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**Committee on the Rights of the Child****Concluding observations on the second periodic report of  
Central African Republic\*****I. Introduction**

1. The Committee considered the second periodic report of Central African Republic (CRC/C/CAF/2) at its 2173<sup>rd</sup> and 2174<sup>th</sup> meetings (see CRC/C/SR.2173 and 2174), held on 20 January 2017, and adopted the present concluding observations at its 2193<sup>rd</sup> meeting, held on 3 February 2017.

2. The Committee welcomes the submission of the second periodic report of the State party and the written replies to the list of issues (CRC/C/CAF/Q/2/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 and multisectoral delegation of the State party.

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

3. The Committee welcomes the ratification of the Optional Protocol on the sale of children, child prostitution and child pornography in 2012, the adoption of the new Constitution in 2016, and the creation of the Special Criminal Court in 2015 mandated to judge serious human rights violations committed since 2003.

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

4. The Committee notes the severe impact of the political and security crisis affecting the State party, particularly since 2012, and the difficulties faced to bring an end to incidents of extreme violence between armed groups, which have led and continue to lead to severe violations of children's rights and constitute a serious obstacle to the implementation of the rights enshrined in the Convention. The Committee notes the large movements of refugees and internally displaced people as well as the serious economic

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

problems faced by the State party, which are a further impediment to the implementation of children's rights. The Committee further notes that the situation of instability and insecurity warrants the continuing need for a United Nations peacekeeping presence.

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

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

#### **The Committee's previous recommendations**

5. **The Committee regrets the limited implementation of its previous recommendations of 2000 (CRC/C/15/Add.138) and recommends that the State party take all measures necessary to address its previous recommendations, in particular those related to policy and coordination (para. 17), monitoring (para. 21), discrimination (para. 29), right to a name and nationality (para. 37), health (para. 55), standard of living (para. 69), education (para. 71), child labour (para. 79) and children in armed conflict (para. 83).**

#### **Legislation**

6. The Committee notes the draft law on the protection of the child but is concerned about some provisions not being fully aligned with the Convention.

7. **The Committee recommends that the State party ensure that the draft law on the protection of the child is promptly adopted and is fully aligned with the Convention and, in particular, ensure that language is gender-sensitive; the prohibition of discrimination encompasses all grounds; the guiding principle regarding adoption is the best interests of the child; corporal punishment is explicitly prohibited in all settings; girls are not criminalised for their sexual and reproductive health choices; and that child victims have access to physical and psychological rehabilitation and health services.**

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

8. The Committee notes that the 2011 policy for the protection of children's rights was scheduled to be reviewed and updated as from December 2016 but regrets the absence of a clearly defined timeframe for its development and adoption.

9. **The Committee encourages the State party to define a clear timeframe for the development of a comprehensive policy to address the most pressing children's rights issues and to develop a strategy for its application, with the necessary human, technical and financial resources. The Committee recommends that the State party seek assistance, particularly from UNICEF, in this regard.**

#### **Coordination**

10. The Committee notes the absence of information on the role and mandate of the National Child Protection Council within the Prime Minister's office to coordinate children's rights issues.

11. **The Committee recommends that the State party ensure that the National Child Protection Council within the Prime Minister's office is provided with the necessary human, technical and financial resources for its effective operation, with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at cross-sectoral, national, regional and local levels.**

The Committee recommends that the State party seek assistance from UNICEF in this regard.

#### Allocation of resources

12. The Committee notes the fragile economic situation of the State party but is concerned about:

- (a) The insufficient allocation of resources to fulfil children's rights obligations;
- (b) The non-prioritisation in the allocation of resources to children which resulted in a decrease from 2014 to 2016;
- (c) The overreliance on international donors' funding;
- (d) The lack of a rights-based budgetary analysis despite the availability of data by the Ministry of Economy, Finance and Plan.

