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COMMITTEE ON THE RIGHTS OF THE CHILD

Fiftieth session

SUMMARY RECORD OF THE 1385th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 21 January 2009, at 3 p.m.

Chairperson: Ms. LEE

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

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of the Democratic Republic of the Congo (CRC/C/COD/2, CRC/C/COD/Q/2 and Add.1) (continued)

1. At the invitation of the Chairperson, the members of the delegation resumed places at the Committee table.
2. Mr. KOTRANE said that, according to the Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo (S/2008/693), overall the number of allegations of grave violations against children had decreased because security had improved in many areas. However, despite the signing of the statements of commitment (*actes d'engagement*), grave violations continued to be reported, 63 per cent of which were attributed to Mayi-Mayi groups, militias and foreign armed elements. Members of the Congolese security forces, notably the armed forces and police, were alleged to be responsible for 29 per cent and 8 per cent, respectively, of the documented cases. It was estimated that at least 3,500 children remained in armed groups. Despite reports that the national armed forces had stopped recruiting children, they were still present. He asked what the Government was doing to ensure that children were not used in the armed forces.
3. Papers could be obtained without much difficulty for refugee children, who were then included among national minority groups. Grave violations of children's rights were known to occur in refugee camps.
4. Suspected perpetrators of rape against children were being provisionally released by the authorities responsible for prosecuting them, a move which had been criticized by NGOs and international observers. The fact that it was happening, despite the legislation on sexual violence adopted in 2006, raised the question of impunity.
5. The Government had recognized, in paragraph 223 of its second periodic report, that the arrests of many children were not recorded and he asked what had become of those children and how the Government planned to remedy the situation.
6. Mr. CITARELLA said that new legislation passed on 10 January 2009 provided for a juvenile justice system with separate courts to be established; however, he wondered whether there were sufficient resources, both financial and human, to establish such a system and, if so, how long it would take for the new law to be implemented. Many children were being detained for long periods, pending a decision on their case. He requested that the Committee be provided with a copy of the new legislation.
7. Ms. AIDOO said that as societies developed and progressed, they re-evaluated their traditional practices and modified or abolished them as necessary. The Committee was guiding all States parties towards the elimination of harmful traditional practices, in line with article 24 of the Convention and, in the case of African countries, including the Democratic Republic of the Congo, article 21 of the African Charter on the Rights and Welfare of the Child. The practice of female genital mutilation (FGM) and forced marriages, especially within the extended family,

continued, despite the legislation establishing penalties in that regard. She asked whether there had been any prosecutions, in rural or urban areas, and whether families, community leaders and children were aware of the legislation. She asked what the National Committee to combat harmful traditional practices and female genital mutilation had achieved and whether it was a Government committee or a Government and NGO partnership. There had been indications that it existed only in name and that it had taken no effective action. Having already passed legislation on the issue, what further action could the Government take to eliminate harmful traditional practices and strengthen the State's protection of children's rights?

8. As recognized in the State party report, the problem of children being accused of witchcraft had reached disturbing proportions, particularly in urban areas. A large percentage of street children had been separated from their parents following witchcraft accusations, which, disturbingly, were often made by the parents. The children were forced into church centres, where pastors subjected them to harsh and degrading treatment, including starvation, under the pretext of exorcizing them. Such acts could not continue if the State party was committed to protecting children's rights and she asked what the Government was doing to put an end to the practice. While a belief in witchcraft was part of a traditional world view, it was not an acceptable explanation for objective phenomena, such as poverty, childhood illnesses and AIDS-related deaths. What was the Government doing to educate parents, church leaders and community leaders regarding the causes of the aforementioned problems and to emphasize that they had nothing to do with witchcraft? Did the Government have a strategy for dialogue with the religious leaders in question? Had the Government considered appointing a special adviser to investigate the problem, which seemed to be spreading?

9. The CHAIRPERSON said that it was customary in Bas-Congo province for a niece to be obliged to marry her uncle, a practice that often involved under-age girls. With regard to the disarmament, demobilization and reintegration (DDR) programme, it was estimated that thousands of children had escaped from the armed forces without being officially demobilized. According to reports, only 12 per cent of demobilized children were girls, even though they represented 40 per cent of recruits. Commanders did not feel obligated to release girls as they considered them to be the "wives" of the leaders. She asked what the Government's strategy was in that regard.

