

ADVANCE UNEDITED VERSIONDistr.: General
3 February 2017

Original: English

Committee on the Rights of the Child**Concluding observations on the combined third to fifth periodic report of the Democratic Republic of Congo***

1. The Committee considered the consolidated third to fifth periodic reports of the Democratic Republic of Congo (CRC/C/COD/3-5) at its 2170th and 2171st meetings (see CRC/C/SR.2170 and CRC/C/SR.2171), held on 18 and 19 January 2017, and adopted, at its 2193rd meeting, held on 3 February 2017, the following concluding observations.

I. Introduction

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

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

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

4. The Committee notes also the legislative, institutional and policy measures adopted to implement the Convention, especially the Act amending the Family Code of 1987 on 15 July 2016, which introduces some measures against child marriage, and the framework Law on Education of 11 February 2014. It also welcomes the establishment of the National Commission for Human Rights in March 2013 as well as a number of strategies and plans, including the National Education Strategy and National Plan for developing literacy and informal education (2012-2020), the 2012 Action Plan to tackle the recruitment and use of children and other grave violations of children's rights by the armed forces and the security services, the Action Plan to End Child Marriage (2015-2018), and the National Action Plan for Orphans and Vulnerable Children (2016-2020).

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

III. Factors and difficulties impeding the implementation of the Convention

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

IV. Main areas of concern and recommendations

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

A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

Legislation

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

Comprehensive policy and strategy

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

Coordination

9. **Noting that the National Council for Children foreseen by the Child Protection Code as a coordinating body for activities to implement the Convention is not yet operational, the Committee recommends that the State party accelerate the signing of**

the decree to make it operational and provide it with appropriate human, technical and financial resources for its effective functioning.

Allocation of resources

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

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

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

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

(d) Ensuring that the fluctuation or reduction of budget allocation for the delivery of services does not deteriorate the existing level of enjoyment of children's rights;

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

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

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

Data collection

11. In the light of its general comment No. 5 (2003) on general measures of implementation, the Committee reiterates its previous recommendation that the State party establish a centralized data collection system and use this data as a basis for assessing progress achieved in the realization of child rights and 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 (CRC/C/COD/CO/3-5, para 21).

Independent monitoring

12. In view of the Committee's General Comment No. 2 (2002) on the role of independent human rights institutions, the Committee recommends that the State party ensure that the National Commission on Human Rights is independent, including with regards to its funding, mandate and appointment and remuneration of

its members, so as to ensure full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The State party is encouraged to establish a mechanism dealing specifically with children's rights either within the Commission or separately, which can receive, investigate and address complaints from children.

Cooperation with civil society

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

Children's rights and the business sector

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

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

(b) Ensure effective implementation by companies, especially those in extractive industry, of international and national environment and health standards, effective monitoring of implementation of these standards and appropriately sanctioning and providing remedies when violations occur, as well as ensure that appropriate international certification is sought;

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

(d) Be guided by the United Nations "Protect, Respect and Remedy" Framework, accepted unanimously in 2008 by the Human Rights Council, while implementing these recommendations.

B. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

15. While noting the persistent discrimination against children in vulnerable and marginalised situations, including children with disabilities, children with HIV/AIDS, children accused of witchcraft, children with albinism, indigenous children, LGBT children, demobilized child soldiers and internally displaced children, and the lack of overall strategy to combat such discrimination, the Committee recommends that the

State party adopts a comprehensive legislation prohibiting the discriminatory behavior on any grounds. The Committee also reiterates its previous recommendation (CRC/C/COD/CO/2, para 29) and urges the State party to:

- (a) take all measures, including administrative measures, to ensure the implementation of legislation protecting children against discrimination;
- (b) adopt a comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups; and
- (c) 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.

Best interests of the child

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

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

Right to life, survival and development

17. The Committee remains seriously concerned at:

- (a) Grave violations committed against children by both State and non-State armed forces in the context of the armed conflict, including the killings, maiming and abduction of children, both civilians and recruited by the non-state armed groups;
- (b) The fact that despite some decrease of the child mortality rate, especially those below the age of five years, it remains extremely high in the State party, especially in rural areas, and is reportedly caused by preventable diseases such as malaria and HIV/AIDS, among others;
- (c) The lack of appropriate medical assistance to mothers, including adolescent mothers, during and after delivery; and
- (d) The reports of prevalent violence, ritual killings, abductions and mutilations for selling body parts of children with albinism, although during the dialogue the State party has denied the existence of such practice.

