



Convention on the Rights of the Child

Distr.: General
23 June 2016
English
Original: French
English, French and Spanish only

Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 44 of the Convention

Combined third to fifth reports of States parties due in 2012

Democratic Republic of the Congo*


[Date received: 5 March 2013]

* The present document is being issued without formal editing.

GE.16-10502 (EXT)



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List of abbreviations

AVIFEM	National Agency to combat violence against women and adolescent and very young girls
DRC	Democratic Republic of the Congo
EAFGA	Children involved with armed forces and armed groups
EPI	Expanded Programme on Immunization
EPSP	Primary, Secondary and Vocational Education
FONAFEM	National Fund for the Promotion of Women and the Protection of Children
LIZADEL	Ligue de la Zone Africaine pour la Défense des Droits des Enfants et des Élèves
MICS	Multiple Indicator Cluster Survey
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
NGO	Non-governmental organization
UE-PNDDR	Implementing Unit of the National Programme for Disarmament, Demobilization and Reintegration
UNICEF	United Nations Children's Fund
WFP	World Food Programme

Introduction

1. On 21 January 2009, the Government of the Democratic Republic of the Congo presented its second periodic report on the implementation of the Convention on the Rights of the Child (CRC/C/COD /2) to the Committee on the Rights of the Child, and responded to the Committee's questions on the subject.

2. Following that meeting, a series of recommendations (concluding observations) were drawn up by the Committee on the Rights of the Child addressed to the Government of the Democratic Republic of the Congo (document CRC/C/COD/CO/2).

3. The third, fourth and fifth reports have been drawn up as a single document, taking account of the Committee's concluding observations and recommendations, as adopted at its 1398th meeting, on 30 January 2009.

4. The present periodic report was drawn up by the Interministerial Committee on Human Rights in accordance with document CRC/C/COD/CO/2 of 30 January 2009.

- 1. The Committee urges the State party to take, as a matter of priority, all appropriate measures, including awareness-raising activities to expedite the effective implementation of the Child Protection Code and other legislative texts that provide protection for the rights of the child and to ensure adequate human and financial resources for their full implementation, and that it strengthen law enforcement mechanisms and training.**

5. The following measures have been taken to speed up the application of the laws on child protection and other legislation protecting the rights of the child:

- Decree No. 11/01 of 5 January 2011 establishing the regular seats and jurisdiction of children's courts;
- Ministerial Order No. 001/CAB/MIN/JDH/2011 of 5 January 2011 establishing the secondary seats of the children's courts and determining their jurisdiction;
- Ministerial Order No. 003/CAB/MIN/JDH/2011 of 5 January 2011 consolidating jurisdiction in relation to the children's courts for the implementation of custodial, educational and safeguarding measures;
- Order No. 0248/GC/CAB.MIN/AFS.SAH.SN/09 of 19 November 2009 regulating the social placement of children from families in breakdown.
- Order No. R.9C/0249/GC/CAB.MIN/AFF.SAH SN/09 of 9 November 2009 applying the national guidelines for the protection and care of children from families in breakdown;
- Interministerial Orders Nos. 490/CAB/MIN/JDH/2010 and 011/CAB/MIN.GEFAE of 29 December 2010 on the composition, organization and operation of the Juvenile Justice Mediation Committee;
- Basic Law No. 11/013 of 11 August 2011 on the organization and operation of the Congolese National Police Service;
- Interministerial Order of the Ministries for Gender Issues, the Family and Children and for Primary, Secondary and Vocational Education (EPSP) on the organization and operation of the Children's Parliament and the Children's Committee.

6. In addition to those measures, the Government has undertaken activities and set in place programmes and policies that could help eliminate violations of the rights of the child. These include:

- A campaign to publicize the law on sexual violence
- An awareness-raising campaign geared to members of the judiciary, the military authorities and the police, and designed to secure the proper application of child protection legislation;
- A bill revising the Family Code;
- Creation of the National Fund for the Promotion of Women and the Protection of Children (FONAFEM);
- Circular of 5 March 2000 publicizing the legislation on child protection in relation to the registration of children in the civil register;
- Recruitment of 2,000 judges and auxiliaries, and the provision of training modules on child protection;
- Governmental Decision making primary education free of charge throughout the Democratic Republic of the Congo except for the city-province of Kinshasa and the city of Lubumbashi.

7. The following measures are due to be taken:

- Prime Ministerial decree determining the organization and operation of the State custodial and educational establishments;
- Prime Ministerial decree establishing the organization and operation of the National Council for Children;
- Order of the Minister of the Interior, Security and Decentralization determining the organization of the Special Child Protection Brigade;
- Interministerial Order of the Ministries of Justice and Human Rights and of Social Affairs determining the arrangement whereby children with one or both parents imprisoned have access to subsidies for health care and subsistence;
- Interministerial Order of the Ministries for Gender Issues, the Family and Children and of Social Affairs determining the conditions for State intervention to assist children whose parents are unable to guarantee their survival;
- Order of the Minister of Social Affairs establishing the organization and operation of the social workers' panel;
- Human resources have been allocated to the National Council for Children in particular to render it more effective, and to the children's courts (members of the judiciary and legal officers);
- However, these resources are still not enough to cover the whole country, hence the need to boost them further.
- Financial resources, alongside the resources made available by the Government, are insufficient to secure the full application of all of the legislation that protects children, including, among other things, as regards the setting up of registry office branch offices for the registration of births, the creation of State custodial and educational establishments; the funds allocated by the partners (the United Nations Children's Fund (UNICEF) and Save the Children, for example) are significant and vital but unfortunately not sufficient to meet all needs.

2. The Committee recommends that the State party put in place measures to ensure the provision of an adequate mandate, as well as human and financial resources, to the National Council for Children in order to allow it to efficiently carry out its work.

8. Article 74 of the Child Protection Act No. 09/001 of 10 January 2009 establishes nine bodies for the social welfare of children, including the National Council for Children.

9. Set up in 2003, the National Council for Children was restructured, in 2009, on the basis of the Order laying down transitional organizational and operational provisions; this was done in connection with the new legislation establishing its organization and operation under a Prime Ministerial Order which is scheduled for adoption.

10. The National Council for Children is defined as a governmental advisory council which falls under the auspices of the ministry responsible for the family and children. It ensures that government policy on the promotion and protection of the rights of the child is implemented.

11. It has administrative autonomy and closely involves, at all levels, both civil society and public bodies. At provincial level, it is represented by the Provincial Council for Children and, at territorial level, by the Local Council for the Protection and Promotion of the Rights of the child.

12. To date, the draft order has been transmitted to and sponsored before the Government's law commission by the Minister for Gender Issues, the Family and Children.

13. All procedures are complete for its inclusion in the 2012 State budget, but the partners' support is essential if it is to meet its responsibilities in full.

3. The Committee encourages the State party to adopt a national plan of action on children that addresses fully all of the rights of the child enshrined in the Convention, and takes into account the outcome document "A World Fit for Children" adopted by the General Assembly at its special session on children held in May 2002 and its mid-term review of 2007. The Committee also recommends that the State party provide a specific budget allocation and adequate follow-up and an evaluation and monitoring mechanism to regularly assess progress achieved and identify possible deficiencies. The Committee encourages the State party to also monitor the implementation of the "Call for Accelerated Action" adopted during the mid-term review of "Africa Fit for Children", held in Cairo in November 2007.

14. The Government has yet to adopt a single national plan of action on children that addresses all of the rights of the child enshrined in the Convention; there are, however, several national plans of action for children that address the principal rights of the child enshrined in the Convention and have been adopted by the Government. These include: the National Plan of Action to combat the worst forms of child labour in the Democratic Republic of the Congo (2012-2020); the Plan of Action to combat the recruitment and use of children and other serious violations of the rights of the child by the Armed Forces and security services in the Democratic Republic of the Congo; the National Strategic Plan of Action to prevent and combat violence against children; the Plan of Action for the national gender strategy to combat maternal and child mortality in the Democratic Republic of the Congo, the framework for speeding up the reduction in maternal and child mortality (call for action to keep our promises) adopted by the Ministry of Public Health in September 2012; and the National Plan of Action for the registration of births in the civil register.

15. To follow up and implement these plans of action, a National Committee to combat the worst forms of child labour was set up in relation to the first abovementioned plan of action and, as regards the second, a joint Government - Task Force technical group for resolution 1612 has been set up to assess progress and flag up any shortcomings.

16. Finally, as regards the last plan of action cited, the Ministry of the Interior has set up an interministerial committee to monitor the registration of births.

17. The plans are financially supported by the development partners (including UNICEF, the International Labour Organization (ILO) and UN-Women) and, more generally, by the Inter-Donor Health Group in the Democratic Republic of the Congo and the Congolese Government.

- 4. The Committee recommends that the State support the effective operation of an independent national human rights institution (NHRI) mandated to monitor the implementation of human rights in accordance with the Paris Principles (General Assembly resolution 48/134, annex), while also taking into account 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 NHRI should be able to receive and investigate complaints from, or on behalf of, children on violations of their rights and should be provided with the necessary human and financial resources. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, UNICEF and the Office of the High Commissioner for Human Rights (OHCHR).**

18. The bill concerning the establishment, organization and operation of the National Commission for Human Rights in the Democratic Republic of the Congo was passed by the Senate in May 2008 and by the National Assembly in October 2012. It is currently before the joint National Assembly-Senate Committee to ensure that the text is harmonized before being promulgated.

19. The amendment concerning the creation, within the Commission, of a department with responsibility for the rights of the child has been incorporated.

20. The partnership with UNICEF, the United Nations Joint Human Rights Office and other institutions of the United Nations system is up and running in this area and embraces both the public authorities and civil-society associations.

- 5. The Committee urges the State party to prioritize and systematically increase budgetary allocations for children at national and local levels. The Committee recommends that the State party take into account its recommendations during its Day of General Discussion in September 2007 on "Resources for the Rights of the Child - Responsibility of States." The Committee further recommends that the State party introduce budget tracking from a child rights' perspective with a view to monitoring budget allocations for children, seeking technical assistance for this purpose from, inter alia, UNICEF.**

21. The Government acknowledges that the budgetary resources allocated to those sectors with a direct impact on the promotion and protection of the rights of the child remain low, as the budget itself is not very large. Economic problems exacerbated by the armed conflicts have in fact prevented the Government from significantly increasing resources. Between 2009 and 2010, there was, however, a major effort to raise the share of the social sectors: it rose from 12.3 per cent in 2009 to 12.4 per cent in 2010 and 14.4 per cent in 2011.

Budgetary appropriations for social ministries

Ministry	2009		2010		2011	
	Amount	Percentage	Amount	Percentage	Amount	Percentage
Public Health	154 468 941 848 CGF	5.2	325 820 117 924 CGF	5.8	233 810 730 231 CGF	3.4
EPSP	187 657 862 614 CGF	6.4	29 816 005 869 CGF	5.2	453 926 955 383 CGF	6.7
Youth	1 979 642 570 CGF	0.0	3 162 685 612 CGF	0.1	4 040 264 875 CGF	0.0
Social Affairs	14 511 230 971 CGF	0.5	36 028 959 778 CGF	0.6	28 272 427 978 CGF	0.4
Gender Issues, the Family and Children	1 714 528 997 CGF	0.0	17 268 421 525 CGF	0.3	7 171 815 888 CGF	0.1
Humanitarian Action	747 890 000 CGF	0.0	1 859 502 166 CGF	0.0	71 360 625 956 CGF	1.0
Justice	3 693 122 328 CGF	0.1	33 256 733 991 CGF	0.4	19 575 726 635 CGF	0.2
Human Rights	1 185 766 731 CGF	0.0	1 791 455 880 CGF	0.0	1 702 536 375 CGF	2.5
Employment, Labour and Social Welfare	6 687 001 606 CGF	0.1	9 768 687 520 CGF	0.2	10 168 182 650 CGF	0.1
Overall total	372 645 987 665 CGF	12.3	700 003 882 745 CGF	12.4	830 029 265 971 CGF	14.4

Source: State expenditure budget 2009, 2010 and 2011.

