

**Submission by the United Nations High Commissioner for Refugees
For the Office of the High Commissioner for Human Rights' Compilation Report**

Universal Periodic Review: 3rd Cycle, 33rd Session

DEMOCRATIC REPUBLIC OF CONGO

I. BACKGROUND INFORMATION

The Democratic Republic of Congo (DRC) is a party to the *1951 Convention Relating to the Status of Refugees* and its *1967 Protocol* (hereinafter jointly referred to as the *1951 Convention*). However, the DRC has not yet acceded to the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*.

As of December 31, 2017, there were 537,087 refugees in DRC. Approximately, 63.4 per cent of them were children, 34.3 per cent were adults and 2.3 per cent were elderly persons. Women represent 51.9 per cent of the refugee population. The refugees come from Rwanda (220,377), the Central African Republic (CAR - 181,917), South Sudan (88,970), Burundi (44,450), the Republic of Congo (661), Angola (494) and other countries, including Somalia and Uganda (218). Persons arriving from Burundi, CAR and South Sudan continue to seek asylum in several camps in DRC, mostly in South Kivu, North/South Ubangi provinces, and former Oriental provinces. During 2013–2017, nationals from CAR enjoyed *prima facie* recognition as refugees. Nationals from Burundi also enjoyed *prima facie* recognition as refugees until 2017 when the DRC introduced a refugee status determination procedure for nationals from these countries.

UNHCR does not have records of cases of *refoulement* from DRC. There may be some refugees living in remote areas where UNHCR and the Commission Nationale pour les Réfugiés are not present, and where in the event of *refoulement*, there is no recourse to law and justice.

Furthermore, OCHA reports approximately 4,350,000 internally displaced persons (IDPs) as a consequence of ongoing multiple conflicts in North and South Kivu, Katanga, Ituri and Tanganyika. The ongoing ethnic conflict between Lendu and Hema groups in the Ituri province in 2018 has led to simultaneous IDP movements and an outflow of Congolese refugees to South-Western Uganda, including a disproportionate number children.¹

In Ituri Province, retaliatory attacks on schools by ethnic paramilitary/ "self-defense militia" groups are of grave concern as Congolese children remain out of school, which increases the risk of their recruitment. Ethnic violence between Twa and Luba militia, as well as Mayi Mayi Yakutumba are at the center of instability making Tanganyika an emerging hotspot of (forced) child recruitment in 2017.² The policy introduced in 2013 to prohibit the forced recruitment of children into the national armed forces has had little effect on decreasing the number of children recruited by non-state actors, particularly in the Eastern provinces of South and North

¹ 66,000 IDP children and 25,000 refugee children fled to Uganda in February 2018. See e.g. Voice of America, Thousands of Children Displaced by Ethnic Violence in DRC's Ituri Province (February 2018), as per UNICEF estimates.

² See e.g. MONUSCO, Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014-2017 (published internally in 2018).

Kivu.³ Moreover, the ongoing conflict in the three Kasai provinces drove Congolese nationals to flee to Angola.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Positive developments linked to 2nd cycle UPR recommendations

Linked to 2nd cycle UPR recommendation no. 133.7: “Consider adhering to the *Convention on the Status of Stateless Persons*.” (Nicaragua)

UNHCR welcomes the signature by DRC of the *Brazzaville Declaration on the Eradication of Statelessness in the Great Lakes Region* and its *Plan of Action*. It also commends the appointment of the Government Focal Point on statelessness. UNHCR stands ready to support the Focal Point throughout the process of accession to the UN *Statelessness Conventions* and the creation of a national Inter-institutional Technical Committee to combat statelessness in DRC.

Linked to 2nd cycle UPR recommendation no. 134.60: “Take appropriate measures to reduce and eradicate incidents of sexual gender-based violence committed by armed elements and established accountability mechanisms.” (Slovenia)

In 2014, the President of the Republic created the office of Personal Representative in charge of combating sexual violence and the recruitment of children by the national army (FARDCs).⁴ Within the first two years following this appointment, more than 496 complaints of sexual violence committed by national armed forces and security officers were submitted. They resulted in a total of 472 convictions regarding 135 Congolese National Police officers, 319 members of the DR Congo Armed Forces and 18 civilians and members of armed groups. Much remains to be done and reports in 2017 and 2018 of mass rapes in Shabunda Territory of South Kivu underscore the need for action on prevention in isolated areas where militias and other armed elements are largely uncontrolled.

