

COMMITTEE ON THE RIGHTS OF THE CHILD

**WRITTEN REPLIES BY THE GOVERNMENT OF THE DEMOCRATIC
REPUBLIC OF THE CONGO CONCERNING THE LIST OF ISSUES
(CRC/C/Q/RDC/1)**

**RECEIVED BY THE COMMITTEE ON THE RIGHTS OF THE CHILD IN
CONNECTION WITH THE INITIAL REPORT OF THE DEMOCRATIC
REPUBLIC OF THE CONGO
(CRC/C/3/Add.57)**

[24 April 2001]

**IMPLEMENTATION OF THE CONVENTION ON
THE RIGHTS OF THE CHILD**

**ADDITIONAL INFORMATION FURTHER TO THE REPORTS
OF THE DEMOCRATIC REPUBLIC OF THE CONGO TO THE
COMMITTEE ON THE RIGHTS OF THE CHILD**

Preamble

The Democratic Republic of the Congo ratified the Convention on the Rights of the Child on 21 August 1990. In 1997 an initial report was submitted to the Committee on the Rights of the Child, followed in 1999 by an additional report. With a view to the United Nations General Assembly of September 2001 on children, an end-of-decade report was prepared in December 2000 to cover the situation of children from 1990 to the year 2000.

For its consideration of the above-mentioned reports the Committee on the Rights of the Child requested supplementary information, in particular statistics on the budget allocations to certain specific activities for the protection of children from 1997 to 2000, as well as statistics on child soldiers, general measures of implementation relating to national legislation on the realization of children's rights, the incorporation of the Convention into the Civil Code, the organization and powers of the judiciary, the conventions to be ratified and progress made in the implementation throughout the country of the plan of action on the development and better welfare of the child.

The replies to the questionnaire take into account the context in which the country finds itself: a start has been made on measures to put an end to the war, United Nations observers have been deployed and arrangements made for the inter-Congolese dialogue.

Herewith are the additional details on the implementation of the Convention on the Rights of the Child in connection with document CRC/C/3/Add.57.

PART I

A. Statistical data

1. National budget¹

Year Heading	1997 (in millions of new zaires)	1998 (in thousands of Congolese francs)	1999 (in thousands of Congolese francs)
Total amount of the national budget	42 789 654	879 641	4 933 812
Public health: as a percentage of the national budget	77 664 0.18	126 0.014	20 344 0.412
Social affairs and the family: as a percentage of the national budget	3 041 0.007	135 0.015	14 563 0.295
National education: as a percentage of the national budget	77 091 0.18	1 398 0.16	19 296 0.391
Human rights: as a percentage of the national budget			1 020 0.021
Prevention and treatment of HIV/AIDS			

2. Poverty line: population below the poverty line²

Province/town	1985	1998
Kinshasa	70%	89%
Lubumbashi	81%	
Kisangani	89%	
Bandundu	95%	

3. Number of children HIV-positive or with AIDS³

(a) Children with AIDS:

- New cases in 1999: 24,154
- Current cases: 1,208
- Accumulated cases (since 1996): 146,204

¹ Central Bank of the Congo (BCC).

² National Statistical Institute/Nkakale and de Herdt (1999) in Poverty Profile in RDC:INS.

³ National Programme to Combat AIDS (PNLS).

(b) Deaths due to AIDS:

- Deaths in 1999: 24,029
- Accumulated deaths (since 1996): 144,996

(c) AIDS orphans:

- New orphans in 1999: 125,000
- Accumulated total: 609,000

4. Schooling⁴

(a) Primary school enrolment

Rate of enrolment	1997	1998	1999	2000
Both sexes		60.7% 51.4% 70%		

(b) Overall school attendance by province and by sex (as percentage) 1997/1998⁵

No.	Province	Both sexes	Girls
1.	Kinshasa	58.0	58.0
2.	Lower Congo	75.6	68.5
3.	Bandundu	79.8	68.5
4.	Equator	65.2	60.5
5.	Eastern province	61.5	51.5
6.	Maniema	64.5	53.8
7.	North Kivu	43.0	31.5
8.	South Kivu	51.4	40.3
9.	Katanga	50.3	42.5
10.	Eastern Kasai	66.4	55.9
11.	Western Kasai	55.4	43.9
Country total		60.7	51.4

⁴ National Education for All.

⁵ Department of School Planning and Statistics.

