



Convention on the Rights of the Child

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Summary record of the 1674th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 18 January 2012, at 3 p.m.

Chairperson: Mr. Zermatten

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (*continued*)

Initial report of the Democratic Republic of the Congo on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/COD/1; CRC/C/OPAC/COD/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Democratic Republic of the Congo took places at the Committee table.*

2. **Ms. Kenge Ngomba Tshilombayi** (Democratic Republic of the Congo), introducing her country's initial report (CRC/C/OPAC/COD/1), said that the armed conflicts conducted in her country by a large number of foreign and national armed groups over mineral and land resources had resulted in the death of millions of people and many grave human rights violations, mostly perpetrated against women and children. Many of the armed groups recruited children; as soon as the authorities identified them, they worked with national and international agencies to remove the children from that situation. Her country should not be held accountable for those violations of children's rights, which had to be seen in the context of armed conflicts that had spilled over from neighbouring countries. The violations included forcing children to work in mines, their use as sex slaves and human shields in wars, rape, recruitment into armed groups and repeated cases of deportations, particularly by the Lord's Resistance Army and the Forces démocratiques de libération du Rwanda (Democratic Forces for the Liberation of Rwanda) (FDLR). She called on the international community to support her Government's efforts to redress that situation.

3. The initial report and the written replies to the Committee's list of issues provided updated details of the constitutional, legislative, regulatory and judicial provisions that had prohibited the involvement of children in armed conflict since 1999. The Armed Forces of the Democratic Republic of the Congo (FARDC) did not recruit child soldiers, but during the fast-track integration of other groups into the FARDC, many child soldiers had been identified and demobilized, thanks to the warning system within the FARDC. The warning system operated with the participation of civil society and the international community, which supported the Government through the Implementation Unit for the National Disarmament, Demobilization and Reintegration Programme (UEPN-DDR).

4. The report set out the achievements made in implementing the Optional Protocol and provided details of the institutional and legislative measures that had been taken to that end. She stressed that the Child Protection Act adopted in January 2009 prohibited the recruitment of children into the armed forces, armed groups and the police and provided that the State would remove any children in such situations and ensure they were reintegrated into their families or communities. It also indicated that such recruitment was punishable by 10 to 20 years' imprisonment. In addition, a campaign entitled "Zero Children Associated with Armed Forces and Armed Groups" had been run in 2008 and 2009 to raise awareness of the Convention on the Rights of the Child and its optional protocols. Officials had made contact with non-State armed groups and communities in the country's most remote and insecure areas in order to disseminate that information and ensure that any children still working with such groups were removed from that situation.

5. Her country faced several challenges related to the ongoing implementation of the Optional Protocol. First, there was a need to continue striving for peace, which FARDC included finding additional funding to enable the UEPN-DDR to continue its work with demobilized children. Secondly, it was necessary to strengthen measures to raise awareness about child protection, particularly the formal prohibition against recruiting children for

armed operations. Thirdly, longer-term funding was needed in order to facilitate the continued implementation of reintegration programmes.

6. In future, the Government would remain firm in its zero-tolerance approach to impunity in its quest to bring to justice those guilty of recruiting and using child soldiers. It planned to finalize its action plan to end the recruitment of child soldiers in the country in conjunction with the United Nations monitoring and reporting mechanism, in accordance with Security Council resolutions 1539 (2004) and 1612 (2005). It would also pursue its implementation of the child protection measures that formed part of its plan to implement the recommendations of the 2009 universal periodic review.

7. **Ms. Lee** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) welcomed the opportunity for dialogue with a post-conflict country that was seeking to pursue peace and security nationwide. She also welcomed several positive developments, including the State party's endorsement of the Paris Commitments to Protect Children Unlawfully Recruited or Used by Armed Forces or Armed Groups, its ratification of the Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and All Parts and Components That Can Be Used for Their Manufacture, Repair and Assembly, its enactment of the Child Protection Act in January 2009, the establishment of a warning system within the FARDC, and the decision to set the minimum age for voluntary recruitment into the armed forces at 18 years.

