



Convention on the Rights of the Child

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Committee on the Rights of the Child

Combined sixth to eighth periodic reports submitted by the Democratic Republic of the Congo under article 44 of the Convention, due in 2022*

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* The present document is being issued without formal editing.



I. Introduction

1. On 18 and 19 January 2017, in Geneva, the Government of the Democratic Republic of the Congo presented to the Committee on the Rights of the Child, through a delegation led jointly by the Minister of Human Rights and the Minister of Gender Issues, the Family and Children, the combined third to fifth periodic reports on its implementation of the Convention on the Rights of the Child (CRC/C/COD/3-5).
2. The Committee subsequently adopted its concluding observations (CRC/C/COD/CO/3-5) at its 2193rd meeting on 3 February 2017 and issued recommendations to the Government.
3. Also in January 2017, the Government presented its initial report on its implementation of the Optional Protocol on the sale of children, child prostitution and child pornography. The Committee then issued the related concluding observations (CRC/C/OPSC/COD/CO/1).
4. The present report, which serves as the combined sixth to eighth periodic reports, describes the follow-up given to both sets of concluding observations. It was drafted by the Interministerial Committee on Human Rights in accordance with the recommendation contained in paragraph 53 of the concluding observations pertaining to the combined third to fifth periodic reports.
5. Stakeholders, including civil society organizations and technical and financial partners, were consulted during the information-gathering phase.
6. The report was prepared in accordance with the guidelines on the form and content of reports to be submitted by States Parties to the international human rights treaties (HRI/GEN/2/Rev.6), issued on 3 June 2009, and the treaty-specific guidelines regarding the form and content of periodic reports to be submitted by States Parties under article 44 (1) (b) of the Convention on the Rights of the Child (CRC/C/58/Rev.3), issued on 31 January 2014.
7. The presentation of the information follows the format of the recommendations set out in the concluding observations pertaining to the combined third to fifth periodic reports. The responses to the recommendations contain details of the progress made.

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

A. Legislation and strengthening of human, technical and financial resources

8. Since the presentation, in 2017, of the reports on the implementation of both the Convention and its Optional Protocol on the sale of children, child prostitution and child pornography, the following texts relating to the protection of children have been adopted:
 - Interministerial Decrees No. 243/CAB/ME/MI/J&GS/2018 and No. 065/CAB/MIN.GEFA/2018 of 4 December 2018, amending and supplementing Interministerial Decrees No. 490/CAB/MIN/J&DH/2010 and No. 11/CAB/MIN.GEFAE of 29 December 2010, on the composition, organization and operation of a mediation committee on juvenile justice.
 - The governors of 21 of the 26 provinces (excluding Lomami, Haut-Lomami, Lualaba, North Ubangi and Tshuapa Provinces) have issued provincial decrees appointing the members of the mediation committees attached to the juvenile courts and magistrates' courts in their respective jurisdictions.
 - Interministerial Decrees No. MINEPSP/CABMIN/0817 EPSPE/2018 and No. 009/CAB/MIN.GEFA/CLS/GEFA of 7 March 2018, on the organization and operation of the Children's Parliament and Children's Committees, pursuant to article 83 of the Child Protection Act.

9. Following the issuance of the provincial decrees, 83 mediation committees were established, with 249 members. However, only 80 members from eight provinces (Kongo Central, Kwilu, Kwango, Kasai Central, Kinshasa, North Kivu, South Kivu and Ituri) received training and financial support in the form of bonuses, with technical and financial assistance from the United Nations Children's Fund (UNICEF). The committees were also supplied with registers, invitation forms, agreement templates and copies of the Child Protection Act.
10. A permanent national secretariat and permanent provincial secretariats have been established to oversee the mediation committees.
11. These activities were carried out as part of the implementation of the road map for the mediation committees. The purpose of the road map is to give effect to the Interministerial Decree on Mediation and to encourage provincial authorities to take concrete steps to accelerate the implementation of the national action plan that has been put in place to establish mediation committees and provide them with support.
12. In addition, practical guidelines were developed, with financial support from UNICEF, to help members of mediation committees improve their performance.
13. However, the optimal functioning of mediation committees is still hampered by the fact that juvenile courts – with the exception of those in Matadi, Mbuji-Mayi and Bukavu – do not always refer cases to them. To address this lack of action, a directive setting out the list of criminal offences that can automatically be referred to mediation committees will be signed by the President of the Supreme Council of Justice and transmitted to juvenile court judges.
14. Funding for national and provincial mediation committees is included in the 2022 budget, alongside other initiatives addressing issues such as child marriage.
15. Efforts are ongoing to strengthen the technical capacity of police officers, social workers and judicial personnel. As part of the implementation of the “Batela mwana” project, led by the Ministry of Social Affairs with financial support from Global Affairs Canada, training kits on children's rights have been developed for police academies (Directorate of Schools and Training) and social work and judicial training colleges (National Institute of Social Work and National Judicial Training Institute, respectively). A group of trainers has received training in children's rights and child-friendly practices across the three sectors: 103 from the police force, including 21 women; 45 from social services, including 12 women; and 30 from the judiciary, including 12 women.
16. Between 2018 and 2020, the course was taught to 12,468 police cadets, including 993 women, at the training centres in Kamina (Haut-Lomami), Kitona (Kongo Central) and Kapalata (Tshopo), as well as to 337 students, including 214 women, at the National Institute of Social Work and to 30 judges, including 5 women, in Kongo Central.
17. In this context, the following guides to child-friendly best practices have been made available to these groups of professionals: the procedure for the provision of support to children in conflict with the law in juvenile courts; the operational guide for child protection activities conducted by the child protection and prevention of sexual violence units of the National Police; child protection procedures and roles and responsibilities for social workers attached to child protection and prevention of sexual violence units and in public and private social work institutions; and the procedure for the provision of support to child victims and witnesses in the justice system.
18. These materials were used to raise awareness among 215 police officers, including 76 women; 207 social workers, including 86 women; and 178 judicial personnel, including 54 women.
19. They are supplemented by practical guidelines, developed with support from UNICEF, for juvenile court judges, members of mediation committees, police officers and lawyers.

20. The Democratic Republic of the Congo has also established the National Agency for the Prevention and Elimination of Trafficking in Persons, through Ordinance No. 19-027 of 22 April 2019 on the establishment, organization and operation of the National Agency for the Prevention and Elimination of Trafficking in Persons. Article 3 of the Ordinance sets out the following tasks of the Agency:

- Development of a strategy to combat trafficking in persons
- Dissemination of regulations on trafficking in persons and promotion of national and international cooperation
- Reporting to law enforcement and judicial authorities of any behaviour falling under the definition of trafficking in persons
- Taking action to combat impunity for perpetrators of acts constituting trafficking in persons
- Actively contributing to gathering information, advancing investigations and bringing them to a successful conclusion in cases involving trafficking in persons and to dismantling criminal networks
- Development of new strategies to combat trafficking in persons by issuing an annual report on the state of trafficking in the country
- Provision of support to victims of trafficking
- Making active efforts to ensure that victims of trafficking receive compensation

21. The Agency developed a Strategic Plan in July 2019 and began to implement it in 2021. It works in collaboration with, inter alia, the United Nations Office on Drugs and Crime and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo. Awareness-raising sessions are organized for local stakeholders on the nature of the problem, the profiles of traffickers and the role of the general public in investigations and prosecutions. Videos and public service announcements are aired, training is being provided to journalists, and a toll-free hotline for victims and witnesses has been set up. In 2021, 393 cases of trafficking in persons were reported, affecting 79 male and 314 female victims. The table below shows the distribution of cases by province.

Summary of reported cases of trafficking in persons

<i>Province</i>	<i>Cases investigated</i>	<i>Suspected cases</i>	<i>Confirmed cases</i>
Kinshasa	76	44	32
Kongo Central (Kasangulu)	1	0	1
Kasai (Tshikapa)	46	24	22
North Kivu (Goma)	99	0	99
Ituri (Bunia)	114	43	71
Kwango (Kenge)	42	0	42
Kasai Oriental	126	0	126
Total	504	111	393

Source: National Agency for the Prevention and Elimination of Trafficking in Persons.

22. Offences involving the trafficking and sale of children, child prostitution and child pornography are punishable by 5 to 20 years' imprisonment under articles 172, 179 and 182 of the Child Protection Act. These offences can be prosecuted even if committed abroad: pursuant to article 3 of the Criminal Code, any person who commits, outside the national territory, an offence which under Congolese law carries a prison sentence of more than two months can, at the request of the public prosecutor's office, be prosecuted and tried in the Democratic Republic of the Congo.

