

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

COMMITTEE ON THE RIGHTS OF THE CHILD 43RD SESSION REPUBLIC OF CONGO, INITIAL REPORT

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Information submitted to the Committee

The Republic of Congo was to submit their initial report¹ on the implementation of the *Covenant on the Rights of the Child* to the Committee on the Rights of the Child (the Committee) in 1999. However, the report was submitted seven years late, on 12 February 2006. The Committee followed the initial assessment of the state report with a list of issues in June 2006,² to which the Republic of Congo submitted a set of written replies in advance of its appearance before the Committee.³

The report acknowledged some of the major challenges that the Republic of Congo faces with regards to the implementation of the Covenant. However, the report also emphasizes that the Congo has undergone a period of armed conflict from 1993-2000, and now that there is greater peace and stability in the country, the implementation of the Convention should be more effective.

There were no alternative reports submitted to the Committee by non-governmental organizations (NGOs).

¹ CRC/C/COG/1, 20 February 2006. The State report, list of issues, written responses, summary records of the session and concluding observations are available at: <http://www.ohchr.org/english/bodies/crc/crcs43.htm>.

² CRC/C/COG/Q/1, 14 June 2006.

³ CRC/C/COG/Q/1/Add.1, 14 August 2006.

Themes and issues

Due to visa problems, only one member of the delegation travelling from Congo was able to attend the session. The delegation consisted of three members in total and was led by Her Excellency Ms Emillienne Raoul, Minister of Social Affairs and Solidarity of Humanitarian Action and the Family.⁴ Apologies were made for late submission of the report but the delegation asked for understanding for the delay with consideration to the conflict and institutional instability in Congo between 1990 and 2000.⁵ However, the delegation cited the adoption of a new constitution in 2002 as a marker for a new route to development in Congo and highlighted the ratification of the Optional Protocols to the Convention on the Rights of the Child as a positive step in this progression.⁶

General measures of implementation

The Committee said that it was difficult to gauge the **status of the Convention** in the Republic of Congo;⁷ it pinpointed that despite the approval of three laws on the rights of the child in February 2003 there seemed to be no progress in the implementation of these laws. In their concluding observations the Committee recommended that the State party improve its legislation so that it complies with the Convention, and specifically that they adopt a Child Protection Code that incorporates the rights set out in the Convention. In addition, the Committee called for the State to strengthen the mandate of the National Human Rights Commission and the Office of the Mediator of the Republic (the Ombudsman).⁸ The Committee also recommended that the Commission could be improved by providing child-sensitive personnel to deal with complaints and to disseminate information on the work of the Commission.

The Committee raised questions regarding who held responsibility for the implementation of **child protection measures** in the Republic of Congo. The delegation described the family unit as being traditionally responsible, but that measures were being taken to implement greater integration of State institutions, particularly the Ministry of Social Affairs. In its concluding observations,⁹ the Committee suggested that the State should create a permanent and effective mechanism that is equipped with adequate human and financial resources. In the opening of the session the delegation stressed that the new Minister had made social welfare a priority for 2006. The Committee recommended in its concluding observations that the State should allocate more funds and increase the efforts to strengthen the services of the Ministry of Social Welfare at the local level to provide assistance to families.

It was highlighted by the Committee that there was no monitoring structure to study the implementation of the Convention. They specifically questioned how the **Strategic Programme and the Framework of Operations 2004-2008**, set up with UNICEF, would be monitored. In their concluding observations the Committee directed the State to consider the outcome document of the Special Session of the General Assembly of the United Nations, 'A World Fit for Children'¹⁰. They also recommended that the government

⁴ The list of delegates that were scheduled to attend the session are available at <http://www.ohchr.org/english/bodies/crc/docs/list/43repdecongo.pdf>.

⁵ The opening speech from the delegate from the Republic in Congo is available (in French only) at <http://www.ohchr.org/english/bodies/crc/docs/statements/43repdecongo.pdf>

⁶ Unofficial press releases from all of the Committee's meetings (Republic of Congo report only available In French) can be found on the UNOG website at http://www.unog.ch/unog/website/news_media.nsf.

⁷ This report was written with reference to the Children's Rights Information Network (CRIN) report 'State Party Examination of the Republic of Congo's Initial Report on the Convention on the Rights of the Child', which is available on the CRIN website: www.crin.org.

⁸ The Committee further referred them to the General Comment No 2 on the role of human rights institutions. CRC/GC/2002/2, 15 November 2002: [http://www.unhcr.ch/tbs/doc.nsf/\(symbol\)/CRC.GC.2002.2.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/CRC.GC.2002.2.En?OpenDocument).

⁹ CRC/C/COG/CU/1, 29 September 2006: http://www.ohchr.org/english/bodies/crc/docs/co/CRC_C_COG_CO_1.pdf.