8. However, the situation in the State party remained extremely difficult. One in seven children died before the age of 5, almost half of all children under 5 suffered from stunted development, the country ranked 168 on the 2011 Corruption Perceptions Index, resources allocated to social sectors had decreased over the previous decade, while defence and public security budgets had increased significantly, accounting for 30 per cent of State expenditure, and the World Bank had described the odds of the State party achieving the Millennium Development Goals as slim.

9. Turning to the preparation of the initial report, she asked what kind of consultative process had been carried out with civil society and children who had been victims of armed conflict. She drew the State party's attention to the fact that the report did not follow the Committee's revised reporting guidelines.

10. The Committee wished to know if the State party had an official database system dedicated to children affected by armed conflict, particularly as more children had been recruited and used by armed groups in the State party than anywhere else in the world. Moreover, the Republican Guard had been responsible for the recruitment of large numbers of children in the Katanga and Kasai provinces. It would be useful to know whether military personnel, the general public and children were aware of the Optional Protocol and its specific provisions. She also enquired whether Order No. 00/00225/EMG/COMDT/05 of May 2005 had been updated in the light of the Child Protection Act and Security Council resolutions 1539 and 1612. The Committee would welcome information on the entity responsible for coordinating the implementation of the Optional Protocol. It would be useful to have updated information on the bill to establish a national human rights institution in the State party. In that regard, she asked whether there was an entity to which children could report violations of the Optional Protocol.

11. She would welcome the delegation's comments on the slow progress being made in the fight against impunity for perpetrators of violations of children's rights, particularly in the context of conflict. Despite the entry into force of the Child Protection Act and criminal sanctions for the recruitment and use of children in armed conflict, none of the perpetrators identified had been prosecuted and convicted. Moreover, some of them had been listed by the Sanctions Committee following the adoption of Security Council resolution 1882

(2009), and the group of experts on the State party had submitted the names of those perpetrators to the Chair of the Committee. The Government's inaction called into question its zero-tolerance policy towards impunity. In its written replies, the State party had indicated that no legal action had been brought against Colonels Venant Bisogo and Michel Manika Rukunda for their recruitment of child soldiers. The Committee wished to know whether cases were not being brought against many high-ranking officers because of the threat of reprisals. Furthermore, the continued employment of Lieutenant Colonel Jean-Pierre Biyoyo, General Bosco Ntanganda, Lieutenant Colonel Innocent Zimurinda and Colonel Baudouin Ngaruye in the FARDC was wholly incompatible with the State party's obligations under the Optional Protocol.

12. In paragraph 27 of its written replies, the State party had indicated that FARDC members had been required to wear badges displaying their name and rank since 30 June 2010. However, the United Nations Joint Human Rights Office had reported that the events of 31 December 2010 and 1 January 2011 in the villages of Bushani and Kalambahiro had involved the mass rape of civilians, including women and children, and witnesses had confirmed that the FARDC battalions that had taken part in the attack had worn no identification. She would like to hear the delegation's reaction to that finding.

13. She requested information on the bill on the establishment of specialized chambers in the courts of appeal with responsibility for considering grave violations of international humanitarian law. It would also be useful to have information on legislation on the criminal liability of legal persons, such as private military and security companies. She asked what measures were being taken to prevent war crimes and crimes against humanity from being committed against members of indigenous communities, particularly the Bambuti Pygmies.

14. The United Nations Secretary-General had repeatedly reported on the recruitment of children in armed forces and armed groups in the provinces of Nord-Kivu, Sud-Kivu, Orientale province, Nord-Katanga and other areas that were not affected by conflict. The reports included accounts of the killing and maiming of children, rape and sexual violence and attacks on schools and hospitals. Hundreds of children were still believed to remain in armed groups. Allegedly, the FARDC and armed groups continued to commit grave violations of children's rights, including by directly involving children in front-line hostilities. Moreover, the Special Rapporteur on extrajudicial, summary or arbitrary executions had reported that senior military commanders continued to enjoy impunity and that extrajudicial executions had taken place in Nord-Kivu and Sud-Kivu. She would appreciate the delegation's reaction to those reports.