(c) Percentage completing primary school⁶

Rate of primary school completion	1997	1998	1999	2000
Both sexes		50.10%	31.07%	
Male			14.78%	
Female			16.29%	

(d) Percentage completing secondary school (15 to 19 years)⁷

Proportion completing secondary school	1997	1998	1999	2000
Both sexes			35.43%	
Male			17.84%	
Female			17.59%	

**(e) School attendance by specific age in 1994/1995
(age group 6 to 14 years) as percentage⁸**

Age	6	7	8	9	10	11	12	13	14	6-14 years
BG	25.6	44.4	60.9	66.9	70.8	71.8	66.3	73.8	52.9	58.5
B	30.2	44.9	61.8	69.3	78.3	73.5	72.0	80.7	57.2	62.4
G	20.9	44.0	60.0	64.9	62.2	70.1	60.4	66.1	48.9	54.6

**5. Data on juveniles under 18 years recruited since 1997 in
the Republic as a whole**

In the part of the territory under Government control the statistics show
± 20,000 juveniles.⁹

⁶ Idem.

⁷ Department of School Planning and Statistics.

⁸ National Survey of the Situation of Women and Children in Zaire in 1995, p. 71.

⁹ Ministry of Defence.

6. Data by sex, age and region on number of children displaced within the country, refugee children in the country and children who have left the country

Statistics on refugee children in the DRC¹⁰

Locality	Site	Children			Origin
		Male	Female	Total	
DRC Kinshasa	Urb.ref. Kimbondo	572	548	1 120	Various Rwanda
		26	21	47	
Kimpese	Kilweka	3 188	3 175	6 363	Angola
	Nkondo	2 597	2 470	5 067	Angola
	Off-site				
	Total			11 430	
Mbanza-Ngungu	Kimaza	557	519	1 076	Congo/BR.
Lubumbu	Urban	121	116	237	Various
Kisenge	Kisenge	4 033	4 151	8 184	Angola
	Divuma	4 758	4 652	9 410	Angola
	Tshimbulu	4 262	4 459	8 731	Angola
	Total	13 053	13 272	26 325	
Kahemba	Napassa	1 541	814	2 355	Angola
	Bindu				
	Kulindji	1 281	1 541	2 822	Angola
	Tshifames	457	1 351	1 808	
	Total	3 279	3 706	6 985	
Mbuji-Mayi	Tshilonda				Burundi
	Tshabobo				Rwanda
	Lusuku				Rwanda
	Katshia				Rwanda
	Total			691	
ARU	Boga				
	Biringi				
	Dungu				
	Aba				
	Total	10 636	11 046	21 682	
Kivu	Data not available				
Total refugee children assisted by UNHCR				69 593	
Total refugees assisted by UNHCR			144 742		
Total refugees in the DRC			322 500 assisted and unassisted		
Total refugee children in the DRC			167 000		

¹⁰ Office of the High Commissioner for Refugees/DRC.

Data on children who have left the country

On this point we have the figure of 140,000 children who have left the country for Tanzania¹¹ and 995,000 children displaced within the country.¹²

7. Number of disabled children

Percentage of disabled children¹³

- 0 to 4 years: 1.2 per cent in 1998
- 10 to 19 years:
 - Whole country: 1.4 per cent in 1998
 - Urban areas: 1.3 per cent in 1998
 - Rural areas: 3.4 per cent in 1998

7.1 Number of disabled children in school: 1,806

7.2 Nature and cause of disability

Physical disability

Causes: polio, traffic accident, sciatic paralysis after injection, neurological, rheumatological, traumatological, orthopaedic, cardiopneumological etc.

Deafness

Causes: meningitis, cerebral malaria, measles, mumps, neonatal anoxia, chronic otitis media, head injury etc.

Mental retardation

Causes: Malaria/meningitis, cerebral malaria, epilepsy, convulsions, serious infections, premature birth, congenital malformation, malnutrition etc.

Blindness

Causes: cataract, glaucoma, atrophy of optic nerve, traumatism, retinopathy, onchocerciasis.

7.3 Number of specialized care institutions and their beneficiaries

¹¹ Ministry of Defence.

¹² Report of the World Food Programme (WFP/DRC).

¹³ Ministry of Health, Health Sector Inventory, 1998, pp. 39 and 41.

7.4 Number of disabled children with access to education: ± 1,806 in 1996

Type of education:

- vocational training
- corrective teaching
- literacy training
- integrated schooling
- normal cycle

7.5 State assistance

The State assumes responsibility for infrastructure and human resources, but because of the war subsidies are not paid regularly.