18. **The Committee urges the State party to take measures to protect children from falling victims to armed conflict and/or participating in armed hostilities as well as punish those who were involved in killing, maiming and recruiting children. The Committee also urges the State party to improve its health service to decrease infant and child mortality by providing better protection against preventable diseases, raising awareness on the methods of prevention as well as providing appropriate health care services to mothers and post natal care to infants and children.**

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

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

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

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

Respect for the views of the child

20. In view of the low level of comprehension in the society of the right of children to express their views and to have them taken into account and the limited support given to organize child parliaments throughout the country, the Committee draws the State party's attention to its General Comment No. 12 (2009) which underlines that the children's right to freely express their views constitutes one of the most essential components of children's dignity and that a family where children can freely express their views and have them given due weight from the earliest ages provides an important model, and is a preparation for the child to exercise the right to be heard in the wider society. The Committee recommends that the State party conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, community and schools, including within student councils, with particular attention to children in vulnerable and marginalized situations.

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

Birth registration

21. The Committee notes the information provided by the State party regarding the establishment of the National Office on Identification of Population (ONIP), which will be tasked with providing all Congolese nationals with IDs, but expresses its grave concern that at the moment rates of birth registration remain extremely low and continue to decrease, especially in North Kivu, rendering children vulnerable to statelessness and limiting their access to social benefits and services. The Committee is also concerned at the reports that such low rates are due to the lack of information provided to parents on the importance of birth registration, their negligence, long distances to access civil registration offices which are under-resourced, slow administrative processes, associated hidden costs for parents and care givers, as well as continuous armed conflicts leading to constant movement of the population in affected areas.

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

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

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

- (c) Provide the necessary human, technical and financial resources for their effective functioning; and
- (d) Consider ratifying the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.

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

Torture and ill treatment

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

Corporal punishment

24. In view of the fact that corporal punishment remains lawful under article 326 (4) of the Family Code of 1987 as amended in July 2016 and is frequently practised in various care settings, the Committee urges the State party to enact legislation which clearly prohibits corporal punishment in all settings, including in the home, schools and other care settings. The Committee also recommends that the State party introduce sustained public education, awareness-raising and social mobilization programmes, involving children, families, communities and their leaders, on the physical and psychological harmful effects of corporal punishment with a view to changing the general attitude towards this practice and promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment.

Gender-based and sexual violence against children

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

- (a) The rate of sexual violence against children, notably rape, reportedly remains high;
- (b) Rape and sexual violence against women and children is used as a weapon of war in conflict affected areas of the country;
- (c) Children surviving sexual violence receive little access to health care, psychological support and compensation; and
- (d) The impunity enjoyed by perpetrators for rape and sexual violence against children.

26. With reference to the Committee's general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of target 16.2 of the Sustainable Development Goals on ending violence against children and target 5.2 on

the elimination of violence against all women and girls, including sexual and other types of exploitation, the Committee urges the State party to:

- (a) Develop a national action plan to combat sexual violence and abuse of children both by civilians and in the context of the armed conflict, to ensure that the legislation and national strategy are fully implemented;
- (b) Ensure prompt and effective investigation, prosecution and punishment of all perpetrators of sexual violence and abuse with sanctions commensurate with the gravity of their crimes;
- (c) Establish mechanisms, procedures and guidelines to ensure effective mandatory reporting of cases of child sexual abuse and violence and ensure accessible, confidential, child-friendly and effective reporting channels for such violations;
- (d) Provide support to local community based child protection networks throughout the country and provide them with adequate resources for their proper functioning;
- (e) Provide child victims of sexual abuse and violence with effective rehabilitation and reintegration measures, including health care, psychological support, legal aid and compensation;
- (f) Provide regular substantive training to judges, lawyers, prosecutors, the police and other relevant professional groups on standardized, gender- and child-sensitive procedures for dealing with victims;
- (g) Conduct large-scale awareness-raising and education programmes in collaboration with civil society organizations, targeted at boys, girls, men and women, in order to prevent gender-based violence and to combat the stigmatization of victims; and
- (h) Undertake a study of the extent and forms of sexual violence and abuse of children both by civilians and in the context of the armed conflict, and collect disaggregated data on gender-based violence against girls as well as on the number of complaints, prosecutions and convictions and include such data in its next report.