13. **In the light of its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:**

(a) **Allocate sufficient budgetary resources, in accordance with article 4 of the Convention, for the implementation of children's rights, in particular regarding health, education and a minimum standard of living, and progressively increase the proportion of national resources allotted to these budget lines in relation to donor funding;**

(b) **Ensure that the necessary funds are available to implement the policy and strategy for the protection of children's rights once they are adopted;**

(c) **Conduct regular budgetary analysis of the ministries responsible for social affairs, which include child-related indicators and a tracking system, and publicly share these documents;**

(d) **Define budgetary lines for children in vulnerable situations and ensure these resources are ring-fenced even in situations of economic, political or security crisis, natural disasters or other emergencies.**

#### Data collection

14. The Committee notes with appreciation the recent surveys conducted which have helped to update child-related indicators but is concerned about weaknesses in ministries' information management systems which do not allow for the regular and up-to-date collection of data on children's rights, and about the limited analysis of the data available.

15. **In the light of its general comment No. 5 (2003) on general measures of implementation, the Committee recommends that the State party:**

(a) **Strengthen the ministries' information management systems to regularly collect, analyse and disseminate data on children's rights;**

(b) **Collect data covering all areas of the Convention disaggregated by age, sex, disability, geographic location and ethnic origin;**

(c) **Share the data among the ministries concerned and ensure it is used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;**

(d) **Take into account the conceptual and methodological framework set out in the report of the Office of the United Nations High Commissioner for Human Rights**

(OHCHR) entitled *Human rights indicators: a guide to measurement and implementation* when defining, collecting and disseminating statistical information.

#### **Independent monitoring**

16. The Committee regrets that the National Monitoring Committee on the Convention on the Rights of the Child, created in 1993, has not been operational since 2003 due to the successive political and military crises. The Committee is concerned about the 1422 alleged violations of children's rights reported to the Directorate General of Social Affairs and Justice, between 2008 and 2009, which have been lost or destroyed and the absence of information on the measures taken to address them.

17. **In the light of its general comment No. 2 (2002) on the role of independent human rights institutions, the Committee recommends that the State party:**

(a) **Promptly take measures to establish a national independent entity to monitor children's rights and ensure the allocation of the resources necessary for its functioning at the national and local levels;**

(b) **Set up a procedure to receive and duly process complaints of children's rights violations in a confidential, child-friendly and child-sensitive manner and ensure that its data is protected from destruction;**

(c) **Seek technical cooperation in this regard from OHCHR, UNICEF and the United Nations Development Programme (UNDP), among others.**

#### **Dissemination, awareness-raising and training**

18. The Committee welcomes the several training and awareness raising programmes, including campaigns, conducted with politicians, parliamentarians, judicial, police and social workers; the integration of the Convention in the primary school curricula by the Ministry of Education; and the translation of the Convention into Sango, the national language. The Committee however notes that these activities are not conducted in a regular and predictable manner which diminishes their impact and that the resources available to organize them are insufficient.

19. **The Committee recommends that the State party develop a strategy for carrying out dissemination, awareness raising and training programmes on the Convention to maintain sustained attention to children's rights and ensure that the necessary resources are available.**

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

20. The Committee is concerned about the absence of a national plan or regulation on business and human rights and the impact of the business sector, in particular in mining and agriculture activities, on children's rights.

21. **In the light of its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, the Committee recommends that the State party establish and implement regulations to ensure that the business sector, in particular in mining and agricultural activities, complies with international human rights, labour and environmental law with regard to children's rights.**

## B. Definition of the child (art. 1)

22. While noting that the age of marriage is 18, the Committee is concerned about customary practices where children can be married at 16 with the consent of parents, which results in a very high percentage of child marriages.

23. **The Committee recommends that the State party enforce the minimum age of marriage at 18 without exception.**

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

### Non-discrimination

24. The Committee notes that discrimination is prohibited in the State party but is concerned about the persistent discrimination in practice against children based on religious affiliation, and against girls, pigmy children, albino children (*peulhs*), Fulani children, children with disabilities, children from disadvantaged socio-economic backgrounds, orphans, children infected with HIV/AIDS, and children accused of witchcraft.

