly and effective channels for reporting such violations;**

(d) **Provide local community-based child protection networks throughout the country with support, including adequate resources for their proper functioning;**

(e) **Provide child victims of sexual abuse and violence with effective rehabilitation and reintegration measures, including health care, psychological support, legal aid and compensation;**

(f) **Provide regular substantive training for judges, lawyers, prosecutors, the police and other relevant professional groups on standardized and gender- and child-sensitive procedures for dealing with victims;**

(g) **Conduct large-scale awareness-raising and education programmes in collaboration with civil society organizations, targeting boys, girls, men and women, in order to prevent gender-based violence and to combat the stigmatization of victims;**

(h) **Undertake a study of the extent and forms of sexual violence against and abuse of children both by civilians and in the context of the armed conflict, and collect disaggregated data on gender-based violence against girls and on the number of complaints, prosecutions and convictions, and include such data in its next report.**

#### **Harmful practices**

27. While welcoming the amendments to the Family Code in 2016 that increased the legal age of marriage for girls to 18 years, the Committee is seriously concerned that the number of child marriages, including customary marriages, in the country has been high, affecting a large number of girls. The Committee is also concerned about the continued practice of female genital mutilation in some parts of the country, in particular in Mweso, North Kivu, which remains largely unreported.

28. **The Committee urges the State party to take effective measures to implement its legislation and eliminate child marriages, including customary marriages, and to raise awareness of the harmful effects of child marriage on the physical and mental health and well-being of girls, in collaboration with civil society, the media, traditional leaders and families. In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014), the Committee also urges the**

State party to put an end to the practice of female genital mutilation by raising awareness of the harmful effects of the practice and bringing to justice those who carry out the practice and those who collaborate with such practitioners.

29. The Committee expresses its grave concern about reports of an increasing number of murders of, and incidents of ill-treatment and violence against, children accused of witchcraft and the impunity faced by perpetrators linked to certain churches.

30. The Committee reiterates its previous recommendation (see CRC/C/COD/CO/2, para. 79) and urges the State party to take effective measures to prevent children from being accused of witchcraft, including by continuing and strengthening public awareness-raising activities, directed particularly at parents and religious leaders, and by addressing the root causes, including poverty. The Committee also urges the State party to implement legislative and other measures to criminalize the persecution of children accused of witchcraft and bring to justice persons responsible for violence against and ill-treatment of children accused of witchcraft. The Committee recommends that the State party provide recovery and reintegration measures for children who have been victims of such practices.

#### **E. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

##### **Family environment**

31. Noting the Government's draft decree on the implementation of article 69 of the Child Protection Code, which envisions the provision of material and financial assistance to families living in poverty, the Committee recommends that the State party expedite the adoption of the decree and ensure its effective implementation in order to guarantee the right of children living in poverty to a family environment.

##### **Children deprived of a family environment**

32. Noting that, despite the existence of the national action plan for orphans and vulnerable children (2010-2014), little progress has been achieved with regard to providing children without parental care with an adequate standard of living in a family environment, or with regard to the inadequate and insufficient foster care and the deplorable situation in institutions, the Committee draws the State party's attention to the Guidelines for the Alternative Care of Children. Recalling its previous recommendations (see CRC/C/COD/CO/2, para. 46), the Committee recommends that the State party develop and strengthen an alternative care strategy for children deprived of their families, or no longer able to live with their families, that would include an action plan, adequate regulations, training for staff and directors of child-care institutions, control measures, the participation of children and parents in the establishment and evaluation of care regulations, criteria for the admittance of a child into residential care, and alternative measures, such as foster-care families or other family-based care for small groups of children. It recommends that the State party back its strategy and action plan with sufficient human, technical and financial resources.