Linked to 2nd cycle UPR recommendation no. 134.53: “Adopt as soon as possible the law protecting human rights defenders.” (Sweden)

UNHCR welcomes the draft law on the protection of human rights defenders that is pending before the National Assembly. UNHCR encourages DRC to take the necessary steps towards the adoption of this law that constitutes a key instrument for the protection of human rights defenders in the DRC.

Additional positive developments

DRC ratified both the *1999 ILO Convention on the worst forms of child labor*⁵ and the *Optional Protocol on the involvement of children in armed conflict* to the *Convention on the Rights of the Child*. DRC passed a national law on child protection on January 2009 that banned the recruitment (forced or voluntary) of anyone younger than 18 in the national armed forces (FARDCs).⁶ In May 2013, the Ministry of Defense issued a directive prohibiting the national armed forces from detaining children for association with an armed group. This has resulted

³ See e.g. War Child, *Child Recruitment by Armed Groups 2014-2017* (2018). See also the War Child Report on Pull and Push factors child recruitment (May 2018).

⁴ FARDC's Action Plan on SV.

⁵ DRC ratified the convention in 2001. Article 3(a) prohibits the “forced or compulsory recruitment of children [person’s younger than 18] for use in armed conflict.”

⁶ War Child (2018).

in a decrease of recruited children in the ranks of the FARDC but armed groups such as *Mayi Mayi Mutombaki* and *Nyatura* continue to recruit children.⁷

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 2nd cycle UPR recommendations

Issue 1: Access to justice and rule of law

Linked to 2nd cycle UPR recommendation no.133.15: “Increase efforts to prevent and punish episodes of extrajudicial executions and illegal or arbitrary detentions.” (Italy)

The justice system in DRC suffers considerably from lack of independence, impartiality, separation of powers as well as adequate human and financial resources to ensure its effective functioning. These inadequacies deprive victims of avenues to seek justice and obtain remedies for the violations they suffered. A number of decisions and judgments carry the marks of partiality towards the protection of political or military interests in violation of the rule of law. The defective justice system not only precludes refugees and IDPs from seeking justice and protection, but also condones the proliferation of a climate of impunity.

Recommendations:

UNHCR recommends that the Government of the Democratic Republic of Congo:

- (a) Strengthen its cooperation with other actors under bilateral cooperation frameworks for improvement of rule of law and justice, and enhance its cooperation with civil societies and UN agencies.

Additional protection challenges

Issue 2: Preservation of the civilian and humanitarian character of the asylum

Despite the DRC Government's clear commitment to providing asylum to refugees, their physical security is threatened in some areas by the presence of militias and the ongoing violence that create an environment of insecurity and instability. According to the United Nations Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), approximately 100 armed groups, including foreign armed groups such as the Allied Democratic Forces (ADF) and Uganda's Resistance Army (LRA), operate on the territory of DRC. For these reasons, forced recruitment of children into armed groups and sexual and gender-based violence remain strong risks, especially for refugees living among conflict-affected populations. This situation raises serious difficulties to maintain the civilian and humanitarian character of asylum and refugee camps, which exposes refugees to additional protection risks. Although the Congolese National Police agreed to deploy more than 340 policemen to ensure the security of the 10 refugee camps in DRC, grave protection concerns remain.

Recommendations:

UNHCR recommends that the Government of the Democratic Republic of Congo:

- (a) Take measures to ensure respect for the civilian and humanitarian character of refugee camps and strengthen security measures in and around refugee sites and camps by deploying well-equipped and trained police units.

Issue 3: Legal framework for the protection of internally displaced persons

⁷ War child (2018), p. 20.

