

UN CRC	Ratification Date	Care-Related Concluding Observations
	27 Sep 1990	CRC/C/COD/CO/2
		10 February 2009
		http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCOD%2fCO%2f2&Lange=en
		D. Main areas of concern and recommendations
		4. Civil rights and freedoms
		Corporal punishment
		39. While the Committee welcomes the prohibition of corporal punishment in schools, it remains concerned that it continues to be lawful, and is practiced, in the home as well as in institutions.
		40. The Committee recommends that the State party explicitly prohibit by law corporal punishment in all settings, including in the family, schools, alternative childcare and places of work and places of detention, and implement those laws effectively. It also recommends that the State party intensify its awareness-raising campaigns in order to promote the use of alternative forms of discipline in a manner consistent with the child's human dignity and in accordance with the Convention, especially article 28, paragraph 2, taking into account the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.
		5. Family environment and alternative care (arts. 5, 18 (paras.1-2), 9-11, 19-21, 25, 27 (para.4) and 39 of the Convention)



Family environment

- 43. The Committee notes that few activities are carried out aiming, directly or indirectly, to protect or strengthen the family environment, including the 2002 National Campaign for the Family which was aimed at combating separation of children from their families. However, the Committee expresses concern that the State party does not provide sufficient socio-economic support to families, especially at local level.
- 44. The Committee recommends that the State party take all measures to provide adequate assistance to ensure that families, particularly families living in poverty, are able to take care of their children, including conflict mediation services at local level and financial assistance. The Committee also recommends that the State party carry out further activities to sensitize parents, communities and traditional leaders about the protection of child rights at family and community level.

Children without parental care

- 45. The Committee regrets that there is little information in the State party report on the situation of children without parental care and is concerned that there are no minimum standards or regulations for institutions, orphanages and other bodies that care for such children. While noting that the State party is collaborating with UNICEF in order to register residents of orphanages and monitor their situation, the Committee remains concerned that monitoring of children in care is currently inadequate.
- 46. The Committee recommends that the State party develop an alternative care strategy for children deprived of their families or no longer able to live with their families that would include an action plan, adequate regulations, training for staff and directors of child care institutions, control measures, the participation of children and parents in the establishment and evaluation of care regulations, criteria for the admittance of a child into residential care, alternative measures such as foster care families or other family-based care for small groups of children. The Committee draws the attention of the State party to its recommendations during its Day of General Discussion in 2005 on "Children Without Parental Care. The Committee recommends that the State party continue to seek technical assistance from UNICEF to address the situation of children without parental care.



Adoption

47. While the Committee notes with appreciation that the Child Protection Code complements the Family Code regarding the matter of adoption, it nevertheless regrets that the State party did not take into account the Committee's previous recommendation (CRC/C/15/Add.153, para. 45) to ratify the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption and that legal and administrative regulations are still not sufficient to provide protection for children undergoing adoption.

48 The Committee recommends that the State party:

- (a) Establish a central authority for adoption to regulate, train and monitor all actors involved and coordinate with the relevant legal authorities;
- (b) Pending the creation of new legislation on adoption, establish an administrative procedure that would facilitate adoption, while ensuring respect for the rights of the child at all stages;
- (c) Ensure, in particular, that consent to adoption is a free and informed act on the part of the biological parents and that of the children being adopted and that prior efforts have been made to maintain family ties;
- (d) Promote domestic adoption through awareness-raising campaigns and regulations that facilitate access to adoption, such as free or inexpensive costs for documents needed for the adoption process;
- (e) Provide information and training in child rights, legal regulations and administrative procedures adoption to relevant government employees, including judges, lawyers, doctors, nurses, civil registry employees, as well as to managers and staff of orphanages, convents and other institutions that care for children;
- (f) Take appropriate measures to for prevent illegal adoptions at both national and international level and, in this regard, consider ratifying the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993;
- (g) Redirect traditional adoptions towards measures of protection of the children like the legal adoption or other types of guardianship; and
- (h) Seek technical cooperation in respect of the above from UNICEF or the Hague Conference.
- 6. Basic health andwelfare (arts. 6, 18 (para.3), 23, 24, 26, 27 (paras.1-3) of the Convention)



HIV/AIDS

- 61. The Committee notes with appreciation awareness-raising and other activities carried out on HIV/AIDS. The Committee also welcomes the elaboration of national strategic framework for the prevention of HIV/AIDS among youth. Nevertheless, the Committee remains concerned about the high number of orphans due to HIV/AIDS.
- 62. The Committee recommends the State party, while taking into account the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights, to take measures to reduce HIV infection, particularly with regard to the young people through, inter alia:
 - (a) Developing, strengthening and continuing policies and programmes to provide care and support for children infected or affected by HIV/AIDS, including programmes and policies to strengthen the capacity of families and the community to care for such children;
 - (b) Carrying out activities to reduce stigma and discrimination related to HIV/AIDS and providing awareness-raising on human rights within the context of HIV/AIDS; and
 - (c) Continuing and strengthening efforts to disseminate information and materials to the public, particularly adolescents, on prevention and protection methods, including safe sex practices.