8.1 Children suspected of having committed a criminal offence¹⁴

1997		1998		1999		2000	
Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys
762	1 190	854	1 467	910	1 692	820	1 023

8.2 Number of juveniles “sentenced” by a court

1997		1998		1999		2000	
Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys
146	738	238	1 100	349	1 224	321	607

8.3 Number of child detainees

1997		1998		1999		2000	
Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys
83	400	98	507	113	662	217	1 321

8.4 Number of suspended sentences

None

NB: The system of penalties for children suspected of having committed a criminal offence is such that their sentence may be suspended or not.

¹⁴ Ministry of Justice, Department of Penitentiary Services and State Custodial and Educational Establishments (EGEE).

8.5 Reconviction rate¹⁵

1997		1998		1999		2000	
Girls	Boys	Girls	Boys	Girls	Boys	Girls	Boys
22	87		48	57	83	17	42

B. General measures of implementation

1. National legislation is still imperfect and in certain regards not compatible with the provisions of the Convention on the Rights of the Child:

(a) In the Civil Code with regard to persons (Family Code), articles 58-59, 352, 420 and 422 are not compatible with the Convention on the Rights of the Child, since they set the age of minority at below 14 or 15 years rather than below 18 years;

(b) The Penal Code, part II, sets the age of minority at below 16 years;

(c) The decree of 6 December 1950 as amended and complemented by Edict-Law No. 78/016 of 4 July 1978 in article 1 sets 16 years as the age of criminal responsibility;

(d) In the code on the organization and competence of the judiciary no juvenile courts are established or organized.

In general the Labour Code is compatible with international conventions, except insofar as age is concerned.

ILO Conventions No. 138 on the minimum age for admission to employment and No. 182 on employment conditions have not yet been ratified by the DRC. However, reforms are being prepared, both in the case of the preliminary draft of the decree on ratification and in that of the revision of the 6 December 1950 decree which is being speeded up to bring it into line with the provisions of the Convention on the Rights of the Child.

2. In the DRC the health situation of mothers and children is as alarming as in most third-world countries

2.1 Child health

As the table in the annex shows, immunization coverage has in general remained poor, ranging from 18 per cent to 57 per cent for Dteq, from 21 per cent to 58 per cent for measles, from 18 per cent to 59 per cent for polio and from 25 per cent to 65 per cent for tuberculosis. The infant mortality rate is at present 127 for 1,000 live births.

¹⁵ EDH, Annual report, 2000.

The immunization coverage can be seen to be particularly poor, despite a slight improvement observed in 1996. In 1998 a marked regression was recorded, as in 1999 and the first half of 2000.

The epidemic of acute flaccid paralysis (1,000 cases at Mbuji-Mayi) caused the Government to adopt the strategy of National Vaccination Days; from 1996 to 2000, this led to a distinct advance in the fight against that antigen.

Information about the integrated coverage of childhood diseases in health zones has not been systematically recorded.

2.2 Maternal health

The rates of maternal mortality are alarming, on average 1,837 per 100,000 births in the territories under Government control and 3,000 per 100,000 births in the occupied territories. This situation is disturbing when one considers that the rate of nurse-assisted deliveries is 70 per cent. Immunization cover for pregnant women has declined sharply, from 25 per cent in 1991 to 9 per cent in 1999. The rate of contraceptive use remains low, around 8 per cent from 1991 to 1999. Moreover, in 1999 there were 67,041 declared cases of HIV/AIDS among pregnant women and an estimated prevalence of 8 per cent.

2.3 Food and nutrition

In regard to food security for children, malnutrition remains a considerable problem. Rates of moderate malnutrition of from 4.3 per cent to 18 per cent can be observed. The percentage of exclusively breastfed children remained stationary at 32 per cent from 1992 to 2000. The low birth-weight rate has not been systematically recorded; it was around 15 per cent in 1991 and 1997. Certain micro-nutrient deficiencies have improved. The Government has imposed the importation of iodized salt, 95 per cent of the population now consumes iodized salt and the prevalence of endemic goitre has declined from around 50 per cent in 1990 to under 10 per cent in 2000. However, illnesses linked to iodine deficiency still dominate certain provinces.