23. The Government will nevertheless ensure that the amendments to the Criminal Code – as contained in the bill on the prevention and punishment of trafficking in persons in the

Democratic Republic of the Congo, which is already before Parliament – encompass the offences listed below, in accordance with the Committee’s recommendations on the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography:

- Offering, delivering or accepting, by whatever means, a child for the purpose of:
 - Sexual exploitation of the child
 - Transfer of organs of the child for profit
 - Engagement of the child in forced labour
- Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption
- Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2
- Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2

24. The dismantling of child trafficking networks also poses a challenge. The ethical standards applicable to public officials must be strengthened in line with the Government’s anti-corruption efforts, which have yielded tangible results. The Government is also aware that it will be necessary to improve pay conditions for State employees.

25. In this regard, the Government is making ongoing efforts to improve pay for civil servants and public officials. Salaries have been increased by 30% in the second quarter of 2022 and by 45% in the third quarter.

B. Comprehensive policy and strategy

26. The National Child Protection Policy, which the Government committed, in the combined third to fifth periodic reports submitted in 2017, to delivering in the medium term, has not yet been drafted. Article 3 of the draft decree on the organization and operation of the National Children’s Council provides that the Council will contribute to the development of the National Child Protection Policy. The adoption of the Policy is therefore contingent on the signing of the decree on the National Children’s Council, which has been transmitted to the Prime Minister.

C. Coordination

27. As noted in the previous paragraph, the text of the decree has already been adopted by the Government and transmitted to the Prime Minister for signature.

D. Allocation of resources

28. Allocations for children are clearly set out in budget breakdowns. They define expenditure on personnel in the education sector, which includes allocations for salaries, with a particular focus on the impact of free basic education and the second tranche of the pay scale set out in the Memorandum of Understanding signed between the Government and the Joint Public Administration Union, and expenditure on goods and materials necessary for the day-to-day operation of services, including for schools and administrative offices involved in the delivery of free basic education. Expenditure for construction, repairs, renovations, expansions and real estate acquisitions includes building and renovation works at schools and sanitation facilities in educational establishments.

29. The same approach is used in the 2022 national budget, as set forth in Act No. 21/029 of 31 December 2021, which allocates 2,700,000,000 Congolese francs (CGF) to the Child Protection Directorate within the Ministry for Gender Issues, the Family and Children. The funding will be used to finance activities aimed at strengthening child protection, including

the establishment of children's committees and a Children's Parliament at the national level, the introduction of mediation committees throughout the country and a campaign to end child marriage.

30. The 2022 budget is structured around 15 pillars, grouped into four major categories, namely: (i) politics, defence and security; (ii) economy and finance; (iii) reconstruction; and (iv) social and cultural affairs.

31. The social and cultural affairs category is focused in particular on education, health, the development of the water and electricity sectors, efforts to combat poverty and social marginalization, women's empowerment and youth development.

32. The significant increase in government revenue during the first half of 2022 will make it possible to increase the amount allocated to all sectors of national life, particularly the social sectors, where children are the primary beneficiaries. This is what the Government, through the Ministry of the Budget, committed to doing at the June 2022 luncheon meeting with stakeholders involved in promoting children's rights. The meeting was held in follow-up to the partnership established in July 2021 between the Ministry and UNICEF to support stakeholders involved in the budget process, with the aim of improving the formulation of public policies related to children. The partnership has led to the establishment of a framework for dialogue on public policies that benefit children.

33. Public finance reform is driving a shift from general budgeting to programme-based budgeting structured around public policies broken down into programmes. These programmes are accompanied by specific objectives, which are established based on public interest-oriented goals and expected outcomes. In this regard, the 2020–2024 Road Map for the Transition to Programme-based Budgeting was adopted in September 2020.

E. Data collection

34. The Government has not yet established a centralized system for collecting child-specific data. Article 3 of the draft decree on the National Children's Council provides for the establishment of a database on the situation of children in all areas of national life.

35. In the meantime, each sector or institution has its own specific data-collection system. The health sector has the National Health Information System, while in the education sector, periodic evaluations are conducted using Demographic and Health Surveys and Multiple Indicator Cluster Surveys (MICS), which are led by the Ministry of Planning. The Ministry for Gender Issues, the Family and Children periodically publishes data on children in its thematic bulletin on gender. The Ministry of Primary, Secondary and Technical Education has a Statistics Division. The National Agency for the Prevention and Elimination of Trafficking in Persons also has a database.

F. Independent monitoring

36. In addition to the information provided in paragraphs 18, 19 and 20 of the combined third to fifth periodic reports, it should be noted that the National Human Rights Commission has already been granted A status, meaning that it complies with the Paris Principles.

37. Within the Commission, there is a standing subcommission dedicated to upholding the rights of women and children. The subcommission is headed by one of the nine national commissioners, who oversees a team of staff members with expertise in children's rights. It receives complaints from parents and guardians of children whose rights have been violated.

38. The Commission's provincial coordination offices also pay particular attention to the protection of children's rights and advocate for those rights to be upheld. One such case arose in March 2022, when the Tshuapa provincial coordination office intervened on behalf of children deprived of their liberty.

G. Cooperation with civil society

39. Pursuant to Act No. 004-2001 of 20 July 2001, on general provisions applicable to non-profit associations and entities serving the public interest, the registration of a non-governmental organization (NGO) by a sectoral ministry allows it to carry out its activities, and legal status is conferred automatically if it is not granted by the Ministry of Justice within a certain time frame. Article 5 of the Act provides that:

- Pending the granting of legal status, approval from the minister responsible for the relevant sector is deemed to constitute provisional authorization to operate. For non-profit organizations registered in the provinces, provisional authorization is granted by the provincial governor.
- Provisional authorization is valid for six months; after this period has elapsed, legal status is deemed to have been granted. In such cases, the Minister of Justice is required to issue the order granting legal status within one month.
- However, this mechanism for the automatic conferral of legal status does not work in practice.

40. With regard to support for civil society organizations, in the last three financial years, several organizations had received funding from the Government's subsidiary budgets, as shown in the table below.

Financial support for civil society

<i>Financial year</i>	<i>Ministry of Public Health</i>	<i>Ministry for Gender Issues, the Family and Children</i>	<i>Ministry of Social Affairs</i>
2020	131	190	254
2021	243	189	293
2022	251	177	254

Sources: Finance Acts of 2020, 2021 and 2022.

H. Children's rights and environmental standards for extractive industries

41. Act No. 18/001 of 9 March 2018 amending and supplementing Act No. 007/2002 of 11 July 2002 on the Mining Code requires mining and quarrying companies to comply with environmental standards during both exploration and operations. Article 204 essentially states that any applicant for a permit to mine ore, discharge waste, operate a small mine or obtain authorization to operate a quarry must submit an environmental impact study and an environmental management plan for the project and obtain approval for both. The holder of mining or quarrying rights is required to provide security to ensure compliance with environmental obligations during exploration and/or operations. In addition, the company must set aside monies for site remediation.

42. The rights of local people are protected through restrictions on the use of land specifically designated for cemeteries or forest nurseries and located within 800 metres of the edge of an urban area or inside a park or tourist site. Furthermore, under article 279, no one is permitted to occupy, without the consent of the owner or lawful occupant, land located within 1,000 metres of houses or buildings or within 800 metres of a farm or land that has been prepared and ploughed for crops.

43. Under article 281, where the occupation of land results in the deprivation of the rightful owners' enjoyment of the land, they are entitled to fair compensation for any alteration that renders the land unsuitable for cultivation.

44. Under articles 285 bis, 285 ter and 285 quater, the holder of mining or quarrying rights is liable for any damage caused to persons, property or the environment, for contamination affecting human health and for diseases attributable to mining activities.

45. In this regard, the Minister of the Environment, during his visit in September 2020 to the Provinces of Lualaba and Haut-Katanga, observed that extractive industries are not complying with operating standards and, consequently, are having a very negative impact on the environment in terms of water pollution and soil degradation.

46. In addition, in 2022, the Democratic Republic of the Congo became a member of the body responsible for overseeing the Voluntary Principles on Security and Human Rights, which are aimed at guiding extractive companies in their efforts to ensure the safety and security of their operations within an operational framework that ensures respect for human rights and fundamental freedoms.

III. General principles (arts. 2, 3, 6 and 12)

A. Non-discrimination

47. Further to the information provided in previous reports, the Organic Act on the Promotion and Protection of the Rights of Persons with Disabilities, adopted by the Parliament in November 2021 and now only awaiting promulgation, is intended to prohibit all forms of discrimination against all vulnerable persons.

