



Convention on the Rights of the Child

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Committee on the Rights of the Child

Seventy-fourth session

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Item 4 of the provisional agenda

Consideration of reports of States parties

List of issues in relation to the report submitted by the Democratic Republic of the Congo under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 15 October 2016.

The Committee may take up any aspects of the children's rights set out in the Optional Protocol during the dialogue with the State party.

1. Please provide information on the progress made towards setting up a centralized national data-collection system that covers all the offences covered by the Optional Protocol. Please provide statistical data (disaggregated by sex, age, urban or rural residence and socioeconomic background) for the past three years on:

(a) The number of reported cases of sale of children, child prostitution and child pornography, as well as other forms of exploitation, including child sex tourism, with additional information on the type of action taken as a result, including the prosecution and punishment of perpetrators;

(b) The number of children trafficked from, to or within the State party for the purposes of sale, prostitution, forced labour, illegal adoption, organ transfer or pornography as defined in article 3 (1) of the Optional Protocol;

(c) The number of children offered, delivered or accepted by whatever means for the purpose of prostitution, forced labour, illegal adoptions, organ transfer, pornography or marriage;

(d) The number of child victims of the offences covered by the Optional Protocol who have received assistance for rehabilitation or received reparations.

2. In addition to the information provided in paragraphs 139 to 142, 144, 146, 148 and 150 of the State party report (CRC/C/OPSC/COD/1) on the various sectoral plans and



programmes, please indicate what measures the State party has taken to establish a strategy to prevent and combat the sale of children, child prostitution and child pornography. Please also indicate whether the State party has conducted studies to evaluate the scale, root causes, characteristics and consequences of these offences and to develop special measures to eradicate these practices.

3. With reference to paragraph 45 of the State party report, please indicate which authority or body is responsible for the overall coordination of activities undertaken to give effect to the provisions of the Optional Protocol, how implementation of the Optional Protocol is monitored and evaluated and what role the local councils for the promotion and protection of children's rights play in this regard.

4. Please provide information on awareness-raising and training programmes on the Optional Protocol established by the State party for law enforcement personnel and all professionals working with and for children, as well as for the general public, including children themselves and their families. Please specify whether such programmes are carried out regularly and systematically and whether their results have been evaluated.

5. Please describe the steps taken to improve the detection and identification of children at risk so as to provide them with suitable protection, especially those who are particularly vulnerable to the offences covered by the Optional Protocol, such as displaced children, children of migrants, refugees or asylum seekers, children engaged in forced domestic labour, children used in mining, street children, children who are orphans, separated from their families or unaccompanied, children not registered at birth, children with albinism and children accused of witchcraft.

6. Please provide information on the various bills that could have a relative impact on the Optional Protocol, particularly the draft revised Mining Code and the bill on foreign adoptions, as well as the guarantees provided to ensure that the legal framework is in full compliance with the provisions of the Optional Protocol. Please clarify whether, under the bill on international adoption, it is legal for individuals and agencies to act as intermediaries in adoption proceedings. Please also indicate whether any awareness-raising programmes on illegal adoptions are provided to communities.

7. Given that several cases of child trafficking for the purposes of forced labour, domestic servitude or prostitution have been reported in the State party, please provide detailed information on the measures taken to:

- (a) Combat these phenomena;
- (b) Adopt a specific law on human trafficking;
- (c) Establish specific measures to combat corruption;
- (d) Strengthen cooperation.

Please indicate whether child sex tourism is expressly prohibited under national legislation.

8. Please clarify whether, in the context of the sale of children within the terms of article 3 (1) of the Optional Protocol, the State party's criminal law explicitly defines and criminalizes the transfer of organs of the child for profit, the engagement of the child in forced labour, and the sale or transfer of a child for purposes of illegal adoption, including by unduly obtaining the parents' consent to the adoption.

9. Please provide information on the measures taken or planned to establish the criminal liability of legal persons for the offences covered by the Optional Protocol.

10. Please indicate the measures taken to develop victim-centred approaches aimed at identifying children. Please provide information on measures taken to:

- (a) Protect the rights and interests of child victims and witnesses in criminal proceedings by ensuring that they are not treated as offenders;
- (b) Facilitate the social reintegration of victims and their physical and psychological rehabilitation in suitable centres;
- (c) Avoid the stigmatization and marginalization of victims.

11. Please provide additional information on the measures taken:

(a) With regard to the allegations of abuse and sexual exploitation of children committed by foreigners, including foreign military personnel serving with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo;

(b) To protect children who have been the victims or witnesses of the aforementioned acts.

Please also clarify the statement that the perpetrators of these offences were released without trial at the request of the provincial authorities or released without any form of judicial procedure (CRC/C/OPSC/COD/1, p. 22).

12. Please inform the Committee whether the State party has established extraterritorial jurisdiction over all offences under the Optional Protocol. Please also state whether the offences covered in article 3 (1) of the Optional Protocol are *ipso jure* included in the extradition treaties in force and whether the Optional Protocol may be considered to constitute a legal basis for extradition in respect of these in the absence of bilateral agreements.
