



**Submission provided by the United Nations High Commissioner for Refugees
for the Office of the High Commissioner for Human Rights' Compilation Report
(Excerpts of Treaty Body Concluding Observations and Special Procedure
Reports) - Universal Periodic Review:**

Democratic Republic of the Congo

We would like to bring your attention to the following excerpts of Treaty Body Concluding Observations and Special Procedure reports relating to issues of interest and concern to UNHCR with regards to the Democratic Republic of the Congo.

Treaty Body Concluding Observations

**CRC/C/COD/CO/2 50th session
January 2009**

7. The Committee is concerned at the high level of poverty in the State party, which hampers the full enjoyment by children of their rights and leads to several forms of exploitation, such as economic exploitation, sexual exploitation and trafficking, and also increases vulnerability of certain groups of children inter alia street children, refugee and displaced children.

28. The Committee notes with interest the measures taken to eliminate the disparity between education of girls and of boys, in particular through the acceleration strategy for education of girls (2003-2007). The Committee is nevertheless deeply concerned that certain groups of children face discrimination and marginalization, including children with disabilities, children accused of witchcraft, Batwa children, hidden children, demobilized child soldiers and internally displaced children, and that measures to implement legislation against discrimination, including administrative measures, have been insufficient. The Committee also expresses its concern at the persisting societal discrimination against girls.

66. The Committee recommends that the State party, taking into account its general comment No. 1 (CRC/GC/2001/1) on the aims of education:

(b) Take all measures to ensure that children complete their compulsory schooling, taking concrete action to address the reasons behind non-completion of schooling, including, inter alia, persisting zones of insecurity,

displacement of families, lack of transport, destruction of school infrastructures and poverty;

74. While noting with appreciation that some assistance is provided to refugees and displaced persons, the Committee nevertheless expresses grave concern that half of displaced persons on the State's territory are children. The Committee is deeply concerned that violence against child refugees or IDPs continues in the eastern part of the country. The Committee is also concerned that data on refugee and displaced children is lacking, that the provision of assistance is sporadic and that refugees and displaced persons, many of whom are children, are not legally protected.

75. ***The Committee urges the State party, taking into account the Committee's general comment No. 6 (2005) on the treatment of unaccompanied children and separated children outside their country of origin, to continue and strengthen its efforts in order 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. 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. The Committee also reiterates its previous recommendation (CRC/C/15/Add.153, paragraph 63) that every effort be made to prevent all forms of violence against refugee and internally displaced children. Finally, the State party is encouraged to implement the recommendations of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, following his mission to the State party in January 2009.***

**CERD/C/COD/CO/15 71st session
17 August 2007**

10. While noting the State party's intention to conduct a scientific census in 2009, the Committee remains concerned at the fact that the last census in the Democratic Republic of the Congo was conducted in 1970, and that as a result the information provided by the State party on the ethnic and linguistic make-up of its population, including indigenous peoples, refugees and displaced persons, is not comprehensive. The Committee recalls that information on demographic characteristics enables both the Committee and the State party to better assess the implementation of the Convention at the national level.

(b) The Committee invites the State party to submit data on refugees and displaced persons in order to enable it to assess the extent, distribution and impact of their movements.

**CEDAW/C/COD/CO/5.
25/08/2006.**

340. While recognizing the efforts undertaken by the State party aimed at the reconstruction of the country and its socio-economic fabric after the long years of armed conflict, including the repatriation, rehabilitation and resettlement of refugees and internally displaced persons, the majority of whom are women, the Committee is

concerned that the widespread poverty among women and the poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against them.

341. The Committee urges the State party to make the promotion of gender equality an explicit component of all its national reconstruction and development strategies, policies and programmes, in particular those aimed at repatriation, rehabilitation and resettlement and at poverty alleviation and sustainable development. The Committee also invites the State party to place emphasis on the promotion and protection of women's human rights in all development cooperation programmes with international organizations and bilateral donors so as to address the socio-economic causes of discrimination against women.

**CCPR/C/COD/CO/3. 86th session
26/04/2006**

15. *The Committee remains concerned at the large number of forced disappearances or summary and/or arbitrary executions committed throughout the State party's territory by armed groups. These violent acts in turn result in mass migrations of the affected populations, thereby contributing to an ever-increasing number of displaced persons, especially in the provinces of Ituri, North and South Kivu and Katanga (articles 6, 7 and 9 of the Covenant). The State party should open inquiries into any forced disappearance or arbitrary execution reported to it, appropriately prosecute and punish the perpetrators of such acts and grant effective reparations including appropriate compensation, to victims or their families (articles 6, 7 and 9). It should also strengthen measures to curb the displacement of civilian populations.*

Special Procedure Reports

**Report of the Representative of the Secretary-General on the situation of human rights on internally displaced persons - Mission to the Democratic Republic of the Congo (A/HRC/8/6/Add.3)
16 May 2008**

71. Following this first mission in the Democratic Republic of the Congo, the Representative concludes that this country is experiencing a serious protection crisis and a serious humanitarian crisis, particularly in its eastern region, highlighted inter alia by the very large numbers of internally displaced persons. He considers that the adoption of peaceful solutions to the present conflicts, the renunciation of violence, scrupulous respect by all concerned for human rights and the guarantees set out in humanitarian law and an unfailing commitment to combat impunity are essential in order to put an end to the serious violations of human rights suffered by the displaced persons in the eastern part of the Democratic Republic of the Congo.

72. The Representative calls on all the parties to implement without delay and with unfailing political commitment the statements of commitment signed at

the Conference for Peace, Stability and Development in North and South Kivu, held in Goma from 6 to 23 January 2008, as well as the November 2007 Nairobi communiqué. In particular, he considers that continued dialogue is the only way out of the conflict affecting the country, and that any resort to arms would lead to disastrous consequences for the civilian population, especially the hundreds of thousands of persons who have already been displaced or who would be forced to flee as a result of such operations.

73. In order to provide displaced persons in the Democratic Republic of the Congo with assistance and protection in the context of a durable solution to the issue of displacement in this country - a prerequisite for peacebuilding - the Representative recommends a strategy focusing simultaneously on continued political dialogue between the Government and the various armed groups and the other parties concerned and the strengthening of humanitarian assistance and activities for the protection of the displaced population, as well as early recovery measures where returns are already under way or can be contemplated.

Report of the independent expert on the situation of human rights in the Democratic Republic of the Congo, Mr. Titinga Frédéric Pacéré
A/HRC/7/25
29 February 2008

59. According to a study on the humanitarian situation in the Democratic Republic of the Congo which was published in July 2007 by the Ministry of Humanitarian Affairs, there are currently approximately 6 million internally displaced persons, mostly from vulnerable groups such as children, women, and older persons, throughout the country. In the region of Petit Nord alone (Goma, Masisi, Rutshuru, Lubero and Kalehe), between December 2006 and December 2007, a total of 437,796 internally displaced persons from 93,384 households were identified. Those figures were provided by the Commission on Population Movements in North Kivu, the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP), the United Nations Children's Fund (UNICEF), Solidarités, Caritas and the United Nations Office for the Coordination of Humanitarian Affairs.

60. The situation is particularly alarming in the east of the country where clashes between FARDC and armed groups have led to massive new movements of populations living without resources and in complete insecurity (lacking medicine, health care, shelter, drinking water and food assistance). The number of internally displaced persons continues to grow because of the climate of insecurity in the provinces of North and South Kivu.

Protection Policy and Legal Advice Section
Division of International Protection Services
UNHCR
April 2009