25. **The Committee recommends that the State party conduct awareness-raising and educational programmes, including campaigns, targeting children, families, communities, religious and traditional leaders, on eliminating these forms of discrimination.**

### Best interests of the child

26. The Committee is concerned that the right of the child to have his or her best interests taken as primary consideration is not well known among government officials, the judiciary and personnel working for and with children.

27. **In the light of its General Comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party integrate it in laws, policies and programmes that are relevant to and have an impact on children and provide guidance to government officials, the judiciary and personnel working for and with children, for determining the best interests of the child and for giving them due weight as a primary consideration.**

### Right to life, survival and development

28. The Committee is seriously concerned about the very high child mortality rate, the deaths and maiming of hundreds of children by the ex-Séléka and associated armed groups and the anti-Balaka elements, and the thousands of children displaced by the armed conflict.

29. **The Committee urges the State party to prioritize measures to decrease child mortality, to ensure that allegations of grave and systematic violations against children perpetrated by any party to the conflict are investigated in a timely manner and that perpetrators are brought to justice, and to support children displaced by armed conflict.**

### Respect for the views of the child

30. The Committee welcomes the participation of children in the Bangui forum, but is concerned about traditional attitudes that limit children from expressing their views on

issues that concern them and from having their views duly taken into account within the family, schools and communities.

31. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee encourages the State party to conduct programmes and awareness-raising activities to promote the meaningful participation of all children within the family, community and schools, including through the training of professionals and the establishment of specific activities at schools, with particular attention to girls and children in vulnerable situations.**

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

##### **Birth registration / Name and nationality**

32. The Committee welcomes the measures taken to promote birth registration, in particular Decree No. 14.228 of 2014 providing free birth registration to children born during the conflict that took place between 2012 and 2014, and the reconstruction of its national civil administration, which resulted in the registration of over 35.000 children. However, the Committee is concerned about:

- (a) The enduring low rate of registered children and the major disparities between urban and rural areas;
- (b) Birth registration not being freely provided to all children;
- (c) The limited period for birth registration as provided by article 134 of the Family Code;
- (d) The population's limited awareness on the importance of birth registration.

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

- (a) **Prioritize measures to ensure that effective birth registration is available to all children, both in urban and rural areas;**
- (b) **Take all measures necessary to provide free birth registration;**
- (c) **Consider reviewing, or suspending, article 134 of the Family Code to ensure that children are still able to be registered without penalties after the allowed one-month period;**
- (d) **Intensify its efforts to raise awareness, among the population in general and mothers in particular, on the importance of birth registration;**
- (e) **Provide training to registration officials and equip them with the necessary technical resources;**
- (f) **Seek technical assistance from the UNDP and UNICEF, among others, for the implementation of these recommendations.**

##### **Freedom of expression and association**

34. The Committee notes the efforts made by the State party to promote children's clubs but is concerned about the limited opportunities children have to exercise their right to freedom of expression and association, including through access to dedicated spaces to receive information, dialogue and exchange ideas.

35. **The Committee recommends that the State party take measures to promote the right of the child to freedom of expression, including through the use of radio and other media.**

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

### **Torture and other cruel or degrading treatment or punishment**

36. The Committee is deeply concerned about violence perpetrated against children by the police, including during investigations, which may amount to torture, cruel, inhumane or degrading treatment.

37. **In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee urges the State party to promptly issue guidance to the police on the child's right to freedom from all types of violence, in particular torture and other cruel or degrading treatment or punishment and direct the prosecution's office to immediately investigate reported cases of torture of children by the police.**

### **Corporal punishment**

38. The Committee notes the State party's intention to prohibit corporal punishment but remains concerned that it is still not prohibited in all settings, in particular in the home, alternative care, schools and penal institutions and is very concerned at the extremely high levels of violent "disciplining" endured by children.