15. According to paragraph 41 of the written replies, some commanders had refused to allow the officials responsible for protecting children to perform a physical check of nearly two thirds of the FARDC combatants participating in joint military operations supported by the United Nations to ensure that no children were among them. That was a serious concern to the Committee. She asked what steps had been taken to identify those officers, what the findings had been to date and what action would be taken against those identified.

16. The Committee would appreciate information on the measures being taken to ensure that children, especially those who had been child soldiers, were not arbitrarily arrested or detained. It would also appreciate an update on the State party's commitment to incorporate the provisions of the Rome Statute of the International Criminal Court into domestic legislation.

17. She wished to know whether the State party had a legal framework for social assistance in the context of disarmament, demobilization and reintegration, and what the role of social workers was in that process. Given that only about 28 per cent of births were currently registered, it was difficult to determine children's ages during the demobilization and reintegration programmes. She wished to know what steps were being taken to improve

that situation and to ensure that children released from foreign armed groups could benefit from such programmes. Lastly, she requested additional details of the State party's action plan to end the recruitment of child soldiers in conjunction with the United Nations monitoring and reporting mechanism.

18. **Mr. Kotrane** said that, despite the adoption of the Children's Code in 2009, the situation of children in the Democratic Republic of the Congo was not improving. They continued to be the first victims of the conflict, particularly in the eastern provinces of the country. All parties to the conflict — which reportedly included the FARDC — were, according to many sources, using children as human shields, bodyguards and the like. Committee members were in the embarrassing position of having to listen to statements of commitment by the State party while observing the actual tragic events unfold. The State party must honour its commitments. The Optional Protocol was being violated in every possible way, and the State party bore responsibility for that even when the enlistment and use of children was the work of other actors.

19. Beyond the clear violations of children's rights, including by the FARDC, the warring parties appeared to be using children not just to fight but for other purposes too. And yet the State party did not appear to be taking measures to implement its own laws to prevent that. For example, there were delays in implementing the Children's Code. What measures did the State party intend to take to ensure that the perpetrators of the crimes listed in the Optional Protocol and the Children's Code were prosecuted? The Committee was concerned that a bill to establish special chambers with jurisdiction over serious human rights violations seemed to have been rejected by the Senate in August 2011. What were the reasons for that rejection?

20. **Mr. Koompaphrant** asked how the State party implemented its zero-tolerance policy in cases of indiscipline and human rights violations, including sexual and related violence. How could the Optional Protocol's provisions in that regard be incorporated into national legislation? What measures, in addition to legal ones, had been taken to halt all crimes against children, especially those in violation of the Optional Protocol? And what help had victims of such crimes received? He also asked to what extent the demobilization and social reintegration of child victims had been successful.

21. **Mr. Cardona Llorens** said that the list of issues included questions about military officials who, despite their suspected involvement in the recruitment and use of children, had not been handed over to the International Criminal Court. The written replies provided by the State party were not satisfactory. One of the officials, Mr. Bosco Ntaganda, had recently been appointed to a position of responsibility for joint military activities with Rwanda. Was the State party ready to take steps to hand over Mr. Ntaganda to the Court? Other individuals had been tried and even convicted by national military tribunals, only to receive an amnesty later. Was the State party going to maintain that approach?

22. **Ms. Aidoo** asked whether a particular unit or institution was responsible for coordinating activities related to the Optional Protocol. What mechanism was used for effective coordination at the inter-ministerial level and between the national and provincial levels of efforts to protect children's rights under the Optional Protocol? Given the grave situation in the country, she asked what steps the State party was taking to ensure that the entire population was informed about the principles and provisions of the Optional Protocol, as required by article 6, paragraph 2, of the Protocol.

23. Regarding the training of professionals in contact with children likely to have been involved in hostilities, she asked if there were plans to make the training systematic and less dependent on support from particular organizations. To be systematic, such training should be provided within the public education system and should not be limited to information campaigns.