10. Mr. UPIO KAKURA (Democratic Republic of the Congo) said that the national armed forces had taken measures to remove children from their ranks and it was hoped that, within the framework of the peace agreements that were being drawn up, the Government would be able to take action against other armed groups. The documented incidents that had taken place in the east of the country could be referred to the Prosecutor of the International Criminal Court and the Government urged the High Commissioner for Human Rights to continue sending rapporteurs to further document the situation so that those responsible could be brought to justice. Members of the armed forces who had been involved in acts of abuse against women and children in Goma in August 2008 had been prosecuted and harsh sentences had been imposed.

11. There had been one case in which the suspect in an obvious case of rape had been released on bail and, as a result, three magistrates had been suspended, arrested and tried. There was a shortage of magistrates, particularly in rural areas, resulting in a delay between the time a crime was committed and the ensuing trial. To relieve the situation, the Government, with the

support of partners, had established circuit courts (“audiences foraines”). Parliament was considering other reforms to the justice system, such as granting extended powers to local police courts, allowing them to judge cases of sexual violence.

12. Ms. KHATTAB (Country Rapporteur) asked whether the prosecution of the magistrates referred to earlier had been publicized, because it constituted an important deterrent.

13. Mr. UPIO KAKURA (Democratic Republic of the Congo) said that the Minister for Justice had announced the measure that had been taken and had visited the public prosecutors’ offices in Kinshasa to draw magistrates’ attention to the Government’s zero tolerance policy with regard to impunity. The media had also been officially informed of the case. He would provide a copy of the Journal Officiel of 12 January 2009, which contained the text of the legislation on sexual violence.

14. With regard to the strategy for implementing the disarmament, demobilization and reintegration (DDR) programme, he thanked the international community for its financial support, and said that so long as there were still armed conflicts in the region, children would always be involved, because there were areas of the country that were beyond the Government’s reach. However, with the collaboration of neighbouring countries, such as Rwanda and Uganda, it was hoped that there could be an end to the conflict in the north-east of the Democratic Republic of the Congo. More action and cooperation were needed so that the situation could be resolved swiftly.

15. Ms. KHATTAB (Country Rapporteur) asked what the Government was doing to improve its data collection system.

16. Mr. PARFITT asked whether the bilateral agreement with Uganda referred to the recruitment or abduction of soldiers in the Democratic Republic of the Congo by the Lord’s Resistance Army (LRA).

17. The CHAIRPERSON asked how, with the low rate of birth registration, the Government ensured that the children abducted or recruited by armed forces and militias were accounted for.

18. Mr. UPIO KAKURA (Democratic Republic of the Congo) said that the Government recognized and was working to address the deficiencies of the birth registration system. As a post-conflict country in which new conflicts were flaring up, the Government faced many challenges. Education campaigns were under way to encourage parents to register their children. Each Ministry collected data in its field and the National Council on Children, which included representatives of the National Institute of Statistics, was responsible for harmonization. The Government was implementing a wide range of reforms to the public sector and any assistance in improving the data collection system would be welcome.

19. There had been cases of child abduction in north-east of the country, but there was no confirmed information as to whether those children had crossed the border. It was understood that the LRA was based near the border and had not crossed into Sudan or the Central African Republic.

20. Ms. LUKIANA MUFWANKOLO (Democratic Republic of the Congo) said that, sadly, sexual violence against children was a reality, especially in the east of the country, mining zones and large urban areas. Some victims were as young as a few months old, particularly in conflict zones. The terrible consequences of sexual violence included HIV/AIDS infection and physical disablement. The Government, in collaboration with its development partners and NGOs, had therefore decided to make combating sexual violence against women and children a national priority. When women's living conditions were poor, it had a direct effect on the protection of children's rights.

21. Four areas for intervention had been identified and a plan of action had been drawn up. First, comprehensive campaigns had been organized to raise awareness of the problem. Women of different backgrounds had come together to publish a declaration on sexual violence and had collected a petition of almost a million signatures. A march against sexual violence involving some 150,000 women and children had taken place. A television advertisement had been produced. The most recent campaign, launched in association with the United Nations Mission in the Democratic Republic of the Congo (MONUC), concerned child prostitution.