Harmful practices

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

28. The Committee urges the State party to take effective measures to implement its legislation and eliminate child marriages, including customary marriages, and to raise awareness of the harmful effects of child marriage on the physical and mental health and well-being of girls, in collaboration with the civil society, the media, traditional leaders and families. In the light of General Comment No.18 on harmful practices adopted jointly with the Committee on the Elimination of Discrimination against Women, the Committee also urges the State party to put an end to the practice of female genital mutilation by raising awareness on the harmful effects of the practice and bringing those who carry out the practice and those who collaborate to justice.

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

30. The Committee reiterates its previous recommendation (CRC/C/COD/CO/2, para 79) and urges the State party to take effective measures to prevent children from being accused of witchcraft, including 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 persecution of children accused of witchcraft and bring to justice persons responsible for violence and ill-treatment of children accused of witchcraft. The Committee also recommends that the State party provide recovery and reintegration measures for children who have been victims of such practices.

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

Family environment

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

Children deprived of a family environment

32. Noting that little progress has been achieved to provide children without a parental care with adequate standards of living in a family environment, and the inadequate and insufficient foster care and deplorable situation in institutions, despite the National Action Plan for Orphans and Vulnerable Children (2010-2014), the Committee draws the State party's attention to the Guidelines for the Alternative Care of children (General Assembly resolution 64/142, annex) and reiterates its previous recommendation (CRC/C/COD/CO/2, para 46) that the State party develop and strengthen an alternative care strategy for children deprived of their families or no longer able to live with their families that would include an action plan, adequate regulations, training for staff and directors of child care institutions, control measures, the participation of children and parents in the establishment and evaluation of care regulations, criteria for the admittance of a child into residential care, and alternative measures such as foster care families or other family-based care for small groups of children. It recommends that the State party back its strategy and the action plan with sufficient human, technical and financial resources.

Adoption

33. While noting the insufficient legislative basis and procedures for inter-country adoption of children which has led to numerous abuses, including sale and trafficking of children, as well as to the suspension of the cases of inter-country adoption of 1200 children, the Committee recommends that the State party:

(a) Ensure that the central office for adoptions recently established by the State party takes charge of the monitoring of all actors involved in adoption and the coordination with the relevant legal authorities;

(b) Expedite the review of the pending cases of inter-country adoption of children based on their best interests; and

(b) Establish clear regulations concerning inter-country adoptions and consider ratifying the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption of 1993.

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

Children with disabilities

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

(a) Take all necessary measures to ensure the implementation of legislation providing protection for children with disabilities and consider adopting specific legislation in line with the Convention on the Rights of Persons with Disabilities;

(b) Make every effort to provide programmes and services for all children with disabilities and ensure that such services receive adequate human and financial resources;

(c) Carry out campaigns to raise awareness of the public about the rights and special needs of children with disabilities and encourage their inclusion in society;

(d) Implement inclusive education for all children with disabilities in mainstream schools; and

(e) Provide training for professional staff working with children with disabilities, such as medical, paramedical and related personnel, teachers and social workers.

Health and health services

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

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

(b) Ensure sufficient number of health centres and hospitals which have adequate human, technical and financial resources throughout the country, including in remote areas;

(c) Conduct regular trainings for all health workers;

(d) Address malnutrition, particularly in rural areas, including through preventive measures such as awareness-raising campaigns and poverty alleviation as well as by promoting exclusive breastfeeding;

(e) Strengthen its efforts to improve immunization rates, particularly through proper functioning of the cold chain as well as increased and better information dissemination on vaccination campaigns; and

(f) Seek financial and technical assistance from UNICEF and the World Health Organization (WHO), among others, in this regard.