The proportion of the population able to satisfy its daily nutritional requirements in terms of protein and calorie intake has declined steadily. Today this decline in the nutritional situation is seen in:

- High rates of moderate and severe protein-energy malnutrition among children. They are 13.2 per cent and 10.6 per cent respectively;

- An infant mortality rate linked to chronic malnutrition of 57 per cent in rural areas and 46 per cent in urban areas;
- High prevalence of sub-clinical vitamin A deficiency, which is 61.1 per cent in children of from 6 to 36 months;
- An increased incidence of anaemia, which affects more than 50 per cent of pregnant women and a large proportion of children under 5;
- More than 70,000 cases of acute flaccid paralysis (Konzo) spread throughout the provinces of Bandundu, Western Kasai, Eastern Kasai and Equator.

In 1999 it is estimated that the prevalence of protein-energy malnutrition was 40-50 per cent; severe deficiencies in micro-nutriments (vitamin A 61.1 per cent, iron 50 per cent) and particularly serious food insecurity.

2.4 Persistent problems and constraints in the mother-and-child health sector in the DRC

The health situation of mothers and children described above is the result of several negative factors which constitute real problems if not major constraints; among them may be noted:

- (a) The lack of statistical data and an epidemiological surveillance system for the effective monitoring of the evolution of mother and child health;
- (b) Dysfunctional health services in most health zones, basically since traditional donors have pulled out as a result of plunder and war, but also because the share of the national budget devoted to the health sector is so small, no more than 2 per cent;
- (c) A deficient medical supply system, lack of access for the population to medicines and inadequate quality control;
- (d) The poverty of the population, due essentially to underemployment, with the resulting insufficient salary and income;
- (e) The deterioration of the medical and health infrastructure further aggravated by the war of aggression;
- (f) Loss of interest among the staff and the quantitative and qualitative inadequacy of the health-care personnel, who are often on the move because of their lack of motivation;

(g) Absence of inputs both for reproductive health and for the fight against AIDS (condoms, pills etc.);

(h) Insufficient budgetary allocations from the Government to the public health sector.

3. Government policy coordination with regard to the mandates of the Ministry of Human Rights and the Ministry of Social Affairs

(a) Ministry of Human Rights

Created on 1 June 1998 as the coordinating body for human rights issues at the national level, the Ministry of Human Rights has the following tasks:

- To ensure human rights representation both at the regional and at the international level in order to defend Congolese interests internationally and to carry out our international human rights commitments;
- To promote, protect and publicize the human rights of Congolese and foreigners living in the DRC.

During the current war of aggression, the mission of the Ministry is to:

- Provide legal justification for the reaction of the DRC, which is facing a war of aggression and acting in self-defence in accordance with Article 51 of the Charter of the United Nations;
- Ensure that the Congolese themselves respect their international commitments in time of war, particularly the four Geneva Conventions of 1949 and their additional protocols of 1977;
- Act effectively in the competent bodies so that the aggressors will at least respect international humanitarian law during hostilities.

Ensuring respect for human rights in the face of an unjustified war is a delicate task, but one which, in the supreme interests of the nation, the DRC has not hesitated a single moment to undertake. That is why it has embarked on the promotion and protection of unconditional rights, more particularly the rights of children affected by armed conflict.

(b) General Commission on Reintegration

This is a body answerable to the Government, created in 1998 by presidential decree in response to the widespread internal displacements occurring as a result of the war that has afflicted the country for several years. Its prime task is:

- to identify persons displaced by war;

- to settle those persons;
- to resettle them with a view to integrating them into the community.

(c) Ministry of Social Affairs and the Family; National Council for Children

The National Council for Children, an advisory body to the Government, was created in 1994 and is composed of representatives of the Government and NGOs. It is responsible for follow-up action on the recommendations of the World Summit for Children and the implementation of the national child protection policy. To that end it has:

- Set up provincial Councils for Children;
- Aroused popular interest in the Convention on the Rights of the Child, especially in regard to the protection and participation of children;
- Taken part in the preparation of a new policy for the rehabilitation and reclassification of children;
- Organized the CNOS-ENMSP as a platform where NGOs concerned with children can get together. To date this platform comprises 178 NGOs working in the following areas: integration and rehabilitation; health; prevention; promotion and defence of children's rights; shelter;
- Organized the campaign for the compulsory registration of every child in the State register of births;
- Launched an appeal to the Government, which on 9 June 2000 signed Decree-Law No. 066 on the demobilization and reintegration of vulnerable groups among the fighting forces and took part in the organization of an international forum on the demobilization and reintegration of child soldiers;
- Urged the Government to publish the Convention on the Rights of the Child in the Official Gazette in April 2000;
- In December 2000, with the help of UNICEF, drafted and presented the end-of-decade report on follow-up to the World Summit for Children;
- Supported capacity-building for public and private social workers;
- Contributed to the preparation of the national survey on the situation of children and women in the DRC (number of villages, households, persons);

- Organized, in the context of the DRC, the world movement for children by:
 - nominating members of the Commission;
 - officially launching the movement;
 - working in the subcommissions;
- Gathered information and statistics as material for replies to the questionnaire of the Committee on the Rights of the Child, particularly regarding the implementation of the Convention on the Rights of the Child.