With an estimated 4,350,000 internally displaced people, DRC is one of the countries with highest numbers of IDPs in the world. Two important legislative processes are stalled. First, although DRC signed the *2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention)* in 2014, it has still to deposit the instruments of ratification in order to finalize its accession to this treaty as required by Article 6 point 2 of the Convention. Second, the draft law on the protection and assistance to internally displaced persons validated by the Law Commission has not been adopted. In the absence of a concrete legal framework, DRC is hampered in its ability to advance on a strategy to provide adequate protection and address internal displacement.

Recommendations:

UNHCR recommends that the Government of the Democratic Republic of Congo:

- (a) Finalize the process of ratification of the *Kampala Convention* by depositing instruments of ratification; and
- (b) Incorporate the *Kampala Convention's* obligations into Congolese domestic law, through the promulgation or amendment of the relevant legislation relating to the protection and assistance to internally displaced persons.

Issue 4: Accession to the Statelessness Conventions

The signature of the *Brazzaville Declaration on the Eradication of Statelessness in the Great Lakes Region* and its Plan of Action in October 2017 and the commitment to appoint Government Focal Points provided increased momentum for the Government to continue taking steps to address statelessness. Significant action is still required, including accession to the *Statelessness Conventions* and the domestication of their provisions, as well as the formal appointment of focal points for the inter-ministerial committee responsible for leading the next phase of action.

Recommendations:

UNHCR recommends that the Government of the Democratic Republic of Congo:

- (a) Finalize the process of establishing an inter-institutional national committee mandated to address issues of statelessness; and
- (b) Initiate the legal steps to accede to both international *Statelessness Conventions* by 2019 as per the commitments of the Brazzaville Declaration.

**UNHCR
October 2018**

ANNEX

Excerpts of relevant Recommendations from the 2nd cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedures mandate holders

DEMOCRATIC REPUBLIC OF CONGO

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations and UN Treaty Monitoring Bodies' Concluding Observations relating to issues of interest and persons of concern to UNHCR with regards to DEMOCRATIC REPUBLIC OF CONGO.

I. Universal Periodic Review (Second Cycle – 2018)

Recommendation ⁸	Recommending State/s	Position
Ratification of international instruments		
133.7 Consider adhering to the Convention relating to the Status of Stateless Persons;	Nicaragua	Supported
136.4 Abolish the death penalty in law and ratify ICCPR-OP-2; ⁹	France	Noted
Detention		
133.15 Increase efforts to prevent and punish episodes of extrajudicial executions and illegal or arbitrary detentions;	Italy	Supported
133.16 Pursue the reforms in the penitentiary system with a view to ending overpopulation in prisons;	Djibouti	Supported
Human Rights Defenders		
134.26 Ensure that human rights defenders can exercise their rights without interference and ensure the effective establishment of the NHRC;	Switzerland	Supported
134.53 Adopt as soon as possible the law protecting human rights defenders;	Sweden	Supported
134.54 Take adequate measures for better protecting human rights defenders and journalists;	Djibouti	Supported
Prevention of torture		
134.27 Implement article 3 of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) and immediately establish an independent national mechanism for the prevention of torture with the mandate to visit all places of detention;	Czech Republic	Supported
134.28 Continue working towards the establishment of a national mechanism for the prevention of torture; ¹⁰	Guatemala	Supported
134.50 Investigate all cases of torture and ill-treatment in detention, as recommended previously;	Austria	Supported

⁸ All recommendations made to the Democratic Republic of Congo as well as its views and replies during its 2nd cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review of the Democratic Republic of Congo" (7 July 2014), A/HRC/27/5, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/075/47/PDF/G1407547.pdf?OpenElement>.

⁹ Similar recommendations were given by: Australia, Germany, Hungary and Portugal, Spain, Former Yugoslav Republic of Macedonia, Togo, Benin, Argentina, Italy, and Montenegro.

¹⁰ Similar recommendations were given by: South Sudan and Uruguay.