22. The above table shows the budget share allocated to the social sectors during the period 2009 to 2011.

23. Of total government spending, the budget share allocated to the social sectors was 12.3 per cent in 2009, 12.4 per cent in 2010 and 14.4 per cent in 2011.

24. Those financial resources are appropriated to the services that deal with protecting the rights of the child.

25. The reason behind this significant increase in the share of the State budget allocated to the social sectors is the country's improved sociopolitical landscape, in particular:

- In 2010, external debt relief for the Democratic Republic of the Congo was approved to the level of US\$ 13 billion, that is to say approximately 90 per cent; this has made it possible to redirect the resources earmarked for debt payment to social welfare measures and stabilization of the macroeconomic framework;
- Following discussions with the technical and financial partners, a subcommittee responsible for budgetary monitoring in the education sector was set up to monitor the increase in the State budget in a sector that is crucial for child development.

6. **The Committee encourages the State party to strengthen and improve its data collection system, as well as the National Statistical Research Centre, and to use this data 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 information collected can be disaggregated, inter alia, by age, sex and geographic location and 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. The Committee also recommends that the State party seek technical assistance from, inter alia, UNICEF.**
- The Government has introduced into all ministerial departments Research and Planning Directorates tasked with carrying out sectoral studies and reviews for the purpose of data collection, sectoral and macroeconomic analyses and the definition of policies, targets, statistics and programmes and project budgeting;
 - Thanks to all of these studies and reviews and the data collected, it has been possible to draw up the second generation Growth and Poverty Reduction Strategy Paper (GPRSP) (2011-2015);
 - By Prime Ministerial decree, the Ministry for Gender Issues, the Family and Children has been provided with a strategic review and planning unit for the promotion of women and the protection of children;
 - Since 2011, the Ministry for Gender Issues, the Family and Children has set in place, with the support of the development partners, the database on sexual and gender-based violence. The same has been done by the Ministry of Justice and Human Rights supported by UNICEF;
 - Operating under the auspices of the Ministry of Planning is the National Institute of Statistics which, in 2010, conducted, with the support of UNICEF, the Multiple Indicator Cluster Survey “MICS DRC 2010”;
 - That report analyses the issues of child mortality, nutrition and food security on the basis of the nutritional status of the under-5s, food security, breastfeeding and food supplements; child health in terms of immunization coverage; reproductive health; the adolescent fertility rate and early childhood development;
 - All aspects of child protection: registration of births, child labour, child discipline, early marriage and polygamy;
 - HIV/AIDS: the sexual conduct of orphans; conditions of placement in foster care; orphans; school attendance by orphans and non-orphans;
 - A vaccination coverage review was carried out in 2012 by the Kinshasa Public Health School under the auspices of the Expanded Programme on Immunization (EPI) which publishes updated and disaggregated data on the vaccination status of children and women by antigen under the EPI;
 - Disaggregated data are also produced through the process of decentralized monitoring in the five pilot health zones for the implementation of equity-based monitoring;
 - Many other reviews and statistics concerning children in the Democratic Republic of the Congo are available thanks to this public body which maintains a presence in all the country’s provinces, including remote areas;
 - In addition, the Government has approved the national statistical development strategy 2012-2017 made possible by funding from the African Development Bank;

- There is a database on the country profile of the Democratic Republic of the Congo to monitor measures to combat polio (<http://www.polioeradication.org/infectecountries/DemocraticRepublicoftheCongo.aspx>).
- There is also a database on nutritional surveillance, food security and early warning for the Democratic Republic of the Congo set in place by the National Programme of Nutrition with the support of the partners (UNICEF, World Food Programme (WFP), Food and Agriculture Organization and the European Union).

7. The Committee recommends that the State party take measures to ensure the swift implementation of the National Programme for Civic and Moral Education Integrating Human Rights and make every effort to publish in sufficient quantity the training manual for this programme. It also recommends the reinforcement by the State party of adequate and systematic training of all professional groups working with children, including law enforcement officials, teachers, health personnel, social workers and personnel of childcare institutions.

26. The National Programme for Civic and Moral Education has been up and running in the Democratic Republic of the Congo since 1999. As of the 2009/10 academic year, the programme has also included a number of concepts of the Child Protection Act.

27. Human rights have thus been an integral part of the programme since the 2007/08 academic year, with the technical support of the United Nations Joint Human Rights Office.

28. Six provinces have been targeted for the provision of training for a corps of 210 educators, the bulk of them teachers. The programme training manual has been distributed; it is, however, clear that efforts are needed to cover the whole of the country in terms of both training and teaching aids.

29. The curriculum of the Ministry for Primary, Secondary and Vocational Education includes civic and moral education in the final year of primary, secondary and vocational education.

30. The Ministry is, however, in discussion with the stakeholders to give greater impetus to the programme, including by incorporating a component that is highly pertinent to life in the Democratic Republic of the Congo, namely life skills for the establishment of peace.

8. The Committee recommends that the State party strengthen its collaboration with civil society and widen its scope so as to ensure cooperation on a broad level in all areas related to the promotion and protection of the rights of the child. The Committee also recommends that the State party encourage the active and systematic involvement of civil society, including non-governmental organizations (NGOs), by providing financial assistance, seeking their assistance in policy formulation, planning and implementation, and in the promotion of children's rights, including, inter alia, their contribution to the implementation of the Convention and follow-up to the concluding observations of the Committee.

31. The Government of the Democratic Republic of the Congo works closely with civil society, and that cooperation takes the form of the subsidies which it accords to a number of NGOs through its subsidiary budget (including LIZADEEL and RENADHOC).

32. The Government is also engaged in capacity-building (through seminars, training courses and workshops, etc.) for members of civil society NGOs. It has further set up a consultation framework with civil society, called the Human Rights Liaison Unit, in which all human rights issues are discussed.

33. Civil society was also involved as a stakeholder in drafting the second generation GPRSP.

9. The Committee urges the State party to raise the minimum legal age of marriage for girls to that of boys.

34. As regards the legal age of marriage for girls in the Democratic Republic of the Congo, it should be pointed out that article 352, subparagraph 1, of the Family Code is one of the discriminatory provisions that were amended in the new overhauled Family Code in parliament.

35. The Child Protection Act raised the legal age to 18, but challenges remain linked to detrimental cultural practices.

36. Moreover, according to the survey carried out by the United Kingdom Department for International Development and UNICEF on the situation of children and adolescents outside school, 5 per cent of girls abandon their studies as a result of early marriage. The State is in the process of looking into the possibilities of providing financial assistance to the poorest families, as well as of increased investment to boost the economic status of households, particular those where the head of household is a woman.

37. According to MICS 2010, 11 per cent of women between the ages of 15 to 49 were married or became part of a de facto union before the age of 15, while 45 per cent of women between the ages of 20 and 49 were married or became part of a de facto union before the age of 18.

10. The Committee urges the State party to take all measures, including administrative measures, to ensure the implementation of legislation protecting children against discrimination. The Committee also encourages the State party to adopt a comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups. The Committee further encourages the State party to carry out studies to identify and act on causes of discrimination and carry out awareness-raising activities in order to combat this phenomenon and to train professionals working with and for children.

38. In both its national strategy to combat gender-based violence and its plan of action, the Government has taken a range of measures designed to eliminate the discrimination experienced by all vulnerable groups. For instance, constructive measures have been adopted to resolve the issue of discrimination based on ethnic origin, gender or disability. In practice, it is true that efforts have still to be made through a process of awareness-raising. Measures have been taken to improve the application of the legislation on non-discrimination in relation to persons with disabilities and persons living with HIV/AIDS, including the creation of 71 specialized schools for the education of children with disabilities (visual, auditory or motor disabilities) which operate throughout the country under the auspices of the Ministry of Social Affairs, Humanitarian Action and National Solidarity.

11. The Committee recommends that the State party take all appropriate measures to ensure that, in accordance with article 3 of the Convention, the principle of the best interests of the child is a primary consideration in all actions concerning children taken by public or private authorities, and is adequately integrated into all legal provisions, judicial and administrative decisions and into projects, programmes, and services having an impact on children.

39. The best interests of the child are taken into account in the preparation of all projects, programmes and policies concerning child protection, and this is the case in all sectors of social life. By way of illustration, the Child Protection Act of 10 January 2009 was drafted in pursuit of the following objectives:

- Guaranteeing children the right to benefit from a range of administrative, social, judicial, educational and health measures, as well as other measures designed to protect children from all forms of abandonment, negligence, exploitation and physical, moral, psychological and sexual aggression;
- Disseminating and promoting a culture of the rights and duties of children, and teaching children about the intrinsic elements of that culture to enable them fully to develop their personalities and prepare them for their responsibilities as citizens;
- Encouraging children to get involved in everything that concerns them, using techniques that can help them learn the virtues of work, initiative and personal endeavour;
- Cultivating in children the values of solidarity, tolerance, peace and mutual respect, thus enabling them to understand that their rights and duties are inextricably bound up with those of the rest of the community;
- Promoting the responsibility of parents, families and the whole of the community in relation to children.

40. By way of example, article 47, subparagraph 3, of the Child Protection Act provides that:

The best interests of the child shall take precedence in establishing filiation and in filiation disputes.

41. Article 49 then provides that:

Practices, traditions and customs which put at risk the development, health or life of the child shall be prohibited.

42. Article 106 stipulates that:

Before taking a decision on the merits, the juvenile court judge may order one of the following interim measures:

- Removal of the child from his or her environment and placement of that child with a couple of sound moral character or an officially registered public or private social institution. A “couple” in this context means a legally married man and woman.

12. The Committee urges the State party to significantly strengthen its efforts to protect children and guarantee their right to life, survival and development, notably by undertaking all efforts to seek an end to the armed conflict.

The Committee further recommends that particular attention be given by the State party to addressing the high infant, child and maternal mortality rates, death caused by preventable diseases and HIV/AIDS.

43. The Government is engaged in a number of efforts to promote the right to peace, including by way of the Goma peace conference of February 2008, and other programmes for peace: currently, 140 of the 145 territories that make up the Democratic Republic of the Congo are free of armed conflict. The implementation of the legislation on HIV/AIDS and other childhood diseases has made it possible to reduce the high mortality rates consequent on those diseases. According to the data contained in the final MICS 2010 report, child mortality rates remain high, although they have seen a significant reduction. The infant mortality rate is estimated at 97 per 1,000 live births, and the infant and child mortality rate at 158 per 1,000 births.

44. The mortality rate among the under-5s fell between 2001 and 2010, falling from 97 per 1,000 for 1-year-olds and from 213 to 158 per 1,000 for the under-5s.

45. A plan to accelerate the reduction in maternal and child mortality was consequently drawn up and adopted by the Ministry of Public Health in September 2012, covering a three-year period and designed to achieve its target by 2015.