24. Lastly, she asked to what extent the code of conduct adopted by the FARDC in 2011 was helping that institution to address child protection issues, and what progress the State party had made in its efforts to establish a body of professional social workers whose efforts would complement laws and policies to protect children.

25. **Ms. Nores de García** said it was true that all parties to the conflict were responsible for violations of human and especially children's rights in the conflict. At a meeting held in Nairobi in 2009, representatives of the Central African Republic, the Democratic Republic of the Congo, the Sudan and Uganda had agreed on a plan to prevent such violations. She asked if the plan had been implemented in those countries and, if so, what impact it had had on children in the Democratic Republic of the Congo.

26. **Ms. Wijemanne** asked whether the monitoring and reporting mechanism provided for in Security Council resolution 1612 had been implemented and, if so, how it functioned and what State agencies were involved. Six types of violations involving children needed to be addressed: forcible recruitment, maiming and killing, sexual violations, abductions, attacks on schools and hospitals, and lack of access for humanitarian agencies.

27. She also wished to know what psychosocial support former child combatants were receiving, including under the country's disarmament, demobilization and reintegration programme.

28. **Ms. Maurás Pérez** said that it was becoming increasingly clear that the causes of the conflict were closely linked to economic issues such as land ownership and distribution and the ownership and exploitation of natural resources. She asked for information about the stabilization and reconstruction programme for five eastern provinces of the country. Did the programme include projects for children, including demobilized children, under the age of 18?

29. She noted that over 30 per cent of the national budget was allocated to defence and relatively little to health and education. Surely the country's first priority was to achieve peace, and that could not be done by making war. Might the Government invest its resources differently?

30. While the number of girls recruited was not known, it was clear that they were also victims, especially of sexual exploitation. According to the United Nations Children's Fund (UNICEF), some 13 per cent of children rescued from armed groups were girls. What were the total numbers of such children, and what was being done to assist the girls among them?

31. **Ms. Al-Shehail** asked whether independent authorities existed, especially in military courts, to try children under the age of 18. The Committee had received reports of children being taken to the Goma military intelligence prison between January and May 2008. Had any steps been taken to prevent such actions and to reform the relevant mechanisms?

The meeting was suspended at 4.10 p.m. and resumed at 4.45 p.m.

32. **Ms. Kenge Ngomba Tshilombayi** (Democratic Republic of the Congo) said that the State party's initial report had been prepared by the Inter-Ministerial Committee for the Preparation of Initial and Periodic Reports on Human Rights and subsequently submitted to civil society groups for comment. She acknowledged that children had not been involved significantly in the process and the State party would bear in mind the Committee's views on that subject when it prepared its next report.

33. As far as the authorities of the State party were aware, neither the FARDC nor the Republican Guard had ever recruited children. The Government was, however, prepared to look into any allegations to that effect made by civil society groups. A plan of action relating to Security Council resolution 1612 was being prepared by the Ministry of Justice and Human Rights and the Ministry of Defence.

34. In 2010, a decree had been issued to implement the 2009 Children's Code and thereby establish children's courts. Such courts were functioning in seven provinces, judges and court clerks had been appointed and a mediation commission would be set up. The State party would appreciate receiving any further information that would enable the Ministry of Justice and Human Rights to investigate allegations that children were being held in detention. Activities pertaining to the Optional Protocol were coordinated by an inter-ministerial committee under the direction of the Ministry of Defence and the Ministry of Justice and Human Rights.

35. **Ms. Aidoo** asked how often that inter-ministerial committee met and whether ministers or only lower-ranking officials took part in its meetings.

36. **Ms. Kenge Ngomba Tshilombayi** (Democratic Republic of the Congo) said that representatives of various ministries involved in the promotion of the rights of the child, as well as other institutions, took part in meetings of the inter-ministerial committee. Ministers themselves met at sessions of the committee's steering committee, which were usually preceded by meetings of their advisers on individual expert committees.