Adolescent health

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

(a) Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention on preventing early pregnancy and sexually transmitted infections;

(b) Develop and implement a policy to protect the rights of pregnant teenagers, adolescent mothers and their children and combat discrimination against them; and

(c) Take measures to raise awareness of and foster responsible parenthood and sexual behaviour, with particular attention to boys and men.

HIV/AIDS

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

(a) Implement the existing Strategic Plan to combat HIV/AIDS for 2014-2017 and start preparing a renewed Strategic plan for the next period;

(b) Sustain the measures in place to prevent mother-to-child transmission of HIV/AIDS and develop a roadmap to ensure the implementation of effective preventive measures also in rural areas;

(c) Improve follow-up treatment for HIV/AIDS-infected mothers and their infants to ensure early diagnosis and early initiation of treatment;

(d) Improve access to quality, age-appropriate HIV/AIDS, sexual and reproductive health services;

(e) Improve access and coverage of antiretroviral therapy and prophylaxis for HIV-infected pregnant women; and

(f) Seek technical assistance from, inter alia, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNICEF.

Standard of living

38. In view of the fact that less than half of the population and even larger number of children do not have access to potable water and only one fifth of the population have access to sanitation and hygiene, the Committee draws attention of the State party to target 1.3 of the Sustainable Development Goals on implementing nationally appropriate social protection systems and measures for all and reiterates its recommendation that the State party allocate appropriate resources to eradicate child poverty, as defined by the General Assembly in 2007, ensuring access 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 (CRC/C/COD/CO/2, para 64).

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

Education and aims of education

39. The Committee notes the initiatives taken by the Government to improve access of children to schools, including efforts to reduce disparities in scolarization between girls and boys in primary school, to build 1000 schools throughout its territory and to prohibit the occupation of schools by the military back in 2013. However, it regrets that the efforts are not sufficient and a large number of school age children in the country remain out of school. In particular, the Committee expresses its serious concern that:

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

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

- (a) **Ensure access to primary education, free of charge, including by removing any additional indirect costs, to all children without discrimination;**
- (b) **Take all measures to ensure that children complete their compulsory schooling, taking concrete action to address the causes behind non-completion of schooling, including, inter alia, direct and indirect costs, early marriages, and persisting zones of insecurity;**
- (c) **Create vocational education and training for children, including children who have dropped out of primary or secondary schools**
- (d) **Eliminate differences in accessing schools and ensure that all children in its territory both in urban and rural areas and of all socio-economic backgrounds have access to quality free education;**

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

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

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

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

Refugee and internally displaced children

41. In view of the fact that large numbers of children continue to be internally displaced due to the armed conflict in the eastern part of the country and the significant numbers of refugees arriving from neighbouring countries, the Committee reiterates its previous recommendation (CRC/C/COD/CO/2, para.75) to the State party 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 and seek support and cooperation of international organizations, including the UNHCR. The Committee recommends that the State party establish a coherent database and national programmes for refugee and internally displaced children with a view to ensuring full protection of their rights.

Economic exploitation, including child labour

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

Children in street situations

43. The Committee reiterates its previous recommendation (CRC/COD/CO/2, para 77) that the State party strengthen its programmes aimed at supporting poor and fragile families, at preventing children from separating from their parents and at reintegrating children in street situations into their families and communities when possible. 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. The Committee recommends that the State party involve street children in the planning, implementation and evaluation of programmes designed for them. Given that thousands of children continue to live in the streets and be subjected to violence, rape, arbitrary arrests, disappearances, recruitment to armed groups and even summary

executions, the Committee urges the State party to immediately ensure that violence and executions of such children are prevented and bring those responsible to justice as well as provide child victims with adequate food, shelter, education and health-care services.