48. However, no comprehensive strategy to eliminate discrimination against vulnerable groups has yet been developed, nor has a study been conducted to identify the causes of discrimination.

B. Best interests of the child

49. The principle of the best interests of the child, established in article 6 of the Child Protection Act, is emphasized in all training and awareness-raising sessions on children's rights.

50. This provision defines the best interests of the child as “the concern for safeguarding the child's rights and according them the utmost priority” in any decision to be taken. It recommends that consideration be given to the child's age, state of health, family environment and moral, emotional and physical needs, as well as various other aspects of the child's circumstances.

C. Right to life, survival and development

51. The Government's priority, to be pursued through means including diplomacy and military action, is to eradicate all the armed groups wreaking havoc in the east of the Democratic Republic of the Congo. This constitutes the first pillar of the government programme, on bringing peace to the country and promoting reconciliation, cohesion and national unity. The measures envisaged thereunder include the following:

- Eradicating the armed groups operating in the country.
- Ensuring the socioeconomic reintegration of demobilized young people through a range of vocational training activities.
- Establishing well-trained and well-equipped elite units.
- The state of siege, declared in two eastern provinces (North Kivu and Ituri) since May 2021, demonstrates this commitment.

52. The release of children from armed groups is monitored on an ongoing basis, including by the Joint Technical Working Group on Children and Armed Conflict.

53. With regard to improvements in health services, the redesigned National Health Development Plan (2019–2022), developed with the support of the World Health Organization and others, has three strategic areas: improving health service delivery and continuity of care; supporting the various pillars of the health system; and strengthening governance and the health system.

54. The Plan is aimed at contributing to the well-being of the Congolese population over the period up to 2022, within the framework of universal health coverage and other targets of the Sustainable Development Goals. This involves increasing coverage and the use of quality health services and care, with equity and financial protection. The Plan is intended to increase the accessibility of the health system and promote its optimal use. It also advocates decentralization, through the transfer of responsibilities, powers and resources to the provincial level.

55. The Organic Act on the Promotion and Protection of the Rights of Persons with Disabilities extends its protection to persons with albinism, who are considered to be one of the vulnerable groups.

56. To date, there have been no reported cases of violence committed against children with albinism on the basis of superstitious beliefs.

D. Respect for the views of the child

57. In 2016, a pilot initiative to establish children's committees, in line with the Child Protection Act, was carried out in Katanga Province and in Kinshasa, where committees were set up at the territory, commune and city levels. Following the adoption of the interministerial order on the organization and functioning of the Children's Parliament and Children's Committees in March 2018, the initiative was refined and in 2019 was extended to the cities of Mbandaka (Équateur Province), Kananga (Kasai Central) and Goma (North Kivu). In total, five urban committees were established, in the capitals of five provinces, alongside 600 local committees. These committees include both children enrolled in school and children separated from their families and living in reception centres.

58. The activities of the children's committees are centred primarily on advocacy with decision makers in support of measures to promote children's rights. However, no community or family awareness-raising activities have been reported.

59. The 2022 budgetary support mentioned above will enable the Government to undertake a nationwide roll-out, through the creation of children's committees at the local level (territories, communes and provinces) and the establishment of the Children's Parliament by the President of the Republic on 20 November 2022.

IV. Civil rights and freedoms (arts. 7, 8 and 13–17)

A. Birth registration

60. According to the Multiple Indicator Cluster Survey (2017–2018), published on 24 July 2019, the birth registration rate for children aged under 5 years rose from 25% in 2014 to an average of 40% in 2018. The improvement is due to the efforts made to implement the national strategy for improving birth registration, which covers awareness-raising activities, capacity-building for service providers, the practice of proxy registration, measures to bring civil registration offices closer to the population – in particular by opening branch offices in maternity wards – and catch-up registration drives at the start of the school year, with support from the World Bank and the United Nations Children's Fund (UNICEF). The number of civil registration offices rose from 2,570 in 2019 to 2,752 in 2020, and 4,114 service providers, among them health workers, were trained (source: national review of the UNICEF-Democratic Republic of the Congo cooperation programme, December 2020).

61. The gap between girls and boys has all but disappeared (40% compared with 41%). Disparities remain, however, between urban and rural areas (57% compared with 29%) and depending on level of economic well-being (22% for poor families, compared with 74% for wealthy families) and the mother's level of education (85% compared with 33%).

62. The lowest-performing provinces are Haut-Lomami (17%), Mongala and Tanganyika (both 15%), Tshuapa and Lomami (both 14%), Sankuru (11%) and Maniema (5%).

63. Birth registration activities are also being extended to rural areas. In North Kivu, for example, campaigns conducted from 2016 to 2019 with the support of SOS Enfants reached 893,109 children in the chiefdoms of Bamate, Batangi and Bapere and the rural communes of Kanyobagonga, Kayna, Kirumba and Lubero, in Lubero Territory; and in the chiefdom of Bashu and the communes of Kyondo and Mangina, in Beni. Before 2016, almost no hospital births were entered in the civil register in Lubero Territory. In 2017, 13,000 of the 22,287-births that took place in maternity wards were declared by parents within the statutory three-month period.

64. To streamline procedures within civil registration offices, the civil registry is to be computerized. To this end, with support from the World Bank, work has begun on updating the provisions of the Family Code that govern civil registration.

65. As for ratification of the conventions on statelessness, a process has been initiated at the Ministry of Justice. The Ministry's unit for the prevention and reduction of statelessness is working to identify persons who may be considered to be stateless.

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

A. Torture and ill-treatment

66. The Child Protection Act provides not for the imprisonment of children, but for their placement in State custodial and educational establishments where rehabilitation measures are applied. The Priority Action Plan (2018–2022) of the National Justice Reform Policy provides for the opening of pilot State custodial and educational establishments in 2022. Under the Plan, a draft decree on the organization and functioning of such establishments has been drawn up under the supervision of the Ministry of Justice, with the support of the Corrections Section of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo. In the meantime, children deprived of their liberty are generally placed in special wings for minors.

67. The coronavirus disease (COVID-19) pandemic prompted the authorities to ease overcrowding in the special wings, and children were placed in private social care institutions.

B. Corporal punishment

68. Since the adoption of the Child Protection Act in 2009, public attitudes have not shifted enough to allow for the adoption of a law formally prohibiting corporal punishment, in particular within the family.

C. Gender-based and sexual violence against children

69. In March 2007, on the initiative of the Ministry of Gender, Family and Children, the national action plan to prevent and combat violence against children was adopted for a three-year period. It had four areas – prevention, protection, care, and monitoring and evaluation – and was aimed at assessing the extent of such violence and ensuring that victims received social care, healthcare and psychological care, and legal and judicial support. The implementation of the plan was not evaluated, and the plan has not been updated. However, some recommended actions have since been carried out, including the strengthening of the legal framework (the Child Protection Act), the institutional framework (children's courts,

the interministerial committee to combat the worst forms of child labour, child protection and sexual violence prevention units, etc.) and the programmatic framework (the National Strategy to Combat Gender-based Violence of 2009, updated in 2020, the National Action Plan to End Child Marriage of 2017, etc.).

70. The vision of the updated National Strategy to Combat Gender-based Violence is to achieve a Congolese society in which no girl or boy, and no woman or man, is subjected to sexual or gender-based violence, whether in public or private life; in which perpetrators of gender-based violence are severely punished under the law; and in which victims receive full and effective support from the competent bodies.

71. The Strategy has the following seven strategic components:

- Preventing gender-based violence
- Strengthening the empowerment of Congolese women
- Strengthening education on gender-based violence as part of the socialization of children and young people
- Strengthening the security and protection of the population from a gender perspective
- Ensuring holistic support for victims
- Delivering justice, and combating impunity for perpetrators of gender-based violence
- Collecting data and monitoring and evaluating the implementation of the Strategy

72. In this context, the Head of State launched the “Immediate Zero Tolerance against Gender-based Violence” campaign in Goma on 20 June 2021, to run until 2023. This involves:

- Raising public awareness and reducing the stigmatization of women and girls who are survivors
- Combating and ending impunity for perpetrators of sexual violence and other violations of women’s rights by holding fair trials
- Consolidating the process of setting up the reparations fund for victims
- Establishing a transitional justice mechanism
- Introducing training programmes in schools
- Enacting laws to protect victims and witnesses, ensuring holistic support while helping them to access the justice system
- Promoting gender equality and combating discrimination against women
- Strengthening national capacity to collect and disseminate reliable data, in order to adjust response strategies and build a robust database
- Establishing dedicated chambers for sexual violence cases within the country’s courts of major jurisdiction
- Strengthening the capacities of lawyers and civilian and military judges in handling sexual violence cases

D. Harmful practices

73. The National Action Plan to End Child Marriage, adopted on 16 June 2017, reflects the Government’s commitment to ending this practice. Seven provinces have since embraced the Plan: Kongo Central, Kwilu, Kinshasa, Kwango, Kasai Central, Kasai Oriental and Kasai. The provincial authorities have publicly committed in writing to ending child marriage in their respective provinces. Three provinces have conducted awareness-raising campaigns in their territories: Kongo Central (10), Kwilu (5) and Kwango (5).