37. **The Chairperson** expressed surprise that the delegation had no knowledge of recruitment of children by the FARDC and Republican Guard, given that such information appeared in several verified reports by United Nations agencies that were in the public domain. The situation was cause for great concern because the State party was not fulfilling its obligations under the Optional Protocol.

38. **Ms. Lee** said that the United Nations Secretary-General had confirmed reports of the recruitment of children by the Government's armed forces in his 2010 report to the United Nations Security Council (S/2010/512).

39. **Ms. Kenge Ngomba Tshilombayi** (Democratic Republic of the Congo) said that children who had been released from other armed groups and who were in the process of being reintegrated into civil society, as had been requested by the international community, were frequently mistaken for FARDC recruits. The Government ensured that young people under the age of 18 were not recruited by its armed forces.

40. **The Chairperson** reiterated that various official and publicly available reports clearly demonstrated the implication of the Government's armed forces in the enlistment of child soldiers for combat and said that the State party must explain how it planned to put an end to such grave violations of children's rights. The State party had ratified the Optional Protocol and was therefore responsible for ending the recruitment of children by all armed groups in its territory.

41. **Ms. Tuluka** (Democratic Republic of the Congo) concurred that children had been found in FARDC ranks. She said that the Implementation Unit for the National Disarmament, Demobilization and Reintegration Programme (UEPN-DDR) had established provincial committees and help centres for children across the country. Once a week they met with national and international agencies, including UNICEF, and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). They conducted joint missions to raise awareness of children's rights with regard to recruitment and to secure their release from armed groups. Between January and November 2009 statistics had been gathered on the numbers of children recruited. At least 10 per cent of demobilized soldiers tended to be under age and whenever the UEPN-DDR was alerted that the Government was planning to demobilize an armed unit, it worked at the provincial level with international agencies to extract children from such units, including from the FARDC.

42. **Ms. Lee** requested more information on the apparent refusal by some FARDC commanders to grant access to their camps, making it impossible to verify the status of up

to two thirds of FARDC troops. It had apparently been equally impossible to gain access to the Presidential Guard to verify reports that at least 35 of its recruits were children aged between 14 and 17 years.

43. **Ms. Tuluka** (Democratic Republic of the Congo) confirmed that the UEPN-DDR had been refused access to the Presidential Guard in spite of repeated requests but said that, in conjunction with UNICEF, it had managed to secure the release of 32 children who had been sent to Kinshasa prison from the east of the country on charges of desertion. About half of them were foreign nationals who had been repatriated.

44. **Ms. Lee** asked again what stood in the way of obtaining access to the Presidential Guard.

45. **Ms. Tuluka** (Democratic Republic of the Congo) said that the UEPN-DDR had not received authorization but rather had been guided to camps, such as the one near Kinshasa airport and another at Kamina, where recruited children were often held, and secured their release.

46. **Mr. Lukunda Vakala-Mfumu** (Democratic Republic of the Congo) said that reports that the Republican Guard had recruited child soldiers in Kitona and Kamina had not been followed up for the simple reason that the Republican Guard had never been deployed in either place.

47. The State party had a policy of zero tolerance towards officers and other persons responsible for the recruitment of child soldiers. It was one of the few States to have delivered to the International Criminal Court individuals whose names appeared on a Security Council list of officers suspected of having recruited child soldiers. The trial of another person on that list, General Kakwavu, had recently culminated in his conviction and imprisonment. The crimes of which the remaining persons on the list were accused were not subject to any statute of limitations.

48. The Committee had expressed the opinion that efforts to combat impunity in the State party were not making sufficient progress. The judiciary, however, was independent of the executive branch. When information on grave crimes was brought to the Government's attention, it was forwarded to the military courts. In the case of Bwasolo Misaba, the officer accused of recruiting children who had received an amnesty in 2009, he had been convicted on other charges, not for recruitment of children. It could not therefore be said that his amnesty had anything to do with that charge.

49. **Mr. Cardona Llorens** said that the officer in question had not been convicted for the recruitment of child soldiers because the offence was not provided for in the State party's Military Judicial Code. The offence was, however, a crime against humanity and his case should have been heard by other courts. Instead the officer had received an amnesty.