39. **In the light of its general comment No. 8 (2006) on corporal punishment, the Committee recommends that the State party:**

- (a) **Prohibit corporal punishment in all settings in the draft law on the protection of the child;**
- (b) **Review its legislation, in particular the Family Code of 1997, the Penal Code of 2010, the Constitution of 2004, the Imperial Order No. 79/077 covering protection of youth of 1979, and law No. 280 of 1961 to include prohibition of corporal punishment in childrearing;**
- (c) **Promote positive, non-violent and participatory forms of child-rearing and discipline.**

### **Conflict-related sexual violence, exploitation and abuse**

40. The Committee notes the measures taken by the State party to combat sexual exploitation and abuse of children, including the creation of the Mayors' network in Bangui, Bimbo and Bégoua, the joint unit for rapid intervention and repression, the children's brigade within the judiciary and the information, education and communication project to create awareness among communities on the negative effects of violence against children. However, the Committee is seriously concerned about:

- (a) Incidents of conflict related sexual violence, exploitation and abuse of children by all parties to the conflict, including international military forces present in the State party in the framework of peacekeeping operations;
- (b) The limited support services provided to child victims;
- (c) Child victims being further stigmatized by their communities, rejected by their families or facing reprisals by perpetrators;

(d) Girls being increasingly forced into transactional sex, also known as “survival sex”.

41. **The Committee urges the State party to:**

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

(b) **Consider adopting guidance on documenting and investigating sexual violence in conflict to protect child-victims from additional trauma, including by reducing reliance on testimonies as the basis for prosecutions;**

(c) **Take appropriate measures to end impunity for all perpetrators of sexual offences against children and ensure their prosecution, while guaranteeing that child victims of sexual exploitation or abuse have access to victims and witness protection measures;**

(d) **In the context of peacekeeping operations, include provisions in the Status of Forces Agreement with troop and police contributing countries, guaranteeing their unconditional national responsibility for the investigation, prosecution and trial of their security forces operating in the territory of the State party, ensuring that allegations of sexual exploitation and abuse against children are promptly and effectively investigated, and perpetrators criminally sanctioned, and include in the agreement measures for the protection and care of child-victims, including medical, psychosocial and legal support, compensation or other reparations;**

(e) **Consider including in the Status of Forces Agreements with troop and police contributing countries a provision allowing prosecution by the State party when the contributing country is unable or unwilling to take action;**

(f) **Take all measures necessary, in cooperation with its international partners, to ensure the availability of programmes and policies for the prevention, recovery and social reintegration of all child victims of sexual exploitation and abuse, without discrimination;**

(g) **Conduct training and awareness-raising activities on conflict-related sexual violence, exploitation and abuse, and child protection to law enforcement authorities;**

(h) **Continue to conduct awareness-raising activities to combat the stigmatization of child victims of sexual exploitation and abuse, and promote knowledge of mechanisms available to file complaints and seek redress and support.**

#### **Harmful practices**

42. The Committee is seriously concerned about the very high percentage of child marriage and the prevalent practice of female genital mutilation of girls predominantly strong in rural areas. The Committee is also concerned about article 105 of the family code of 1997 establishing that an abductor or kidnapper may marry the abducted or kidnapped girl, and that as a wife she does not have the right to file a legal complaint which is required for prosecution.

43. **The Committee urges the State party to:**

(a) **Take all measures necessary to eliminate child marriages, in particular of girls from rural areas and economic disadvantaged backgrounds, in line with the State party’s obligations under the Convention;**



(b) **Review article 105 of the Family Code to allow girls to file a legal complaint against their kidnapper or abductor, including when married to him;**

(c) **In the light of the joint general recommendation/general comment no. 31 of the Committee on the Elimination of Discrimination Against Women and no. 18 of the Committee on the Rights of the Child on harmful practices (2014), take the measures necessary to strictly enforce the legal provisions criminalising female genital mutilation of girls, including by making the National Committee to Fight against Female Genital Mutilation operational, and by developing and implementing education and awareness-raising programmes, involving local officials, law enforcement officers, community leaders, women and the media to address social norms and harmful rites against girls;**

(d) **Promote awareness of children's rights among communities which apply customary law that affects children.**

44. The Committee is further concerned about violence perpetrated against children with albinism, children with disabilities and children accused of witchcraft, who may be subject to violent rituals, amounting to torture, cruel, inhumane or degrading treatment, kidnapping and even death. These children may also be expelled from their families and communities, exposing them to trafficking or to living in the streets.