74. Reports of ill-treatment of children accused of witchcraft are now rare, undoubtedly as a result of awareness-raising activities carried out through community workers and religious leaders. Active listening to children makes it possible to set up household support

projects aimed at reuniting child victims with their families. In addition, a toll-free helpline (116) has been established by the Ministry of Social Affairs, with the support of the international NGO War Child, for reporting cases of children in distress.

VI. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))

A. Family environment

75. The challenge in implementing article 69 of the Child Protection Act lies in defining the vulnerability criteria that would make it possible, in a context of increasing hardship, to identify the families entitled to cash transfers. This matter is currently under consideration at the Ministry of Social Affairs.

B. Children deprived of a family environment

76. Reception arrangements, staff training and placement options are set out in the norms and standards governing the care of children in difficult situations and in the ministerial decree of 19 November 2009 regulating the social placement of children in difficult situations.

77. In Haut-Katanga, under the “Zero Children on the Streets” initiative, the provincial government has set up a centre in Lukuni to accommodate 500 children from Lubumbashi. In 2020, it took in 140 children, of whom 80 received training in shoemaking, arts and crafts, agriculture, masonry and business.

C. Adoption

78. The updates made to the Family Code in June 2016 also addressed the provisions on the adoption procedure, in particular for intercountry adoption, in the light of documented abuses and suspected – and indeed confirmed – cases of sale of children and trafficking in children. One such case involved children adopted in Belgium in 2015 through an orphanage (which has since closed), without the knowledge of their parents, who lived in the city of Gemena, in the north-west of the country. Accordingly, adoption requirements were tightened, including by setting up a public body which must process all adoption files prior to any judicial proceedings.

79. A decree establishing the central adoption authority and setting out its organization, powers and functions is being drafted by the Ministry of Gender Issues, the Family and Children, pursuant to article 170 of the updated Family Code. In parallel, a bill authorizing ratification of the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption has been put forward.

80. No intercountry adoption can be granted until this decree is signed. Article 923 bis of the updated Family Code provides as follows: “Pending the implementing measures provided for in article 691 bis and the establishment of the public body responsible for adoptions provided for in article 652 of the present Act, the examination of new intercountry adoption files for Congolese children is suspended.”

81. As for the 1,200 children whose adoption files had been pending examination but were suspended in 2013, all pending cases were cleared and their adoptions authorized between April and December 2016.

VII. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)

A. Children with disabilities

82. One of the aims of the Government's programme for 2019–2023 was to implement a policy on support and social assistance for persons with disabilities. For the first time in the country's history, the Government established a ministry, attached to the Ministry of Social Affairs, to be responsible for persons with disabilities and other vulnerable groups, thereby upgrading the legal status of the department for persons with disabilities.

83. The Organic Act on the promotion and protection of the rights of persons with disabilities was adopted by Parliament in September 2021 and is now awaiting approval by the Head of State.

84. Article 12 (2) of Framework Act No. 14/004 of 11 February 2014 on education establishes that, in order to achieve universal, lifelong access to education, the State must democratize education by ensuring that all individuals, including persons with disabilities, are able to enjoy their right to a quality education and are given equal opportunities to succeed. Article 33 of the Act sets out the groups to be targeted as part of efforts to tackle discrimination and inequality in education, which are: women and girls, orphans, displaced persons, pygmies, children above school age and persons with disabilities of all ages.

85. Work needs to be done, however, to ensure that primary education is accessible for most children with disabilities. Approximately 45% of children between 6 and 11 years who have physical disabilities and 75% of children in that age group who have intellectual disabilities are not enrolled in school (compared to 28.7% of their peers without disabilities).

86. Accordingly, the purpose of the Sectoral Strategy for Education and Training for the period 2016–2025 is to promote the development of special schools for children who have severe disabilities and whose attendance at mainstream school is not feasible in the short to medium term.

87. The Strategy sets out a policy aimed at improving access to education for children with disabilities, which has two main focuses:

- Establishing partnerships with community organizations and building health facilities and schools that cater to students with disabilities.
- Introducing measures to help prepare services to support more children with disabilities. These measures include the collection of data on the prevalence of disabilities and on the living conditions and access to healthcare of the children concerned, in addition to the establishment of partnerships between educational authorities and civil society organizations working on disability issues and between educational and health authorities.

88. Schooling for deaf children is mostly provided by the Association of Centres for Persons with Disabilities in Central Africa. The Democratic Republic of the Congo is home to 115 special education centres that are affiliated with the Association.

89. The goal of Villages Bondeko, which is an organization run by the Catholic Church, is to provide support in the areas of health and education to children with intellectual disabilities. A 2017 survey conducted by the Government with financial support from the Southern African Development Community showed that educational and health facilities for children with disabilities were in place in three provinces: 20 in Kinshasa, 15 in Kongo Central and 5 in Bandundu. Fifteen facilities in Kinshasa had received support in providing health services.

90. One of the purposes of a programme on the education of women and girls with disabilities, which was financed by the World Bank in 2018, is to establish a database to inform the development of public policies and strategies.

91. The Sectoral Strategy for Education and Training also provides for the development of a programme to promote inclusive education for students with disabilities. It establishes that affirmative action measures are to be taken during the allocation of resources by taking into account inclusive and special education.

92. Furthermore, the pilot project funded by the Spanish Agency for International Development Cooperation and implemented by Handicap International in Kinshasa aimed to increase access to mainstream schools for children with disabilities and promote a higher quality of primary education. Following an initial phase involving the organization of awareness-raising and training activities on inclusive education, and after conducting tests with the Kikesa and Bon Départ schools in 2007, Handicap International partnered with 12 schools across four districts of the capital.

93. The ministry responsible for primary and secondary education is working with Handicap International to ensure that this inclusion policy is implemented nationwide. The goal of the project is to promote proactive policies and changes in practices relating to the inclusion of children with disabilities in the education sector.

94. Responsibility for inclusive education lies with the ministries in charge of primary and secondary education, new technologies, technical and vocational education, higher education and universities, social affairs, humanitarian action and national solidarity. In 2018, the Ministry of Social Affairs, Humanitarian Action and National Solidarity put forward a sectoral plan on inclusive education with a view to its implementation in 2021. The plan aims to build capacity in the areas of sign language teaching, Braille and differential psychology in order to improve the educational support provided to children with disabilities. It also sets out to support the development of guidelines on school building standards to enhance the accessibility of schools.

95. Pillar 11 of the programme of the Government that was elected in December 2018, which is focused on improving the social conditions of the population, set out a new health policy to be implemented as part of the updated National Health Development Plan 2019–2022.

96. The basic foundation of universal healthcare should be a system of essential care services designed to protect reproductive maternal, newborn, child and adolescent health.

97. Steps should also be taken to improve the system for the logistical management, construction, refurbishment and operation of regional drug distribution centres and satellite warehouses across the country, develop a plan to manage their refurbishment and operation and prepare a plan for the refurbishment and equipping of general referral hospitals in each of the 146 territories.

98. There are also plans to conduct a study with a view to expanding the health insurance scheme.

99. In order to meet these goals, the Government has committed to improving the execution of the State health budget and releasing the State's counterpart contributions in projects implemented with the assistance of development partners.

100. Of the US\$ 488,145,106 earmarked for the 100-day programme launched by the Head of State on 2 March 2019, US\$ 46,160,304, or 9.45%, was allocated to the health sector. The funds were used to support the final stages of work on 31 health centres, complete the work on 51 centres, equip 32 others and build the Ebola hospital in Makeke, Ituri. They were also used to purchase essential medicines and vaccines against poliomyelitis, tuberculosis and tetanus.

101. As part of its efforts to improve the health of the general population, and that of mothers and children under five years old in particular, the Government implemented the Access to Primary Healthcare Project with financial support from the Government of the United Kingdom. This five-year project, which ran from 2013 to 2018, covered 52 health zones in five provinces (Kasai Central, Kasai, Tshopo, Maniema and North Ubangi).