50. **Mr. Kotrane** said that the failure to include provisions for such offences in legislation made it possible to justify human rights violations and allow the perpetrators to avoid prosecution. The Committee was well aware of the principle of the independence of the judiciary but that could not serve as a smokescreen for impunity. The State party must reform the justice system in order to combat impunity more effectively.

51. **Ms. Lee** said that less than 1 per cent of the State party's budget went to the judiciary and that there were persistent reports of widespread corruption among judges. Civilian judges were also threatened or attacked by members of armed groups. It appeared that the courts only worked in Kinshasa and it was hard to see how the system functioned at all under the circumstances.

52. **Mr. Lukunda Vakala-Mfumu** (Democratic Republic of the Congo) said that he agreed with the Committee that former Congolese legislation had failed to define certain

offences. Courts had therefore been unable, pursuant to the Military Judicial Code in force at the time, to hand down convictions. The Code had since been amended to include all such offences. Moreover, the recruitment of children and their use in an armed conflict was a criminal offence under article 71 and article 187, paragraph 2, of the Child Protection Act, which prescribed a penalty of 10 to 20 years' imprisonment.

53. **Ms. Kenge Ngomba Tshilombayi** (Democratic Republic of the Congo) said that the entire judicial system had been reformed and that 2,000 judges had been recruited to serve the entire country. Vigorous action was also being taken to increase the budget allocated to the judicial branch.

54. **The Chairperson** said that the meagre budgetary resources allocated to areas of justice affecting children, such as family law and adoption law, coupled with the fact that judges were poorly paid, promoted corruption. He therefore warmly welcomed the news that more judges had been recruited. He recommended, however, that their pay should be commensurate with the services they were required to provide.

55. **Ms. Kenge Ngomba Tshilombayi** (Democratic Republic of the Congo) confirmed that judges' salaries would be increased. Provision for an initial pay increase had been approved in the last quarter of 2011 and the 2012 budget would provide for a further significant improvement.

56. **Mr. Lukunda Vakala-Mfumu** (Democratic Republic of the Congo) said that the assistance of the international community was required to apprehend individuals on the Security Council list of wanted persons who were not present in Congolese territory. They included, for instance, Joseph Kony, who had recruited children in the north of the country but whose armed group was based outside the country. The same was true of Laurent Nkunda and of several FDLR leaders included on the Security Council list. He was pleased to report, however, that in August 2011 the military court of Sud-Kivu had arrested and convicted two FDLR operatives.

57. His country also requested the assistance of the international community in ensuring that proceedings before the International Criminal Court were speeded up. Thomas Lubanga had been surrendered to the Court more than seven years previously, but no verdict had yet been reached.

58. **Ms. Lee** enquired about militia leader Ntabo Ntaberi Sheka of the Mai-Mai armed group, who had actually run for a seat in the recent parliamentary elections.

59. **Mr. Lukunda Vakala-Mfumu** (Democratic Republic of the Congo) said that he would look into the matter and report back to the Committee.

60. The Government had submitted a bill to Parliament concerning a specialized human rights court. The Senate had already responded but the National Assembly was still considering the text. The Government attached great importance to the bill, since it was not possible to address all issues under the Rome Statute Implementation Act. The court would have jurisdiction to hear cases concerning serious violations of international human rights and humanitarian law committed before the entry into force of the Rome Statute.

61. Parliament had not yet taken a decision on the bill concerning a national human rights institution. However, it would be one of the first bills to be discussed at the forthcoming session. The bill provided for a separate department to deal with children's rights. Moreover, the institution would comply with the Principles relating to the Status of National Institutions (the Paris Principles).

62. **Mr. Luyela Loyel** (Democratic Republic of the Congo) said that the Ministry of Social Affairs had provided for a social work reform programme in a bill currently before Parliament. In the meantime, more than 300 social workers had been trained. Courses

would continue to be organized throughout the country with UNICEF assistance. Child protection facilities had been attached to transit and orientation centres during the process of child demobilization and social reintegration. A project aimed at the establishment of a corps of State social workers had been submitted to the Minister of Social Affairs and would be signed shortly.

