

STATE PARTY EXAMINATION OF CONGO'S SECOND, THIRD AND FOURTH PERIODIC REPORTS

65TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

13 JANUARY – 31 JANUARY 2014

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Congo ratified the Convention on the Rights of the Child (CRC) on 14 October 1993. On 13 and 14 January 2014, the Committee on the Rights of the Child (the Committee) examined the second, third and fourth periodic reports of Congo. It was last examined on 19 September 2006.

Opening Comments

The delegation of Congo was led by Ms. Madame Emilienne Raoul, Minister of Social Affairs, Humanitarian Action and Solidarity. She was supported by a high level delegation with representatives from the Ministry of Social Affairs, Humanitarian Action and Solidarity, from the Ministry of the Promotion of Women and Integration of Women in Development, from the Ministry of Secondary Education and Alphabetisation, from the Ministry of Justice and Human Rights, from the Ministry of Health and Population as well as the Ministry of the Interior and Decentralisation.

Ms. Raoul declared to the Committee that the State Party aimed to ensure the regular presentation of its periodic reports and the taking into account of the Committee's recommendations. She presented the National Plan for Development of 2012-2016, which had set out the priorities as far as children were concerned. She explained that campaigns against violence, exploitation, trafficking and abuse had been launched based on the law number 4-2010 of 14 July 2010. She added that there had been a reinforced cooperation with the Republic of Benin for matters related to trafficking. Of the same nature, she said that awareness raising campaigns had been launched with central African countries on the trafficking of women and children.

Note: This report is prepared at the discretion of Child Rights Connect. The content is designed to give a summary of the key discussions during the session of the Committee on the Rights of the Child but it is neither an official nor fully comprehensive report. More reports and further information can be found at www.childrightsconnect.org/index.php/publications-resources/crc#countrysum 1

She underlined the reinforcement of the legal protection of children through the adoption of the law number 10-2012 of 04 July 2012 creating the family and childhood plan. She also said that there had also been a budgetary increase for health, education, social and legal protection. Ms Raoul further presented the institution of a non-contributory aid system for children under 12 that aimed to ensure the proper development of children. She explained that, since 2005, a significant effort had been made to move from 81 per cent to 91 per cent for the birth registration rate of under 5s. Ms Raoul declared that the age of marriage was set for women at 18 and for men at 21. She added that forced marriage was forbidden. She declared that the State Party was committed to ratify the Optional Protocol to the CRC.

Mr. Kotrane and Ms. Khazova, the Country Rapporteurs, warmly welcomed the delegation. They noted the clear strategy to further the rights of the child and the new legislation which would ensure a better protection. Ms. Khazova welcomed the significant achievements even though much remained to be done.

General Measures of Implementation

Ratification of International Instruments

The Committee underlined that the State Party had generally refrained from signing the Optional Protocols of the Human Rights treaties and asked if the State Party intended to sign the Third Optional Protocol of the CRC on a Communications Procedure. The Committee took notice of the incorporation of international treaties in the Constitution; however, it asked whether the CRC could be directly applied. The delegation answered that the ratification of the Third Optional Protocol was being studied by the Ministry of Justice.

Legislation

The Committee pointed out that numerous laws had been adopted, but they all required a decree to enter into force and this generally tended to delay their implementation. The Committee also asked about the independence of the judiciary and the timeframe of its planned reform. It also inquired about traditional justice and its position in the legal system. The delegation answered that the dual justice system had been abolished and that traditional justice was consequently informal. The delegation added that the justice system and its codes were being revised.

Coordination and monitoring

The Committee noted the absence of a national strategy on children and asked if the State Party had the intention to develop a national policy on children's rights. The Committee further inquired about the allocation of resources for coordination and asked if the National Committee for Children had been re-established. The Committee recommended that an independent monitoring body should be established. The delegation responded that the previous general coordination system had been replaced by an inter-ministerial committee composed of General Directors within the Ministry of Planning.