22. Second, several ministries, with support from development partners and NGOs, were working together to strengthen domestic legislation and to set up programmes to combat impunity. Third, the mechanisms for the protection of children and women were being strengthened. Preparations were being made to enable the National Council for Children, instead of being merely a symbolic body, to act as a fully operational advocate for children through to the local level. The Council currently played an advisory role and provided a space for dialogue between the Government, NGOs and development partners, which acted as observers.

23. Ms. KHATTAB (Country Rapporteur) asked whether there was a real need for a National Council for Children, given the mandate of the Ministry of Gender, Family and Children. What cooperation was there between the Ministry of Human Rights and the Ministry of Gender, Family and Children and how would the Council fit into that equation?

24. Mr. FILALI (Country Rapporteur) asked whether the fact that NGOs had an observer role in the Council meant that they could not participate actively or have their programmes taken into consideration?

25. Ms. ORTIZ asked why the National Council, provincial councils and local councils had not worked previously and what was going to change to ensure that they did.

26. Ms. LUKIANA MUFWANKOLO (Democratic Republic of the Congo) said that the National Council for Children was necessary because it was a multilateral body, while the Ministry involved only the Government, and it was more effective to work in partnership within a participatory framework. National NGOs working on children's issues were members of the Council, while development partners, such as the United Nations Children's Fund (UNICEF), were admitted as observers to enable the Government to learn from their expertise. Local councils were needed to address problems that would otherwise be overlooked; they could more easily collect data on the local population, and were in a better position to provide information and help individuals defend their own rights.

27. Ms. KHATTAB (Country Rapporteur) asked how the Government was empowering the provinces at the local level, as it seemed that the Government had given them a mandate, but no resources.

28. Ms. LUKIANA MUFWANKOLO (Democratic Republic of the Congo) said that the problems facing the Democratic Republic of the Congo were so extensive that it was important to work at every level throughout the country with the support of the international partners; political will was essential. The Government hoped to formulate an optimal strategy for families that took into consideration the current circumstances; poverty was the most pressing problem.

29. Government employees were the largest employee group in the Democratic Republic of the Congo; their monthly salaries, though still very low, had risen from US\$ 2 in 2001 to US\$ 68 in 2008. The Government was determined gradually to tackle poverty and its many adverse consequences.

30. The Government had also attempted to create a social services programme for children at the local and neighbourhood levels. Orphanages, however, were generally private initiatives. The Government monitored them, with the assistance of UNICEF. There was only one government-run orphanage; the political will must be found to begin re-establishing orphanages. There was also a shortage of childcare centres and social centres. Legal aid centres were currently being set up.

31. Faith-based NGOs were helping to create programmes for children accused of witchcraft. In addition, a large range of measures proposed by development NGOs, faith-based NGOs, women's organizations, and organizations specializing in orphans and other vulnerable children, were currently before the National Assembly, and enjoyed broad support among members of the Government.

32. A fund for the protection of children and the family had been created, as well as an agency for combating sexual violence, whose purpose was to provide better care and compensation for victims. Measures had also been initiated to give women and families greater autonomy.

33. However, without the restoration of peace and unity in the country and the eradication of armed bands, the problems for children would persist. The Ministry on Gender, Family and Children had requested the Ministry of Justice to classify the crimes of mass sexual violence occurring in the Congo as crimes against humanity, so that they would not be subject to a statute of limitations; the Ministry of Justice had agreed.

34. The Ministry on Gender, Family and Children had also asked for public trials to be held for such crimes, as a dissuasive measure. Some rapists were already in jail. Efforts were also being made to identify leaders of bands or platoons; often it was possible to identify the group responsible for the crime but not individual perpetrators. The Ministry was making efforts to strengthen compensation for victims, with the help of the Ministry of Justice.