- 13. The Committee recommends that the State party continue and strengthen its efforts to encourage birth registration of all children. The Committee urges the State party to ensure allocation of adequate financial, human and other resources to registration centres and to take measures, including mobile services, to ensure easy access to registration by the population in all areas of the country. The Committee further urges the State party to put in place a mechanism to provide for late registration of births free of charge.**

46. There is currently a national plan of action in place for the entry of births in the civil register; the plan was drafted and approved in October 2008 by a panel of delegates from the relevant ministries and civil society, and is in the process of being revised. The implementation of the plan in 2012 and the national strategy of revitalizing civil registry services throughout the country will result, among other things, in a significant increase in the number of births registered. A number of measures have already been taken to make it easier to register births with the civil registry:

- Registration free of charge for children between 1 and 3 months old;
- The organization in Kinshasa, by the Ministry of the Interior, of an awareness-raising campaign for the registration of children with the civil registry, followed by an extension of the campaign to all of the provinces;
- In accordance with Circular No. 250/000/03/2009 of 5 March 2009 publicizing the Child Protection Act, all provincial governors have been instructed to:
 - Set up branch offices in the decentralized territorial entities for the purpose of registering children with the civil registry;
 - Provide capacity-building for registry office employees;
 - Appoint civil registry officials.

47. Staff of the Ministry of the Interior have been assigned to maternity hospitals and health centres to secure the application of the provisions on the registration of children with the civil registry.

48. Implementation of the plan and national strategy yielded the following results in the first quarter of 2012:

Special Child Protection Table

<i>Provinces</i>	<i>Branch offices set up and operational</i>
Kinshasa	25
Équateur	1 107
Bandundu	142
Bas Congo	399
Zone Centrale	1 673
Kasaï Oriental	139
Kasaï Occidental	

<i>Provinces</i>	<i>Branch offices set up and operational</i>
Katanga	419
Zone Sud	558
NK	34
SK	10
Orientale + Haut Uélé	0
Maniema	93
Zone Est	137
Total	2 368

49. Another major feature of this strategy has been to introduce, in health-care facilities, a document of consent giving health-care personnel parents' permission to register the birth while mother and baby are in their care, taking advantage of the fact that 74 per cent of births take place in these facilities.

- 14. The Committee recommends that the State party ensure that the crime of torture is explicitly defined in its legislation and that this definition is in conformity with the Convention against Torture. The Committee further recommends that the State party raise awareness among all segments of society of the definition of torture as a crime and its penalties.**

50. Since 9 July 2011, Act No. 11/008 criminalizing torture and promulgated on 13 July 2011 has been in existence in the Democratic Republic of the Congo. Since August 2011, aware-raising campaigns about the act have been conducted in a number of provinces, led by the Deputy Minister for Human Rights and the Secretary-General for Human Rights in the towns of Bukavu, Goma, Kisangani, Ituri, Mbandaka, Kananga and Mbuji-Mayi.

- 15. The Committee recommends that the State party explicitly prohibit by law corporal punishment in all settings, including in the family, schools, alternative childcare and places of work and places of detention, and implement those laws effectively. It also recommends that the State party intensify its awareness-raising campaigns in order to promote the use of alternative forms of discipline in a manner consistent with the child's human dignity and in accordance with the Convention, especially article 28, paragraph 2, taking into account the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment. Follow-up to the United Nations Study on Violence against Children.**

51. The Congolese legislature has taken steps to prohibit the use of corporal punishment on children. Thus, article 9, subparagraph 1, of the Child Protection Act and article 53, Book II, of the Congolese Criminal Code, as well as articles 147 to 150 of that same code prohibit the use of corporal punishment on children.

52. In April 2011, the National Assembly passed the Act abolishing the penalty of forced labour, and it was promulgated by the Head of State that same month.

- During the first quarter of 2009, the Ministry for Gender Issues, the Family and Children, together with the Ministry of Justice and Human Rights, the Ministry of Communications, the Ministry for Primary, Secondary and Vocational Education and the Ministry of Social Affairs, organized a national workshop to draft the National Communications Plan, as part of the process of publicizing the Child Protection Act. The plan seeks to raise community awareness that the practice of

corporal punishment of children has been prohibited both within the family and in schools;

- Private bodies dealing with the rights of the child, including IUS VITAE and LIZADEEL, are conducting campaigns to prevent and combat corporal punishment in schools in urban areas (Kinshasa) by:
 - Awareness-raising among students and teachers;
 - Psychological and legal support for child victims;
- The student committees set in place by Ministerial Order of the Minister for Primary, Secondary and Vocational Education are involved in this awareness-raising process and in reporting cases of abuse to other social protection bodies for children;
- School curricula have been expanded by introducing topics related to the rights of the child and sexual violence;
- Awareness-raising structures, including “Journalistes amis des enfants” (Journalists, the children’s friend) and the network of local radio stations, have been set up;
- The existence of the National Strategic Plan of Action to prevent and combat violence against children: this includes awareness-raising about all forms of abuse;
- The creation of the National Agency to combat violence against women and adolescent and very young girls (AVIFEM).

53. In order to boost the efforts needed to reinforce the protection and promotion of human rights, the Ministry of Communications and the Media has set itself the goal of publicizing, via Congolese national radio and television, the international legal instruments on human rights that have been ratified by the Democratic Republic of the Congo, including the Convention on the Rights of the Child.

54. As a result, the following broadcasts are included in the programme schedule of Congolese radio and television:

- On national radio:
 - A citizen’s rights and duties in French and all of the national languages: Kikongo, Lingala, Swahili and Chiluba, every Tuesday morning;
 - *Allo les jeunes!* (Hello boys and girls!) in French, every Wednesday morning;
 - *Magasine de la jeune fille* (Girls’ Hour), every Wednesday afternoon;
 - *Santé pour tous* (Health for All), every Thursday morning;
 - *Savoir pour sauver* (Knowledge is safety), every Thursday morning in French and in the national languages in the afternoon;
 - *La voix de l’enfant* (Voice of the Child), every Friday morning and broadcast again in French in the afternoon;
 - *Femme et santé* (Women’s health), every Saturday afternoon in the national languages;
 - *Dimanche en familles* (Family Sunday), every Sunday morning;
- On national television:
 - *Univers des enfants* (Children’s universe), every Saturday afternoon;
 - *Génies en herbe* (Budding geniuses), every Sunday afternoon.

55. Private radio stations and television broadcasters schedule programmes on children and citizens' rights and duties.

56. This activity is possible because of the existence of the NGO Journalistes Amis des Enfants and the network of local radios supported by UNICEF.

57. Newspapers publish articles to mark events concerning the rights of the child (Day of the African Child, International Children's Day, UNICEF Day, World Radio and Television Day, World AIDS Day and International Human Rights Day).

58. In an effort to involve media stakeholders more closely in promoting the rights of the child, working in conjunction with UNICEF, the Ministry of Communications and the Media organized in Kisantu (Bas-Congo), on 11 May 2011, a seminar/workshop for 32 national and provincial senior ministry officials.

59. The focus was on communication for development and, more specifically, promoting five essential family practices (vaccination, hand-washing, the use of mosquito nets impregnated with long-lasting insecticide, exclusive breastfeeding and treating diarrhoea with ORS/Zinc), adopted by the Government of the Republic as part of the implementation of the Accelerated Child Survival and Development Programme.

16. The Committee encourages the State party to prioritize elimination of all forms of violence against children and its roots causes. With reference to the United Nations Study on Violence against Children, the Committee recommends that the State party:

(a) Take all necessary measures to implement the recommendations of the United Nations Study on violence against children (A/61/299), taking into account the outcome and recommendations of the Regional Consultations for West and Central Africa (Bamako, 23-25 May 2005). In particular, the Committee recommends that the State party pay particular attention to the following recommendations:

- (i) Prohibit all forms of violence against children;**
- (ii) Strengthen national and local commitment and action;**
- (iii) Promote non-violent values and awareness-raising;**
- (iv) Enhance the capacity of all who work with and for children;**
- (v) Ensure accountability and end impunity.**

(b) Use the recommendations of the Study as a tool for action in partnership with civil society and, in particular, with the involvement of children to ensure that all children are protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and time-bound actions to prevent and respond to such violence and abuse; and

(c) Seek technical cooperation in this respect from OHCHR, UNICEF and the World Health Organization (WHO), and other relevant agencies, inter alia, ILO, the United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations High Commissioner for Refugees (UNHCR), the United Nations Office on Drugs and Crime (UNODC), as well as NGO partners.

60. During the period 2000-2010, the Government of the Democratic Republic of the Congo demonstrated its absolute determination to protect children, particularly from all forms of violence and abuse.

- Since the publication, in 2006, of the United Nations Secretary-General's Study on Violence against Children, the Democratic Republic of the Congo has undergone radical change in terms of political organization, and this has had a knock-on effect on other aspects of the legal and social environment;
- To secure improved application of the relevant legislation, the Government has taken a range of supporting measures including:
 - The national strategy to combat gender-based violence and Decree No. 11/01 of 5 January 2011 establishing the regular seats and jurisdiction of children's courts;
 - Decree No. 09/38 of 10 October 2009 on the creation, organization and operation of AVIFEM.

61. The Government has also initiated measures, programmes and policies to help eliminate violations of the rights of the child, including:

- Reform of the justice system;
- Reform of the police service; and
- Reform of the army.

62. With the support of its development partners, the Government of the Democratic Republic of the Congo has set under way a range of measures and programmes in the fields of health, education and the environment, and in relation to social welfare, to ensure that children are able to develop their full potential.

63. Medical and psychological assistance is provided to victims through a number of centres equipped with specialist products and specially trained staff in order to prevent infection and pregnancy. The centres and NGOs identify, support and assist child victims of sexual violence. The establishments in question are the Saint Joseph, Bomoto, Kitumaini and Nganda centres. Some NGOs support victims through the judicial system free of charge, including the Observatoire Congolais des Droits de l'Homme (Congolese Human Rights Observatory) and LIZADEEL, with the support of UNICEF.

- The legal clinics provide victims with support;
- Two freephone numbers are available to the public: Nos. 677 and (+243) 8155 656 690;
- The Bomoto centre where young people are taught about reproductive health: they are diagnosed and provided with medical treatment for sexually transmitted diseases.
- The Provincial Departments of Social Affairs issue certificates of poverty to vulnerable persons to enable them to access health care and other basic social services.

64. In terms of training and awareness-raising, the following should be flagged up:

- Five training modules have been devised, with UNICEF support, for journalists and trainers, on advocacy techniques in relation to the implementation of the rights of the child;
- The Ministry of Justice and Human Rights has organized, in the country's 11 provinces, training for 330 legal and social educators on issues concerning: civil status, international instruments on child protection, the assessment of their impact in domestic law, protection of children under the criminal law, social protection for children, the protection of children against socioeconomic exploitation and training methodologies;

- The Convention on the Rights of the Child has been publicized in the national languages for the communities by organizing awareness-raising meetings or via public and private broadcasters that have reserved air time specifically for the dissemination of the Convention and for discussing cases of violations of the rights of the child in the community;
- The law on child protection has been publicized by the Ministry of Social Affairs targeting those working on the ground, network members and national NGOs involved in child protection;
- The V-DAY campaign has been conducted with the slogan *STOP au viol de notre ressource la plus précieuse* (Stop raping our greatest resource) *Droits aux femmes et filles de la RDC — contre les violences sexuelles faites aux femmes et aux enfants* (Power to the women and girls of the DRC — An end to sexual violence against women and girls).

