



Convention on the Rights of the Child

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Committee on the Rights of the Child Sixty-fifth session

Summary record of the 1848th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 14 January 2014, at 10 a.m.

Chairperson: Ms. Sandberg

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (continued)

Combined second to fourth periodic reports of the Congo (continued)
(CRC/C/COG/2-4; CRC/C/COG/Q/2-4; CRC/C/COG/Q/2-4/Add.1)

1. *At the invitation of the Chairperson, the delegation of the Congo took places at the Committee table.*
2. **Ms. Raoul** (Congo) said that senior health staff, including technicians and doctors, were trained at the Faculty of Health Sciences, and that, under a cooperation agreement with Cuba, 500 baccalaureate holders had recently been sent to that country to pursue medical studies, after which they would return fully qualified to the Congo. Midwives and nurses were trained at paramedical schools. An in-service training scheme for midwives had been set up in partnership with the French Development Agency and the European Union.
3. Children living with HIV/AIDS had free access to health care and received the same psychosocial care as other vulnerable children. Incentives were offered to families that took in orphans.
4. The rate of exclusive breast-feeding was above 90 per cent at birth but fell to 36 per cent at six months. The rate of chronic malnutrition for children under 5 had remained stable at 6 per cent between 2005 and 2011. In order to improve health-care access for remote populations, health centres had been built within the framework of development programmes jointly financed by the Government and the World Bank. In villages, community health centre workers administered first aid.
5. Children deprived of a family environment were placed in specialized facilities. In addition to day-care centres, crèches and public nurseries, there were two private facilities in Brazzaville and one at Pointe-Noire. There were also orphanages — generally run by religious organizations or private individuals — which took in not only orphans but also abandoned children or children entrusted to their care by families who were unable to provide for their needs. Two texts had been adopted for the administration of such orphanages, namely a decree regulating their establishment and an order setting out technical standards and operating procedures. The State had not introduced a system for placing orphans in foster families, except in cases of trafficking.
6. The Government was currently drafting a social protection policy, under which assistance would be provided to very poor families with children under 11 years old, who, due to the deprivation faced by their parents, were vulnerable to disease and at risk of dropping out of school. Such families, which were often headed by women, already received a monthly allowance of 30 euros paid by electronic transfer as part of the Food Safety Net Programme, which enabled them to buy essential goods from state-approved shops. The programme, which currently focused on larger towns, would be extended from June 2014 to 20,000 households of at least five persons living in other regions.
7. **Ms. Khazova** (Country Rapporteur) asked whether existing care facilities were regularly monitored and whether there were any complaint mechanisms available that allowed for the reporting of possible ill-treatment occurring in orphanages.
8. **Ms. Raoul** (Congo) said that private orphanages were not currently subject to supervision but that in accordance with the aforementioned laws their managers would be required to declare their appointments, which would allow their activities to be monitored in future. Those who were up to standard would be issued a licence and would receive financial or material assistance and training. Orphanages which did not meet the required standards, particularly in relation to sanitation or hygiene, would be closed down.