45. **Taking note of target 16.2 of the Sustainable Development Goals on ending all forms of violence against children, the Committee urges the State party to take all measures necessary to protect children with albinism, children with disabilities and children accused of witchcraft, from all form of violence, including from State authorities, communities and families both in rural and urban areas, promptly investigate and prosecute these incidents and bring perpetrators to justice.**

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

### **Family environment**

46. The Committee is concerned that the disruption of family life due to poverty, armed conflict and violence has seriously weakened families' capacities to provide a safe environment for children. It is also concerned about the prevalent stereotypes concerning the tasks and roles of women and girls, and their negative impact on the development of girls and boys.

47. **The Committee recommends that the State party invest in measures to support families' economic self-reliance to attain the minimum conditions to provide for their children. It also recommends that the State party take measures targeting mothers and fathers to promote the equal share of responsibility for their children, in accordance with article 18(1) of the Convention.**

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

48. The Committee welcomes the State party's measures to promote the use of foster families and family care and the development of minimum standards for care by foster families in 2015, but is concerned about the continuing extensive use of institutions which lack adequate human and financial resources.

49. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex), the Committee recommends that the State party invest in measures to support all forms of family-**

based care, including through communities' support mechanisms, and improve the human and material conditions of institutions to provide appropriate care for children under their responsibility.

#### **Adoption**

50. The Committee is concerned about the dissolution of the Adoption Committee.

51. **The Committee recommends that the State party re-establish the Adoption Committee and consider ratifying the Hague Convention on protection of children and cooperation in respect of intercountry adoption.**

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

#### **Children with disabilities**

52. The Committee takes note of act No. 00.007 on Health, Protection and Promotion of Persons with Disabilities, of December 2000, but is concerned about its lack of implementation. The Committee is particularly concerned about the majority of children with disabilities not attending school and that pervasive poverty and extensive armed violence have exacerbated the discrimination and exclusion already faced by these children and further limited their access to adequate care and assistance. It is further concerned about the increased number of children with impairments due to armed conflict.

53. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability and specifically recommends that it:**

(a) **Take urgent measures to elaborate and implement specific programmes for children with disabilities aimed at enhancing their social inclusion, and ensure in particular their access to health and social services, inclusive education and vocational training;**

(b) **Establish a system for collecting data on children with disabilities in order to design inclusion policies;**

(c) **Ensure that children with disabilities have access to social protection and poverty reduction programmes;**

(d) **Pay special attention to the recovery and social re-integration of children who suffer disabilities as a result of the armed conflict;**

(e) **Undertake, in close collaboration with non-governmental organisations and local communities, awareness-raising programmes, including campaigns, on eliminating discrimination against children with disabilities.**

#### **Health and health services**

54. The Committee is deeply concerned about the extremely high mortality rate of children due to preventable diseases such as malnutrition, malaria, respiratory infections and diarrhoea, and notes that this alarming lasting situation is further exacerbated by the security crisis and armed conflict. The Committee is also seriously concerned about:

(a) The destruction of the already precarious health infrastructure and the breakdown of medical services, which are also subject to attacks by armed groups;

- (b) The inadequate provision of medical services to children victims of female genital mutilation and sexual and gender based violence;
- (c) The insufficient number of vaccination centres and the inadequate resources available to the existing ones;
- (d) The lack of mental health services to provide support to children affected by the conflict and armed violence;
- (e) The fact that only children who are family members of civil servants or private sector employees who have contributed, have access to social security.