65. Following the process of awareness-raising about the prevention of sexual violence, the adoption of this legislation and the efforts to publicize it, rapists and perpetrators of other sexual offences are being prosecuted and convicted, particularly by the military tribunals. The following judgments are significant:

- RP 086/005 - RP101/006, of 20 June 2006, a judgment handed down by the military tribunal of the garrison of Mbandaka (Equateur Province) against 9 soldiers found guilty, in particular, of the rape of 46 persons in Bokala; for crimes against humanity, they were sentenced to penal servitude for life, based on articles 7, 9, 21, 25, 31, 32, 33 and 37 of the Statute of the International Criminal Court;
- RP 084/2005 of 12 April 2006, a judgment handed down by the military tribunal of Mbandaka against 12 soldiers prosecuted for the rape of 31 persons in Songo Mboyo and sentenced to penal servitude for life on the basis of the Statute of the International Criminal Court;
- RP 011/05 of 26 October 2005, a judgment handed down by the military tribunal of the garrison of Kindu, in Maniema Province, against 2 Mai-Mai militia members who committed acts of rape and sexual slavery against 4 women in the locality of Kimanda, and who were sentenced to death based on articles 5, 6, 165, 169 (7) and 172 of the Military Criminal Code;
- In May 2006, the military tribunal of the garrison of Kalemie (Katanga Province) sentenced 2 soldiers to 10 years' penal servitude for the rape, respectively, of a 5-year-old girl and a 13-year-old girl;
- The trial of the musician who was arrested and sentenced to 5 years' imprisonment has provided a means of publicizing the legislation on sexual violence.

17. **The Committee recommends that the State party take all measures to provide adequate assistance to ensure that families, particularly families living in poverty, are able to take care of their children, including conflict mediation services at local level and financial assistance.**

The Committee also recommends that the State party carry out further activities to sensitize parents, communities and traditional leaders about the protection of child rights at family and community level.

66. As part of the process of adopting supporting measures to underpin child protection legislation and to provide awareness-raising addressed to parents, communities and traditional leaders, a number of steps have been taken in this area including:

- A draft interministerial order has been drawn up by the Ministries of Social Affairs, Humanitarian Action and National Solidarity and for Gender Issues, the Family and Children for the provision of State assistance to disadvantaged families;
- The Ministry of Social Affairs, Humanitarian Action and National Solidarity has drawn up a national plan to help orphans and vulnerable children, street children and children orphaned as a result of HIV/AIDS, etc.;
- Schooling, remedial education and vocational training are organized by the schools and the public and private centres under the subsector responsible for Literacy Development and Informal Education. Programmes are work-oriented and are adopted by the Ministry of Social Affairs, Humanitarian Action and National Solidarity. These educational facilities are provided for children above normal school age;
- Socioeconomic capacity-building for 55 teenage mothers who can access 55 telephone kiosks of the 500 planned across Kinshasa, under the auspices of the Ministry of Social Affairs, Humanitarian Action and National Solidarity, in partnership with the NGO Belles Œuvres Sociales.

67. In August 2011, the Ministry of Social Affairs, Humanitarian Action and National Solidarity launched a campaign to publicize the Child Protection Act of 10 January 2009, and that campaign is currently under way in all of the provinces.

18. The Committee recommends that the State party develop 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 [and] alternative measures such as foster care families.

68. Efforts are being made to boost programmes designed to support poor and vulnerable families, to prevent children being separated from their parents and to reintegrate children whose families are in breakdown into their families and communities. Measures taken by the Government include:

- The creation, in 2009, of FONAFEM a technical, financial and social organization tasked with mobilizing and administering resources for the protection of women and children. Beneficiaries include not only women and children themselves, but also NGOs working for the advancement of women and the protection of children. In 2011, 500 widows were assisted in engaging in revenue-generating activities to help them provide proper care for their children. In 2011, 300 orphans and children from disadvantaged families benefited from free schooling for the 2011/12 school year;
- A national action plan for the period 2010-2014 for the 8 million orphans and vulnerable children living in the Democratic Republic of the Congo. Prepared, in 2009, by the Ministry of Social Affairs, Humanitarian Action and National Solidarity, in collaboration with other public and private institutions, the plan has been implemented with funding from the development partners, including the World Bank and UNICEF;
- The total cost of implementing the plan will be US\$ 466,082,338. Part of this funding, which is spread over five years, is already available and will be used to strengthen the institutional framework; to reinforce preventive measures at community level and family capacity; to provide better access for orphans and vulnerable children to basic social services; for monitoring and evaluation; and to mobilize adequate financial, material and human resources;
- The Implementing Unit of the National Programme for Disarmament, Demobilization and Reintegration (Unité d'Execution du Programme national de

désarmement, démobilisation et réinsertion) (UE-PNDDR) had already deployed US\$ 1,017,201 to assist vulnerable groups, and almost US\$ 800,000 was allocated for the social and economic reintegration of children involved with armed forces and armed groups;

- The signing of Order No. RDC/02 49/ CAB/MINAF SAF. SN/09 of 9 November 2009 on the implementation of national guidelines and the care of children from families in breakdown; the order forms part of the strategy for protecting children deprived of their families.

19. The Committee recommends that the State party:

(a) Establish a central authority for adoption to regulate, train and monitor all actors involved and coordinate with the relevant legal authorities;

(b) Pending the creation of new legislation on adoption, establish an administrative procedure that would facilitate adoption, while ensuring respect for the rights of the child at all stages;

(c) Ensure, in particular, that consent to adoption is a free and informed act on the part of the biological parents and that of the children being adopted and that prior efforts have been made to maintain family ties;

(d) Promote domestic adoption through awareness-raising campaigns and regulations that facilitate access to adoption, such as free or inexpensive costs for documents needed for the adoption process;

(e) Provide information and training in child rights, legal regulations and administrative procedures for adoption to relevant government employees, including judges, lawyers, doctors, nurses, civil registry employees, as well as to managers and staff of orphanages, convents and other institutions that care for children;

(f) Take appropriate measures to prevent illegal adoptions at both national and international level and, in this regard, consider ratifying the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993;

(g) Redirect traditional adoptions towards measures of protection of the children like legal adoption or other types of guardianship; and

(h) Seek technical cooperation in respect of the above from UNICEF or the Hague Conference.

69. Article 41(3) of the Constitution of the Democratic Republic of the Congo of 18 February 2006 enshrines “the right of children to enjoy the protection of their family, society and the public authorities”, while article 41(6) provides that “it shall be incumbent upon the public authorities to ensure the protection of children in difficult situations and to bring to justice the perpetrators of acts of violence against children, as well as their accessories and accomplices”.

70. Promulgated on 10 January 2009 by the President of the Republic, the Child Protection Act No. 09/001 makes provision for international adoption as an alternative measure of protection for ensuring the survival of children and the prospects of their harmonious development.

71. Articles 18 to 20 of the Child Protection Act included certain provisions of the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

72. The Government has drawn up the instruments of ratification, and signature is pending.

73. The Democratic Republic of the Congo also organized the first round table on Intercountry Adoption from 20 to 22 July 2010, bringing together more than 50 of the public and private players involved, as well as delegates from embassies and accredited foreign adoption organizations.

74. Its work led to recommendations, including the establishment in the Democratic Republic of the Congo of an interministerial structure for monitoring intercountry adoption, coordinated by the ministry responsible for women, children and the family. The structure, which embraces the Ministries of Justice, Foreign Affairs, the Interior and Social Affairs, has been in operation since 2010, and its role is to review the procedural regularity of case files, ensure that they comply with the relevant legislation and that children are monitored following their adoption.

75. The Family Code, which regulates questions of adoption in the Democratic Republic of the Congo, has also been reviewed and amended to bring it into line with other relevant legal instruments at both national and international level.

76. The amended Code is now being finalized. It provides for the creation of a national adoption service, which will be the central authority for intercountry adoption in accordance with the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

77. In response to the recommendations of the round table of July 2010 on intercountry adoption:

- The Government has drafted a guide to adoption in the Democratic Republic of the Congo providing information on both legal and administrative procedures and listing the documentation required for the adoption, not only of children in State care, but also of those living in families. An edition of 10,000 copies has been printed and is now being distributed across the country; this underpins the campaign of awareness-raising which the Ministry for Gender Issues, the Family and Children is organizing across the country, with the help of the development partners, for the benefit of those persons with a part to play (including lawyers and persons with judicial, social, administrative and community roles).
- Training and awareness-raising sessions have been organized:
 - for presidents of all the country's juvenile courts during 2010;
 - in 2011, for 80 persons involved (in a legal, administrative or social capacity) at the adoption centre for the 24 local authorities of the city-province of Kinshasa, on intercountry adoption procedures and the documentation required by law;
 - further sessions are planned across the country, for the benefit of both the professional staff concerned (including judges, lawyers, doctors, nurses, civil status officials and orphanage and convent staff) and the community generally.

20. **In the light of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:**
- (a) **Take all necessary measures to ensure the implementation of legislation providing protection for children with disabilities and consider adopting specific legislation on the issue;**
 - (b) **Make every effort to provide programmes and services for all children with disabilities and ensure that such services receive adequate human and financial resources;**
 - (c) **Carry out awareness campaigns to sensitize the public about the rights and special needs of children with disabilities and encourage their inclusion in society;**
 - (d) **Provide assistance to NGOs working on behalf of children with disabilities;**
 - (e) **Provide training for professional staff working with children with disabilities, such as medical, paramedical and related personnel, teachers and social workers; and**
 - (f) **Consider signing and ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol.**

78. Article 49 of the Constitution of 18 February 2006 provides that older persons and persons with disabilities are entitled to specific measures of protection in accordance with their physical, intellectual and moral needs.

79. The Government has a national policy document on the provision of care for vulnerable persons, including children with disabilities.

80. Decision No. 044 of the Ministry of Social Affairs of 23 March 1996 set up a specialized office whose responsibilities include issues relating to the social reintegration of persons living with disabilities.

81. Awareness-raising campaigns to inform the public about the special rights and needs of children with disabilities are run, albeit on a limited scale, by NGOs working for people living with disabilities.

82. The Government provides financial support to NGOs working for children with disabilities.

83. Training for professionals working with children with disabilities is run by the NGOs, which sometimes receive funding from certain external partners.

84. The ratification process is under way, and the relevant instruments were tabled in the National Assembly in July 2012.

- 21. The Committee urges the State party to allocate adequate resources in order to ensure that primary health care is both accessible and affordable and that health centres and hospitals have adequate human, medical and financial resources. The Committee furthermore recommends that the State party conduct training for health workers and that it address the problems of high infant, under-five and maternal mortality and malnutrition, particularly in rural areas, including through preventive measures such as awareness-raising campaigns and poverty alleviation. The Committee also urges the State party to strengthen its efforts to improve immunization rates, particularly through increased and better information dissemination on vaccination campaigns. The Committee encourages the State party to consider seeking technical assistance from, inter alia, UNICEF and WHO.**

85. The immunization coverage rate rose in the Democratic Republic of the Congo between 2001 and 2010. The percentage of children receiving all vaccinations before their first birthday rose from 23 per cent to 42 per cent, while the percentage of children receiving none of the vaccinations recommended by the EPI fell from 19 per cent to 10 per cent. As a result of the Government immunization campaign, run by the Ministry of Public Health with the support of UNICEF, two children in every five (42 per cent) between the ages of 12 and 23 months had received all the EPI recommended vaccinations by the time they were 12 months old. However, 10 per cent of children in this age group received no vaccinations. An analysis by antigen shows that, before their first birthday, 84 per cent had been vaccinated against tuberculosis, 58 per cent had received the third dose of polio vaccine, 61 per cent had received the third dose of DPT (combined) diphtheria/pertussis/tetanus vaccine, 67 per cent had been vaccinated against measles and 65 per cent against yellow fever, and 49 per cent had received the third dose of hepatitis B vaccine.