35. Turning to the complex issue of children in mining areas, she said that some initiatives had already been taken in conjunction with the International Labour Organization (ILO), UNICEF and other international children's organizations. Funding had been obtained, with a focus on the reintegration of children into schools and families, particularly in the province of Katanga. The Labour Code addressed the worst forms of child labour, and a national monitoring and implementation committee had been created.
36. Turning to the matter of street children, she said that the Government had made attempts, in conjunction with development NGOs, to move street children to other provinces so that they would be less tempted to return to life in the street. That was a highly controversial approach; the Ministry on Gender, Family and Children preferred measures focusing on social reintegration. Lastly, she said that the Government was committed to tackling the problem of children accused of witchcraft, and was focusing its efforts on church pastors.
37. Mr. FILALI (Country Rapporteur) said that the State party must urgently take both short-term and long-term measures to end mine work by children, such as providing funds to families so that such children could go to school. He had been disturbed to learn that only half the children in the Democratic Republic of the Congo went to school, and that schools were often recruiting grounds for armed groups.
38. The CHAIRPERSON pointed out that the problems of child labour and the lack of free education were intertwined.
39. Ms. KHATTAB (Country Rapporteur) said that it would perhaps be better to return children to their families rather than to send them to other provinces, and asked whether consideration had been given to rehabilitating the families. She suggested that the Government institute a free telephone helpline for children, with the help of Child Helpline International. She also wondered whether the Government had given thought to establishing peace education programmes, and whether there were any cases of violations of children's rights by peacekeepers.
40. Ms. ORTIZ said that the Committee would like to know how many orphaned children there were in the Democratic Republic of the Congo, and how many orphanages.
41. Mr. PARFITT asked whether the Government was considering alternative forms of care for orphans and street children, such as foster care and care by the extended family if the immediate family was unable to provide.
42. Ms. AIDOO enquired whether there existed a national law prohibiting accusations of witchcraft and the entrapment of children in churches. She would also like to know how parents who accused their children of witchcraft were dealt with.
43. The CHAIRPERSON said that the Government might be placing too much emphasis on the contributions of NGOs and other organizations; it should be remembered that the implementation of children's rights was the responsibility of the State party.

44. Ms. LUKIANA MUFWANKOLO (Democratic Republic of the Congo) said the current crisis in the country had begun with the dictatorship of the Second Republic. In the absence of other assistance, people took initiatives to create service and care programmes themselves. The Government was grateful to NGOs, which often used their own funds or were supported by international organizations; some were directly or indirectly supported by the Government.

45. Turning to the question of child labour, she said that the National Committee to combat the worst forms of child labour, set up in 2008, had just begun to implement its programme of action. It was striving, with the assistance of UNICEF, to set up local schools in mining areas, and to ensure that children attended them. Other programmes focused on income-generating activities for families, with a view to keeping children in school.

46. As for street children, she said that the Government first and foremost sought to return children to their families. When that proved impossible, alternative forms of care were contemplated. She was grateful for the suggestion to set up a children's helpline. Hundreds of children came to the Ministries seeking assistance, with the help of NGOs; a telephone line could be a practical solution.

47. The Government indeed needed to establish orphanages, since great numbers of children had lost their parents as a result of the war. In late 2008, the Ministry of Gender, Family and Children had sent representatives to the orphanages to assess the situation and to offer advice and guidelines. The Ministry could not reach all regions of the country, but hoped to be more effective in future.

48. There was in fact legislation regarding children accused of witchcraft and a new draft law on that topic, currently before Parliament, was expected to provide a strong approach to the problem.

49. Moreover, peace education and peace awareness initiatives, funded by the Government and the development partners, had been launched with a view to giving children renewed hope, but the only lasting solution would be the restoration of peace. Thousands of women had requested international solidarity to eliminate the armed bands in the eastern part of the country, against which the Government was powerless to act.

50. The insecurity and violence in the eastern part of the country had originated with the humanitarian corridor established under Operation Turquoise, and had resulted in the total destabilization of the region, the devastation of natural resources, genocide, sexual violence and indescribable cruelties, with thousands of women being handicapped for life, and 12-year-old girls bearing the children of their rapists.

51. The Congolese army was in the process of reintegration, and would need time before it was a cohesive force. Therefore Congolese women and children were launching an appeal for international solidarity. They requested that the corridor be reopened to allow the Rwandans and other refugees currently living there to return to their homes in safe conditions. She proposed that the Rwandans might be helped by a United Nations mission such as MONUC. She also

suggested that intra-Rwandan talks should be held. The armed bands were in the Democratic Republic of the Congo because they could not return to Rwanda; that was a situation that must not be allowed to persist indefinitely. She added that she was deeply grateful for the dialogue with the Committee.