Data collection

The Committee asked if there had been any specific effort to collect disaggregated data on women and children. It also asked if there was any data on violence against women. The delegation explained that there was a general deficiency in data collection across Africa. It exposed its plan to put in place a national system of information with a specific focus on children and most vulnerable people.

The Committee asked about the funds and the personnel which would be made available for this plan. The delegation responded that the State Party intended to create new professions to ensure the functioning of the system, as well as to allocate 145.000.000 CFA francs. It explained that the Ministry of Social Affairs, Humanitarian Action and Solidarity had been working on the indicators which would be used with the help of the University of Aix-Marseille for the creation of an Observatory of Children.

Cooperation with civil society

The Committee asked about the level of cooperation between the government and civil society. The delegation responded that civil society had been involved in projects for children. It gave the example of a project on street children in the framework of which a national platform had been established within a Non-Governmental Organisation (NGO) network called REIPER. The delegation also said that the government had collaborated with civil society and imams on projects targeting children victims of trafficking.

Dissemination and training

The Committee congratulated the State Party for its awareness raising activities and asked if specific information on the dissemination of the CRC was available. The delegation explained that awareness raising campaigns had improved the access to the CRC and that the State report had been disseminated nationwide. It added that it was the role of the Children's Parliament, as well as NGOs, to raise awareness about the CRC.

Ombudsman

The Committee asked about the mandate of the Ombudsman. The delegation stated that the mandate of the Ombudsman was to facilitate the relationship of the population with its national administration.

Budget

The Committee was concerned by the insufficient funds made available for the implementation of the CRC and underlined a problem in the allocation of resources, which tended to only reach urban areas. The Committee also asked about corruption and the need for budgetary control. The delegation stated that the Ministry of Social Affairs, Humanitarian Action and Solidarity had increased the funds by 75 per cent.

Definition of the Child

The Committee asked about the definition of a child. The delegation defined the child as any human being under 18.

General Principles

Non – discrimination

The Committee expressed concerns in relation to discrimination based on ethnicity and gender. It lacked information on the impact of the plans mentioned in the State report. The Committee emphasised the need to overcome gender stereotypes in families. The delegation answered that grants had been provided to families to prevent girls dropping-out. It further explained that, since there was no disposition to protect indigenous populations in the Constitution, the government had decided to adopt a law protecting indigenous people. The delegation also mentioned communication plans which had been launched to encourage the acceptance of indigenous cultures.

Best interests of the child

The Committee asked how the best interest of the child had been implemented. The delegation answered that it always considered the best interest of the child as a priority.

Birth registration

The Committee asked about the results from the implementation of the strategic plan on birth registration from 2008 to 2013. It noted that 6.536 children had been registered thanks to the governmental campaign but regretted that these campaigns had been carried out only in certain areas. Taking into account the difficulty for families in remote areas to reach administrative centres, the Committee asked about the possibility for mobile units of registration. It also questioned the fairness of late registration fees.

The delegation explained that birth registration had been neglected by parents and that there was a requirement to raise awareness about its necessity. It added that registration was free and that the fees for registration delays had been waived. The delegation made it clear that the State was not responsible to bring the children to the registration office and that birth certificates had been distributed. The delegation described its effort since 2005 to hand out 40.000 certificates for children who belatedly registered, which included 7000 indigenous children. It further exposed that declarations of birth were given at the delivery centres and should be handed to the civil registrar officer. The delegation concluded that it did not consider mobile units to be a solution and opted rather for a system based on the chief of the village bringing the registration to the civil registrar officers.

Respect for the views of the child

The Committee understood that the Children's Parliament had not been put into place. It also asked if judges were required to take into consideration the opinion of the child. The delegation answered that the justice system was being reformed and that efforts had been made to ensure the presence of a judge for minors in every region.