86. Efforts are also under way to provide a proper response to the problem of malnutrition, including the acute, severe and chronic forms in which it affects many children below the age of 5, around 1 million of whom are acutely and severely malnourished, with more than 5 million suffering retarded growth: a campaign is under way to provide vitamin A supplements, micronutrients and de-worming treatment.

87. Immunization coverage for children increases proportionately in line with the mother's level of education and with socioeconomic advantage.

- 22. The Committee urges the State party to encourage exclusive breastfeeding of children under the age of six months. The State party is also urged to adopt legislation on the 1981 WHO International Code of Marketing of Breast-milk Substitutes.**

88. Breastfeeding status is based on children's consumption of food and liquids during the 24 hours preceding the survey, as reported by mothers and carers. "Exclusively breastfed" refers to children receiving only mother's milk. The table below sets out figures for children who are exclusively breastfed during the first six months of life and those who are mainly breastfed but also receive water (predominantly breastfed), along with data on the continuation of breastfeeding among children aged between 12 and 15 months and between 20 and 23 months.

89. In all, 37 per cent of children below the age of six months are exclusively breastfed. No differences emerge in terms of residential environment, but there are significant differences in breastfeeding between the provinces. The rate of exclusive breastfeeding is lowest in the province of Bas-Congo (20 per cent) and highest in the province of Nord-Kivu (58 per cent). More girls than boys are exclusively breastfed (40 per cent compared with 35 per cent).

90. Overall, the proportion of children below the age of six months who are predominantly breastfed, but receive water in addition to being breastfed, is 66 per cent.

91. The figures show that, overall, in the 12-15 month age group, 87 per cent of children continue to be breastfed, but this falls to 53 per cent in the 20-23 months age group. Consequently, almost no progress has been achieved in this area since the 2001 MICS. In 2001 the proportion of children who were breastfed in the 12-15 month age group was 87 per cent, while in the 20-30 month age group it was 40 per cent.

92. The position on the continuation of breastfeeding in both age groups is distinctly better in rural than in urban areas. In the 12-15 month age group, 78 per cent of children are breastfed in urban areas compared with 90 per cent in rural areas, while in the 20-23 month age group, 29 per cent are breastfed in urban areas compared with 61 per cent in rural areas.

93. For both age groups, the continuation of breastfeeding is inversely related to the mother's levels of education. In the 12-15 month age group, 91 per cent of children of uneducated mothers are breastfed compared with 85 per cent of children of mothers educated to primary or secondary level; while in the 20-23 month age group, 68 per cent of children of uneducated mothers are breastfed compared with 54 per cent of children of mothers educated to primary level and 43 per cent of children of mothers educated to secondary level or above.

94. Households' socioeconomic status also has a negative impact on continuation of breastfeeding. For the 20-23 month age group, for example, the proportion of children breastfed is three times higher in the poorest quintile (62 per cent) than in the wealthiest (23 per cent).

Table No. 1
Percentage of children by age group and breastfeeding status in the Democratic Republic of the Congo, 2010

	<i>Children 0-5 months</i>			<i>Children 12-13 months</i>		<i>Children 20-23 months</i>		<i>Children 0-23 months</i>	
	<i>Percentage exclusively breastfed (1)</i>	<i>Percentage predominantly breastfed (2)</i>	<i>Number of children 0-5 months</i>	<i>Continued breastfeeding : percentage breastfed at 2 years (3)</i>	<i>Number of children 12-15 months</i>	<i>Continued breastfeeding : percentage breastfed at 2 years (4)</i>	<i>Number of children 20-23 months</i>	<i>Number of children 20-23 months</i>	<i>Number of children 0-23 months</i>
Gender									
Male	34.7	64.9	676	84.3	416	51.7	366	84.1	2 494
Female	39.6	66.9	612	88.8	429	53.3	382	84.6	2 501
Province									
Kinshasa	22.7	58.3	109	73.8	84	17.5	85	69.6	469
Bas-Congo	19.7	69.9	69	91.5	55	(49.4)	47	86.3	298
Bandundu	29.8	65.2	143	91.1	69	81.1	77	93.1	547
Équateur	41.1	85.4	155	86.0	101	45.2	103	80.5	606
Orientale	50.5	86.0	94	76.0	69	47.6	73	84.4	414
Nord-Kivu	57.7	85.2	107	86.5	94	67.1	56	88.6	433
Maniema	(57.1)	(64.9)	41	(*)	23	(*)	22	88.6	142
Sud-Kivu	38.5	62.1	112	90.8	77	62.4	62	85.2	423
Katanga	31.0	54.9	266	88.7	149	42.0	91	83.6	928
Kasaï Oriental	45.6	61.8	106	87.7	74	53.8	73	82.8	422
Kasaï Occidental	29.9	63.5	85	96.5	51	76.0	56	92.8	313
Residential Environment									
Urban	37.0	60.7	306	77.7	219	29.4	208	75.8	1 290
Rural	37.1	67.4	982	89.7	626	61.4	540	87.4	3 705
Mother's education level									
None	29.2	66.6	323	90.5	227	68.4	156	88.6	1 174
Primary	41.4	67.0	548	85.0	362	53.7	306	85.0	2 185
Secondary +	37.4	63.7	417	85.3	256	42.6	286	80.6	1 636
Socioeconomic status by quintile									
Poorest	36.1	72.5	288	90.2	202	62.0	185	87.0	1 092
Second	38.5	68.4	302	85.2	161	60.5	152	86.4	1 056
Middle	38.3	65.9	262	87.6	173	57.2	134	86.5	1 029
Fourth	41.1	65.1	236	89.9	168	56.8	137	87.2	898
Wealthiest	29.6	53.0	200	78.0	141	22.7	140	72.2	828
Religion of head of household									
Catholic	36.4	70.6	403	86.9	244	51.3	210	84.4	1 471
Protestant	39.2	66.1	384	91.2	267	53.0	220	86.5	1 516
Kimbanguism	(33.0)	(64.8)	37	(84.3)	28	(*)	27	78.9	152
Revivalist	33.5	59.9	188	80.2	121	43.6	119	80.0	753

	Children 0-5 months			Children 12-13 months		Children 20-23 months		Children 0-23 months	
	Percentage exclusively breastfed (1)	Percentage predominantly breastfed (2)	Number of children 0-5 months	Continued breastfeeding : percentage breastfed at 2 years (3)	Number of children 12-15 months	Continued breastfeeding : percentage breastfed at 2 years (4)	Number of children 20-23 months	Number of children 20-23 months	Number of children 0-23 months
	Christian								
Other Christian	46.0	70.5	103	77.2	65	59.5	69	83.8	436
Jehovah's witnesses	(21.3)	(38.0)	41	(*)	20	(*)	14	84.4	122
Islam	(*)	(*)	18	(*)	15	(*)	24	81.5	82
Animism	(*)	(*)	18	(*)	8	(*)	11	92.5	62
No religion	(*)	66.0	96	89.6	77	69.0	63	86.9	400
Total	37.0	65.8	1 288	86.6	845	52.5	748	84.4	4 995

(*) Based on fewer than 25 weighted cases.

(1) 2010 MICS indicator No. 2.6; (2) MICS indicator No. 2.9; (3) MICS indicator No. 2.7; (4) MICS indicator No. 2.8.

() Based on a low number of between 25 and 49 unweighted cases.

- 23. The Committee recommends that the State party, taking into account the Committee's general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, continue and strengthen activities and services under the framework of its national adolescent health programme and services, and that it prioritize gathering coherent, systematic and valid data on adolescent health concerns through, inter alia, studies on this issue and a more effective monitoring mechanism.**

The Committee also recommends that the State party elaborate clear policies and, when applicable, legislation, addressing the prevention of adolescent health-related issues, in particular early pregnancies and drug and alcohol abuse.

95. Sexual activity, early pregnancy and early childbirth pose enormous risks for the lives of young people all over the world.

96. Overall, the results of MICS 2010 show that 28 per cent of adolescent girls aged between 15 and 19 in the Democratic Republic of the Congo had already begun childbearing: 22 per cent had already had a live birth and 6 per cent were pregnant with their first child. Almost 4 per cent of adolescent girls between the ages of 15 and 19 had given birth before the age of 15. In the 20-24 age group, one in every four women, that is 25 per cent, had given birth before the age of 18.

97. The percentage of adolescent girls aged between 15 and 19 who have already begun childbearing is higher in rural (33 per cent) than in urban areas (20 per cent), and also varies with levels of education. The highest percentage is among uneducated women at 45 per cent, contrasting with women educated to primary level at 33 per cent, and above all with women educated to secondary level or above at 18 per cent. Overall, the percentage falls from 36 per cent for uneducated women to 14 per cent among women educated to secondary level or above.

98. Significant variations in the percentage of adolescent girls who have already begun childbearing between the ages of 15 and 19 are apparent between provinces, the highest rate, at 44 per cent, being in Maniema and Katanga. Next come Bas-Congo and Orientale at

33 per cent. In Kinshasa and Bandundu, the percentage is low, at 17 per cent. In terms of socioeconomic status, significant variations are observable only between the wealthiest and the remaining categories of women.

99. The percentage of adolescent girls aged between 15 and 19 who have begun childbearing lies at 16 per cent for the wealthiest, compared with 38 per cent for the poorest and 24, 33 and 35 per cent for the intermediate categories.

100. The percentages of women aged between 20 and 24 who have had a live birth before the age of 18 are highest in rural areas at 29 per cent, compared with 18 per cent in urban areas. In Katanga, the figure is 35 per cent, in Nord-Kivu and Orientale 31 per cent and in Maniema 30 per cent.

101. The percentage of women aged between 20 and 24 who have had a live birth before the age of 18 is more than two-and-a-half times higher among uneducated women than among those educated to secondary level or above, namely 36 per cent compared with 14 per cent. The same trend is apparent in relation to quintiles based on socioeconomic status, where, at 28 per cent, the percentage of women aged between 20 and 24 living in the poorest households who have had a live birth before the age of 18 is twice as high as that of women living in the wealthiest households, at 13 per cent.

102. Throughout the country, different attitudes are observable between the younger and older generations of women.

24. The Committee urges the State party to:

(a) Implement and apply legislative and other measures to prohibit traditional practices that are harmful to children, including female genital mutilation, as well as forced and early marriages;

(b) Ensure that legislation prohibiting forced and early marriages provides for appropriate sanctions, and that perpetrators of such acts are brought to justice; and

(c) Continue and strengthen awareness-raising and sensitization activities on the harmful impact of forced and early marriages for families, in cooperation with traditional or religious leaders and the general public in order to encourage change conducive to the elimination of harmful practices.

103. Legislative and other measures have been taken to ban traditional practices which are harmful to children, including:

- The enactment of Acts Nos. 06/018 and 06/019 of 20 July 2006 on sexual violence, which outlaw acts of sexual violence and impose penalties for genital mutilation;
- The promulgation of the Child Protection Act No. 09/001 of 10 January 2010 which reinforced the Act on sexual violence by converting abuses previously treated as aggravating circumstances into offences in their own right;
- The courts and tribunals are devoting major efforts to the enforcement of this legislation;
- As part of awareness-raising carried out, in 2008, by the Ministry of Health on the national policy for health of young people, educational dialogues were held throughout the Republic.