63. A national monitoring committee had been established in the Ministry of the Interior to increase the rate of registration of births in the Civil Registry. It had drawn up a national action plan and intended to launch awareness-raising campaigns directed, in particular, at families. Judges and Civil Registry staff were being provided with relevant training and the offices of the Registry were being refurbished.

64. The Government was taking vigorous steps to implement the Child Protection Act. A follow-up commission would meet every three months to assess progress and to encourage relevant institutions to take additional measures. Special decrees had been drafted by a number of ministries, including the Ministry of Gender, Family and Children's Affairs, the Ministry of Justice and Human Rights, the Ministry of Social Affairs and the Ministry of the Interior.

65. **The Chairperson** noted that the Act had been promulgated in 2009. He wondered why 14 implementing decrees were still awaiting the Prime Minister's signature.

66. **Mr. Luyela Loyel** (Democratic Republic of the Congo) said that not all decrees required the Prime Minister's signature. Those that did included the establishment of the National Council for Children as an advisory body. The decree had been drafted by the Ministry of Gender, Family and Children's Affairs, validated during a workshop with civil society and then submitted to the parliamentary legal committee, which would eventually forward it to the Council of Ministers. He expected it to be signed shortly.

67. **Ms. Aidoo** said that it was important to promote awareness of legislation such as the Child Protection Act among the general public. Paragraph 50 of the report, for example, referred to a poor understanding of the concept of "a child associated with armed forces and armed groups" on the part of military leaders and to the reluctance of certain military authorities to release underage members of their units, particularly girls. What measures were being taken to address such problems?

68. **Ms. Kenge Ngomba Tshilombayi** (Democratic Republic of the Congo) said that the Ministry of Gender, Family and Children's Affairs had launched several awareness-raising campaigns concerning the Child Protection Act. The Ministry of Justice and Human Rights had also organized campaigns concerning juvenile courts.

69. Not all ministerial decrees involved a lengthy administrative procedure. Those concerning the juvenile courts, for example, had been adopted quite speedily. Only a few decrees and implementing regulations remained pending.

70. **Ms. Tuluka** (Democratic Republic of the Congo) said that the Implementation Unit for the National Disarmament, Demobilization and Reintegration Programme had developed a database on demobilized children in consultation with UNICEF. The information included the date on which children had been demobilized, their age and the support that they had received at all stages of the reintegration process. The Government had also set up a database on the coordination of child reintegration in partnership with the National Institute of Statistics.

71. She confirmed that statistics concerning girl soldiers were more difficult to obtain. It was assumed that a child soldier was in every case a child bearing arms, whereas all children who had accompanied armed groups should have been included in the statistics. Girls were also frequently ashamed to admit that they had accompanied armed groups. However, the estimated proportion of girls had risen from 3 per cent in 2005 to 15 per cent

in 2011. Girls had been participating since 2007 in literacy courses under the national reintegration programmes. Moreover, many girls who had accompanied the armed forces were teenage mothers, for whom special programmes had now been put in place.

72. **Ms. Lee** identified a number of priorities for the State party. It should ensure that all persons suspected of having committed crimes listed in the Optional Protocol were brought to justice and that no children were recruited and used in armed conflicts in the future. It should also fully implement the Child Protection Act, particularly article 71, and ensure that military tribunals systematically transferred cases involving persons under 18 years of age to civilian jurisdictions.

73. She urged the State party to ensure that the Committee's concluding observations were widely disseminated and encouraged it to seek international assistance from NGOs in implementing the Optional Protocol. The State party should also consider ratifying the Optional Protocol on the sale of children, child prostitution and child pornography and the third optional protocol to the Convention.

74. **Mr. Mutomb Mujing** (Democratic Republic of the Congo) assured the Committee that his country would make every effort to implement its recommendations. He hoped that it would be in a position to report tangible progress during its next dialogue with the Committee.

The meeting rose at 6 p.m.