Right to life, survival and development

The Committee asked about the measures taken by the State Party to prevent children from having to leave their families due to extreme poverty. The delegation acknowledged that the rate of malnutrition for infants till 5 remained at 6 per cent. It presented its project to create a food safety net. The delegation also detailed its planned social protection system which had been put on trial since 2012 and had already taken charge of 4.000 families. It further explained that in most cases these families had been led by the mother and that the system was based on an electronic currency of the value of 20.000 CFA francs which could enable the purchase of goods in sponsored shops. It added that the programme had been launched in the peripheral areas of Brazzaville and Pointe Noire, where poverty was rife. As a final explanation, the delegation said that from June 2014, the programme was to be extended to the rest of the country concerning initially 20.000 families.

Civil Rights and Freedoms

Corporal punishment and child abuse

The Committee asked about the implementation of the law prohibiting corporal punishment. It noted that despite its prohibition it was still a wide spread practice and thus wondered how the law was being implemented. The Committee further asked if there were trainings offered on corporal punishment and could the particularly high figures be explained. It also queried if there was any plan to create help lines and facilitate the reporting of violations.

The Committee asked if any inquiry into the allegations of torture had been carried out and if perpetrators had been sanctioned. The delegation responded that between 2005 and 2010, 40 perpetrators had been judged with some receiving sentences of 30 years of imprisonment and forced labour for cases of rapes of children under 12. The delegation stated that torture was severely sanctioned for children under 12 and that Article 64 of the law number 4-2010 of 14 July 2010 on the protection of children forbade torture.

Access to appropriate information

The Committee asked about the access to information of children and the lack of data on this subject. Further questions were put forward by the Committee about the access of inappropriate content by children. The delegation responded that internet access was very limited in the country and that it was up to the parents to control the content viewed by children. It mentioned that the media had been warning parents about the potential dangers.

The Committee highlighted that it expected the State Party to be more active and educate children and parents on inappropriate contents. The delegation explained that it had envisaged putting in place a programme of labelling of child friendly internet cafes.

Family Environment and Alternative Care

Adoption

The Committee asked if there was a plan of action for adoption and how informal adoptions in extended families, which are considered as trafficking of children, were being dealt with. The delegation explained that official adoption was not a common practice for native Congolese and that it did suspect that informal adoptions had occurred. It added that the signing of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and its upcoming promulgation would now enable the State Party to deal with this informal adoption as well as regulate the general system of adoption. The delegation presented the plan to have one central authority for adoption. It also recognised the need to favour domestic adoption before choosing international adoption. The delegation affirmed that it was judges who decided over the placement of children and that all informalities would soon be regularised thanks to the Hague Convention.

Institutions and family-based care

The Committee stated its recommendation for family-based care rather than the institutionalisation for children. The delegation explained that the State had three orphanages, which were either nurseries or day care centres, but that the majority of children were in private institutions run by religious orders or private individuals. The delegation acknowledged that in private institutions there had been the presence of children who were not orphans but who came from destitute families. It described its new legislation which would enable to have a State control over these privately run institutions. It added that according to the new legislation, new institutions could only be opened upon State authorisation, while the existing ones were obliged to ensure that their status was in compliance with the State standards. The delegation informed the Committee that some institutions lacking the appropriate facilities and professional staff had already been closed. It further explained that aid had not been given regularly to private institutions but that once they were in compliance they could receive financial and training support.

The Committee asked if there had been plans to institutionalise a family-based alternative care system instead of institutionalisation. The delegation answered that there was no formal foster care system and that such provisions only existed for children victim of trafficking.

Basic Health and Welfare

Children with disabilities

The Committee asked the delegation what had been achieved since 2011 as far as children with disabilities were concerned. The delegation answered that it provided free operations for children with locomotion disabilities. It added that with the collaboration of the State Party, 150 children were to be operated free of charge by a Dutch NGO. The delegation explained that there had been work on a new plan for disabled children. It acknowledged that not all health services were free and that efforts still had to be done. As far as albino children were concerned, the delegation said that appropriate garments and creams were provided as well as a campaign of awareness raising to prevent discrimination.