25. **The Committee recommends that the State party, while taking into account the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights, take measures to reduce HIV infection, particularly with regard to young people through, inter alia:**

(a) **Developing, strengthening and continuing policies and programmes to provide care and support for children infected or affected by HIV/AIDS, including programmes and policies to strengthen the capacity of families and the community to care for such children;**

(b) **Carrying out activities to reduce stigma and discrimination related to HIV/AIDS and providing awareness-raising on human rights within the context of HIV/AIDS; and**

(c) **Continuing and strengthening efforts to disseminate information and materials to the public, particularly adolescents, on prevention and protection methods, including safe sex practices.**

104. The 2010 MICS report on the Democratic Republic of the Congo estimates the percentage of women between 15 and 24 who have heard of HIV/AIDS at 87 per cent, or just over four out of every five young women. As with the general population, however, the level of awareness of the two methods of preventing HIV/AIDS is low among women between the ages of 15 and 24, at 40 per cent. The percentage of young women who know that the transmission of AIDS/HIV can be prevented by having a sole sexual partner who is faithful and uninfected lies at 64 per cent, and 46 per cent understand that a condom must always be used in sexual intercourse.

105. According to the indicators provided by MICS 2010, nearly all (92 per cent) of women in the Democratic Republic of the Congo between the ages of 15 and 49 agree with at least a compassionate approach; however fewer than 10 per cent (8 per cent) gave positive responses to four questions on considerate attitudes to HIV/AIDS - fewest of all to the question of keeping secret the condition of a family member infected by the AIDS virus, at 41 per cent.

106. The percentage of women giving positive responses to all four questions is 8 per cent in urban and 7 per cent in rural areas. Women between 30 and 40 represent the age group in which most women gave positive responses, with 9 per cent, followed by the 45-49 year-olds (8 per cent).

107. Moreover, more women who are highly-educated (10 per cent) and from the wealthiest families (9 per cent) give positive responses than uneducated women (6 per cent) and women living in the poorest households (4 per cent).

108. All of these results, which have led to a reduction in stigmatization and discrimination in relation to HIV/AIDS, have been achieved as a result of intensive action by the Government of the Democratic Republic of the Congo, through its specialized structures, to raise awareness among the population of human rights in the context of HIV/AIDS.

109. According to the data provided by the final MICS 2010 report, 87 per cent of women aged 15-19 received antenatal care from a health professional during their most recent pregnancy; 46 per cent received advice on HIV/AIDS during antenatal care; and 19 per cent were offered a diagnostic test for HIV/AIDS and were tested in the course of antenatal care.

110. In addition, 16 per cent were offered a diagnostic test for HIV/AIDS, received one in the course of antenatal care and were informed of their status.

111. Fewer women were given advice in the course of antenatal care in rural areas (37 per cent, compared with 72 per cent in urban areas): the figures were 24 per cent for the province of Kasai Occidental, 33 per cent for Maniema and Équateur and 36 per cent for Katanga.

112. Similarly, the percentage of women receiving advice on HIV/AIDS during antenatal care was lower among women from the poorest households than among women from the wealthiest households.

113. The same trend is observable among women who were offered a diagnostic test for HIV/AIDS, received one in the course of antenatal care and were informed of their status.

114. They are proportionally fewer in rural areas (8 per cent compared with 40 per cent in urban areas) and among women living in the poorest households (5 per cent compared with 55 per cent of women living in the wealthiest households). These procedures were trialled in the provinces of Équateur (2 per cent), Kasai Occidental and Maniema (4 per cent) and Bandundu (5 per cent) where the percentages of women tested in the course of antenatal care and aware of their HIV status are lowest.

- 26. The Committee recommends that the State party allocate appropriate resources to eradicate child poverty, as defined by the General Assembly in 2007, ensuring access of children to clean, potable water, adequate sanitation facilities, a healthy environment and food security.**

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 which are relevant to children.

The Poverty Reduction Strategy should take into account the root causes of poverty, including the inequitable distribution of available resources.

115. Additional but insufficient resources have been provided for in the context of the GPRSP, but remain unavailable owing to the many challenges facing the Government, including the war in eastern Congo.

116. The Government recognizes that much remains to be done, and is seeking additional assistance from donors to reinforce the fight against poverty, especially child poverty.

117. According to MICS 2010, fewer than half of households (47 per cent) drink water from an improved source. Urban households and those with a high socioeconomic status have greater access to sources of treated drinking water: 83 per cent of urban households compared with 31 per cent of rural households, and 92 per cent of the wealthiest households compared with 10 per cent of the poorest.

118. At national level, only 6 per cent of the population have access to improved private sanitation facilities. There are very wide disparities between urban (14 per cent) and rural (3 per cent) areas, and between the wealthiest (23 per cent) and the poorest (less than 1 per cent) households.

119. There is nevertheless a Programme for water, hygiene and sanitation, as well as the project “Sanitation for School and Village”, piloted by the Ministries of Rural Development and of Primary, Secondary and Vocational Education working with UNICEF.

27. **The Committee recommends that the State party, taking into account its general comment No. 1 (2001) on the aims of education:**
- (a) Ensure access to primary education, free of charge, including any additional (non-tuition) costs to all children without discrimination;**
 - (b) Take all measures to ensure that children complete their compulsory schooling, taking concrete action to address the reasons behind non-completion of schooling, including, inter alia, persisting zones of insecurity, displacement of families, lack of transport, destruction of school infrastructures and poverty;**
 - (c) Continue its efforts to reduce gender disparities in access to and full enjoyment of the right to education;**
 - (d) Increase expenditure on the education sector in order to ensure that the educational system is able to function properly;**
 - (e) Improve the quality of teaching by, inter alia, ensuring that teachers receive appropriate training and are further qualified by in-service training, and that they receive adequate salaries that are paid in a timely manner;**
 - (f) Take steps to ensure that educational facilities are in suitable physical condition, including adequate sanitation facilities, and that they receive adequate material resources;**
 - (g) Promote early childhood education and take steps to provide access to such education for children in all regions;**
 - (h) Create vocational education and training for children, including children who have dropped out of primary or secondary schools;**
 - (i) Take legislative measures to eliminate the gap between the compulsory education age and the minimum age for labour; and**
 - (j) Include human rights and child rights in the curricula of schools.**

120. As a member of the international community, the Democratic Republic of the Congo is party to the principal international instruments on education, including the 1990 World Declaration on Education for All and the 2000 United Nations Millennium Declaration for development. All these instruments require commitment to high-quality, free and compulsory primary education, and to schooling for girls in order to minimize inequalities and disparities between the sexes.

121. To attain these objectives, the Government of the Democratic Republic of the Congo has produced a development strategy for the subsector under the auspices of the Ministry of Primary, Secondary and Vocational Education. Under the strategy, a number of measures have been brought to fruition and others set under way, including: the distribution free of charge of textbooks and exercise books to children in the first year of primary education; campaigns to raise awareness among parents and children of the benefits of education; the building and refurbishment of certain schools; the gradual registration of new units (teachers); gradual reductions in parental contributions to teachers' salaries to aid teacher retention and the abolition of other school fees; and training for teachers and school inspectors.

122. State spending on education has increased as shown in the table below.

Ministry	2009		2010		2011	
	Amount	Percentage	Amount	Percentage	Amount	Percentage
EPSP	187,657,862,614 CGF	6.4	291,816,005,869 CGF	5.2	453,926,955,383 CGF	6.7

Source: State expenditure budget 2009, 2010 and 2011.

123. In the Democratic Republic of the Congo, three-quarters (75 per cent) of children of primary school age are currently attending primary or secondary school. The attendance rate in primary schools is higher for boys (78 per cent) than for girls (72 per cent).

124. In urban areas, 86 per cent of children attend school compared with 70 per cent in rural areas. In contrast with the provinces of Kinshasa (90 per cent), Bas-Congo (79 per cent), Bandundu (80 per cent) and Maniema (79 per cent), all the remaining provinces have net primary school attendance rates below the national average.

125. The primary school attendance rate increases with age, rising from 55 per cent among children aged 6 to 83 per cent of 11 year-olds.

126. The attendance rate also increases in line with the mother's level of education and the household's socioeconomic status. The rate is 61 per cent for children born to uneducated mothers compared with 89 per cent for those with mothers educated at secondary level or above. Similarly, the net attendance rate for primary school is 65 per cent for households in the poorest quintile, compared with 92 per cent in the wealthiest quintile.

127. Between 2001 and 2010, net rates of primary school attendance rose from 52 per cent to 75 per cent in total, from 55 per cent to 78 per cent for boys and from 49 per cent to 72 per cent for girls.

128. In terms of secondary education, at present only 32 per cent of children of secondary-school age attend a secondary or higher-level school.

129. Outside Kinshasa, where the net secondary-school attendance rate is 64 per cent, only 3 of 11 provinces have attendance rates equal to or higher than the national average: Kasai Occidental (37 per cent), Maniema (34 per cent) and Sud-Kivu (32 per cent). Similarly, the rate is higher in urban than in rural areas (53 per cent compared with 21 per cent).

130. Figures for continued school attendance indicate that almost three-quarters (75 per cent) of children who are enrolled in the first year of primary education will reach the sixth year. This includes children who repeat a year but still manage to reach the final year.

131. The percentage of boys enrolling in the first year of primary education and reaching the sixth year is slightly higher than for girls (77 per cent compared with 73 per cent). The percentage is highest by far in the city-province of Kinshasa (92 per cent). It ranges from 62 per cent in Katanga to 87 per cent in Bandundu, with the other provinces lying between the two.

132. In the context of the Government's infrastructure development programme *Cinq chantiers de la République* (Five priorities for the Republic), many schools have been built or renovated and properly equipped in both Kinshasa and the provinces, with both State funding through the Central Bureau for Coordination and finance from the development partners.

133. Early childhood education is promoted through teaching organized by the Ministry for Primary, Secondary and Vocational Education, with support from partners.

134. Overall, only 8 per cent of children enrolled in the first year of primary education had taken part in a programme of early childhood education during the preceding year. There is only a slight gender gap (9 per cent for girls compared with 7 per cent for boys). There is, however, a major difference according to place of residence. The percentage of urban children in the first year of primary education who benefited from early childhood education is in fact ten times higher than that of rural children: 23 per cent compared with 2 per cent.

135. Disparities between provinces are also very marked. The city-province of Kinshasa has the highest proportion of children in the first year of primary school who have benefited from nursery education (35 per cent), followed by the provinces of Nord-Kivu and Sud-Kivu with 13 per cent and 9 per cent respectively. In the other provinces, the percentage ranges between 1 per cent and 8 per cent.

28. The Committee urges the State party to take all necessary steps to collaborate and ensure that the Goma peace agreement is fully respected by all parties. The State party should take all available measures to ensure the protection of children by ensuring that human and financial resources are available, including through international assistance, for their demobilization.

136. The Government has taken measures necessary to ensure that the Goma peace agreement is respected by all parties, and has done so through a number of peacekeeping missions carried out with help from the international community via the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), including, for instance, Operations Kimia I and II and Operation Amani Léo.

137. Other measures taken include the reintegration into the Armed Forces of the Democratic Republic of the Congo of former combatants and members of armed groups.

138. The Government has revitalized UE-PNDDR by mobilizing tens of millions of dollars via international partners (72 million dollars from the World Bank and the African Development Fund): in December 2009, US\$ 1,290,359 was made available for the demobilization component of the programme.