52. Ms. KHATTAB (Country Rapporteur) said that according to paragraph 8 of the written replies (CRC/C/COD/2/Q/Add.1) US\$ 176,000 had been allocated to NGOs in 2008; she would like to know if that was a one-time payment or an annual budget. She would also like to know what percentage of the total social budget that figure represented.

53. Mr. UPIO KAKURA (Democratic Republic of the Congo) said that the government budget was modest in proportion to the needs of the country. The Government was nevertheless determined to increase its resources for social programmes. It was often difficult for a ministry to obtain the necessary funds from the Government. NGOs' requests for funds could not always be met. In fact more than 250 NGOs were working on the problem of children separated from their families; many of them received direct grants as well as indirect forms of support such as tax relief.

54. The new Child Protection Code provided for criminal sanctions against parents who accused their children of witchcraft, in the form of a heavy fine or 3 years' imprisonment. The Code had already been enacted and it was the responsibility of judges to enforce it.

55. Ms. AIDOO asked whether children could invoke the law against their parents for accusing them of witchcraft, or against the pastors who had entrapped them for the purpose of exorcism.

56. Mr. UPIO KAKURA (Democratic Republic of the Congo) said that the new Child Protection Code contained a partial definition of torture, applicable to children. A broader definition was contained in the draft bill currently before Parliament. Children accused of witchcraft could turn to NGOs for assistance, through either the Ministries or the judicial authorities. The Code called for the creation of children's courts; as those had not yet been set up, cases involving children were still being heard by the regular courts or by justices of the peace.

57. Children were increasingly aware of their rights and some had in fact helped prepare the report to the Committee on the Rights of the Child.

58. Mr. FILALI (Country Rapporteur), noting that the Criminal Code contained no definition of torture, enquired whether the draft legislation incorporating a definition of torture used the definition contained in the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, or whether it was merely associated with other definitions of violence. In particular, he wanted to know if the State party envisaged incorporating torture as a distinct crime.

59. Mr. UPIO KAKURA said that the intention was indeed to criminalize torture as a separate and distinct crime; it was currently considered only as an aggravating circumstance. However, the new Child Protection Code defined torture specifically as severe mental or physical suffering

intentionally inflicted for the purpose of obtaining information. The bill currently before Parliament ratifying the Convention against Torture incorporated the definition contained in that instrument.

60. Ms. LUKIANA MUFWANKOLO (Democratic Republic of the Congo) said that the Government, in consultation with MONUC, had established a programme to raise awareness among MONUC staff of the problems of sexual violence and child prostitution. The Government had called for judicial and not just administrative penalties to be imposed against any MONUC personnel who perpetrated such acts. Given the enormous challenges facing the country, what was needed from the international community was a comprehensive rebuilding programme similar to the Marshall Plan; the efforts of the Congolese Government alone would not suffice.

The meeting was suspended at 4.30 p.m. and resumed at 4.55 p.m.

61. Mr. UPIO KAKURA (Democratic Republic of the Congo) said that since the Congolese concept of family was quite broad, when children required care their extended families were often quite willing to take them under their wing, but such practices should not be confused with official adoptions. The new law on child protection and the Family Code established the rules for adoption in the strict sense of the word.

62. Ms. ORTIZ asked whether the Government was prepared to ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

63. Mr. UPIO KAKURA (Democratic Republic of the Congo) said that the country was in the process of ratifying that instrument. He saw no obstacle to ratification. The central authority for adoption-related matters would be the Ministry of Justice.

64. Mr. KISESA TANGU BALAK (Democratic Republic of the Congo) said that the Government had increased the number of health-care districts, or zones de santé, from 306 to 515 in an effort to provide health services closer to the population, thus making them more affordable and accessible. The Government regularly carried out awareness campaigns to keep the population informed about childhood diseases, and conducted vaccination campaigns two or three times a year. Immunization coverage rates for the major vaccinations such as BCG, TDC and measles ranged from 82 per cent to 94 per cent. Working with UNICEF, the Ministry of Health had built thousands of latrines and sunk over 300 wells, thus helping to reduce the incidence of diarrhoea to 13 per cent. The Ministry had also carried out awareness campaigns on HIV/AIDS among thousands of teachers and had distributed great quantities of male and female condoms. The number of households using iodized salt had risen from 72 per cent in 2000 to 97 per cent in 2008, and over 11 million children received vitamin A supplements. Between 2006 and 2007 the HIV infection rate had risen from 2.2 per cent to 3.2 per cent. Antiretroviral drug therapy had been extended in recent years, and was currently available in 140 health-care districts.