55. **In the light of its 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 target 3.2 of the Sustainable Development Goals to end preventable deaths of new-borns and children under 5 years of age, the Committee urges the State party, in cooperation with non-governmental organizations, to:**

- (a) Promptly address the problem of high childhood and maternal mortality, including by facilitating greater access to primary health services, improving pre-natal care, combat malnutrition, and prevent malaria, respiratory diseases and diarrhoea, particularly in rural areas;**
- (b) Prioritize measures to improve access to and the quality of health-care and nutrition services, including by allocating sufficient financial resources to the health sector and ensuring the availability of qualified health staff, particularly in rural areas;**
- (c) Invest in health care measures, including training of health personnel and provision of psychosocial services, to children victims of female genital mutilation and sexual and gender based violence;**
- (d) Create more vaccination centres and provide all centres with the necessary human resources and vaccines;**
- (e) Establish a mental health programme dedicated to children, in particular those affected by the conflict and armed violence;**
- (f) Provide all children with access to social security independently of their parents' professional situation;**
- (g) Take the measures necessary to prevent attacks on health infrastructure and services by all parties to the conflict;**
- (h) Continue to seek technical assistance from, among others, UNICEF and WHO.**

#### **HIV/AIDS**

56. The Committee is concerned about high rates of mother-to-child-transmission of HIV/AIDS and the lack of access to anti-retroviral drugs for both mothers and children infected with the virus.

57. **In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party improve follow-up treatment for HIV/AIDS-infected mothers to avoid mother-to-child transmission, and ensure early diagnosis and early initiation of treatment of children, by improving access and coverage of antiretroviral therapy and prophylaxis.**

### Standard of living

58. The Committee is concerned about the persistent very high level of poverty in the State party with over three quarters of its population living in extreme poverty.

59. **The Committee draws attention to target 1.3 of the Sustainable Development Goals on implementing nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable, and recommends that the State party strengthen the strategies and measures for fulfilling children’s rights in poverty reduction initiatives, in particular in the context of its international cooperation with the World Bank and the European Union.**

## H. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

### Education, including vocational training and guidance

60. The Committee is seriously concerned about:

- (a) The fact that primary education is not provided for free to all children;
- (b) The extremely low school enrolment rate of children, lower for girls but also decreasing for boys, and the high dropout levels when transitioning from primary to secondary education, an enduring situation exacerbated by the political and security crisis;
- (c) The poor school infrastructure, the lack of teachers and educational staff and the low quality of education.

61. **In the light of its general comment No. 1 (2001) on the aims of education, the Committee urges the State party to:**

- (a) **Take measures to provide free primary education to all children;**
- (b) **Take the measures necessary to steadily increase the enrolment rates of all children in primary education and decrease dropouts from primary to secondary levels, with a particular attention to girls;**
- (c) **Invest in measures to improve school infrastructure, increase accessibility, improve the number of teachers and school staff, and provide quality training for teachers, including *mâitres-parents*, with particular emphasis on rural areas;**
- (d) **Taking note of target 4.1 of the Sustainable Development Goals, ensure by 2030 that all girls and boys complete free, equitable and quality primary and secondary education;**
- (e) **Continue to cooperate with UNICEF, UNESCO and others to achieve these recommendations.**

62. While welcoming the State party’s endorsement of the Safe Schools Declaration, in June 2015, to protect education during armed conflict, the Committee is deeply concerned about attacks against students, teachers and schools as well as the military use of schools by parties to the conflict.

63. **The Committee urges the State party to take the measures necessary to deter the use of schools by parties to the conflict, including by bringing the “Guidelines for protecting schools and universities from military use during armed conflict” into military policy and operational frameworks; and investigate and prosecute attacks against education and bring perpetrators to justice. It should further ensure that**

children affected by the conflict can be reintegrated into the education system, including through non-formal education programmes.