29. The Committee recommends the State party fully implement the recommendations contained in the report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo (S/2008/693).

139. The Government would respond as follows to the recommendations contained in the report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo as regards banning the recruitment of children, their demobilization and reintegration, and the development of a national and regional strategy and measures to combat impunity.

140. Working with the United Nations Country Task Force on Monitoring and Reporting, the Congolese Government has already drawn up an action plan for children involved with armed forces and groups in the Democratic Republic of the Congo, in accordance with resolutions 1539 (2004) and 1612 (2005).

141. The following measures have been taken by the Democratic Republic of the Congo to prevent the recruitment of children to non-State armed groups:

- First, Decree-Law No. 66/2000 providing for the demobilization and reintegration of vulnerable groups present in the armed forces, which was issued on 9 June 2009 by the President of the Republic and which is based inter alia on the Convention on the Rights of the Child, as well as United Nations Security Council resolutions 1261,

1279 and 1291 on the protection of civilian populations, and more especially the protection of child soldiers;

- Secondly, the Child Protection Act of 10 January 2009, article 187(2) of which provides that the recruitment or use of children below the age of 18 years in armed forces or groups or the police is punishable by between 10 to 20 years imprisonment;

142. The statistics provided by that body show that 35,082 children were extracted from the armed forces and groups between 2004 and 2011.

143. Statistics on the vocational courses taken by children monitored under these programmes, within their home communities, reveal the following range of trades: bakery and confectionery; dressmaking; bicycle and motorcycle repairs; vehicle maintenance; carpentry; metalworking; fishing; agriculture and animal husbandry; and masonry and bricklaying.

144. The table below provides disaggregated figures on the 30,594 children removed from armed forces and armed groups, according to the type of reintegration assistance and by the country's 11 provinces (Bandundu, Bas Congo, Équateur, Kasai Oriental, Kasai Occidental, Katanga, Kinshasa, Sud-Kivu, Nord-Kivu, Orientale and Maniema).

Numbers of children removed from armed forces and armed groups and provided with care, by province and by category of care

	<i>BDD</i>	<i>BC</i>	<i>EQ</i>	<i>KOR</i>	<i>KOC</i>	<i>KT</i>	<i>KN</i>	<i>SK</i>	<i>NK</i>	<i>PO</i>	<i>MA</i>	<i>Total</i>
Removed	150	357	3 247	488	262	2 355	170	4 980	6 736	9 448	2 221	30 594
Reunited with family	135	16	2 451	488	114	1 652	175	3 058	4 489	8 203	2 279	23 060
Enrolled in school	1	5	210	86	4	628	0	312	2 078	2 335	872	6 531
Trained	6	2	1 642	208	22	163	148	1 133	2 329	3 009	1 529	10 191
Total numbers in economic reintegration	7	7	1 852	294	26	791	148	1 445	4 407	5 344	2 401	16 722

Estimated numbers awaiting economic reintegration: approximately 6, 000 children

Source: Ministry of Social Affairs, report on monitoring and evaluation of the activities of the National Programme for Disarmament, Demobilization and Reintegration (Children), December 2007.

145. Finally, as regards the information to the effect that no official demobilization operation to free children was organized in 2010, the Ministry of National Defence and Veterans confirms this but stresses that the armed forces of the Democratic Republic of the Congo no longer include any children.

30. The State party is encouraged to collaborate with the International Criminal Court in order to seek accountability and prevent impunity for those who have committed grave violations against children.

146. The Democratic Republic of the Congo is collaborating fully with the International Criminal Court. A number of Congolese nationals have been referred to the Court on charges including child recruitment, among them Thomas Lubangu, Germain Katanga and Mathieu Ngondjolu. At domestic level, senior officers who have been involved in serious violations of the rights of the child, and who were named in the report of the Special Representative of the United Nations Secretary-General and in the report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo, are being detained from day to day. These cases include that of General Jérôme Kakuavu, who is

being prosecuted for sexual violence against children. Proceedings have been initiated against the following officers on suspicion of having recruited and used children in armed conflict: Colonels Jean-Pierre Biyoyo, Busogi Gwigwi, Venant Bisogo, Michel Manika and Innocent Zimurinda.

31. Furthermore, the Committee urges the State Party to significantly increase its efforts to put an end to the suffering of children caused by the armed conflict by, inter alia, extending full support to:

(a) The United Nations Mission in the Democratic Republic of Congo (MONUC);

(b) The Country Task Force on Monitoring and Reporting established following Security Council resolution 1612;

(c) The Special Representative of the Secretary-General for children and armed conflict and Special Procedures of the Human Rights Council, notably the Representative of the Secretary-General on the human rights of internally displaced persons.

147. (a) On 4 October 2012, on behalf of the Government of the Democratic Republic of the Congo, the Prime Minister signed with the United Nations Country Task Force on Monitoring and Reporting an action plan for combating the recruitment and use of children and other grave violations of the rights of the child by the armed forces and security services of the Democratic Republic of the Congo, as part of the process of implementing Security Council resolution 1612.

148. (b) From the outset of the discussions on the establishment of the action plan for children involved with the armed forces and armed groups, the Government has been committed to close collaboration with the Country Task Force on Monitoring and Reporting set up pursuant to United Nations Security Council resolution 1612. A joint technical group for resolution 1612 comprising the Government and the Country Task Force (MONUSCO and UNICEF) has been set up to implement and monitor the action plan. The joint technical group will make regular reports on progress in implementing the action plan.

149. (c) The Democratic Republic of the Congo maintains good relations with the Special Representative of the Secretary-General for children and armed conflict and the Representative of the Secretary-General on the human rights of internally displaced persons. Both made working visits to the country in 2009 and 2010 to satisfy themselves that the effectiveness of the process of implementing the rights of the child was being monitored, particularly in relation to children and armed conflict.

32. **The Committee recommends that the State party reactivate its Disarmament, Demobilization and Reintegration Programme and allocate adequate human and financial resources for it to perform its mandate.**

The Committee further recommends that the State party ensure that all children awaiting official demobilization and reintegration are always treated primarily as victims and can exercise their right to education, health care and protection.

The Committee underlines the importance that gender considerations are taken in account in all demobilization and reintegration measures and programmes.

150. The Disarmament, Demobilization and Reintegration Programme has already been relaunched.

151. To date, UE-PNDDR has mobilized US\$ 72,000,000 through international partners, including US\$ 50,000,000 to be made available by the World Bank and US\$ 22,000,000 by the African Development Fund of the African Development Bank. In December 2009, US\$ 1,290,359 was made available specifically for the component of the programme dealing with demobilization.

152. With the support of UNICEF, UE-PNDDR launched a campaign “Zero children in armed forces and groups”, which operated for a year between June 2008 and June 2009 and produced the following results:

- (1) Deployment on the ground of a total of four advocacy missions at Goma, Bukavu, Bunia and Kalemie to press for children to be allowed to leave the ranks;
- (2) Deployment on the ground of awareness-raising personnel to make contact with non-State armed groups and communities in the most remote and least secure areas to obtain the release of children from armed groups and forces:
 - 2.1. Deployment of 12 awareness-raising personnel in the provinces of Nord-Kivu and Sud-Kivu, Orientale Province, Katanga and Équateur;
 - 2.2. Delivery of 11 awareness-raising missions in: Gety, Nokia and Mahagi in Orientale Province; Béni, Lubero and Kirumba in Nord-Kivu; Manono and Ankoro in Katanga; Zongo and Befale in Équateur and Uvira in Sud-Kivu;
 - 2.3. Awareness-raising targeted at 1,025 persons, including at least 168 officers of the armed forces of the Democratic Republic of the Congo, 205 other ranks (non-commissioned officers), 10 police officers (from the Congolese National Police), 50 members of civil society and members of local communities;
- (3) Distribution of aids to support a continuing, targeted and extensive awareness-raising effort: T-shirts, pens, themed notebooks, banners, posters and stickers;
- (4) Broadcasting of radio and TV programmes and slots in the four national languages designed to raise awareness in a striking and effective manner;
- (5) Recording and broadcasting of televised debates to raise awareness among the political and administrative authorities and military officers.

33. **The Committee urges the State party, taking into account the Committee's general comment No. 6 (2005) on the treatment of unaccompanied children and separated children outside their country of origin, to continue and strengthen its efforts in order 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.**

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. The Committee also reiterates its previous recommendation (CRC/C/15/Add.153, para. 63) that every effort be made to prevent all forms of violence against refugee and internally displaced children.

Finally, the State party is encouraged to implement the recommendations of the Representative of the Secretary-General on the human rights of internally displaced persons, following his mission to the State party in January 2009.

153. To ensure that all refugees and displaced persons, including children, are provided with adequate and appropriate assistance, including food, medical and psychological care and access to education, the Government has taken the following measures:

- The launch by the Ministry of the Interior on 21 September 2010 of the operation to issue refugee cards;
- The establishment of transit and guidance centres, a number of them in eastern Congo: WFP intervenes from time to time to provide food for the children concerned;
- Medical and psychological care are delivered by *Cooperazione Italiana* to the victims of sexual violence; as regards the educational component of the programme, UNICEF has built schools and is providing the children concerned with school materials;
- In response to the recommendations of the Representative of the Secretary-General on the human rights of internally displaced persons (following his visit to the Democratic Republic of the Congo in January 2009) the Government has just begun the process of ratifying the Kampala Convention on displaced persons in Africa.

34. **The Committee encourages the State party to strengthen its programmes aimed at supporting poor and fragile families, at preventing children from separating from their parents and at reintegrating street children into their families and communities. It also 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.**

Furthermore, the Committee recommends that the State party take additional measures to protect street children from violence and sexual abuse and provide them with adequate food, shelter, education and health-care services.

The Committee recommends that the State party involve street children in the planning, implementation and evaluation of programmes designed for them.

154. To strengthen its programmes aimed at supporting poor and fragile families, at preventing children from separating from their parents and at reintegrating street children into their families and communities, the Government has taken the following raft of measures:

- Decision No. RDC/0248/GC/CAB/MINAF.SHAH.SN/09 of 19 November 2009 on the social placement of children in difficult situations and in need of special protection;
- Decision No. RDC/0249/CAB/MINAF.SAH.SN/09 of November 2009 on the application of the national guidelines for the protection and care of children affected by family breakdown. A national plan for at least 8 million orphans and street children living in the Democratic Republic of the Congo is to be established and implemented by the Ministry of Social Affairs, Humanitarian Action and National Solidarity during the period 2010-2014 in partnership with both public and private institutions, including NGOs, and with the development partners;
- Interministerial Decision No. 12/MIN/TPS/AR/34/2006 of 10 June 2006 on the establishment and operation of the national committee for combating the worst forms of child labour;
- Implementation by the Ministry of Employment, Labour and Social Security of the national programme for youth employment and the establishment of the Implementing Unit for the UE-PDDR programme by the Ministry of National Defence;
- Establishment of FONAFEM to promote capacity-building for women;
- The town hall (street) cleanliness campaign with the participation of street children.

35. The Committee urges the State party to take effective measures to prevent children from being accused of witchcraft, including through continuing and strengthening public awareness-raising activities, particularly directed at parents and religious leaders and by addressing the root causes, inter alia, poverty.

The Committee further urges the State party to implement legislative and other measures to criminalize making accusations against children of witchcraft and bring to justice persons responsible for violence and ill-treatment of children accused of witchcraft.