¹⁰ A/RES/S-27/2, 11 October 2002: http://www.unicef.org/specialsession/docs_new/documents/A-RES-S27-2E.pdf.

provide appropriate budget allocations, deadlines and follow-up mechanisms to ensure implementation and success of the programme.

The Committee questioned the anomalies between the relatively high Gross National Product (GNP) in the Republic of Congo and **investment into civil society**. Some members asked directly about the revenue from the Congolese oil reserves, suggesting that multinational companies funnelled funds.¹¹ The delegation tentatively replied by stating that an anti-corruption commission was being set up. In their concluding observations the Committee asked for greater efforts to prevent and eliminate corruption in all sectors of society and recommended that the State increase public expenditure on education, in particular primary education.

Definition of the child

The Committee asked for clarification on the minimum age for employment, compulsory education, marriage and sexual relations. The delegation did not expand further than to assure that children were considered a child by the State up until 18 years. In its concluding observations the Committee reiterated that all children in the republic of Congo should be allowed to enjoy the rights enshrined in the Convention up until the age of 18 years.

School facilities and education

With reports that only a minority of children exceeded Grade 10 (16 years of age), the Committee repeatedly expressed concern and asked for clarification over the state of education in the Republic of Congo. The Committee took the view that there was an overall problem of **discrimination** in schools and that education was not guaranteed for orphans, refugees, and indigenous children. In addition there were no attempts to improve this situation through inclusion of human rights and tolerance in the school curriculum. The delegation did concede in its response that most indigenous children did not go to school, and that this fact was regrettable.

The Committee also encouraged greater commitment to equal access to education for **girls and disabled children**. The delegation accepted that there was a problem with girls dropping out of school in adolescence, and that this has gotten worse in recent years. With regards to disabled children, the delegation said that the government had scheduled a census to establish the numbers of disabled persons in Congo and was preparing an action plan for the schooling of disabled children. In their concluding observations, the Committee called for an overall improvement in school facilities, particularly in rural areas, and recommended that the State make the school environment more accessible for children with disabilities. Furthermore, they called for efforts to increase the number of well-trained, especially female, teachers.¹²

Child soldiers

The delegation described how their 'Young Persons at Risk Program', supported by the International Labour Organisation and the World Bank, sought to reintegrate ex-child soldiers into society and education. They also described a further project for psychological rehabilitation of ex-child soldiers that had been put in place by UNICEF. In response the Committee stated that greater efforts should be made to set up appropriate programs and institutions to help in the physical and psychological recovery of child soldiers and their reintegration into regular education, and that particular attention should be given to girls in these processes.

¹¹ Congo falls 130th in the corruption review index - *Transparent International*.

¹² The Committee further recommended reference to General Comment No. 1 on the aims of education: CRC/GC/2001/1, 17 April 2001: [http://www.unhcr.ch/tbs/doc.nsf/\(symbol\)/CRC.GC.2001.1.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/CRC.GC.2001.1.En?OpenDocument) as well as the recommendations of the general discussion day on the rights of children with disabilities, 1997: <http://www.unhcr.ch/html/menu2/6/crc/doc/days/disabled.pdf>.

Health of children

Female Genital Mutilation (FGM) was strongly debated and the delegation denied outright that it existed in the Republic of Congo. The Committee requested that the State accept that the practise of FGM still takes place in some communities in the Republic of Congo and that measures should be adopted to investigate and address the issue. The Committee also expressed concern over the failure of the Congo to meet its targets for the construction of more **healthcare centres**. The delegation responded that NGOs had been contracted to build more, particularly in highly populated areas.

The delegation insisted that vaccination was free in the Republic of Congo, as well as highlighting the State's work in prevention of malaria with the aid of the Global Malaria Fund.

In their concluding observations the Committee suggested a review of the healthcare system in order to ensure that it is free to all children. They also urged the Government to focus on **maternal mortality** and recommended implementing a national law on marketing breast milk substitutes and that they should promote breast-feeding for at least six months after birth of a child.

Juvenile justice

The Committee was pleased with reports that plans were underway to create a **child protection court** in the Republic of Congo. The Chair of the Committee, Mr J.E. Doek, suggested special training for judicial staff to work with children and suggested that the Committee could assist in providing such training. The delegation admitted that Congo did not provide specialised detention centres for child offenders. The delegation also stated that they would try to address the situation concerning the length of detention before trial. With regards to children living with imprisoned mothers, the delegation informed the Committee that it was evident from recent visits that children were not kept with their mothers in prison. In their concluding observations the Committee insisted that the State should improve conditions in places of detention of persons below 18, and establish an independent system to monitor such facilities.

