

## INFORMATION NOTE

### Universal Periodic Review of Democratic Republic of Congo (29.04.2014)

#### 19th session of the UPR – Human Rights Council

#### *Summary of child related issues*

Troika: Algeria, Kuwait, and the United States of America

#### I- Issues pertaining to juvenile justice and the rights of the child in general

##### 1. Issue n°1: sexual and gender-based violence

Delegations	Recommendations	Responses by ( <i>name of country under review</i> )
Netherlands, Norway, Namibia, Paraguay, Philippines, Poland, Sierra- Leone, Slovakia, Slovenia, S. Sudan,	<ul style="list-style-type: none"><li>- concerned about high rate of sexual and gender-based violence; and believes these issues need to be addressed with urgency</li><li>- establish a national agency aimed at preventing sexual and gender-based violence and at ensuring access to justice for these victims</li><li>- revisiting Family Law to ensure gender equality</li><li>- to strictly enforce the 2006 law on sexual violence and its zero tolerance policy</li><li>- consider ratifying resolution on eliminating violation against women, early marriage, etc.</li><li>- provide more resources and intensify implementation of programs that would better ensure protection of women and children from abuse and violence</li><li>- adopt provisions prohibiting polygamy, early marriage and female genital mutilation</li><li>- implement reintegration and rehabilitation policies for victims</li></ul>	<ul style="list-style-type: none"><li>- new law amending the Labour Code has been enacted providing better social services for women and efforts have also been made to ensure the gender wage gap was reduced</li><li>- women's participation in political and public life has also been a priority of the Government</li><li>- combating sexual violence was a priority of the Government; since late 2009, a national strategy to combat sexual violence was adopted which initially targeted the Eastern part of the country and has now been extended throughout the country</li><li>- the Government set up a national gender policy and an action plan to implement Security Council resolution 1325 and the President would soon nominate a personal representative charged with combating sexual and gender-based violence pursuant to the agreement signed with the UN Secretary-General on 30 March 2013 which was followed up by an action plan currently underway</li></ul>

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## 2. Issue n°2 : the recruitment and use of children by armed forces and security forces

Delegations	Recommendations	Responses by ( <i>name of country under review</i> )
Paraguay, Poland, Sierra- Leone,	<ul style="list-style-type: none"> <li>- demobilization of children in all armed forces</li> <li>- welcome the adoption of the <i>Plan of Action to Combat the Recruitment and Use of Children, and other Grave Violations of the Rights of the Child, by the Armed Forces and Security Services of the DRC</i>, and the promulgation of law which envisages the establishment of the National Human Rights Commission</li> <li>- DRC should ensure its domestic legislation establishes universal jurisdiction over war crimes, especially with regard to the use of children in hostilities and sexual violence, including rape.</li> </ul>	<ul style="list-style-type: none"> <li>- set up eight new courts for children in 10 provinces and took steps to rehabilitate and reintegrate children into society and the school system</li> <li>- over 2,800 children have been removed from armed groups</li> <li>- in October 2012, the DRC Government signed with a UN team an action plan to combat the recruitment and use of children by armed forces and security forces of the Country in accordance with Security Council resolutions</li> </ul>

## 3. Issue n°3: death penalty

Delegations	Recommendations	Responses by ( <i>name of country under review</i> )
Namibia, Belgium	<ul style="list-style-type: none"> <li>- to develop favorable measures leading to the ultimate suspension of death penalty</li> <li>- to fully implement the Rome Statute of the ICC and to adopt legislation in that regard;</li> </ul>	<ul style="list-style-type: none"> <li>- The Criminal Code is being amended to ensure that it is in line with the Rome statute of the ICC</li> <li>- No death penalty has been carried out</li> </ul>