Sexual and gender-based violence		
134.31 Establish a national agency aimed at preventing sexual and gender-based violence and at ensuring access to justice for these victims;	Netherlands	Supported
134.59 Take more effective measures to combat incidents of sexual violence and intensify efforts to implement its reintegration and rehabilitation policies for victims of gender-based violence;	Sierra Leone	Supported
134.60 Take adequate measures to reduce and eradicate incidents of sexual gender-based violence committed by armed elements and establish and strengthen accountability mechanisms;	Slovenia	Supported
134.64 Ensure that perpetrators of crimes of sexual violence are consistently brought to justice, and guarantee the protection of witnesses and survivors;	United Kingdom of Great Britain and Northern Ireland	Supported
Birth registration		
134.48 Take all measures necessary to ensure the implementation of the Plan of Action, including the provision on birth registration (also late birth registration) free of charge, effective implementation of the free and compulsory primary education policy and access to basic health-care services;	Slovenia	Supported
Children's rights		
134.94 Take immediate measures in order to comply fully with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC);	Lithuania	Supported
134.95 Adopt additional measures within the Action Plan to fight against forced recruitment of children aimed at the prevention, protection and social reintegration of such minors;	Spain	Supported
134.96 Step up the efforts to ensure the non-recruitment and demobilization of child soldiers;	Togo	Supported
134.102 Ensure that the national legislation enables the establishment and exercise of jurisdiction on war crimes related to conscription, recruitment and use of children in armed conflict;	Costa Rica	Supported
Freedom of expression		
134.133 Bring all perpetrators of violence against journalists and human rights defenders to justice and ensure that journalists and human rights activists are able to pursue their activities, including by expressing criticism of government policies, without intimidation and harassment;	Austria	Supported
134.134 Ensure that the freedoms of expression and peaceful assembly are respected in conformity with international standards and that members of political parties, journalists and human rights activists are able to exercise their activities and to criticize the Government without being subject to intimidation, reprisals or harassment;	Belgium	Supported
134.136 Ensure that the rights to freedom of expression and peaceful assembly are respected and all citizens, including journalists and human rights defenders, are able to pursue their activities without intimidation;	Romania	Supported
136.36 Investigate without delay allegations of arbitrary detention of journalists, activists and political opponents and report before the holding of the local elections;	Canada	Noted
136.37 Free all persons arrested as a result of their political opinion or because they took part in peaceful demonstrations, and ensure that charges against them are dismissed;	Belgium	Noted
136.38 Ensure the full enjoyment of freedom of expression and of the press by removing all of the restrictions imposed, including by decriminalizing defamation, in accordance with its obligations under ICCPR and its commitment taken during the previous review.	Estonia	Noted

II. Treaty Bodies

Human Rights Committee

Concluding Observations, (30 November 2017), [CCPR/C/COD/CO/4](#)

Sexual violence

19. While noting the State party's efforts to combat sexual violence, the Committee remains concerned about the persistence of the phenomenon in the State party, both within and outside conflict areas. The Committee is particularly concerned about the continued use of sexual violence as a weapon of war in conflict areas, both by armed groups and, in recent years, by the armed forces of the Democratic Republic of the Congo. Also of concern are reports that victims have difficulty in gaining access to legal services and that they are deterred from filing complaints or continuing proceedings against their aggressors by a variety of factors, such as social stigma, fear of reprisals and inducement to accept amicable settlements (arts. 2, 3, 7 and 26).

20. The State party should take all necessary measures to ensure that: (a) all cases of sexual violence are investigated and the perpetrators are prosecuted and, if found guilty, punished; (b) victims receive physical and psychological support, including through the reparations fund for victims of sexual violence, which should be put into operation as soon as possible; and (c) steps are taken to facilitate victims' access to legal services.

Death penalty

23. While welcoming the State party's observance of a de facto moratorium on the death penalty, as shown by the fact that there have been no executions since 2003, the Committee remains concerned about: (a) the fact that death sentences are still handed down; and (b) the large number of prisoners on death row (art. 6).

24. The State party should consider initiating a political and legislative process aimed at the abolition of the death penalty and should carry out public advocacy efforts and campaigns to promote that objective. It should also commute the sentences of individuals currently on death row and consider acceding to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.