## **I. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)**

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

64. The Committee appreciates that despite the difficult economic, political and security context, the State party has continued to host and integrate refugee and asylum-seeking children and welcomes the measures taken to provide health, and education to children in refugee and internally displaced persons' camps. The Committee is however seriously concerned that almost half a million of the State party's nationals are refugees in neighbouring countries while another half million are internally displaced persons, representing about one fifth of the population away from their usual place of residency. The Committee is further concerned about refugee and displaced children who may have been or are at risk of being recruited and/or used in hostilities and/or sexually abused by armed groups.

65. **The Committee urges the State party to:**

(a) **Take all measures necessary to guarantee the rights and well-being of internally displaced children, including by providing access to clean water, adequate sanitation, food and shelter, and paying due attention to their needs in terms of health and education;**

(b) **Develop a system of psychosocial support and assistance for children who are internally displaced, refugees and returnees, addressing their special recovery needs after the traumatic experiences of war;**

(c) **Establish a mechanism to identify at the earliest possible stage children who may have been or are at risk of being recruited and/or used in hostilities and/or sexually abused by armed groups;**

(d) **Continue to cooperate with UNHCR and UNICEF in this regard.**

### **Children in armed conflict**

66. The Committee welcomes the measures taken by the State party to protect children's rights during armed conflict, including the commitment to not recruit children and release those recruited as part of the Brazzaville peace agreement signed by the State party and armed groups in July 2014 and in May 2015; the adoption of a programme to support the disarmament, demobilization and reintegration of children associated with armed groups; the adoption of an action plan with the armed groups to de-list them from the Secretary General's report on children and armed conflict; and the adoption of guidelines for the care of children in temporary host families. However, the Committee is deeply concerned about:

(a) The recurrent fighting between armed groups which continues to result in serious violations of children's rights, including killing and maiming, recruitment, sexual violence and abuse, denial of access to health and education services and humanitarian assistance;

(b) The reported ten thousand children who were recruited by armed groups and used as combatants and sex slaves since the outbreak of the latest armed conflict;

(c) The fact that communities themselves mobilize their own children to participate in hostilities.

67. The Committee urges the State party to:

(a) Strengthen its efforts to end armed conflict by ensuring the effective implementation of the peace agreements signed with armed groups, and by signing peace agreements with the remaining armed groups, ensuring that the protection and promotion of children's rights are given due consideration in any peace negotiations;

(b) Criminalise the recruitment and use of children in hostilities and promptly investigate and prosecute suspects and bring perpetrators to justice, while ensuring that children abducted by armed groups are not criminalised;

(c) Establish a coordination entity to develop and implement a national strategy for the disarmament, demobilization and reintegration of children associated with armed groups, and continue to cooperate with United Nations partners in this regard;

(d) Strengthen child disarmament, demobilization and reintegration initiatives that prioritize community-based approaches, support child reintegration, provide the necessary assistance for their physical and psychological recovery, and invest on education and vocational training;

(e) Carry-out awareness-raising activities targeting families and communities on children's rights and child protection in armed conflict;

(f) Create as soon as possible the Special Criminal Court and prioritize cases involving serious violations of children's rights;

(g) Finalise the procedure for the ratification of the Optional Protocol to the Convention on involvement of children in armed conflict.

#### **Children belonging to minority or indigenous groups**

68. The Committee welcomes the measures taken by the State party to protect the rights of pygmy children but is concerned about their still limited access to birth registration, identity documents, health and education services and the persistent high rates of infant mortality and malnutrition among pygmy children.

69. With reference to the Committee's general comment No. 11 (2009) on indigenous children and their rights under the Convention, the Committee urges the State party to:

(a) Develop a national action plan to decrease the infant mortality and malnutrition rates of pigmy children, with the participation of pigmy communities and children in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures related to them;

(b) Provide all pigmy children with birth certificates and identity documents and promote their access to health and education;

(c) Adopt the draft law implementing the International Labour Organization Convention No. 169, on the rights of indigenous children, in particular civil rights, the right to education, the right to health and protection from forced labour;

(d) Develop a public-awareness campaign on the rights of pigmy children to address negative social attitudes towards them.