##### **Adoption**

33. Noting the insufficient legislative basis and procedures for intercountry adoption of children, which have led to numerous abuses, including the sale and trafficking of children, and to the suspension of intercountry adoption procedures in the cases of 1,200 children, the Committee recommends that the State party:

- (a) Ensure that the central office for adoption recently established by the State party takes charge of the monitoring of all actors involved in adoption and the coordination with the relevant legal authorities;
- (b) Expedite the review of the pending cases of intercountry adoption of children, on the basis of their best interests;
- (c) Establish clear regulations concerning intercountry adoptions and consider ratifying the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

**F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)**

**Children with disabilities**

34. In the light of article 23 of the Convention and of general comment No. 9 (2006) on the rights of children with disabilities, and given that the vast majority of children with disabilities face discrimination and have limited access to services, including health and education services, and that children with mental disabilities, namely intellectual and psychosocial disabilities, are confined to psychiatric clinics, the Committee recommends that the State party, in cooperation with civil society organizations working on issues related to children with disabilities:

- (a) Take all measures necessary to ensure the implementation of legislation providing protection for children with disabilities and consider adopting specific legislation in line with the Convention on the Rights of Persons with Disabilities;
- (b) Make every effort to provide programmes and services for all children with disabilities and ensure that such services are supported with adequate human and financial resources;
- (c) Carry out campaigns to raise public awareness about the rights and special needs of children with disabilities and encourage the inclusion of such children in society;
- (d) Implement inclusive education for all children with disabilities in mainstream schools;
- (e) Provide training for professional staff working with children with disabilities, such as medical, paramedical and related personnel, teachers and social workers.

**Health and health services**

35. In the light of general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of Sustainable Development Goal 3, and in view of the fact that budget allocations to the health sector remain very low and access to health and health services is made difficult owing to poor infrastructure and equipment, the poor quality of services and a lack of qualified personnel, as well as the fact that children continue to suffer from malnutrition and the effects of insufficient vaccination, the Committee recommends that the State party:

- (a) Increase its allocation of resources for primary health care to make it both accessible and affordable;

- (b) Ensure throughout the country, including in remote areas, a sufficient number of health centres and hospitals that have adequate human, technical and financial resources;
- (c) Conduct regular training sessions for all health workers;
- (d) Address malnutrition, particularly in rural areas, including through preventive measures such as awareness-raising campaigns and poverty alleviation and by promoting exclusive breastfeeding;
- (e) Strengthen its efforts to improve immunization rates, particularly through the proper functioning of the cold chain and through increased and better dissemination of information on vaccination campaigns;
- (f) Seek financial and technical assistance from the United Nations Children's Fund (UNICEF) and the World Health Organization, among others, in this regard.

#### Adolescent health

36. The Committee recommends that the State party take immediate measures to prevent early pregnancy, which carries a major risk for the survival, health and development of girls. In this regard, and in the light of general comment No. 4 (2003) on adolescent health and development in the context of the Convention, the Committee recommends that the State party:

- (a) Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targets adolescent girls and boys, with special attention paid to preventing early pregnancy and sexually transmitted infections;
- (b) Develop and implement a policy to protect the rights of pregnant teenagers, adolescent mothers and their children and combat discrimination against them;
- (c) Take measures to raise awareness of and foster responsible parenthood and sexual behaviour, paying particular attention to boys and men.

#### HIV/AIDS

37. In the light of general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party take measures to:

- (a) Implement the existing strategic plan to combat HIV/AIDS for 2014-2017 and start preparing a renewed strategic plan for the next period;
- (b) Sustain the measures in place to prevent mother-to-child transmission of HIV and develop a road map to ensure the implementation of effective preventive measures, including in rural areas;
- (c) Improve follow-up treatment for mothers infected with HIV and their infants to ensure early diagnosis and early initiation of treatment;
- (d) Improve access to quality, age-appropriate HIV/AIDS, sexual and reproductive health services;
- (e) Improve access to and coverage of antiretroviral therapy and prophylaxis for pregnant women infected with HIV;
- (f) Seek technical assistance from, inter alia, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNICEF.