Torture and cruel, inhuman or degrading treatment

31. The Committee is concerned about reports that, despite the provisions of Act No. 11/08 of 9 July 2011, a worrying percentage of the deaths recorded in places of detention are due to acts of torture or ill-treatment inflicted by agents of the State. It is also concerned to note that persons who commit acts of torture are rarely prosecuted, and regrets that it has not received detailed information on the number of investigations carried out and convictions handed down for acts of torture since the law entered into force (arts. 2 and 7).

32. The State party should: (a) strengthen the training of officials in the justice, defence and security sectors, in particular with respect to Act No. 11/08 of 9 July 2011; (b) see to it that alleged acts of torture and ill-treatment committed by members of the police, security and defence forces are thoroughly investigated; that suspected perpetrators are prosecuted and, if found guilty, duly punished; and that victims obtain reparation and are offered rehabilitation services, among other measures; and (c) establish a national mechanism for the prevention of torture, in line with the Optional Protocol to the Convention against Torture.

Prison conditions

33. The Committee is concerned about the inadequate conditions of detention in almost all prison facilities in the State party and, in particular, about severe overcrowding in prisons and the high percentage of prisoners being held in pre-trial detention. Moreover, it is concerned about: (a) reports that substandard conditions in terms of prisoners' health care, sanitation and food have led to a significant number of deaths in custody; (b) the failure to keep untried prisoners separate from convicted prisoners; and (c) reports that prison staff are insufficient in number and poorly trained (arts. 6, 7 and 10).

34. The State party should take immediate steps to: (a) improve the living conditions and treatment of prisoners, including by giving them access to proper medical care and separating prisoners by category, in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules); (b) address the problem of prison overcrowding, including by implementing a policy on the use of non-custodial measures; (c) renovate existing detention centres and build new ones; and (d) carry out training activities for justice officials and prison staff throughout the country.

Arbitrary detention

35. The Committee remains concerned at reported cases of arbitrary and secret detention in which persons have been held by agents of the State, in particular the National Intelligence Agency and the military intelligence service, at unofficial places of detention that are not subject to oversight of any kind, including judicial oversight. It is also concerned about: (a) the large number of people being held in pre-trial detention; (b) the fact that, despite the relevant provisions of the Code of Criminal Procedure, pre-trial detention continues to be the rule rather than the exception; and (c) the routine violation of the rights of detainees under article 9 of the Covenant, including the right to be informed of the reasons for their arrest and the right to have access to counsel (arts. 2, 9, 6, 7, 10 and 16).

36. The State party should: (a) prohibit secret detention; (b) cease to empower the National Intelligence Agency and the military intelligence service to make arrests; (c) close all secret detention facilities and release all detainees still being held in them, while recognizing their right to an effective remedy and to full reparation; (d) take measures to address the situation of persons who have been in pre-trial detention for many years; and (e) systematically ensure that persons being held in police custody or pre-trial detention are informed of their rights and that the aforementioned basic legal safeguards are respected, particularly the right of access to counsel.

Freedom of expression

39. The Committee is concerned about the closing down of public space in the Democratic Republic of the Congo through suspensions of social media and of television programmes and the jamming of radio broadcasts. It takes note of the information provided by the State party, but remains concerned at the ministerial order of 12 November 2016 restricting the ability of foreign media to broadcast in the country, as well as the maintenance of Ordinance-Law No. 300 of 16 December 1963 establishing criminal liability for press offences and for the offence of insulting the Head of State. It is also concerned about allegations of: (a) the detention of journalists in order to prevent them from covering the events of September 2016; and (b) judicial harassment, threats and abuses against media professionals, human rights defenders and political opponents (arts. 6, 7, 9, 19, 21, 22 and 25).

40. The State party should: (a) take the legislative measures necessary to ensure that any restrictions on the exercise of freedom of expression comply with the strict requirements set out in the Covenant; (b) ensure that the Higher Audiovisual and Communications Council discharges its functions impartially and independently; (c) decriminalize press offences and the offence of insulting the Head of State; (d) investigate, prosecute and convict persons responsible for harassment, threats or

intimidation against journalists, political opponents and human rights defenders; and (e) ensure the full effectiveness and independence of the Unit for the Protection of Human Rights established on 13 June 2011 and adopt the necessary measures, including legislation, to ensure the right of everyone, individually and in association with others, to protect and promote human rights.