Administration of juvenile justice

44. The Committee notes the establishment of juvenile courts in some of the provinces of the State party as envisaged by article 20 of the Child Protection Code. It is, however, concerned that legal and judicial protection of children in conflict with the law remains very weak due to difficulties concerning the functioning of the justice system as well as inadequate infrastructure. In particular, the Committee is concerned about:

- (a) Ineffective implementation of the age of criminal responsibility which is set at 14 years by the Child Protection Code as children below the age of 14 are often charged;
- (b) Insufficient number of juvenile courts and tribunals of peace that are assigned to deal with matters related to children, due to limitations in human, technical and financial resources;
- (c) Absence of judicial assistance and slow pace at which cases of juvenile offenders are treated;
- (d) Illegal prolonged detention of children in police custody in dire conditions together with adults and lack of adequate facilities to house children as well as arbitrary detention of civilian children and demobilized children by security forces in Agenga prison; and
- (e) Violent anti-crime campaigns such as Operation Lukofi, which led to deaths and disappearance of many children.

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

- (a) **Increase the number of specialized juvenile court facilities and procedures and provide them with adequate human, technical and financial resources, with specialized judges for children and ensure that such specialized judges receive appropriate education and training;**
- (b) **Ensure the provision of free, qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings;**
- (c) **Promote alternative measures to detention, such as diversion, probation, mediation, counselling, or community service, wherever possible, and ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it;**
- (d) **In cases where detention is unavoidable, ensure that the children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services;**
- (e) **Expedite the full and effective implementation of the provisions of the Child Protection Code establishing the minimum age of criminal responsibility and establish the age of criminal majority at 18 years; and**

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

Child victims and witnesses of crimes

46. **The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all children who are victims and/or witnesses of crimes, e.g. children victims of abuse, violence, sexual and economic exploitation, abduction, and witnesses of such crimes, are provided with the protection required by the Convention and that the State party 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).**

Follow up to the Committee's previous concluding observations and recommendations on the Optional Protocol on children in armed conflict

47. The Committee regrets that the State party did not provide any information neither in its report nor in its replies to the List of Issues concerning the recommendations contained in its Concluding Observations under the Optional Protocol on children in armed conflict (CRC/C/OPAC/COD/CO/1). The Committee notes the State party's Action Plan of 4 October 2012 to combat recruitment and use of children and other child rights violations by its armed forces and security services as well as information provided by the State party that FARDC commanders listed in the Security Council Group of Experts Final Report (S/2009/603, annex 124), who were responsible for child recruitment, use of child soldiers and massacres of civilians, have been convicted and are currently serving prison sentences. Nevertheless, it remains seriously concerned that large numbers of children continue to be killed, maimed, raped, recruited and used in armed hostilities both by the State party's army (FARDC) and non-State armed groups. In particular, the Committee is seriously concerned that:

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

(b) The age verification procedures used by FARDC prior to recruitment remain ineffective which is exacerbated by the low birth registration rate in the country;

(c) Large numbers of children continue to be recruited and used in armed conflict by non-State armed groups such as FDLR, Rayia Mutumboki and Nyatura combatants among others;

(d) Decrees for relevant provisions of the Child Protection Code 2009 prohibiting the recruitment and use of child soldiers are yet to be adopted and there are no effective mechanisms to investigate, convict or sanction those responsible for grave violations against children;

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

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

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

(a) Show greater political commitment at the highest levels to stop the involvement of children within the FARDC and cease any collaboration or military, financial or logistical support to non-State armed groups which involve and use children in their activities;

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

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

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

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

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

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

(h) Develop and implement in collaboration with the United Nations and child protection actors a strategy to identify and provide effective reintegration assistance to current and former girl soldiers and their children, which meet their complex medical, economic and psychosocial needs, ensuring that these initiatives, and any resulting programmes, address the stigma and exclusion faced by former girl soldiers; and

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

J. Ratification of the Optional Protocol on a Communications Procedure

49. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OPIC).

K. Ratification of international human rights instruments

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

L. Follow-up and dissemination

51. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, *inter alia*, transmitting them to the Head of State, Parliament, relevant ministries, the Supreme Court and local authorities for appropriate consideration and further action.

52. The Committee further recommends that the combined third to fifth periodic reports and the written replies by the State party and the related recommendations (concluding observations) 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, media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and the Optional Protocols thereto and of their implementation and monitoring.

M. Next report

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

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