65. The CHAIRPERSON asked, in the absence of a specific health strategy, what new policy was being contemplated by the Government. Could children who were not registered at birth be vaccinated, and how were they counted in statistics? Was the low rate of exclusive breastfeeding related to the high infant mortality rate?

66. Ms. SMITH asked whether children lacked access to health services because they were unaffordable or because they were unavailable, and whether there was a shortage of doctors owing to emigration.
67. Mr. KISESA TANGU BALAK (Democratic Republic of the Congo) said that the main obstacles to the provision of health care were not related to a lack of medical personnel, but rather to the conflict in the eastern part of the country. Health services had been suspended in the conflict zone, and it was difficult to ensure coverage of immunization campaigns for the large number of children displaced by the conflict.
68. Ms. KHATTAB (Country Rapporteur) asked whether the decline in vaccination coverage between 2007 and 2008 had been attributable to the effects of the internal conflict.
69. Mr. UPIO KAKURA (Democratic Republic of the Congo) said that the increase in violence in the east, and in North Kivu in particular, certainly had an impact on the effectiveness of many health programmes nationwide.
70. Mr. LUYELA LOYEL (Democratic Republic of the Congo) said that it was a main objective of the Government's poverty reduction and growth strategy paper to improve access to social services, in particular education, so as to reduce the vulnerability of children. The paper emphasized that education should be compulsory and provided free of charge, and underscored the importance of rehabilitating schools and making use of public-private partnerships. According to the Constitution, primary education was compulsory and was to be provided for free at public schools. In 2006 a national fund for the promotion of education had been established by presidential decree, and the Government was currently mobilizing funds for its implementation.
71. Mr. KRAPPMANN said that while the Government's intentions in respect of ensuring free and compulsory education for Congolese children were laudable, it would be most useful for the Committee to learn about the specific plans with which the Government hoped to achieve its goals. He expressed concern that the national fund for the promotion of education had been established by presidential decree instead of through legislative procedures. Did that mean that the fund lacked transparency and a firm basis for its budget?
72. Ms. KHATTAB (Country Rapporteur) asked what proportion of the national fund for the promotion of education was funded by the Government and how much by other partners, and whether the fund was already in operation. Was the World Bank supporting any specific education programmes in the country? The delegation should provide more details on the programme for girls' education. Were there girl-friendly schools and curricula?
73. The CHAIRPERSON asked how the Government ensured that there was no discrimination in the school system. Did Batwa children have access to education?
74. Mr. LUYELA LOYEL (Democratic Republic of the Congo) said that the aim of the national fund for the promotion of education was to collect the resources necessary to ensure effective education for all children. A school enrolment campaign launched in 2003 had increased enrolment rates by some 20 per cent annually. There were over 6 million children

between the ages of 3 and 5 enrolled in preschool education, but the national rate was still low in that age group. Although enrolment rates in preschool programmes were high in urban areas, the vast majority of the population lived in the countryside.

75. Ms. AIDOO expressed concern that preschool education was provided mainly through private institutions, with minimal government participation. The Committee would like to know if the Government intended to become involved in a holistic, community-based early childhood development programme that would help children obtain learning skills and help parents deal with fundamental childcare issues.

76. Mr. LUYELA LOYEL (Democratic Republic of the Congo) said that the Government had for the past three years been implementing a programme for the education of girls, and that the programme in question had been extended to encourage school attendance by both sexes. Enrolment rates had risen as a result. At the preschool level, the same numbers of boys and girls were enrolled.

77. Mr. KRAPPMANN, while welcoming the high enrolment rates, said that the Committee was particularly concerned about the very high dropout rates at Congolese schools. Less than half the enrolled children stayed in school through grade 5, and only a tiny minority of students graduated from secondary schools.