Child protection and child labour

45. The Committee, recalling in particular the recent concluding observations of the Committee on the Rights of the Child (CRC/C/COD/CO/3-5), is concerned at the number of children in street situations who are exposed to various forms of abuse, as well as the beliefs surrounding children who are accused of witchcraft. The Committee also reiterates its concern about: (a) the large-scale involvement of children in armed conflict; (b) the low rate of birth registration in the State party; and (c) the persistence of economic exploitation of children, including in the mining sector (arts. 6, 7, 8, 16 and 24).

46. The State party should take the necessary steps to: (a) protect children without families against all forms of abuse, including by strengthening programmes for their care and advocacy efforts targeting religious leaders and parents in particular, and by criminalizing the persecution of children accused of witchcraft; (b) put an end to the involvement of children in armed conflict, while criminalizing the recruitment of persons under the age of 18; (c) facilitate birth registration, including by raising public awareness and facilitating and expediting access to civil registry offices; and (d) eliminate all forms of exploitation of child labour, particularly in the extractive industries.

Committee on the Rights of the Child

Concluding Observations, (2017), [CRC/C/COD/CO/3-5](#)

Right to life, survival and development

17. The Committee remains seriously concerned about: (a) Grave violations committed against children by State and non-State armed forces in the context of the armed conflict, including the killing, maiming and abduction of children — both civilians and those recruited by the non-State armed groups; (b) The child mortality rate, in particular the fact that despite some decrease, especially among those under the age of five years, the rate remains extremely high in the State party, especially in rural areas, and is reportedly caused by preventable diseases, such as malaria and HIV/AIDs, among others; (c) The lack of appropriate medical assistance provided to mothers, including adolescent mothers, during and after the delivery of their baby; (d) The reports of prevalent violence against, ritual killings of and abductions of children with albinism, as well as the mutilation of such children for the purpose of selling their body parts, even though during the dialogue the State party denied the existence of such practices.

18. The Committee urges the State party to take measures to protect children from falling victim to armed conflict and/or participating in armed hostilities, and to punish those who have been involved in killing, maiming and recruiting children. It also urges the State party to improve its health services to decrease infant and child mortality by providing better protection against preventable diseases, raising awareness of methods of prevention, and providing appropriate health-care services for mothers and postnatal care for infants and children.

19. The Committee urges the State party to take measures to protect children with albinism from violence and killing. In particular, it recommends that the State party:

- (a) Ensure the immediate and long-term protection of children with albinism and address the root causes of the violence they suffer;**

- (b) Strengthen awareness-raising campaigns against superstitious beliefs concerning children with albinism;
- (c) Expedite the investigation and prosecution of all cases involving children with albinism so that no perpetrator can escape with impunity, and provide the victims with rehabilitation and redress.

Birth registration

21. The Committee takes note of the information provided by the State party regarding the establishment of the national identification office, which will be tasked with providing all Congolese nationals with identification, but expresses its grave concern that, at the moment, rates of birth registration remain extremely low and continue to decrease, especially in North Kivu, rendering children vulnerable to statelessness and limiting their access to social benefits and services. The Committee is also concerned at reports that such low rates are due to the lack of information provided to parents on the importance of birth registration, the negligence of parents, the long distances that must be travelled to access civil registration offices, which are under-resourced, slow administrative processes, the associated hidden costs for parents and caregivers, and continuous armed conflicts, which lead to a constant movement of the population in affected areas.

22. Taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, the Committee strongly urges the State party to:

- (a) Raise awareness among its population, especially those in rural areas and conflict-affected territories, of the importance of birth registration;
- (b) Provide easy and timely access to civil registration offices, including by initiating mobile registration services and increasing the number of registration centres;
- (c) Provide the human, technical and financial resources necessary for the effective functioning of registration offices;
- (d) Consider ratifying the *Convention relating to the Status of Stateless Persons* and the *Convention on the Reduction of Statelessness*.