**Standard of living**

38. In view of the fact that less than half of the population and an even larger number of children do not have access to potable water and only one fifth of the population have access to sanitation and hygiene facilities, the Committee draws the attention of the State party to target 1.3 of the Sustainable Development Goals on implementing nationally appropriate social protection systems and measures for all, and reiterates its recommendation that the State party allocate appropriate resources to eradicate child poverty, as defined by the General Assembly in 2007, ensuring access by children to clean, potable water, adequate sanitation facilities, a healthy environment and food security (see CRC/C/COD/CO/2, para. 64). The Committee urges the State party to ensure a strong focus on child rights in its poverty reduction strategy and the incorporation of development goals and objectives that are relevant to children. The poverty reduction strategy should take into account the root causes of poverty, including the inequitable distribution of available resources.

**G. Education, leisure and cultural activities (arts. 28-31)****Education and aims of education**

39. The Committee notes the initiatives taken by the Government to improve access by children to schools, including efforts to reduce disparities between girls and boys as regards enrolment in primary school, to build 1,000 schools throughout its territory and, in 2013, to prohibit the occupation of schools by the military. However, it regrets that the efforts are not sufficient and that a large number of school-age children in the country remain out of school. In particular, the Committee expresses its serious concern that:

- (a) Only half of children aged between 6 and 11 years attend primary school, owing to the fact that education is not genuinely free;
- (b) Large numbers of children abandon school early due to excessive costs, early marriage and fear of violence, especially in conflict-affected areas of the country;
- (c) Access to schools in various provinces remains unequal, on the basis of differences between urban and rural areas and the socioeconomic and educational background of parents;
- (d) The quality of education remains poor owing to insufficiently qualified teachers, who are also paid irregularly and lack pedagogical materials;
- (e) The infrastructure and equipment of schools are insufficient and inadequate, that most schools have no access to potable water and sanitary facilities and that no transport services are provided to and from most schools;
- (f) Armed groups continue to attack schools, students and teachers in conflict-affected areas, putting children at risk of abduction and recruitment, and use schools for military purposes;
- (g) Only a small number of children attend preschool.

40. In the light of general comment No. 1 (2001) on the aims of education and taking note of Goal 4 of the Sustainable Development Goals, the Committee recommends that the State party:

- (a) Ensure access to primary education, free of charge, including by removing any additional indirect costs, for all children without discrimination;
- (b) Take all measures necessary to ensure that children complete their compulsory schooling, taking concrete action to address the causes behind non-

completion of schooling, including, inter alia, direct and indirect costs, early marriage and persisting zones of insecurity;

(c) Create vocational education and training programmes for children, including children who have dropped out of primary or secondary school;

(d) Eliminate differences regarding access to schools and ensure that all children in its territory, both in urban and rural areas and from all socioeconomic backgrounds, have access to free education of adequate quality;

(e) Improve the quality of teaching by, inter alia, ensuring that teachers receive appropriate training and can upgrade their skills further through in-service training, and that they receive adequate salaries that are paid in a timely manner;

(f) Implement its plans to build additional schools and increase expenditure in the education sector, including on school equipment and infrastructure, in particular with regard to access to potable water and adequate sanitation facilities, and ensure that transport services are available to children to facilitate access to schools;

(g) Implement the existing laws and regulations that prohibit attacks on and occupation of schools by the military and take measures to bring those responsible to justice;

(h) Promote early childhood education and take steps to provide children in all regions with access to such education.

## **H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d) and 38-40)**

### **Refugee and internally displaced children**

41. In view of the fact that large numbers of children continue to be internally displaced owing to the armed conflict in the eastern part of the country and the significant numbers of refugees arriving from neighbouring countries, the Committee reiterates its previous recommendation (see CRC/C/COD/CO/2, para. 75) that the State party continue and strengthen its efforts to ensure that all refugees and displaced persons, particularly children, are provided with adequate and appropriate assistance, including food, medical and psychological care and access to education, and also that it seek the support of and cooperation from international organizations, including the Office of the United Nations High Commissioner for Refugees. The Committee recommends that the State party establish a coherent database and national programmes for refugee and internally displaced children, with a view to ensuring full protection of their rights.