78. The CHAIRPERSON asked for data on the ratio of teachers to pupils.

79. Mr. LUYELA LOYEL (Democratic Republic of the Congo) said in reply that for the school year 2006/07, the teacher/pupil ratio had been 1 to 38 on average, the ratio being higher in the overpopulated eastern regions and lower in the less populated west.

80. Ms. KHATTAB (Country Rapporteur), noting that parents often paid teachers “under the table”, asked what was being done to improve teachers’ salaries.

81. Mr. UPIO KAKURA (Democratic Republic of the Congo) said that under the new government policy, teachers’ salaries had been increased. Voluntary contributions from parents were not permitted, unless they were meant for general improvements at the school. The current challenge was to ensure that parents enrolled their children, that education was free and that children did not drop out of school. In conjunction with UNICEF and other partners, the Government had been distributing school materials to ease the financial burden of families; so far, the results of that initiative had been positive. The Government was fully aware that sustainable development was impossible without quality education.

82. Ms. AIDOO asked whether there were any institutes to train teachers involved in preschool or early childhood development programmes. As she understood it, only about 20 per cent of such teachers were actually qualified. She stressed the importance of early childhood development, which helped to improve the performance of pupils and ensure that they did not leave school. It was essential to promote gender parity in early childhood development programmes so that girls were empowered to enrol in primary schools. Whence the need to make sure that such programmes were not left exclusively to the private sector.

83. Mr. UPIO KAKURA (Democratic Republic of the Congo) said that there was in fact a government programme for young children, but admittedly the system was more developed in urban settings, and efforts were being made to open nursery schools and even pre-nursery schools in rural areas, catering also for children with physical, psychomotor and mental disabilities.
84. The CHAIRPERSON asked whether classes in human rights, children's rights and education for peace were part of the school curricula.
85. Mr. UPIO KAKURA (Democratic Republic of the Congo) replied that such classes, which some schools already had, were to be introduced nationwide as from the school year 2009/10.
86. Mr. KASHAMA NGOIE (Democratic Republic of the Congo), referring to a question on the application of the act establishing juvenile courts, said the text fixed a deadline of two years for the courts to become operational. By law, the age of full criminal responsibility was 18 years, and the minimum threshold of criminal responsibility was 14 years, so that children in conflict with the law fell into the 14 to 18 age bracket.
87. Other innovations included: the introduction of the ombudsman, who could settle cases without involving the courts; the creation of special police brigades dealing with juveniles; the fixing of the age of marriage at 18 years; and the lengthening of the deadline for birth registration from 30 days to 90.
88. Mr. FILALI (Country Rapporteur) noted that a fee was apparently charged to register a birth. That might place a considerable financial burden on some parents. Was it not possible to make birth registration free? He also enquired what happened to children whose birth had not been registered.
89. Mr. KASHAMA NGOIE (Democratic Republic of the Congo) explained that birth registration was free, but that a fee was charged for the issuance of a copy or excerpt. In 2002, the Government had started an initiative to ensure that all children were registered. In a number of regions, parents who had not registered their children within the old time period of 30 days had been permitted to do so without payment of a penalty. The initiative was part of a national programme of action currently being finalized.
90. Ms. ORTIZ asked whether there was any penalty for intentionally giving inaccurate information during the registration of a birth.
91. Ms. AIDOO said that in her country, Ghana, which was much smaller than the Democratic Republic of the Congo, it had been decided that parents would be allowed one year to register their children. Three months seemed to be too short. She also asked whether the Democratic Republic of the Congo had mobile registration units, an initiative which had worked very well in her own country.
92. Mr. UPIO KAKURA (Democratic Republic of the Congo), replying to a question by Mr. Citarella, said that unregistered children could attend school and were entitled to health-care services. However, such children posed a problem when their parents went to register them, because they needed to produce some form of proof. Referring to a comment by Ms. Aidoo, he said that when a decentralized system of birth registration was introduced, it would be easier to

meet the deadline of 90 days. He stressed the need for a better archive system to prevent the destruction of data, for example through fire, as had happened at one registration bureau that had been the target of an arson attack.

93. Mr. FILALI (Country Rapporteur) asked whether any legal provisions regulated the care of children by members of the extended family or the community.

94. Mr. UPIO KAKURA (Democratic Republic of the Congo) said that children who lived in the same household and were part of the extended family enjoyed legal protection. Adults were under a legal obligation to care for such children. Unrelated children were often cared for as a form of community solidarity.