Health services

The Committee asked what type of specific training had been institutionalised for health workers. The delegation explained that basic training for health workers had been organised and that, for example, cooperation with Cuba had enabled to send 500 medicine students to study there. It added that paramedical schools for nurses and midwives had been established. The delegation also presented a collaboration strategy with the EU and France to train midwives. It further stated that community agents for remote areas had been recruited. The delegation said that for children until 15 the treatment for malaria, which is the most common disease, was free.

Breastfeeding

The delegation explained that the breastfeeding rate was at 90 per cent for the first six months. Following that it acknowledged that the rate was falling, reaching 36 per cent after six months. The delegation described a study on breastfeeding which enabled the State Party to understand better the situation and launch communications strategies in order to change the habits of mothers.

HIV and AIDS

The Committee asked which investment had been made for AIDS and what had been achieved by the campaign of distribution of condoms. It further asked how the State Party sought the support from the UN. The delegation answered that medical coverage for AIDS was free of charge and that psychosocial help was provided. It added that the World Bank had implemented a project for orphans from AIDS which provided them schooling and leisure activities. The delegation added that 210.000 orphans of which 90.000 from AIDS had thus been reached.

Harmful practices

The Committee asked what had been undertaken as far as Female Genital Mutilation (FGM) was concerned. The delegation answered that most Congolese did not practice FGM and that such practices were linked to foreign communities which were generally Muslim. It underlined that FGM was still marginal and that, with the collaboration of the Ministry of women, awareness raising campaigns were launched in Brazzaville and Pointe Noire since 70 per cent of the population lived in urban centres.

Education, Leisure and Cultural Activities

Education

The Committee asked more detailed information on the education system. The delegation responded that revenues from the extraction industry had been used to build new schools,

libraries and health centres. The Committee commended the setting up of libraries throughout the country and asked if any surveys had been done on the users of these libraries. The delegation also presented a campaign that had been undertaken to hand out free books in primary schools to 50 per cent of the pupils.

The delegation said that the budget for children had been increasing every year and that 2013 and 2014 had been the years of education while 2012 was the year of health. The delegation added that school fees had been removed, as well as for State exams. Cafeterias had been opened in school, which had led to a higher rate of enrolment. In cases of child labourers, the delegation said that money had been provided to their families in order to encourage the return to school of those children.

School attendance

The Committee asked about the school attendance of girls. The delegation responded that grants to encourage children to join schools had been made available. It added that the government had particularly concentrated its efforts in preventing girls drop-out.

Children with disabilities

The Committee asked the delegation what had been achieved since 2011 in relation to children with disabilities and if progress had been made in remote areas. It expressed concern about the low rate of school enrolment (1 per cent of children with disabilities). The delegation answered that guidelines had been developed after the seminary on inclusive education that was held in Brazzaville in 2011. It explained that children with disabilities should be enrolled and that structures had been developed in cities, though nothing had been created in the countryside. It added that special primary and secondary schools had been instituted with the help of religious orders and that the State Party had also worked to integrate children with disabilities in ordinary schools. The delegation further explained that special training programmes for the teachers and special facilities for children with disabilities had been set up in ordinary schools, including universities where blind students were able to follow courses. The delegation added that an effort was being made to give materials, such as wheelchairs, in remote areas as well as helping the access to schools, with the construction of access ramps.

Provision for minorities in schools

The Committee asked what had been undertaken for indigenous children. The delegation said that a revised plan to improve the lives of indigenous populations had been adopted in 2013. It explained that indigenous children had been targeted by a national education strategy since 2007 and that three NGOs, with the help of the forestry industry, had built schools in the forest. The government also provided them with pedagogical assistance.