### **Economic exploitation, including child labour**

42. Given that large numbers of children, including indigenous children, continue to be exploited in the extractive industries in extremely hazardous conditions, mainly in the east of the country, with high risk to their lives, health and development, as well as in the informal sector, the Committee urges the State party to eliminate all forms of exploitation of child labour, especially in extractive industries, and take measures to investigate, prosecute and punish those who are responsible, as well as raise public awareness of the harmful effects of such labour and child labour in general on children's health and development.

### Children in street situations

43. The Committee, recalling its previous concluding observations (see CRC/C/COD/CO/2, para. 77), recommends that the State party strengthen its programmes aimed at supporting poor and vulnerable families, at preventing children from separating from their parents and at reintegrating children in street situations into their families and communities when possible. The Committee strongly urges the State party to ensure that the rights of street children are fully respected by State agents, such as the military and police. It recommends that the State party involve children in street situations in the planning, implementation and evaluation of programmes designed for them. Given that thousands of children continue to live in the streets and are subjected to violence, rape, arbitrary arrests, disappearance, recruitment to armed groups and even summary executions, the Committee urges the State party to immediately ensure that violence and executions of such children are prevented and bring those responsible to justice, as well as provide child victims with adequate food, shelter, education and health-care services.

### Administration of juvenile justice

44. The Committee notes the establishment, as envisaged in articles 84-93 of the Child Protection Code, of juvenile courts in some of the provinces of the State party. It is, however, concerned that legal and judicial protection of children in conflict with the law remains very weak owing to difficulties concerning the functioning of the justice system and inadequate infrastructure. In particular, the Committee is concerned about:

(a) The ineffective implementation of the age of criminal responsibility, which is set at 14 years in the Child Protection Code, as children below the age of 14 are often charged;

(b) The insufficient number of juvenile courts and peace tribunals that are assigned to deal with matters related to children, owing to limitations on human, technical and financial resources;

(c) The absence of judicial assistance and the slow pace at which cases of juvenile offenders are processed;

(d) The illegal prolonged detention of children in police custody in dire conditions and together with adults, the lack of adequate facilities to house children, and the arbitrary detention by security forces of civilian children and demobilized children in Agenga prison;

(e) Violent anti-crime campaigns, such as Operation Lukofi, that have led to the deaths and disappearances of many children.

45. **In the light of general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:**

(a) **Increase the number of specialized juvenile court facilities and procedures and provide them with adequate human, technical and financial resources, with specialized judges for children, and ensure that such specialized judges receive appropriate education and training;**

(b) **Ensure the provision of free, qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings;**

(c) Promote alternative measures to detention, such as diversion, probation, mediation, counselling or community service, wherever possible, and ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it;

(d) In cases where detention is unavoidable, ensure that the children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services;

(e) Expedite the full and effective implementation of the provisions of the Child Protection Code establishing the minimum age of criminal responsibility and establish the age of criminal majority at 18 years;

(f) Ensure that children are protected and not affected in the anti-crime campaigns of the State party and provide physical and psychological rehabilitation for victims of such campaigns.

#### **Child victims and witnesses of crimes**

46. The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all children who are victims and/or witnesses of crimes, for example, child victims of abuse, violence, sexual and economic exploitation and abduction, and child witnesses of such crimes, are provided with the protection required by the Convention and that the State party take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.

#### **Follow-up to the Committee's previous concluding observations and recommendations on the implementation of the Optional Protocol to the Convention on the involvement of children in armed conflict**

47. The Committee regrets that the State party did not provide any information, either in its report or in its replies to the list of issues, concerning the recommendations contained in its concluding observations relating to the implementation of the Optional Protocol to the Convention on the involvement of children in armed conflict (CRC/C/OPAC/COD/CO/1). The Committee notes the State party's action plan to combat the recruitment and use of children, and other violations of children's rights, by the armed forces and security services (2012), as well as information provided by the State party that commanders of the Armed Forces of the Democratic Republic of the Congo listed in the final report of the Group of Experts on the Democratic Republic of the Congo (S/2009/603, annex 124) who were responsible for child recruitment, the use of child soldiers and massacres of civilians, have been convicted and are currently serving prison sentences. Nevertheless, it remains seriously concerned that large numbers of children continue to be killed, maimed, raped, recruited and used in armed hostilities, both by the national armed forces and non-State armed groups. In particular, the Committee is seriously concerned that:

