

Country session: Democratic Republic of Congo

Date: 74th session - 18 and 19 January 2017

Context

The Committee acknowledged that the ongoing armed conflict in some areas of the country have led to severe violations of children's rights. It noted that the political instability may constitute an obstacle for implementing the CRC but reminded the State about its international obligations and its primary responsibility to protect the population, stop the deterioration of the situation and prevent violence against children.

Background information

[OHCHR press release](#)

[Webcast](#)

[Audio file](#)

Reporting

Reporting methodology

<input type="checkbox"/> Regular reporting procedure	<input type="checkbox"/> Simplified reporting procedure	<input checked="" type="checkbox"/> Concluding Observations with urgent measures
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State report:

CRC		OPAC		OPSC	
No. of report	Combined third to fifth report	No. of report	Integrated report	No. of report	Initial report
Due date	26 October 2012	Due date	-	Due date	18 January 2004
Submission	5 March 2013	Submission	-	Submission	5 March 2013

Written replies to List of Issues	
Due date	15 October 2016
Submission	16 October 2016

Committee members regretted the absence of written replies to the List of Issues on the OPSC.

Public reports from children's rights defenders

Alternative reports

NGOs	<ul style="list-style-type: none"> ▪ Cultural Survival ▪ Human Rights Watch ▪ Solidarité pour le développement communautaire « SODEC » ▪ Child Soldiers International ▪ NGO Coalition Coordination Provinciale « Orphelins et Enfants Vulnérables » (OEV) Sud-Kivu ▪ Global Initiative against Corporal Punishment ▪ L'association de jeunes futurs cadres du pays « l'AJEFUCAP » ▪ L'association « ARMMK » ▪ Coalition des ONG des droits de l'enfants « CODE » ▪ Human Rights and Tobacco Control Network ▪ Our Lady of Charity of the Good Shepherd Report ▪ Bureau International Catholique de l'Enfance, BICE ; Bureau National Catholique de l'Enfance en RDC, BNCE-RDC ; Programme d'Encadrement des Enfants de la Rue, PEDER ; et le Groupe des Hommes Voués au Développement Intercommunautaire, GHOVODI
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State delegation

Large high level led by Ms. Marie Ange MUSHOBEKWA, Minister of Human Rights. She was supported by the Minister of Gender, Children and Family, and technical advisors from the Ministry of Human Rights and the Ministry of Gender, which are the institutions in charge of the implementation of the Convention and its Optional Protocol.

List of State delegation representatives on [OHCHR site](#)

Committee's Task Force members

Name & Last Name	Country
Bernard GASTAUD	Monaco
Kirsten SANDBERG	Norway
Suzanne AHO ASSOUMA	Togo
Wanderlino NOGUEIRA NETO	Brazil
José Angel RODRÍGUEZ REYES	Venezuela

Dialogue description:

i. Character of the dialogue

The atmosphere during the session was cordial. The answers of the State to the Committee's questions were focused mainly on law development and policy making on children's rights.

ii. General assessment made by the Committee

The Committee welcomed the recent ratification of the Convention on the Rights of Persons with Disabilities and the related legislative, institutional and policy measures taken to implement it. However, the Committee was very concerned by the situation of violence and political instability.

iii. Main issues discussed

Convention on the Rights of the Child:

- **Birth registration:** The Committee was concerned about the extreme low rate of birth registration across the country. The delegation recognized the difficulties of having a civil registry system in all areas, particularly in those affected by conflict, but said it is a priority for the government.
- **Gender based violence and sexual abuse:** The Committee pointed out the high rate of gender based violence and the generalized impunity for crimes of sexual violence against children. The delegation stated that several campaigns have been undertaken via radio and TV shows to raise awareness on sexual violence, and affirmed that these cases had been reduced by half in the past two years, although further steps need to be taken to ensure prosecutions and convictions.
- **Harmful practices:** The Committee expressed its serious concerns about the high rate of customary child marriages, despite the amendment to the Family Code that prohibits marriage before 18 years. The delegation replied that child marriage is an illegal practice in the country and responsible are prosecuted. Regarding the high number of cases of FGM and violence against children accused of witchcraft, the delegation recognized the latter to be a challenge because of the mindset of population, but stated that FGM was not a common practice in the country.
- **Grave violations committed against children:** The Committee expressed in various occasions its serious concerns about the violations committed by both State and non-State armed forces and groups, particularly in relation to child recruitment. The State delegation did not reply to this matter and stressed repeatedly that the State forces did not recruit persons under 18 years to take part in hostilities.

Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography

- **Coordination, dissemination and data collection:** The Committee noted with concern that the coordination body for implementing the CRC and its Protocols (National Council for Children) is not yet operational and pointed out the low dissemination of the Protocol within the communities. The lack of training for law enforcements officers and judges, as well as the insufficient reliable and disaggregated data related to the offenses covered by the OPSC were raised by the Committee.
- **Prevention:** The Committee was concerned about the lack of a comprehensive resourced policy to prevent the offences under the OPSC, as well as the absences of an early detection mechanism to identify and monitor children at risk. The Committee regretted that the State did not provide sufficient

information during the dialogue about programs and activities aiming to prevent such cases and assist child victims.

Recommendations of the Committee

Convention on the Rights of the Child:

In its [Concluding Observations](#) the Committee draw attention to the need of **urgent measures** concerning the following areas:

- **Right to life, survival and development:** The State should prevent children to be killed, abducted or recruited by both State and non-State armed forces and to prosecute the responsible of these crimes. The Committee also urged the State to improve its health care system to provide appropriate health services to mothers and infants and thus decrease infant mortality.
- **Birth registration:** The State should run a comprehensive program to raise awareness among parents on the importance of birth registration and allocate the required budget to set up an effective civil registration system across the country. The Committee recommended the State to ratify the existing international conventions related to stateless persons.
- **Gender-based and sexual violence against children:** The State should develop an action plan to ensure that national laws are fully implemented, including effective and child-friendly complaints mechanisms. All cases should be investigated and perpetrators prosecuted and convicted. Victims should receive psychological and legal support, and awareness raising programs should destigmatize them. A comprehensive data collection system should be set up.
- **Harmful practices:** The State should fully eradicate customary child marriage as well as FGM, and develop awareness-raising campaigns on the negative effects on the physical and mental health of children, particularly of girls. The Committee recommended to raise awareness among parents and religious leaders on the issue of witchcraft, as well as to ensure prosecution of perpetrators.
- **Education and aims of education:** The State should increase expenditure on the education sector to guarantee access to free, compulsory and quality education for all children in urban and rural areas. An assessment of the root causes of school dropouts must be undertaken, and vocational education and training must be provided to children who dropout school. In addition, the Committee urged the State to ensure full implementation of the laws prohibiting attacks and occupations of schools in the context of armed conflict.
- **Administration of juvenile justice:** The Committee urged the State to fully harmonize its juvenile justice system with the CRC and ensure minimum age of criminal responsibility at 18, as provided by the national Child Protection Code. In addition, the State should increase the number of specialized courts for children, while ensuring free and qualified legal aid to children in conflict with the law, as well as promoting alternative measures of detention for children.
- **Recommendations on the OPAC:** Given that the State did not provide any information on OPAC, the Committee highly recommended the State party to implement its previous recommendations on this matter, particularly the ones related to child recruitment and DDR programs.

Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography

- **Coordination and dissemination:** The State should ensure the operationalization of the National Council for Children as the body in charge of the implementation and dissemination of the CRC and the OPSC.



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- **Data collection:** The State party should develop and implement a comprehensive, coordinated and effective system of data collection for all the provisions of the OPSC and use the information for evidence-based policy making.
- **Prevention:** Committee members recommended to carry out a study addressing the root causes and consequences of the offences covered by the OPSC. This will allow to design a comprehensive public policy, ensure prevention and full implementation.
- **Prohibition:** The State should reform its criminal law to define and explicitly criminalize child pornography, sale of children through illegal adoption, transfer of child organs for profit, child labor as form of sale of children, sale of children for sexual exploitation and involvement of children in sexual activities on the internet.
- **Protection of the rights of child victims:** The State should reinforce early detection systems as a preventive measure, as well as referral protection systems to assist child victims, focusing on medical and legal assistance. A child-friendly complaints system to gather, monitor, investigate and prosecute cases under the provisions of OPSC must be put in place, and the protection of children victims and witnesses must be ensured by the State.

Next State report

CRC	
No. of report	Sixth to eight periodic report
Due date	26 October 2022

Disclaimer: Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.