Special Protection Measures

Extractive industries

The Committee expressed concern about the impact of extractive industries operating in the country and asked if the concerned indigenous populations were consulted. The delegation explained that these industries had the obligation to repair and limit the damage caused by their activities. It highlighted the special need to protect the environment of the indigenous populations, as it defined their cultural identity.

Child labour

The Committee asked what was being done to prevent child labour. The delegation explained that in most cases children were working with their parents. A study had enabled the

government to identify possible solutions. As a matter of example, the delegation stated that the government had mechanised the work of 120 stone-collector mothers in order to prevent them asking help to their children.

Child abduction

The Committee welcomed the collaboration with Benin on child trafficking and asked more detailed information on child abduction. The delegation responded that victims of trafficking underwent age identification processes undertaken by NGOs and enforcement services, and were placed in foster care, as well as provided with rehabilitation. The aim was to ensure that victims returned to their local communities. Thanks to these measures, 40 per cent of trafficked children had returned to school. 19 per cent had been repatriated, 11 per cent had been reintegrated into their communities and 29 per cent were pending. It acknowledged that in private care institutions there were children without papers and that facilitate cases of trafficking. The delegation stated that the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography had been ratified on the 12 March 2012.

Juvenile justice

The Committee asked what the State Party had been doing in developing alternatives to detention of juveniles. The delegation responded that there was a judge for children and a specific child brigade in every State department. It underlined that efforts had been made to harmonise the juvenile justice system within different regions. The delegation explained that the penal system still dated from 1932 and a reform was underway. Currently, the juvenile judges resolved cases on a case-by-case basis. It said that a centre to help reinserting detained children through education. It added that a vast programme of modernisation of prisons had been launched in line with international standards. The delegation explained that this would ensure the separation of children and women from other inmates.

Refugees and asylum-seeking children

The Committee commended the State Party for accepting numerous refugees. It asked about children seeking asylum and the slowness of the procedures to deal with their applications. The delegation responded that it was the United Nations High Commissioner for Refugees (UNHCR) who assisted the government in helping children seeking asylum and that the slow process concerned the applications submitted by parents and not the ones from children. It explained that the UNHCR had been dealing with cases of resettlement in cooperation with the State Party. However, difficulties had been encountered in cooperating with other governments. The delegation also explained that most of the demands for resettlement came from economic migrants who had not been victims of violence. It added that the National Commission for Refugee Assistance dealt with all the demands for regularisation.

The delegation underlined that refugee children could go to schools and that for the children from the Democratic Republic of Congo (DRC) it had been ensured that they remained in their education system through the incorporation of teachers from DRC. It added that a total of 125.000 refugees from DRC, mainly women and children, had settled and the new-borns had received birth certificates. The delegation underlined that access to health was ensured and that the International Committee of the Red Cross (ICRC) was in charge of reuniting non accompanied children with their families.

Child soldiers

The Committee asked if there was any system to identify child soldiers and ensure their rehabilitation. The delegation answered that it was not aware of any cases of child soldiers and that the ICRC had not identified any. The delegation explained that programmes had

been put in place to deal with Congolese child soldiers who had been enrolled during the ten years of civil war. Efforts had been made to rehabilitate them with training and education, as well as to children who were marginalised but not enrolled as combatants. The delegation reminded the Committee that a High Commission for ex-combatants existed.

Concluding Remarks

Mr. Kotrane and Ms. Khazova recognised the significant progress that had taken place since 2006 and underlined how the legal progress had led to the ratification of many international conventions. They also welcomed the numerous strategies and action plans but emphasised the need for these measures to be implemented, coordinated and monitored. They highlighted that more needed to be done in relation to adoption and birth registrations, as well as alternative care.

The delegation thanked the Committee for the constructive dialogue. It stated that the Concluding Observations would be considered as guidelines and shared with other Ministers. It concluded that the main focus would be on reducing poverty through the non-contributory social protection system.