(a) Despite some improvements, there are reports of cases of involvement of children in the activities of the national armed forces and reports of collaboration of the national armed forces with armed groups that are known for the recruitment or use of child soldiers;

(b) The age verification procedures used by the national armed forces prior to recruitment remain ineffective, a situation that is exacerbated by the low birth registration rate in the country;

(c) Large numbers of children continue to be recruited and used in armed conflict by non-State armed groups, such as the Forces démocratiques de libération du Rwanda, Raia Mutomboki and Nyatura, among others;

(d) Decrees for implementing the provisions of the Child Protection Code on prohibiting the recruitment and use of child soldiers have yet to be adopted and there are no effective mechanisms for investigating, convicting or sanctioning those responsible for grave violations against children;

(e) Human and financial resources for the demobilization, rehabilitation and reintegration of child soldiers are scarce, disproportionately affecting girl soldiers, who comprise up to 30 per cent of children involved in armed forces and groups;

(f) Girl soldiers face stigmatization and rejection by their communities and thus are sometimes forced to re-join armed groups.

**48. The Committee reiterates its previous recommendations (CRC/C/OPAC/COD/CO/1), which have not been fully implemented, and recommends that the State party:**

**(a) Show greater political commitment at the highest levels to stop the involvement of children within the national armed forces and end any collaboration with or military, financial or logistical support for non-State armed groups that involve and use children in their activities;**

**(b) Review its Criminal Code in order to criminalize the recruitment of children under the age of 18 years;**

**(c) Provide adequate resources for investigations and prosecutions and publish information on the number of prosecutions and convictions for the recruitment and use of children in armed conflict;**

**(d) Ensure that the release, recovery and reintegration of children associated with non-State armed forces or armed groups becomes a priority and is addressed in all peace or ceasefire negotiations and agreements with armed groups, in line with United Nations operational guidelines on addressing children's issues in peace agreements;**

**(e) Standardize army recruitment procedures and train officers to ensure consistent and effective verification of the age of individual recruits to prevent effectively the recruitment of children into the armed forces. In this regard, the State party should widely circulate guidelines on verifying age and instruct recruiters that in the case of doubt over an individual's age, he or she should not be recruited;**

**(f) Expedite the effective implementation of the Child Protection Code and establish a comprehensive child protection system, including a systematic mechanism for investigating, convicting and sanctioning those responsible for violations against children;**

**(g) Provide the National Implementation Unit for the National Disarmament, Demobilization and Reintegration Programme and all involved State agencies with the human, financial and technical resources necessary for them to identify and provide assistance to all former child soldiers, including self-demobilized children and child soldiers abandoned by armed groups en route to army integration sites;**

**(h) Develop and implement, in collaboration with the United Nations and child protection actors, a strategy to identify and provide effective reintegration assistance to current and former girl soldiers and their children that meet their complex medical, economic and psychosocial needs, ensuring that those initiatives,**

and any resulting programmes, address the stigma and exclusion faced by former girl soldiers;

(i) Establish and exercise universal jurisdiction over war crimes related to conscription, enlistment and the use of children in hostilities.

## **I. Ratification of the Optional Protocol to the Convention on a communications procedure**

49. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on a communications procedure.

## **J. Ratification of international human rights instruments**

50. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party.

## **V. Implementation and reporting**

### **A. Follow-up and dissemination**

51. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented, including by transmitting them to the Head of State, the parliament, relevant ministries, the Supreme Court and local authorities for appropriate consideration and further action.

52. The Committee also recommends that the combined third to fifth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country, including through the Internet, to the public at large, civil society organizations, representatives of the media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and the Optional Protocols thereto and of the need to have them implemented and their implementation monitored.

### **B. Next report**

53. The Committee invites the State party to submit its combined sixth to eighth periodic reports by 26 October 2022 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

54. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.

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