9. **Ms. Herczog** asked whether orphanages were financed by the Government, non-governmental organizations (NGOs) or foreign donors.
10. **Ms. Raoul** (Congo) said that NGOs did not have the means required to finance orphanages and that it was often the Rotary Club or the Lions Club which provided financial support. The Office of the United Nations High Commissioner for Refugees (UNHCR) was working with the Government to improve the situation of refugee children from the Democratic Republic of the Congo, especially by enabling them to continue their schooling. Those children who were born in the Congo while their parents were in exile received a birth certificate and were allowed access to health care. The Congolese Government could not be held responsible for the slowness of procedures undertaken by refugees on its territory to obtain asylum in a third country. It had established a National Committee for Assistance to Refugees, which was responsible for assisting UNHCR to process administrative formalities with foreign State authorities.
11. **Mr. Madi** asked whether the State party had established a border control procedure to identify children who might have been involved in armed conflict in their country of origin.
12. **Ms. Raoul** (Congo) said that the International Committee of the Red Cross had never brought that matter to the attention of the Government, which suggested that there were no children in the Congo who had taken part in hostilities.
13. **The Chairperson** welcomed the numerous efforts made by the State party to accommodate the approximately 125,000 refugees in the country and said that she found it difficult to imagine that there was not one child soldier among them. She requested further information on the sexual violence to which small girls were subjected to in refugee camps.
14. **Mr. Kotrane** (Country Rapporteur) asked whether the Congo had an act regulating refugee status and a comprehensive plan in that respect.
15. **Ms. Raoul** (Congo) said that the children from the Democratic Republic of the Congo who had sought refuge in the Congo had fled the unrest that had resulted from the use of lakes and land in the province bordering Équateur but that there had been no child soldiers in the province at that time.
16. Child victims of sexual violence in the camps were cared for as part of a United Nations Children's Fund (UNICEF) programme and could talk about their anxieties in group therapy sessions. In order to identify children who were suffering from trauma, a team of specialists organized games and art workshops.
17. **Ms. Wijemanne** asked whether the State party had an oversight or complaints mechanism which could address the concerns of individuals who suspected that an adopted child had been forced to enlist in the armed forces or an armed group.
18. **Mr. Mezmur**, noting that the reporting rate for sexual violence committed in refugee camps was very low, and that, when cases concerning such acts had been brought before the courts, the proceedings had been very lengthy, asked whether the State party authorities had taken steps to improve the efficiency of the courts and ensure that the perpetrators of sexual violence were held accountable for their actions.
19. **Ms. Raoul** (Congo) said that the low reporting rate was largely due to cultural factors. Awareness-raising activities had been carried out to encourage victims to lodge complaints and training courses had been organized for police officers and magistrates so that the perpetrators of such violence could be brought to justice and punished.
20. Child soldiers who had participated in the conflicts that had taken place between 1993 and 2003 had been offered resettlement and support within the framework of the National Disarmament, Demobilization and Reintegration Programme.

21. **The Chairperson**, noting that children who lived in refugee camps were exposed to trafficking, asked which mechanism or body the parents of children who had disappeared from a refugee camp could contact to report the disappearance and how the State party handled such issues.
22. **Ms. Raoul** (Congo) said no cases of missing children had so far been recorded in a refugee camp. The staff members that provided assistance to families in the camps knew the composition of each family, including the number of children and their ages, and would notice any disappearances.
23. The bill authorizing the accession of the Congo to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption had been adopted in December 2013 and would be enacted very shortly. A preliminary bill on adoption in the Congo was also being drafted.
24. The Congo had adopted a procedural manual for the care of child trafficking victims. The procedures provided, on the one hand, for the identification of victims and their placement in a temporary foster family and, on the other hand, for the pursuit of a strategy aimed at the sustainable reintegration of such children, which could be local or take the form of repatriation.
25. A preliminary bill on human trafficking had been prepared in 2013 with the support of the United Nations Office on Drugs and Crime (UNODC), while the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime had been ratified by the Congo on 12 March 2012.
26. **Ms. Khazova** (Country Rapporteur) asked whether there was any administrative or judicial procedure allowing a child to be removed from a family in which he or she was having difficulties or was at risk.
27. **Mr. Kotrane** (Country Rapporteur) asked what the State party had done to prevent informal adoptions, which, pursuant to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, were comparable to the sale of children or trafficking.
28. **Ms. Raoul** (Congo) said that many children from Benin, but also, to a lesser extent, Mali, Senegal and the Democratic Republic of the Congo, had been sent to the Congo by their families to live with more affluent families. Such children worked by trading on the streets during the day. A project designed to send them back to school and return them to their families had been implemented in recent years with the assistance of UNICEF, particularly in Pointe-Noire, where a large section of the Beninese community lived.
29. Formal adoption did not exist in Congo. Most children who were adopted were taken in by the nationals of western countries. The central authority which would come into being once the Hague Convention had entered into force in the Congo would regulate intercountry adoption.
30. **Mr. Kotrane** (Country Rapporteur) said that, according to the information before the Committee, there were cases of trafficking of indigenous children in the Congo. He requested further information on that matter.
31. **Ms. Khazova** (Country Rapporteur) asked whether, once the Hague Convention had entered into force in the Congo, it would be possible to increase adoption within the country so that adoption abroad was considered only in cases where the child could not be placed with a family in the Congo, in accordance with the provisions of the Convention on the Rights of the Child.