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

70. The Committee welcomes the prohibition of child labour in the labour code, law No. 09.004 of January 2009, articles 259 to 263, and in the mining code, law No. 09.005 of April 2009, article 190, and the other measures taken by the State party to train and sensitize government officials and to identify the worst forms of child labour. However, the Committee is concerned about the gap between the minimum age for work at 14 and the age to complete compulsory education at 16 and the high rate of children engaged in the worst forms of child labour, including in agriculture and mining activities, which also impacts their rights to education, health and development.

71. **The Committee recommends that the State party:**

(a) **Review the minimum age for work at 14 to not interfere with the child's right to complete compulsory education set at 16;**

(b) **Intensify its efforts to eliminate the worst forms of child labour, in particular in mining and agriculture activities, including by effectively implementing the labour and the mining codes' relevant provisions;**

(c) **Develop a plan to reintegrate children involved in the worst forms of child labour into school;**

(d) **Continue to seek technical assistance from UNICEF and the International Labour Office, including the International Programme on the Elimination of Child Labour, in this regard.**

### **Children in street situations**

72. The Committee is concerned about children living in street situations due to poverty, violence at home, practices of witchcraft, exploitation or trafficking and the lack of information on the number of children in this situation and the violations of rights they face.

73. **The Committee recommends that the State party assess the number of children living and/or working in the streets, and identify the root causes of their situation and the violations of rights they face with the aim of developing and implementing measures to address their situation. The State party should ensure that any measure respects the child's best interests and due consideration is given to their autonomous views in accordance with their age and maturity.**

### **Sale, trafficking and abduction**

74. The Committee welcomes the prohibition of trafficking in children in the criminal code of 2010, the recording of 39 cases of child trafficking, the support provided to victims of trafficking and the awareness-raising activities carried out to combat child trafficking. However, the Committee notes with concern that implementation of legislation, in particular article 151 of the criminal code, remains weak or absent and regrets the lack of detailed information on the judicial proceedings and the support provided to child victims of trafficking. It is also concerned that children in the State party, in particular pigmy children and girls, are trafficked for forced labour in mining, agriculture, domestic servitude, child marriages and sexual exploitation.

75. **The Committee recommends that the State party allocate the resources necessary for the implementation of article 151 of the criminal code concerning trafficking of children, and promptly investigate and prosecute cases of child trafficking, bring perpetrators to justice, and provide adequate care to child victims. The State party should also strengthen its efforts to train judicial and law**

enforcement officials on the relevant provisions of the criminal code and to promote reporting of child trafficking incidents, in particular among groups in vulnerable situations.

#### **Administration of juvenile justice**

76. The Committee remains concerned about the detention and imprisonment of children with adults and the lack of rehabilitation and reintegration services.

77. **In the light of its 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 and, in particular:**

(a) **Ensure that 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;**

(b) **Train judges on children's rights and establish juvenile justice procedures, promoting 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 only and for the shortest possible period of time.**

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

78. The Committee is concerned about the very limited measures by the State party to protect and provide support to child witnesses and victims of crimes.

79. **The Committee recommends that the State party ensure that all child victims and/or witnesses of crimes, including child victims of sexual exploitation and abuse, domestic violence, economic exploitation, abduction and trafficking and 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 (Economic and Social Council resolution 2005/20, annex).**

### **J. Ratification of the Optional Protocol on a communications procedure**

80. **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 the Rights of the Child on a communications procedure.**

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

81. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.**

### **L. Cooperation with regional bodies**

82. **The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of Children of the African Union on**



the implementation of the Convention and other human rights instruments, both in the State party and in other African Union member States.

## **V. Implementation and reporting**

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

83. 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. The Committee also recommends that the second periodic report, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

### **B. Next report**

84. The Committee invites the State party to submit its combined third to seventh periodic reports by 23 November 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.

85. 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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