102. The Project, which was aligned with the National Health Development Plan and the framework for accelerating the achievement of Millennium Development Goals 4 and 5, sought to improve the health of the population, in particular that of mothers, newborns and children, in the 52 health zones covered.

103. Its implementation led to:

- (a) The improvement and modernization of infrastructure and equipment:
 - The refurbishment of 73 health centres (47 undergoing minor renovations and 26 undergoing major renovations) and 9 general referral hospitals, and the construction of 32 health centres.
 - The provision of basic equipment to 28 health zones. This equipment included 510 mini-kits for the delivery of basic services in health centres, 28 mini-kits for the delivery of more advanced services in general referral hospitals, 18 generators, 28 ultrasound machines, 4 X-ray machines, 119 microscopes, 28 spectrophotometers, 182 solar-powered refrigerator-freezers, 210 solar-powered lighting kits, 53 vehicles, 144 motorcycles and 2,040 bicycles (4 bicycles per health district).
- (b) The reform of the pharmaceutical sector:
 - The refurbishment of the Tshikapa regional distribution centre and the satellite warehouse of the Mweka regional distribution centre.
 - The equipping of two regional distribution centres and the satellite warehouse of the Mweka regional distribution centre.
 - The establishment of credit lines for health centres and general referral hospitals; US\$ 11,348,386.57 of the total available credit of US\$ 15,080,160.15 has been used, representing a utilization rate of 75.25%.
- (c) The development of human resources in the health sector:
 - The granting of full bursaries to 17 students from institutes of medical technology or medical education and 65 students from higher institutes of medical technology, who were selected by the health zones.
 - The granting of 17 bursaries to members of health management teams in the health zones and provinces to enable them to train at the school of public health in Kinshasa (eight recipients have already completed their training, and nine are currently in training).
 - The creation of 611 training opportunities for healthcare personnel, education workers and community members, 7,046, or 21%, of whom were women, on primary healthcare management, the integrated clinical management of childhood illness, the use of care flow charts, integrated disease surveillance and response, family planning, the technical management of the Expanded Programme on Immunization, comprehensive HIV care, the delivery of maternal, newborn and child health services through a competency-based approach, the programme to improve sanitation in villages and schools, the use of ultrasound machines, the use of spectrophotometers, community healthcare and the role of officials responsible for distributing essential medical supplies within the community.
- (d) The following achievements:
 - An improvement in the coverage of family planning services from 4% to 18%, and the repair of 492 of the 527 vesico-vaginal fistulas dealt with, representing a success rate of 93%.
 - The increase in the coverage of intermittent presumptive malaria treatment for pregnant women from 35% in year 1 to 80% in year 4.
 - The rise in the proportion of assisted deliveries from 76% in year 1 to 90% in year 4.

- The increase in the use of curative services from 30% in year 1 to 50% in year 4.
 - The provision of support in the area of disease surveillance, including through investigations, responses and participation in surveillance meetings.
 - The provision of support for vaccination efforts, including through the transport of vaccines and supplies, the monthly delivery of generators and diesel fuel to the local office of the Expanded Programme on Immunization in Mweka and the organization of vaccination campaigns.
 - The integration of the work done by community health centres, activities promoting the sexual and reproductive health of adolescents and young people, the work of officials responsible for distributing essential medical supplies within the community and efforts to combat sexual and gender-based violence.
- (e) The strengthening of the health information system:
- The provision of very small aperture terminals to the central offices of 27 health zones and 2 provincial health divisions to facilitate the entry of data into the DHIS2 platform.
 - The delivery of training on the national health information system for service providers in health facilities, and the organization of training for members of health management teams in the health zones and provinces on the health management system and the DHIS2 platform.
 - The delivery of solar energy kits to 28 health zones and 28 general referral hospitals to power their computer systems.
 - The distribution of 56 computer kits.
 - The monthly provision of internet credit to health zones and provincial health divisions.
- (f) The strengthening of leadership and governance:
- The provision of support for planning efforts (operational action plans and timetables) and the inspection of provincial health divisions, health zones and health districts, the revitalization of community health committees and the provision of support for their meetings.
 - The implementation of an accountability tool known as the community performance report.
 - The management of risks and fraud, including through a hotline.
- (g) The reform of health financing:
- Flat-rate pricing.
 - Community-based health insurance scheme.
- (h) Intersectoral collaboration:
- Water, sanitation and hygiene: The certification of 126 villages and 10 schools with improved sanitation facilities, the provision of rubbish bins to help health facilities manage waste, and the construction of 119 incinerators, 126 placenta pits, 75 latrines for health facilities and 95 water tanks.
 - Nutrition: The organization of activities to support infant and young child nutrition and gardening in health zones.

B. Adolescent health

104. The national strategic plan on the health and welfare of adolescents and young people, which forms part of the National Adolescent Health Programme, was renewed for the period 2016–2020. The plan is geared towards changing behaviour through preventive efforts,

which involve the delivery of advisory services and voluntary HIV testing, sexual and reproductive health education in schools and through after-school programmes, work to promote the use of and ensure the availability of condoms, the promotion of post-exposure prophylaxis (in cases of rape), awareness-raising on the harmful effects of psychoactive substances, the prevention of violence and the strengthening of the capacity of civil society to provide services. Awareness-raising campaigns on sexual and reproductive health for adolescents and young people address matters such as the prevention of unwanted pregnancies, complications arising from induced abortions, sexually transmitted infections and HIV/AIDS, drug use, tobacco and alcohol use, sexual violence, genital mutilation, abortion and the consequences of early marriage, which include physical injuries and fistulas.

105. The plan of action to end child marriage sets out the material and financial support to be offered to girls who are pregnant or are mothers (specific objective 1, outcome 2). This part of the plan will be implemented using the funds allocated to the Ministry for Gender Issues, the Family and Children in the 2022 budget.

C. HIV/AIDS

106. The Democratic Republic of the Congo has signed relevant regional and international declarations including the Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases, the Abuja call for accelerated action towards universal access to HIV/AIDS, tuberculosis and malaria services in Africa, the Declaration of Commitment on HIV/AIDS, the Brazzaville Declaration on acceleration of HIV prevention efforts in the African region and the Maseru Declaration of the Southern African Development Community on the fight against HIV and AIDS, with a view to ensuring universal access to preventive care and treatment for patients with HIV/AIDS.

107. A new strategic plan was developed for the 2018–2021 period. The goals pursued under the plan include:

- Improving access to screening services by expanding the coverage of programmes for the prevention of mother-to-child transmission in all provincial health divisions where coverage by such programmes is low (Tshuapa, South Ubangi, Mai-Ndombe, Lualaba, Équateur and North Kivu), organizing targeted screening in hard-to-reach areas, organizing screening for male partners through innovative approaches (the running of specific prenatal classes for men, at the weekend and during national holidays) and ensuring the availability of kits for the combined screening of syphilis and HIV.
- Raising community awareness of the importance of screening by building the capacity of community leaders, media representatives, churches and support groups focused on the prevention of mother-to-child transmission.
- Improving family planning services by regularly providing health facilities with the necessary supplies and strengthening the capacity of service providers in the areas of reproductive maternal, newborn, child and adolescent health, family planning and the prevention of mother-to-child transmission.
- Raising awareness among women infected with HIV and young women of childbearing age of the need to use dual protection methods through the broadcast of radio and television messages on family planning, the organization of targeted awareness-raising sessions in the community and at health facilities and the development of an action plan for the implementation of preventive measures.
- Strengthening action to address tuberculosis and HIV coinfection.
- Increasing the coverage of and the number of individuals who undergo laboratory tests (viral load, early infant diagnosis and CD4 cell count).
- Strengthening the framework for the monitoring and evaluation of the national response to HIV.

- Providing care through a gender-based approach and without any discrimination or stigmatization.

108. Improvements have largely been attributable to the increase in the number of people who started antiretroviral therapy as a result of the test-and-treat strategy; in 2012, 64,219 of the 415,027 patients seen received such treatment, whereas, in 2016, 157,072 of the 369,740 patients seen did so, representing an overall increase in coverage from 16% to 42.5%.

109. For children, coverage by antiretroviral therapy rose from 9% in 2012 to 29% in 2016 (14,333 of 48,193 child patients).

110. The laboratories of the National Programme to Combat HIV/AIDS form part of the healthcare pyramid. The National AIDS Reference Laboratory and its partner laboratories operate at the central level. The Provincial AIDS Reference Laboratory operates at the intermediate level, while the laboratories of general hospitals and health centres operate at the primary level. These laboratories work together in networks set up based on their technical capabilities.