## 4. Issue n°4: prison and detention conditions

Delegations	Recommendations	Responses by ( <i>name of country under review</i> )
Belgium	<ul style="list-style-type: none"> <li>- government to take measures to improve the conditions of detention and to stop the increasing number of deaths in prison, which were due to prison overcrowding, malnutrition, the lack or absence of medical care and inadequate budgets</li> <li>- to criminalize acts of violence against children accused of witchcraft and to organize a national campaign of awareness-raising on the issue</li> </ul>	<ul style="list-style-type: none"> <li>- The Minister of Justice and Human Rights issued Judicial Organization Order concerning the establishment, organization, and functioning of local budget management oversight committees for provincial central prisons and detention camps (innovation to prison management)</li> <li>- establishing 12 juvenile courts and 11 commercial courts</li> <li>- In 2010–2011, it recruited 2,000 trained, appointed judges, including 400 women</li> <li>- Prime Ministerial Decree No. 11/01 of 5 January 2011 establishing the jurisdiction and seats of juvenile courts</li> <li>- the Ministers of Justice and Human Rights and the Minister of Gender, Family Affairs and Children signed Interministerial Order No. 490/CAB/MIN/J &amp; DH/2010 and Interministerial</li> </ul>

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		<p>Order No. 011/CAB/MIN.GEFAE, establishing a mediation committee on juvenile justice, on 29 December 2010</p> <ul style="list-style-type: none"> <li>- the Minister of Justice and Human Rights signed Order No. 001/CAB/MIN/J &amp; DH/2011 establishing secondary seats for juvenile courts and Order No. 002/CAB/J &amp; DH/2011 defining the jurisdiction and grouping of jurisdiction of juvenile courts for the enforcement of custodial, educational and protective measures</li> <li>- effective measures to protect children from accusations of witchcraft through article 160 of the <b>Child Protection Act</b> which provides that: “Anyone who maliciously and publicly ascribes an act to a child that would offend the child’s honor and dignity shall be liable to penalty such as imprisonment and a fine</li> </ul>
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#### 5. Issue n°5: child labour and exploitation

Delegations	Recommendations	Responses by (name of country under review)
Namibia	- to take further measures to eliminate child labour and to formulate a related national strategy	-

#### 6. Issue n°6: children’s basic needs (education, etc)

Delegations	Recommendations	Responses by (name of country under review)
South Africa, State of Palestine,	- adequate funding for education to increase the number of schools and teachers, improve the quality of teaching and school infrastructure and ensure de facto equal access of girls to all levels of education	<ul style="list-style-type: none"> <li>- the Democratic Republic of the Congo has developed a national education strategy covering the primary, secondary and vocational subsector, among others, which was implemented by the Interim Education Plan</li> <li>- The flagship initiative of the strategy, launched in 2010, is free primary education in public sector schools throughout the country, with the exception of Kinshasa and Lubumbashi</li> <li>- construction and rehabilitation of school facilities</li> <li>- the share of the national budget dedicated to education increased to 15 per cent in 2013 and 17 per cent in 2014</li> <li>-</li> </ul>

## II- Other relevant issues with positive feedbacks by the States present at the review:

- to create a strong and independent judiciary and to adopt the necessary measures to guarantee the fight against impunity for all human rights violations (the Government has taken a number of measures to combat impunity; the **law of April 2013** in particular, has been promulgated to this end)
- Legislation for the protection of Human Rights Defenders (pending since 2012, be tabled in the National Assembly)
- The creation of the National Human Rights Commission
- The signing of the **Nairobi Declarations**, which formally ended **M23 hostilities**
- ratification of the OPCAT
- the close cooperation with the international community in the preparation of the UPR report

## III- Adoption of the report : recommendations accepted by

### \* **recurrence of armed conflicts**

- As a result of these conflicts, the budget is limited, due to the low mobilization of public revenues, on the one hand, and, on the other hand, to the allocation of most of the available resources to the imperative need to bring peace to the country
- allocations to the social sector, justice, and human rights sector are inadequate and there are continuing grave violations of human rights and international humanitarian law

\* the non-compliance by the countries of the Great Lakes region with the commitments undertaken in the context of restoring peace and security in the Democratic Republic of the Congo and in the region

- **The Regional Framework for Peace, Security and Cooperation (February 2013)**