Indigenous children

The Committee welcomed that the Republic of Congo had ratified the *Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169)*. However members later questioned when the Congo intended to ensure the protection of indigenous children through the incorporation of the Convention's obligations into state law.¹³ The delegation responded that there was a deep-rooted separation between the Bantu and indigenous peoples but stated that integration between the groups was slowly taking place. In their concluding observations the Committee recommended that the State adopt a Plan of Action for Indigenous People.¹⁴

Child abuse and neglect

The Committee asked questions about parental authority and the role of the family in Congolese society. It was pointed out that there was also a high number of rapes and violence reported in the family sphere.¹⁵ In their concluding observations the Committee called for a comprehensive policy, in coordination with NGOs for the prevention and recovery of victims of child abuse. They also suggested implementing public education campaigns, adopting a Plan of Action and providing a 24-hour three-digit toll free help line.

Heads of households and adoption

¹³ Use of the term 'indigenous people' rather than 'pygmy' throughout the report was also praised by the Committee.

¹⁴ The Committee further referred them to the recommendations from the general discussion day on indigenous children, 1 October 2003: <http://www.ohchr.org/english/bodies/crc/docs/discussion/indigenouschildren.pdf>.

¹⁵ The statistics provided by the State show that 20% of rapes and 80% of cases of violence to children are committed by family members in the Republic of Congo.

One Committee member, Ms. Ortiz, asked for an update on the UNICEF program that was providing support for child-headed households. This is a prevalent occurrence in Congo due to the loss of parents to HIV/AIDS. She was informed that this was a pilot project (20 children) and there were plans to expand it in the future. In their concluding observations the Committee urged that economic and psychological support should be given to children who are the heads of a household.

It was also recommended by the Committee that Congo ratify of the 1993 Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Inter-Country Adoption.¹⁶ The delegation asked the experts for advice on how to monitor and manage those who own orphanages and run international adoption schemes. In its concluding observations the Committee suggested that the State establish a national policy and guidelines governing adoption, as well as conducting an assessment of the practice of 'informal' adoption, involving all stakeholders. In its concluding observations, the Committee proposed an extension of support for foster families so that they can educate the children they have taken on. In addition, the Committee recommended that the delegation improve standards of orphanages, taking note of small family-like units as a model. These should house well-trained staff and provide a reliable child sensitive complaints mechanism.

Other issues

Other issues that were raised by the Committee but were not addressed by the delegation included birth registration, street children¹⁷, access to information, corporal punishment, the rights of immigrants and migrants and the increasing occurrence of incest. **The insufficiency in data collection was a recurrent theme throughout the session** and particular deficiencies and unreliability in data were highlighted for figures on trafficking and sale of children, street children, child offenders, school attendance, child-headed households and sexual violence inflicted on girls and women. In its concluding observations, the Committee emphasised the importance of setting up a birth-registration system that would promote awareness of the importance of birth registration, ensure birth registration is free of charge, create mobile birth registration units and make specific efforts to register unregistered children, such as indigenous and refugee children.

Concluding observations and next steps

In its comprehensive concluding observations (26 pages) the Committee repeatedly suggested that the State should seek assistance from UNICEF to help with monitoring and implementation for the protection of the rights of the child in the Republic of Congo. They called for greater dissemination of the Covenant, particularly in rural areas, and that the State should pass the law to include the Parliament of the Congolese Child into the parliamentary process. In addition they recommended collaboration with the High Council on Freedom of Communication to work for the promotion of children's access to education. In this context the Committee specifically called for the monitoring of video-clubs and an increased need for establishing libraries and mobile libraries for rural areas. The Committee also called for the prohibition of corporal punishment to be made a priority.¹⁸ On concerns over trafficking and sexual exploitation of children in the Republic of Congo, the Committee recommended a number of measures and called for the Republic of Congo to ratify the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children.¹⁹

¹⁶ 19 May 1993. http://www.hcch.net/index_en.php?act=conventions.pdf&cid=69.

¹⁷ The delegation did point out the importance of NGOs in Congo that work with street children and described a study of 1600 street children that was carried out in 2002.

¹⁸ The Committee further recommended reference to General Comment No 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment: CRC/GC/2006/8, 21 August 2006: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.GC.8.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.GC.8.En?OpenDocument).

¹⁹ Refer to the UN Office on Drugs and Crime: http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf.

The Committee finally called upon Congo to submit a consolidated second, third and fourth report, by 12 November 2010 (the due date of the fourth report).

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The *Treaty Body Monitor* forms part of the Human Rights Monitor Series produced by ISHR. It reports on each country reviewed by the seven treaty bodies and provides an overview of every treaty body session. It is currently an online publication that can be found at <http://www.ishr.ch/hrm/TMBs>.

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