111. In 2016, a plan was developed under the National Programme to Combat HIV/AIDS to scale up viral load testing and early infant diagnosis. In line with this plan, the country currently has three laboratory networks with five major equipment units: three in Kinshasa, one in Lubumbashi and one in Équateur.

112. Of the 17,872 pregnant women seen in 2016, 15,423, or 86%, received antiretroviral treatment to prevent mother-to-child transmission at the 3,736 health facilities offering that service. This means that 70% of the estimated 21,145 women across the country who were thought to require such services were covered.

113. There was also a 62% decrease in new infections among infants born to mothers infected with HIV, which can be explained by the fact that new HIV infections among women of childbearing age fell by 50%, from 0.29% to 0.15%, in 2017.

114. The percentage of pregnant women who collected their results after seeking guidance and undergoing HIV testing increased significantly, rising from 51.7% (600,213 women out of 1,160,084 women seen) in 2014 to 97% (921,008 women out of 951,510 women seen).

115. The strategic plan is funded primarily by international partners, which leaves a shortfall, as shown in the table below.

Funding for the strategic plan

<i>Year</i>	<i>Overall budget (US\$)</i>	<i>Budget allocated</i>	<i>Shortfall</i>
2018	132 172 682	130 747 993	1 424 689
2019	159 769 312	131 015 874	28 753 438
2020	204 970 383	129 080 129	75 890 129

Largest donors

<i>Source/Year</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>Total</i>
Cost of the plan	132 172 682	159 769 312	204 970 383	496 912 377
Local matching	14 802 466	17 751 413	21 287 850	53 841 729
Global Fund to Fight AIDS, Tuberculosis and Malaria	39 767 716	42 869 461	40 042 279	122 679 456
President's Emergency Plan for AIDS Relief	71 677 811	65 495 000	62 550 000	199 722 811
United Nations system	4 500 000	4 900 000	5 200 000	14 600 000
Resources available	130 747 993	131 015 874	129 080 129	390 843 996
Shortfall	1 424 689	28 753 438	75 890 254	106 068 381

Source: Sectoral strategic plan on health and the fight against HIV/AIDS, 2018.

D. Standard of living

116. The Government established the fight against poverty and social marginalization as pillar 13 of its action plan for the period 2019–2023. The goals pursued include:

- Guaranteeing access to safe drinking water.
- Developing hydropower and green and renewable energy sources, in accordance with the new energy compact financed by the African Development Bank.
- Improving access to electricity in line with the national electrification plan.
- Attracting investment and improving coordination of the various initiatives relating to the Inga 3 and Grand Inga projects.
- Supporting the provincial authorities in drilling wells and building small hydroelectric and solar power plants in various regions of the country.

117. The Government also plans to:

- Promote labour-intensive investment projects in order to significantly reduce unemployment.
- Promote and facilitate the development of microcredit policies, in particular for women, farmers and artisans.
- Launch technical and vocational training programmes for young people without qualifications and involve them in efforts to rebuild the country.
- Establish social support centres for abandoned children, who are commonly referred to as “children in street situations”.

118. Water and electricity are addressed under the twelfth pillar of the programme. The water-related measures set out in the 100-day programme of the Head of State include:

- The construction in Kinshasa of the Ozone water treatment plant, which has the capacity to handle 110,000 m³ per day, and a new plant in Lemba with a capacity to handle 35,000 m³ per day.
- The establishment of supplies of drinking water in the following provinces: Kongo Central, Katanga, Tanganyika, Kasai Oriental, Kasai Central, Maniema, Province Orientale, Kwilu, South Kivu and Kinshasa (the Kibomango, Tshatshi and Kokolo military camps).
- The drilling of wells and the construction of small-scale water distribution networks in Kikwit and Kananga.
- The completion of the drinking water supply programme at the Kitona military base.
- The completion of the water supply system at the University of Kinshasa.

VIII. Education, leisure and cultural activities (arts. 28–31)

Education and the aims of education

119. Public primary education was made fully free of charge in 2019, in accordance with article 43 of the Constitution. It has been free throughout the country since the start of the 2019/20 school year in September 2019, with additional costs such as insurance, school materials and fees for the national primary school completion examination also being covered.

120. In the first year alone, US\$ 36,075,079 – 7.4% of the total US\$ 488,145,106 earmarked for the 100-day programme – was allocated to the education sector. This amount was used to complete 119 schools, open three modern industrial technical schools in Manono, Musumba and Kibangula and rehabilitate 15 schools in the Provinces of Kasai Central, Kasai Oriental, South Kivu and in Kinshasa.

121. The immediate result of the measure was to bring 2 million students into the basic education system. By 2022, that number had risen to 4 million.

122. In addition, the education sector is one of the two main areas of focus of pillar 12 of the Government's programme, which was presented to the National Assembly on 4 September 2019. On that occasion, the Prime Minister expressed the Government's commitment to putting into practice the principle that every young Congolese has the right to equal access to schooling. This commitment is to take form through the following:

- Implementing the conclusions of the Second National Round Table on Free Basic Education
- Increasing the capacity of public primary and secondary schools and equipping them with basic school materials
- Continuing the programme to rehabilitate, build and modernize schools in all provinces in the country
- Raising the quality of the education system, which is no longer just a priority but an urgent necessity
- Improving conditions for teaching staff

123. Support for the implementation of the programme is provided through the Emergency Equity and System Strengthening in Education Project of the World Bank, which, on 15 June 2020, approved funding of US\$ 800 million, to be disbursed over four years, with the aim of supporting the Government in consolidating the roll-out of free education, including through direct budget support covering teachers' salaries and operating costs of schools and administrative offices and the strengthening of human resources and data management systems and of public financial management.

124. With respect to pay, it was noted that the average salary of teachers rose from US\$ 90 to US\$ 207 in 2019. This increase affected 410,284 teachers. In addition, 34,740 of the 132,613 unpaid teachers were placed on the payroll.

125. Payments totalling US\$ 4.603 million per month were made from October to December 2019. Overall, total remuneration for the 445,024 teachers increased from US\$ 42.045 million to US\$ 67.540 million.

126. Monthly transportation and housing allowances set at 70,000 Congolese francs were paid only to 62,859 out of 445,024 persons and only in 24 provincial capitals.

127. In the city of Lubumbashi, these allowances were increased to 140,000 Congolese francs and paid to 7,472 teachers.

128. In 2020, earmarked budget allocations amounted to 741.071 billion Congolese francs, or 11.3%, of general budget expenditure of 15,584.7 billion Congolese francs. These funds were allocated to salary adjustments, the registration of unpaid teachers to be placed on the payroll, operating costs for schools and administrative offices and transportation and housing allowances.

129. It was projected that the lowest-paid teachers would receive a monthly salary equivalent to US\$ 245.

130. In this context, 144,944 teachers not yet registered for purposes of placement on the payroll, working in 10,906 schools, were added to the lists of the Teacher Payroll Control Service in May 2020; 58,000 such teachers were paid during the last quarter of the 2020 fiscal year.

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

A. Refugee and internally displaced children

131. As at August 2019, there were 538,706 refugees and 10,144 asylum-seekers in the Democratic Republic of the Congo, from the following countries: Rwanda (216,018); Central African Republic (173,079); South Sudan (102,826); Burundi (45,441); Republic of the Congo (649); Angola (490); others (203) (source: Office of the United Nations High Commissioner for Refugees (UNHCR) fact sheet on the Democratic Republic of the Congo, August 2019).

132. There were also 4,490,000 internally displaced persons and returnees. The areas most affected are the Kasai region and the Provinces of Tanganyika, Haut-Katanga, Lualaba, Ituri, Mai-Ndombe, Maniema, North Kivu and South Kivu.

133. Activities carried out by the Government's National Commission for Refugees, with technical and financial support from UNHCR, cover the areas of protection, education, health, food security and livelihoods, water, sanitation and hygiene, shelter and essential household items, site management and access to energy, and include the provision of multipurpose cash grants.

134. In terms of education, refugee children are integrated into the national education system. However, owing to a lack of resources, priority is given to primary education. Given that schools lack the capacity to accommodate the large number of refugee children, existing facilities are being rehabilitated, and new ones are being built. Provision is also made for, for example, school uniforms, office supplies and payments for additional teaching staff and school fees, where necessary.

135. Regarding the health sector, health facilities are being set up in camps, and increasing support is being provided to existing local health services under the “alternatives to camps” approach. Preparedness and response plans for disease outbreaks are developed at the local level, in collaboration with UNHCR, to ensure the availability of the Minimum Initial Service Package for Reproductive Health and HIV/AIDS programmes in local health facilities. Also in this context, efforts are made to prevent undernourishment and effectively treat acute malnutrition.