8. Special protectionmeasures (arts. 22, 38, 39, 40, 37(b) and (d), 30, 32-36 of the Convention)

Children affected by armed conflict

67. The Committee is gravely concerned that the State party, through its armed forces, bears direct responsibility for violations and that the State party has failed to protect children and prevent violations of children's rights by non-State groups. The Committee, while taking note of the Goma peace agreement of 2008, is concerned that it is not being implemented and that the armed conflict continues to have a horrific impact on civilians, particularly children, and is further restricting already weak services for children, including in the areas of education, health care and social care. The Committee is particularly concerned about the very high number of children who have been abducted by armed



groups for use in hostilities and are victims of violence, rape, sexual and commercial exploitation.

- 68. The Committee urges the State party to take all necessary steps to collaborate and ensure that the Goma peace agreement is fully respected by all parties. The State party should take all available measures to ensure the protection of children by enabling that human and financial resources are available, including through international assistance, for their demobilization.
- 68. The Committee recommends the State party fully implement the recommendations contained in the report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo (S/2008/693)
- 69. The State party is encouraged to collaborate with the International Criminal Court in order to seek accountability and prevent impunity for those who have committed grave violations against children.
- 70. Furthermore, the Committee urges the State Party to significantly increase its efforts to put an end to the suffering of children caused by the armed conflict by, inter alia, extending full support to:
 - (a) The United Nations Mission in the Democratic Republic of Congo (MONUC);
 - (b) The country Task Force on Monitoring and Reporting established following Security Council resolution 1612;
 - (c) The Special Representative of the Secretary-General for children and armed conflict and Special Procedures of the Human Rights Council, notably the Representative of the Secretary-General on the human rights of internally displaced persons.

Street children

76. The Committee notes with interest the State party's efforts to address the issue of children living or working on the streets, including through the establishment in 2004 of a support commission for such children, the elaboration of programmes to assist street children in reintegration into their families and communities. Nevertheless, the Committee expresses concern at the very large number of children still living and/or working in the streets. The Committee is furthermore gravely concerned about reports that the military and police regularly harass, threaten, beat or arrest



		street children. The Committee is concerned that street children lack adequate access to shelter, food, health care, educational or rehabilitation services and are frequently victims of sexual assaults and abuse. 77. The Committee encourages the State party to strengthen its programmes aimed at supporting poor and fragile families, at preventing children from separating from their parents and at reintegrating street children into their families and communities. It also strongly urges the State party to ensure that the rights of street children are fully respected by State agents, such as the military and police. Furthermore, the Committee recommends that the State party take additional measures to protect street children from violence and sexual abuse and provide them with adequate food, shelter, education and health-care services. The Committee recommends that the State party involve street children in the planning, implementation and evaluation of programmes designed for them.
		Country Report
		CRC/C/COD/2 24 July 2008
		http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCOD%2f2⟪=en
OPSC to CRC	Accession Date	Care-Related Concluding Observations
OPAC to CRC	11 Nov 2001 Ratification Date	Care-Related Concluding Observations
ICCPR	11 Nov 2001 Accession	Care-Related Concluding Observations
CCPR/C/COD/CO	Date 01 Nov 1976	26 April 2006
/3		http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fCOD%2fCO%2f3 ⟪=en



		24. The Committee is concerned at the fate of thousands of street children whose parents have died as a result of either the armed conflict or AIDS. These children are often victims of violent treatment by the police or are sexually exploited (article 24 of the Covenant). The State party should further develop and strengthen the programme for the care of orphans, especially by public organizations, referred to in paragraph 273 of the report. It should also appropriately punish any person guilty of abusing such orphans.
ICESCR	Accession	Care-Related Concluding Observations
	Date	
	01 Nov 1976	
CEDAW	Ratification	Care-Related Concluding Observations
	Date	
	17 Oct 1986	
CRPD	Accession	Care-Related Concluding Observations
	Date	
	30 Sep 2015	
UPR	Date of	Link to Page
	Consideratio	
	n	
	29 Apr 2014	http://www.ohchr.org/EN/HRBodies/UPR/Pages/CDSession19.aspx
Hague	Accession	Link to Country Profile
Intercountry	Date	
Adoption	NI / A	
CAT	N/A	Come Deleted Construiting Observations
CAT	Accession Date	Care-Related Concluding Observations
CAT/C/DRC/CO/1	18 Mar 1996	1 April 2006
CAT/C/DRC/CO/I	TO MINI 1990	http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fDRC%2fCO%2f1&L
		http://tbiliternet.onchi.org/_layouts/treatybodyexternal/bowinoad.aspx:symbolio-CAT/82IC/82IDRC/82ICO/82IT&L



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14. The Committee is concerned about the general vulnerability of abandoned children who are at risk of torture and other cruel, inhuman or degrading treatment, especially children used as combatants by the armed groups operating on the territory of the Democratic Republic of the Congo.
The State party should adopt and implement emergency legislative and administrative measures to protect children, especially abandoned children, from sexual violence and to facilitate their rehabilitation and reintegration. The Committee further recommends that the State party take all possible steps to demobilize child soldiers and facilitate their rehabilitation and reintegration into society.

Acronyms and Abbreviations:

CAT Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

CEDAW Convention on the Elimination of All Forms of Discrimination against Women CRC Convention on the Rights of the Child/Committee on the Rights of the Child

CRPD Convention on the Rights of Persons with Disabilities
ICCRP International Covenant on Civil and Political Rights

ICESCR International Covenant on Economic, Social and Cultural Rights

OPAC to CRC Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

OPSC to CRC Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

UN United Nations

UPR Universal Periodic Review