Finally, the Committee recommends that the State party provide recovery and reintegration measures for children who have been victims of such practices.

155. Effective measures have been taken to prevent children being accused of witchcraft on the basis of article 160 of the Child Protection Act.

156. These measures are being inadequately enforced because both children and even parents are unfamiliar with the law: the fact that children under the charge of perpetrators of such acts are not informed of the procedure is to some extent the major obstacle.

36. **The Committee urges the State party to take all appropriate steps to eliminate exploitative child labour, particularly in its worst forms, including through the implementation of legislation regulating child labour and the application of appropriate sanctions against persons violating such legislation.**

The Committee recommends that the State party prioritize the improvement of primary school enrolment and the prevention of dropouts with a view to eliminating the worst forms of child labour.

The Committee encourages the State party to seek technical assistance from ILO/IPEC in this regard.

157. On 28 March 2001, the Democratic Republic of the Congo ratified International Labour Organization Convention No. 182 on the Worst Forms of Child Labour.

158. The new 2002 Labour Code raised the minimum working age from 14 to 16 years. In addition, it outlaws all of the worst forms of child labour, based on article 3 of ILO Convention 182 concerning the prohibition of and immediate action for the elimination of the worst forms of child labour.

159. Article 4 of the Labour Code establishes a national committee for combating the worst forms of child labour whose remit is:

- To draft the national strategy for the elimination of the worst forms of child labour;
- To ensure that the implementation of the strategy is monitored and assess the extent to which the recommended measures are enforced.

160. To combat and eliminate the worst forms of child labour, the Government has put in place the following administrative structures:

- Centres for Social Advancement providing vocational training in carpentry, general mechanics, basket-making, information technology and other subjects designed to improve opportunities for integration into working life;
- The National Institute of Vocational Preparation also has an array of incentives and training capabilities that can prevent children being tempted to work prematurely and allow them to acquire a recognized qualification in subjects such as general mechanics, motor mechanics, refrigeration, electricals, information technology and electronics;
- In addition, training workshops run by the Ministries of Youth and Sport which focus on getting children who have dropped out of school to learn a trade.

161. As part of the effort to combat the worst forms of child labour, the Government has taken the following measures:

- The preparation, through the offices of the National Committee to combat the worst forms of child labour, with support from the International Programme on the Elimination of Child Labour (ILO/IPEC), Save the Children, Solidarity Center and UNICEF, of a national action plan to run from now until 2020. This was preceded by a review of the worst forms of child labour in the Democratic Republic of the Congo, carried out in 2009;
- Support, through the offices of the National Committee to combat the worst forms of child labour, for the implementation of three projects for prevention and for the rescue of children involved in, or affected by, armed conflicts or working in the mines, and for their social and economic reintegration. These projects have been carried out in Équateur province, both Kasai provinces, Katanga and in the district of

Ituri in Orientale province, and have demonstrated the importance of the organizations providing social protection for children, of other State structures such as the small-scale-mining technical assistance and training programme, community structures such as the Community Network for Child Protection and the Child Labour Platform, the churches and voluntary associations involved with children;

- Implementation of these three projects has produced the following results:
 - Project INT/03/P52/USDOL for the prevention and reintegration of children involved with armed forces and groups, carried out by ILO/IPEC between 2004 and May 2007 in both Kasai provinces, Kinshasa, Équateur and Sud-Kivu, was targeted on 4,000 children. The project reached 897 children compared with a total target of 2,000 for prevention, and 1,810 compared with a total of 2,000 targeted for reintegration;
 - The second ILO/IPEC project for the prevention and reintegration of children affected by conflicts aimed to reach 500 children in the province of Sud-Kivu but actually reached 562. The baseline study of children involved in small-scale mining activities, carried out before the implementation, in 2008, of the project “Reducing Exploitation of Child Miners through Education” (REETE), registered almost 20,000 children in Katanga Province, about 12,000 in Ituri in Orientale Province and at least 11,800 in Kasai Oriental;
 - The REETE project, carried out by Save the Children and Solidarity Center, successfully reintegrated into the education system 4,319 children at Mongbwalu in Ituri, 3,824 at Mbuji-Mayi in Kasai Oriental and 3,575 at Kolwezi in the province of Katanga, while 284 were placed in trade apprenticeships at Mbuji-Mayi, 57 at Mongbwalu and 122 at Kolwezi. All of the data obtained from these projects will be used to begin the process of setting up a child labour monitoring system.

- 37. The Committee urges the State party to take all measures to ensure the protection of children from trafficking and sale. The Committee urges the State party to ensure that a legal framework is in place clearly defining the crime of trafficking for sexual exploitation, economic exploitation or other purposes, criminalizing such acts and ensuring the prosecution of perpetrators and the rehabilitation of child victims.**

The Committee further encourages the State party to address the root causes of trafficking, including poverty, to establish a system for collecting and disaggregating data on trafficking and sale of children and to carry out awareness-raising activities in order to make both parents and children aware of the dangers of trafficking.

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

162. The legal framework clearly defining the crime of trafficking and sale of children is set out in article 162 of the Child Protection Act.

38. The Committee recommends that the State party:

- (a) Develop and strengthen appropriate legislative measures to address the issues of sexual abuse and sexual exploitation;**
- (b) Take steps to address the root causes of sexual exploitation and abuse, including poverty and separation of children from their families;**
- (c) Take appropriate measures to end impunity for perpetrators of sexual offences against children and ensure their prosecution;**
- (d) Ensure that child victims of sexual exploitation or abuse are not criminalized or penalized; and**
- (e) Develop and implement appropriate policies and programmes for prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996, 2001 and 2008 World Congresses against Commercial Sexual Exploitation of Children as well as the outcome of other international conferences on this issue.**

163. The Democratic Republic of the Congo has taken appropriate legislative and other measures to address the problems of sexual abuse and sexual exploitation, including:

- The Child Protection Act No. 09/001 of 10 January 2009;
- Act No. 08/011 of 14 July 2008 on the protection of the rights of persons living with HIV/AIDS and of persons affected;
- Act No. 06/018 of 20 July 2006 amending and supplementing the Decree of 30 January 1940 on the Congolese Criminal Code;
- Act No. 06/019 of 20 July 2006 amending and supplementing the Decree of 6 August 1959 on the Congolese Code of Criminal Procedure.

39. The Committee recommends that the State party establish a three digit toll-free 24-hour helpline available for all children at the national level and promote awareness of how children can access the helpline.

164. Progress has been made here by the Ministry of the Interior through the National Police Service. A system for emergency telephone calls for reporting human rights violations has been put in place by the network of human rights NGOs (RENADHOC) in collaboration with the Government. Although the number is not yet composed of only three figures, it uses mnemonic technique (is easy to remember): +243 (0) 810800012.

40. **The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules).**

In particular, the Committee recommends that the State party take the necessary steps to:

- (a) Ensure the swift establishment of the juvenile court system, which, once established, must be provided with adequate human and financial resources;**
- (b) Ensure that all professionals working with the children in conflict with the law receive appropriate training on children's rights; and**
- (c) Seek technical assistance and other cooperation from the United Nations Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR and NGOs.**

165. The Congolese State has put in place a criminal justice system which punishes all violations of the rights of the child. There is a mediation committee for juvenile justice set up, in December 2011, by Interministerial Decision of the Ministries for Gender Issues, the Family and Children and Justice and Human Rights. This implements articles 133 to 142 of the Child Protection Act, which provide for a system of mediation in which a compromise is reached between the child in conflict with the law (or his or her legal representatives) and the victim (or the victim's legal representative or successor in title), on condition that the opinion of the child involved is duly heard. The aim is to spare children the negative experience of court proceedings.

166. The juvenile criminal justice system is being put in place with the help of UNICEF and other partners: eight youth courts have already been set up and begun operations in eight provinces, and the establishment of youth courts is in train throughout the country.

167. Over the past two years, professionals working in the courts for children in conflict with the law (juvenile court judges, social workers, lawyers, registrars, etc.) have received appropriate training on the rights of the child and the guiding principles of the Child Protection Act, thanks to the financial support of UNICEF.

41. **The Committee recommends that the Child Protection Code be speedily and fully implemented and that the State party consider abolishing the 1978 Ordinance so that the age for full criminal responsibility is set in accordance with the international accepted juvenile justice standards.**

In this regard, the State party is encouraged to take into account the Committee's general comment No. 10 (2007) on children's rights in juvenile justice.

168. The age of full criminal responsibility has already been raised to 18 years, in accordance with internationally accepted standards, in the current reform of the Criminal Code.

42. The Committee recommends that the State party take all necessary measure to:

(a) **Strengthen the policy of alternative sanctions for juvenile offenders to ensure that children are held in detention only as a measure of last resort and for the shortest period of time;**

(b) **Ensure that when detention is carried out, it is done in compliance with the law and respects the rights of the child as set out under the Convention and that children are held separately from adults both in pre-trial detention and after being sentenced; and**

(c) **Ensure that children are not ill-treated in detention, that conditions in detention facilities are not contrary to the child's development and that their rights, including visitation rights, are not violated, and that cases involving juveniles are brought to trial as quickly as possible.**

169. Pending implementation of the Government's programme for the refurbishment of the State's custodial and educational establishments, special temporary facilities have been provided throughout the country to accommodate children in conflict with the law. These facilities comply with internationally accepted standards for places of detention.

43. The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, sale and trafficking and witnesses of such crimes, are provided with the protection required by the Convention and that it take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).

170. A national plan for the protection of victims and witnesses, whether adults or children, provided for under the 2007 reform of the justice system, is being finalized and could come into operation between now and late 2013. In the meantime, the detailed provisions of the Congolese Criminal Code protect both victims and witnesses. Similarly, the Child Protection Code places particular focus on protecting both victims and witnesses.

44. The Committee encourages that the State party to ratify the Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention against Torture, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

171. The process of ratifying all of these Conventions is under way. The legal instruments of ratification have already been prepared, and, in some cases, the bills authorizing ratification have already been tabled in Parliament.

45. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia, by transmitting them to the members of the Parliament, and to provincial governments, when applicable, for appropriate consideration and further action.

172. Some measures have already been taken in this area including:

- The recommendations of the Committee have been publicized and communicated to the provincial governments of Bas-Congo, Bandundu, Kinshasa, Katanga, Orientale

and Kasai Occidental by the members of the Interministerial Committee on the Rights of the Child;

- A booklet entitled “The Implementation of the Recommendations of the United Nations Committee on the Rights of the Child in the Democratic Republic of the Congo” was published, in December 2010, by the Ministry of Justice and Human Rights, with the financial support of UNICEF, and is designed to educate the public about the Committee’s recommendations and secure their full implementation.

46. The Committee further recommends that the second periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available in the languages of the country, including, but not exclusively, through the Internet to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.

173. Through the offices of the Interministerial Committee on Human Rights, the Ministry of Justice and Human Rights has ensured that the recommendations are publicized, by means of the booklet entitled “The Implementation of the Recommendations of the United Nations Committee on the Rights of the Child in the Democratic Republic of the Congo”, within different local authority areas in the city-province of Kinshasa and certain other of the Republic’s provinces. A range of radio and television broadcasts in national languages (Lingala, Kikongo, Chiluba, the Mbanza Ngungu dialect of Vuvu Kieto, Matadi, Goma, Lubumbashi and Kinshasa) have been broadcast by Radio Okapi and RTNC Congo (by all provincial stations) to publicize the concluding observations of the Committee on the Rights of the Child and the process of monitoring their implementation.