B. Economic exploitation of children, including child labour

136. The Mining Code prohibits child labour in mines, including artisanal mines, the operating rights for which are reserved exclusively for adults (arts. 1, 19 bis and 23). In this regard, article 299 bis makes illegal the extraction of and trade in mining products from a site where a violation of laws protecting human rights, children's rights or women's rights has been officially recorded in a report by a competent authority. Violations of this provision are punishable by a fine equivalent to US\$ 10,000 in Congolese francs.

137. In 2014, a study estimated that 40,000 girls and boys were working in mines in the south-eastern part of the country (source: UNICEF). There, the children engage in washing the ore, digging and backfilling, and collecting, sorting and transporting the ore.

138. In response, on 31 August 2017, the Democratic Republic of the Congo approved a national sectoral strategy against child labour in artisanal mining and at artisanal mining sites, with the aim of eliminating child labour in artisanal mining by 2025. A three-year action plan for the period 2017–2020 was developed, as well as an operational plan in March 2019. The latter was updated in 2021.

139. An interministerial commission for the monitoring of issues related to child labour in artisanal mines and at mining sites was established to coordinate and monitor the implementation of these national policy documents.

140. In this context, since April 2019, the five-year Support Project for Alternative Welfare of Children and Young People Involved in the Cobalt Supply Chain, funded by the African Development Bank in the amount of US\$ 84 million, has covered the following activities in the Provinces of Lualaba and Haut-Katanga:

- The identification of and establishment of a database on children working in mines
- Awareness-raising, the removal of children and support for formal education and vocational training
- The promotion of alternative activities, including an agropastoral project
- The sustainable reintegration of some 14,850 girls and boys working in cobalt mines
- The socioeconomic transition of 6,250 young parents of such children into the agricultural sector
- The reduction of households' economic vulnerability through the promotion of agricultural cooperatives and entrepreneurship
- The establishment of two vocational training centres
- The rehabilitation, construction or equipping and strengthening of 40 social service facilities (education, health and water and sanitation)

141. In February 2022, work was done to identify direct beneficiaries of the Support Project for Alternative Welfare of Children and Young People Involved in the Cobalt Supply Chain at sites including Kasulo, Biwaya, UCK, Fungurume, Tshabula, Twilizebe, Kawaba, Grace Ngandu, Tshipuki, Shabara, Mutoshi, Kailombe and Musompo in the Province of Lualaba, and Mindingi, Sanse, Pumpe 1 and 2, Luisha, Kamatanda, Karajipopo, Kinsukazeya and Milele in Haut-Katanga.

142. In addition, the Department of Labor of the United States of America is funding a project of the International Labour Office to combat child labour in the cobalt supply chain in the Democratic Republic of the Congo and establish a fund to promote zero tolerance for child labour in mining. In preparation for work in the field, capacity-building seminars were held for stakeholders in Kinshasa and in the Provinces of Lualaba and Haut-Katanga in 2020 and 2021.

C. Children in street situations

143. In addition to what was stated in paragraph 77, the “Zero Children on the Streets” project, currently being implemented with the support of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), is intended to provide care for children who have been removed from street situations and to fund projects designed to empower them. It is being carried out in places such as Kinshasa and Haut-Katanga, in collaboration with the child protection and sexual violence prevention units of the Congolese National Police.

D. Administration of juvenile justice

144. In 2020, there were 22 juvenile courts, in 14 of the country's 26 provinces, with 72 judges assigned to them. Most juvenile courts face a shortage of judges, as there are only 50 judges actually serving. This hampers the overall functioning of the courts and, in particular, that of the appellate division, which, pursuant to article 87 of the Child Protection Act, sits with three judges.

List of juvenile courts in place as at 14 September 2020

No.	Province	Quantity	Name	City/Commune	Judges assigned	Judges serving
1	Équateur	1	Mbandaka Juvenile Court	Mbandaka	1	1

No.	Province	Quantity	Name	City/Commune	Judges assigned	Judges serving
2	Haut-Katanga	1	Lubumbashi Juvenile Court	Lubumbashi	4	4
3	Ituri	1	Bunia Juvenile Court	Bunia	1	1
4	Kasai Central	1	Kananga Juvenile Court	Kananga	3	2
5	Kasai Oriental	1	Mbuji-Mayi Juvenile Court	Mbuji-Mayi	1	1
6	Kinshasa ¹	5	Gombe Juvenile Court	Kinshasa	8	6
			Kalamu Juvenile Court	Kalamu	7	4
			Kinkole Juvenile Court	Ndjili	6	3
			Matete Juvenile Court	Limete	7	5
			Ngaliema Juvenile Court	Ngaliema	7	7
7	Kongo Central	3	Matadi Juvenile Court	Matadi	3	2
			Mbanza-Ngungu Juvenile Court	Mbanza-Ngungu	3	0
			Songololo Juvenile Court	Songololo	1	1
8	Kwilu	2	Bandundu Juvenile Court	Bandundu	2	1
			Kikwit Juvenile Court	Kikwit	2	2
9	Maniema	1	Kindu Juvenile Court	Kindu	1	1
10	North Kivu	2	Beni Juvenile Court	Beni	2	1
			Goma Juvenile Court	Goma	3	1
11	South Kivu	1	Bukavu Juvenile Court	Bukavu	4	3
12	South Ubangi	1	Gemena Juvenile Court	Gemena	1	1
13	Tanganyika	1	Kalemie Juvenile Court	Kalemie	3	2
14	Tshopo	1	Kisangani Juvenile Court	Kisangani	2	1

145. In response to the COVID-19 pandemic, the Deputy Prime Minister and Minister of Justice ordered the reduction of prison overcrowding in March and April 2020. As a result, 1,900 children, including 302 girls, were released from places of detention. In Kinshasa, of the 145 children who benefited from this measure, 123, including 7 girls, have been reunited with their families.

146. At a meeting of the Council of Ministers held on 18 September 2020, the Government approved a project, put forward by the Minister of Human Rights in partnership with the National Children's Bureau, to support children in conflict with the law who were placed in various social welfare centres because of the COVID-19 pandemic. The project was in effect for six months and was implemented in particular in Lubumbashi, Goma, Kisangani and Kananga.

E. Child victims and witnesses of crime

147. The laws of the Democratic Republic of the Congo are very limited and not very explicit regarding support during judicial proceedings for children who are victims or witnesses of criminal acts. The relevant provisions were not introduced until 2006, under Acts No. 06/018 and No. 06/019 of 20 July 2006, amending and supplementing, respectively, the Decree of 30 January 1940 on the Criminal Code and the Decree of 6 August 1959 on the Code of Criminal Procedure, referred to as the "sexual violence laws". Articles 7 bis, 14 bis and 74 bis of the Code of Criminal Procedure provide as follows:

- Article 7 bis (4): At all stages of the proceedings, the victim shall have the assistance of counsel.

¹ The legal status of the Kinshasa courts has been irregular since the decree of 8 May 2014.

- Article 14 bis: In accordance with articles 48 and 49 above, the public prosecutor or the judge shall, ex officio, request the services of a physician and a psychologist to assess the condition of the victim of sexual violence, determine the appropriate care and evaluate the extent of the harm suffered by the victim and any subsequent aggravation thereof.
- Article 74: The public prosecutor or judge dealing with a case of sexual violence shall take the necessary measures to safeguard the safety, physical and psychological well-being, dignity and privacy of the victims or of any other persons involved. In this regard, proceedings shall be conducted in camera at the request of the victim or of the public prosecutor's office.

148. Articles 32 and 33 of the Child Protection Act state as follows:

- Article 32: A child capable of forming his or her own views shall be heard in the presence of his or her counsel in any judicial or administrative proceedings affecting him or her, either directly or through a representative or an appropriate organization.
- Article 33: A child capable of forming his or her own views who is asked to provide information in judicial proceedings shall be heard in camera, in the presence of his or her counsel.

149. As part of the “Batela Mwana” project implemented by the International Bureau for Human Rights, in support of the Ministries of Social Affairs, the Interior and Justice and the Supreme Council of Justice, and funded by Global Affairs Canada, a practical guide on supporting child victims and witnesses of criminal acts in judicial proceedings has been prepared. The guide defines the roles and responsibilities of each stakeholder in relation to these categories of children during the pretrial, trial and post-trial phases. It has been distributed in the Provinces of Kongo Central, Kinshasa, North Kivu and South Kivu.

