



# Convention on the Rights of the Child

Distr.: General  
18 July 2011  
English  
Original: French

---

## Committee on the Rights of the Child

### Fifty-ninth session

16 January–3 February 2012

## Optional Protocol on the involvement of children in armed conflict

### List of issues related to the consideration of the initial report of the Democratic Republic of the Congo (CRC/C/OPAC/COD/1)

*The Committee may take up all aspects of children's rights contained in the Optional Protocol during the dialogue with the State party. The present list of issues covers only some priority questions on which the Committee would like additional information before the dialogue.*

**The State party is requested to submit, in written form, additional and updated information (totalling no more than 15 pages), if possible, before 1 October 2011.**

1. Please provide data, disaggregated by age and sex, on the number of children currently enrolled in the State party's armed forces (Forces armées de la République démocratique du Congo – FARDC), in the Republican Guard or in non-State armed groups. In particular, please provide information on the 64 children whose presence in the Republican Guard, in the military camp in Kamina (Katanga province), has been documented by the United Nations (S/2010/181, para. 70).
2. Please provide details on the information and training activities relating to the Protocol and to the provisions of the Children's Code of 2009 which have been or are being conducted for professionals in contact at the national level with children likely to have been enrolled or used in hostilities, including members of the armed forces, immigration officials, lawyers, judges, medical and social workers, and journalists.
3. Please inform the Committee of any progress in the drafting of the 14 decrees implementing the Children's Code, and indicate whether those provisions of the Code which prohibit and punish the recruitment and use of children in the armed forces are fully applicable in the State party.
4. Please provide updated information on the creation and functioning of the institutions established by Act No. 09/001 of 10 January 2009 on the protection of children (Children's Code), particularly the National Council for Children and its local branches and the special child protection brigades, as well as on what training is provided to their members, what budgetary funding is allocated to them, and activities conducted since the creation of these institutions to protect children in provinces affected by armed conflicts.

5. Please describe the measures taken by the State party to implement its commitment, made in the context of the universal periodic review, to incorporate, as swiftly as possible, the provisions of the Rome Statute of the International Criminal Court into its domestic legislation. Please also describe any progress in the drafting of legislation establishing special chambers for punishing serious violations of international humanitarian law, and explain whether this legislation will refer to the provisions of the Protocol and of the Children's Code regarding the recruitment and use of children in armed conflicts. Please provide the timetable established by the State party for the adoption of this legislation.
6. Please provide information on any progress in developing an action plan to prevent the recruitment and use of children in armed conflicts, and to identify and demobilize children present in the ranks of FARDC, in accordance with United Nations Security Council resolutions 1539 (2004), 1612 (2005) and 1906 (2009) and the commitments undertaken by the State party as a result of the urgent recommendation made by the Special Representative of the Secretary-General for Children and Armed Conflict in 2009, at the conclusion of her mission to the country.
7. Please describe to the Committee the measures taken by the State party to prevent the recruitment of children by non-State armed groups, and the results of those measures.
8. Please describe the measures taken to facilitate the identification of members of armed forces or security forces who are responsible for serious human rights violations. In particular, please state whether FARDC soldiers have been provided with uniforms indicating their name and rank.
9. Please describe the procedures followed with regard to the high-ranking military officials mentioned in the reports of the Secretary-General of the United Nations (S/2010/369 and S/2010/181), the Special Representative of the Secretary-General for Children and Armed Conflict and the Group of Experts on the Democratic Republic of the Congo (S/2010/596 and S/2009/603), who are suspected of having recruited and used children in armed conflicts. Please also explain why Jean-Pierre Biyoyo, Bosco Ntaganda, Innocent Zimurinda and Beaudoin Ngaruye are still members of the FARDC command structure. Does the State party consider that their remaining with FARDC is compatible with its obligations under the Optional Protocol and with its zero-tolerance policy with regard to the human rights violations committed by FARDC?
10. Please comment on the information received according to which commander Bwasolo Misaba (alias Mwami Alexandre), suspected of recruiting and using children, benefited from an amnesty under the act of 7 May 2009. Did this act enable other persons suspected of having enrolled or used children in hostilities, or of having committed sexual violence against young girls, to benefit from acts of clemency?
11. Please provide detailed information on the number of children captured by FARDC during military operations who are currently in detention and on the reasons for their detention. In particular, please provide information on the current situation of the three children who were allegedly arrested in April 2010 by FARDC in Vitshumbi and placed in detention in Goma, and on the reasons for their detention. Please also indicate how the State party ensures that detention of children remains a measure of last resort and does not last longer than necessary.
12. Please explain why the officials responsible for protecting children were unable to perform a physical check of nearly two thirds of the FARDC combatants participating in joint military operations supported by the United Nations to ensure that no children were among them. Please specify what sanctions have been implemented against FARDC, which have engaged in obstructionist manoeuvres and even outright refusal (S/2010/181, para. 70), thus preventing child protection organizations from gaining access to certain sites in order to identify children present there with a view to freeing them.

13. Please provide detailed statistics on the number of children demobilized since 2008 who have benefited from Government-sponsored reintegration programmes and services, including the number of children who, after participating in these programmes, have benefited from community follow-up and of those who have again been recruited by armed groups, including FARDC. Please comment on the information appearing in the most recent report of the Secretary-General of the United Nations (S/2011/250, para. 39), according to which no official demobilization to free children was organized in 2010 and children are still present in the ranks of FARDC.

14. Given the large proportion of girls recruited and used by the various armed groups participating in the conflict in the State party, please provide updated statistics on the number of girls who have benefited from demobilization and reintegration programmes since 2007. Please describe the measures and programmes established to meet their specific needs, including for psychological support, and to combat the stigmatization from which they suffer. Please also provide information on specific measures being taken to implement the comprehensive strategy on combating sexual violence launched in November 2009.

15. Please transmit to the Committee information on efforts to ensure that children in all schools in the State party's territorial jurisdiction receive peace education.

---