The Ministry of Social Affairs and the Family cooperates with the different technical Ministries concerned with the promotion and protection of children's rights through the medium of the National Council for Children.

4. See detailed reply above

5. Government and NGOs working with children

To foster the fruitful partnership between the Ministry of Social Affairs and the Family and NGOs concerned with children, the Ministry has identified all those working in the social field throughout the Republic and brought them together to form a platform (CNOS), so as to act as a valid interlocutor for the Government and work through a network of themes reflecting each area of intervention.

6. Situation in the occupied territories: we have no information available.

7. Government efforts for peace

- (a) The signing of Decree No. 066 of 9 June 2000 on the demobilization and reintegration of child soldiers into society, the workplace and their families;
- (b) The creation of a national demobilization and reintegration office (BUNADER) to oversee the implementation of the following interim measures:
 - A ban on the recruitment of children under 18 years of age into the armed forces;
 - A ban on the dispatch of juveniles to zones of conflict;
 - Assigning child soldiers to other tasks not involving the use of weapons;
 - The adoption of stop-gap measures on the protection of children in the army, including the implementation of legislation on establishing 18 years as the age of recruitment;
 - Advocacy vis-à-vis the national authorities regarding demobilization;

- Assisting the return of children to society;
- Developing social programmes for the communities affected by armed conflict.

(c) Government involvement in the implementation of the ceasefire and troop disengagement recommended by the United Nations pursuant to the Lusaka Agreement. The Government is beginning fruitful contacts with the facilitator of the inter-Congolese dialogue with the aim of inducing the rebels to adopt a better attitude.

PART II

Copies of the text of the Convention on the Rights of the Child translated into four national languages (Lingala, Kikongo, Chiluba and Swahili) are being sent out.

PART III

New legislation

Constitutional Decree-Law No. 003 of 27 May 1997 concerning the organization and exercise of power in the DRC/blueprint law for the DRC.

New institutions

It must be pointed out that the Ministry of Rights and the Citizen mentioned in the initial report no longer exists. However, a new ministry has been added within the general legal framework for the protection of the rights of the child, namely the Ministry of Human Rights.

Among other national institutions the creation of the National Council for Children and the Provincial Councils for Children should be noted. These are advisory bodies, the first presided over by the Ministry of Social Affairs and the Family, the second by the provincial governors. They embrace Government entities as well as NGOs concerned with the question of children. We should also mention the creation of the General Commission on Reintegration.

New policies

The basic directions the Government of National Salvation has defined for its action are:

1. Bringing peace
2. Making political life more democratic
3. Breathing new life into diplomacy and cooperation at the subregional and regional, as well as international levels
4. Strengthening the rule of law
5. Liberalizing economic life
6. Creating the conditions of access to education and health care for all
7. Ensuring good governance

8. Eliminating military courts for civilians and politicians
9. Encouraging all economic partners to participate in the economic decision-making process
10. Consolidating the national commission on children's rights
11. Enhancing the effectiveness of the army, the police and the security services
12. Organizing the National Conference on Human Rights in this month of May 2001

Recently implemented policies and programmes

The programmes recently carried out by the Government on behalf of children include the outline plan of operations for the survival, protection, development and participation of children for the period 2000-2002, supported by UNICEF, in the amount of \$65 million. This programme comprises the following sections:

- primary health care
- basic education
- protection of children, especially children suffering economic exploitation (child workers, street children) and child soldiers

The programme for demobilizing child soldiers and reabsorbing them into society is of concern to the DRC, which began the preparatory stage of the demobilization campaign after the Pan-African Forum on Child Soldiers held in Kinshasa in 1999 which led to the adoption of a set of guidelines for the process of demobilizing and reintegrating child soldiers.

As part of its social protection programme for children, the Government is proceeding with the creation of provincial bodies to coordinate the activities of those who do social work with children and who need special measures of protection and training for their members.

PART IV

This part does not require any written reply, since it will be addressed in the presentation by the delegation of the Democratic Republic of the Congo in Geneva.