Torture and ill treatment

23. While noting the establishment of a police unit responsible for protecting children, given the fact that children, especially those suspected of association with armed groups, are ill-treated by the police and detained in dire conditions, the Committee recommends that the State party take the measures necessary to prevent, and protect children from, ill-treatment in detention centres and ensure that conditions in detention are in line with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

Refugee and internally displaced children

41. In view of the fact that large numbers of children continue to be internally displaced owing to the armed conflict in the eastern part of the country and the significant numbers of refugees arriving from neighbouring countries, the Committee reiterates its previous recommendation (see CRC/C/COD/CO/2, para. 75) that the State party continue and strengthen its efforts to ensure that all refugees and displaced persons, particularly children, are provided with adequate and appropriate assistance, including food, medical and psychological care and access to education, and also that it seek the support of and cooperation from international organizations, including the Office of the United Nations High Commissioner for Refugees. The Committee recommends that the State party establish a coherent database and national programmes for refugee and internally displaced children, with a view to ensuring full protection of their rights.

Committee on the Rights of the Child

Concluding Observations under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, (2017), [CRC/C/OPSC/COD/CO/1](#)

Measures adopted to prevent offences prohibited under the Optional Protocol

20. The Committee notes with concern that existing initiatives to prevent the offences prohibited under the Optional Protocol are insufficient, remain isolated and under-resourced and are not grounded on a specific preventive strategy to address the root causes of their occurrence and reoccurrence, which include, inter alia, gender-based discrimination and violence, persistent insecurity, poverty, forced child domestic labour, forced labour in and around the mining sector, internal displacement and migration, lack of access to education, and children forced to live and/or work in the street. It regrets that the State party did not provide sufficient information on programmes aimed at preventing offences prohibited under the Optional Protocol and the impact of such programmes. The Committee is concerned that:

- (a) There are no mechanisms in place to detect, identify and monitor children at risk of becoming victims of the offences covered by the Optional Protocol;
- (b) Harmful practices, such as child marriage and forced marriage, are still prevalent and culturally condoned;
- (c) Despite efforts to improve birth registration, some children remain unregistered, making them especially vulnerable to offences covered by the Optional Protocol.

21. The Committee recommends that the State party carry out a study to analyse and evaluate the nature, extent, root causes, and consequences on children of the offences covered by the Optional Protocol in the State party, with a view to developing and adopting a comprehensive prevention strategy against, in particular, the sale of children, child prostitution and child pornography. The Committee also recommends that the State party allocate the human and financial resources necessary to carry out the strategy. It further recommends that the State party ensure the full implementation of the recommendations made by the Committee under the Convention (see [CRC/C/COD/CO/3-5](#)), especially those relating to non-discrimination (para. 15), children deprived of a family environment (para. 32), standard of living (para. 38), education and aims of education (para. 40), refugee and internally displaced children (para. 41) and children in street situations (para. 43), and that it:

- (a) Strengthen its efforts to identify, report and support children who are at risk of becoming victims, or are victims, of offences covered by the Optional Protocol and their families, including through civil society organizations and community-based organizations;**
- (b) Strengthen its efforts to eliminate culturally sanctioned harmful practices that amount to the sale of children, paying particular attention to groups of children who are in the most vulnerable situations;**
- (c) Continue and strengthen measures to ensure that all children are registered at birth.**

Jurisdiction and extradition

32. The Committee notes the existence in the State party of agreements on extraterritorial judicial cooperation. The Committee regrets, however, that the legislation in the State party does not explicitly allow extraterritorial jurisdiction for all offences covered by the Optional Protocol. The Committee also regrets that, where extraterritorial jurisdiction over offences covered by the Optional Protocol is allowed, it requires double criminality. Furthermore, the Committee notes that the State party does not rely on the Optional Protocol as a legal basis for extradition.

33. The Committee recommends that the State party take all steps necessary to ensure that its domestic legislation explicitly enables it to establish and exercise extraterritorial jurisdiction over all offences prohibited under the Optional Protocol. The Committee also recommends that the State party remove the requirement of double criminality for extraterritorial jurisdiction in respect of offences covered by the Optional Protocol and to consider using the Optional Protocol as a legal basis for extradition in respect of such offences in cases where there is no bilateral extradition treaty with the other country concerned.