95. Ms. KHATTAB (Country Rapporteur) said that the presence of a such a high-level delegation was a sign of the State party's renewed commitment to improving the life of children in accordance with the requirements of the Convention, but she stressed that, notwithstanding the armed conflict and limited resources, the Democratic Republic of the Congo was under an obligation to protect children from abuse and violence, help rehabilitate victims and bring perpetrators to justice.

96. The Committee recommended that the State party should: put in place a body in charge of children's issues that was more adequately mandated and resourced; speed up action to set up an adequate legal framework compatible with the Convention; raise awareness of the law, train professionals on its implementation and allocate resources to that end; and introduce a monitoring mechanism, in accordance with the Paris Principles, with a clear mandate for children. A national plan of action with time-bound objectives and adequate human and financial resources for its implementation should focus on marginalized children, including those affected by gender discrimination, armed conflict, poverty and HIV/AIDS. A systematic working partnership should be concluded with NGOs. Mechanisms should be put in place to ensure the right of children to be heard. Children should be made a priority in budget allocations. A reliable data system, disaggregated according to the possible areas of discrimination, should be established to help with policy formulation. The provinces should be empowered and should receive greater resources. Awareness-raising should be pursued and an environment created that was conducive to the implementation of the rights of the child.

97. Legal instruments prohibiting and criminalizing discrimination on the basis of gender or region of origin or for other reasons were essential. Educational measures and affirmative action for victims of discrimination were badly needed. The Government should raise awareness of the importance of changing attitudes.

98. The right to life was severely compromised. Concerted action was required to ensure that children grew up in a supportive environment. The notion of the best interests of the child was not implemented as a guiding principle in all activities concerning them. The definition of the child must be brought to line with the Convention in a number of areas. Birth registration was very low, and the Government must see to it that every child was registered at birth. The right to education was severely hampered, and allocations for education were insufficient. Teachers should be paid decent salaries; the hidden costs of education must be eliminated and education quality improved. Schools must be made safe from armed forces, including in Ituri and North Kivu. Boys and girls should be encouraged to attend school and not drop out. Priority should be given to education for peace and early childhood development programmes in rural areas.

99. The right to health care was severely compromised. More human and financial resources should be allocated to improve health indicators such as infant and maternal mortality, vaccination rates and nutrition. Emphasis should be placed on primary health care, especially in areas affected by the conflict. Minimum standards should be set and enforced for private practitioners. Attention should be given to adolescents and reproductive health rights, with a focus on the correlation between gender-based violence and HIV/AIDS and between children with HIV/AIDS and illiteracy and mother-to-child transmission.

100. Special protection was an area in which immediate concerted action was needed on a whole range of issues. The Government should follow up the recommendation of the United Nations Secretary-General Study on Violence against Children. It should put in place a legal framework and make the law widely known, design a child protection strategy, establish a database mechanism for reporting, ensure implementation of the law through prosecution and continue efforts to eradicate impunity. It should also address the root causes of various forms of violations of children's rights and focus its attention on working children, internally displaced children, harmful practices such as female genital mutilation, and early marriage.

101. Children working in mining areas in the Katanga region should be sent back to school. The Government should cooperate with NGOs on reuniting street children with their families. It should seek to disarm, demobilize and reintegrate children, including girls, who had been involved in the armed forces or armed groups. A new juvenile justice system should be put in place, guided by general comment No. 10. Lastly, the Government should work with religious leaders and the media to change prevailing attitudes concerning children.

102. Mr. UPIO KAKURA (Democratic Republic of the Congo) thanked the Committee for the constructive dialogue. His delegation had taken due note of the recommendations formulated, some of which were already reflected in the act on the protection of the rights of children and in a number of measures to which his delegation had referred and which would be addressed in the next periodic report. The improvement of the situation of children was a prerequisite to the country's development, and notwithstanding the current difficult situation, the Democratic Republic of the Congo would make every effort to comply with its obligations under the Convention. He called on all States parties to the Convention to help in restoring peace in the Democratic Republic of the Congo, so that it could use its abundant resources to ensure the full realization of the rights of children.

The meeting rose at 6.10 p.m.