F. Follow-up to previous concluding observations and recommendations 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/CO/1)

150. In the Democratic Republic of the Congo, the recruitment of persons under the age of 18 years into armed forces or groups is considered one of the worst forms of child labour and is prohibited and punishable by law. Article 3 of the Labour Code and articles 71 and 187 of the Child Protection Act provide as follows:

- Article 3 of the Labour Code: All the worst forms of child labour are abolished. The expression “worst forms of child labour” includes, inter alia: (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict.
- Article 71 of the Child Protection Act: The recruitment and use of children in armed forces and groups and in the police are prohibited.
- Article 187 of the Child Protection Act: Any person who violates the provisions in this law relating to the worst forms of child labour shall be liable to a term of imprisonment of 1 to 3 years and a fine of 100,000 to 200,000 Congolese francs.
- However, the recruitment or use of children under the age of 18 in armed forces or groups or the police shall be punishable by a term of imprisonment of 10 to 20 years.
- The State shall ensure the release of children recruited or used in armed forces or groups or in the police and their reintegration into their families or communities.

151. The signing by the Government on 4 October 2012 of an action plan to combat the recruitment and use of children and other serious violations of children's rights by the armed forces and security services reflects the commitment of the Democratic Republic of the Congo to ending the involvement of children in armed conflict. The plan has four pillars: separation, response, prevention and the fight against impunity. The Joint Technical Working

Group on Children and Armed Conflict, established to implement the action plan, adopts a road map of priority activities every year. The actions taken since then made it possible, as of 2017, to remove the Armed Forces of the Democratic Republic of the Congo from the United Nations blacklist relating to the use of children in military activities.

152. However, the country remains on the list of countries where children are recruited into armed groups. According to a study supported by UNICEF, an estimated 5,000 to 10,000 children were members of militias in the Kasai region in 2017. A 2018 United Nations report even indicated that the recruitment and use of children had doubled between 2016 and 2017. Cases of girls being used as “sex slaves” were also documented by UNICEF in 2018.

153. However, operations for the release of children took place every year. In 2017, with support from UNICEF, more than 3,000 children in the eastern part of the country and nearly 1,000 children in the Kasai region were removed from armed groups by the State and provided with assistance. In June 2019, 250 children were reunited with their families in North Kivu, with support from MONUSCO, after receiving medical care and psychosocial support to help them recover from their trauma. They were given reintegration kits containing shoes, hygiene items and clothing and certificates confirming their release.

154. In November 2018 and 2019, 90 civilian and military judicial officials, officers from the Armed Forces of the Democratic Republic of the Congo and the Congolese National Police, including 10 women, were trained in Kananga and Tshikapa on combating the recruitment and use of children and other serious violations of children’s rights. On these occasions, 16 unit commanders from the Armed Forces of the Democratic Republic of the Congo, including two women, signed pledges to combat sexual violence and the recruitment of children within their units.

155. On 15 July 2019, 36 general and senior officers in training at the College of Advanced Studies in Strategy and Defence were made aware, by the Child Protection Section of MONUSCO, of the action plan to prevent and combat the recruitment and use of children. In October 2020, a training session was organized on the Vancouver strategy for the prevention of the recruitment and use of children in armed conflict for 28 participants from the Armed Forces of the Democratic Republic of the Congo; the Congolese National Police; the ministries responsible for primary, secondary and technical education, for vocational training and arts and crafts, for the interior, and for gender issues, the family and children; and the Unit for the Implementation of the National Programme of Disarmament, Demobilization and Reintegration.

156. In July 2019, the Unit for the Implementation of the National Programme of Disarmament, Demobilization and Reintegration provided training to 65 child protection officers in Lubumbashi, Masisi, Uvira and Beni on the use of standard operating procedures for age assessment. At the same time, the officers were trained on how to raise awareness among temporary foster families and communities receiving children leaving armed forces and groups.

157. To secure the release of the children, between July 2018 and June 2019, MONUSCO conducted awareness-raising activities with 60 commanders of armed groups, 24 of whom signed road maps and unilateral declarations in which they pledged to no longer recruit children or commit serious violations of children’s rights. In addition, 11 workshops on the prevention of the recruitment of children were organized for the focal points of the groups, community leaders and mediators.

158. When members of armed groups surrender or are captured by the Armed Forces of the Democratic Republic of the Congo, children are separated from adults and placed in the care of MONUSCO or UNICEF or directly with NGOs recognized by the Unit for the Implementation of the National Programme of Disarmament, Demobilization and Reintegration, for their care and reintegration.

159. The Government also facilitates – for the purposes of screening, certification and separation of children who have left armed forces and groups – the access of child protection officers to recruitment centres for the military and police, assembly points for former combatants, reintegration preparation centres run by the Unit for the Implementation of the National Programme of Disarmament, Demobilization and Reintegration, and any other

locations where such children may be present. Between 1 July 2018 and 30 June 2019, 329 recruits of the Armed Forces of the Democratic Republic of the Congo were screened in North Kivu, South Kivu, the greater Kasai region and Ituri, and 141 recruits were found to be children and therefore removed.

160. The activities carried out each year allow for the release of children. During the 2017/18 fiscal year, 2,360 children were removed. During the period between 1 July 2018 and 30 June 2019, the number rose to 2,366, including 342 girls. Out of those children, 805 had been voluntarily released by armed groups, while 1,561 had escaped from the groups or surrendered to the Armed Forces of the Democratic Republic of the Congo or to child protection officers. The relevant provinces during the latter period were North Kivu (1,144 children), the Kasai provinces (834 children), South Kivu (186 children) and Tanganyika (127 children).

161. In the 2018/19 fiscal year, the Unit for the Implementation of the National Programme of Disarmament, Demobilization and Reintegration registered 2,830 children, who received the care shown in the table below.

Assistance provided to children between July 2018 and June 2019

Type of assistance	Girls	Boys	Total
Temporary care	409	2 421	2 830
Family reunification	369	2 183	2 552
School, socioeconomic and workforce reintegration	386	930	1 316

Source: Seventh report of the Joint Technical Working Group on Children and Armed Conflict.

162. Of the 1,316 children who were reintegrated, 29% of whom were girls, 523 benefited from school reintegration, 441 from workforce reintegration and 382 from economic reintegration.

163. Other children affected by armed conflict also received assistance between July 2018 and June 2019, as shown in the table below.

Support for other children affected by armed conflict

Categories of children	Girls	Boys	Total
Unaccompanied children	2 752	3 356	6 108
Survivors of sexual and gender-based violence	2 881	277	3 158
Children receiving psychosocial support	72 933	85 512	158 445

Source: Seventh report of the Joint Technical Working Group on Children and Armed Conflict.

164. In February 2020, 51 children between the ages of 11 and 17, including 15 girls, were removed from the Mai-Mai Union des patriotes pour la libération du Congo, Mazembe, Uhuru and Malaika groups, with support from MONUSCO, at the assembly point of the Armed Forces of the Democratic Republic of the Congo in Kalonguta, a village located about 10 kilometres from the city of Beni. They were transferred to a transit centre run by the NGO Action Concrète pour la Protection de l'Enfance, which is supported by UNICEF.

165. During the period under review, 300 military justice stakeholders (judicial officials, lawyers and NGO representatives) received training and technical support in conducting investigations. Prosecutions were brought against members of armed groups who had recruited children, including Dominique Byenge Birihanze, a former commander of the Coalition des patriotes résistants congolais who was sentenced on 15 July 2018 to life imprisonment by the North Kivu Military Court; Lieutenant Colonel Marcel Habarugira Rangira, who was sentenced to 15 years' imprisonment by the North Kivu Operational Military Court; and Bigirabagabo Nzita and Noheri Sebisuza, former Nyatura commanders, who were sentenced to 3 years' and 20 years' imprisonment, respectively. In addition,

Ntabare Sheka (former Nduma défense du Congo commander) and Justin Banaloki, alias Cobra Matata (former Force de résistance patriotique de l'Ituri commander), are being prosecuted by the North Kivu Operational Military Court and the Kinshasa/Gombe Military Court, respectively.

X. Ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure

166. In connection with the preparation of a comprehensive plan on recommendations made by treaty bodies or special procedures or in the context of the universal periodic review, discussions are under way to initiate the ratification process for this Optional Protocol to the Convention on the Rights of the Child.

XI. Ratification of international human rights instruments

167. The response to the previous recommendation is also applicable with respect to the two international instruments not yet ratified by the Democratic Republic of the Congo, namely:

- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
 - The International Convention for the Protection of All Persons from Enforced Disappearance
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