32. **Mr. Gastaud** asked whether any Congolese children illegally displaced abroad had been repatriated to the Congo. Noting that there was an agreement between the Congo and Benin on the repatriation of children to Benin, he asked whether such agreements had been signed with other countries.

33. **Ms. Raoul** (Congo) said that Benin was currently the only country with which such an agreement had been concluded, but an agreement on child trafficking would soon be signed with the Democratic Republic of the Congo.

34. The Congolese authorities planned to encourage domestic adoption. A child could be adopted by a foreign family only if no solution was found domestically. Once the Hague Convention had entered into force, the resulting central authority would monitor all adoption cases and the adoption process as a whole.

35. A child could be placed in a family by the public authorities only by court order. In private institutions, however, children could be left by their family without any further formalities. In the future, with the entry into force of the respective legislation, a placement order would be required for the placement of a child in any type of institution.

The meeting was suspended at 11.30 a.m. and resumed at 11.50 a.m.

36. **Ms. Raoul** (Congo) said that no research had yet been carried out into the trafficking of indigenous children. A study which would be conducted shortly within the framework of social protection would take into consideration all vulnerable groups, including indigenous peoples.

37. Since 2010, the Congo had several tools at its disposal which it could use to manage the assistance provided to street children, including a guide on prevention, support and reintegration measures for street children.

38. **The Chairperson** asked whether the measures implemented were effective, whether the children concerned went back to school and whether the number of street children was decreasing.

39. **Ms. Raoul** (Congo) confirmed that the number of street children was decreasing. Such children were generally not orphans, and the aim of social workers was to reunite them with their families. The crafts they learned in their care institutions allowed them to gain their parents' respect once they were back with their families.

40. **Mr. Gastaud** asked whether the authorities had noticed any children returning to the streets after failing to adapt to life in an institution or foster care.

41. **Ms. Winter** asked how foreign children, for example from Benin or Mali, living or working on the streets were cared for.

42. **Ms. Raoul** (Congo) said that Beninese children were placed with families and were not street children. They worked on the streets but in the evenings they went back to their foster families.

43. **Ms. Winter** said that, according to the definition of UNICEF, children working on the streets counted as street children. Their foster families put them to work and did not send them to school. She wished to know what measures had been envisaged to help such children.

44. **Ms. Raoul** (Congo) said that the Congolese authorities drew a distinction between children who permanently lived on the streets and those who worked on the streets during the day but went back to their family in the evenings.

45. The national strategy of 2007 concerning the education of indigenous peoples had notably provided for the establishment of ORA (Observe, Reflect, Act) schools, which

prepared indigenous children for integration into primary school. The revised national action plan to improve the living conditions of indigenous peoples for 2014–2017 would be implemented under the Act on the promotion and protection of the rights of the indigenous populations; an awareness-raising plan to publicize the provisions of the Act had been adopted in 2013.

46. **Ms. Winter** requested further details of the awareness-raising plan.

47. **Mr. Gastaud** asked whether indigenous children were taught according to their culture.

48. **Ms. Raoul** (Congo) said that schooling should facilitate contact between Bantu children and indigenous children and that an action plan involving several ministries, non-governmental organizations (NGOs) and the National Network of Indigenous Peoples of the Congo (RENAPAC) had been established to preserve indigenous culture.

49. Children with disabilities were educated in mainstream schools. Teachers were trained to deal with such children, who were generally helped in the classroom by a teaching assistant. Schools had also been adapted to allow access to all students.

50. Malaria treatment was free for children under up to the age of 15 years.

51. Several measures had been taken to combat discrimination against albino children. In 2013, a play featuring albino children was broadcast on television on the Day of the African Child. In order to better protect albino children from the sun, the authorities issued them with long-sleeved tops, sun glasses, hats and sun cream.

52. Enrolment in public schools, exam registration and primary school textbooks were henceforth free of charge. School canteens had also been opened. Such measures had resulted in higher rates of school attendance and enrolment for state exams.

53. **The Chairperson** asked how many primary school pupils had a textbook.

54. **Ms. Raoul** (Congo) said that half of primary school pupils had a textbook; the Government's aim was for all pupils to have their own textbook within the next few years.

55. The judicial system was governed by the provisions adopted in 1981, as amended by the Act of 20 August 1992 on the organization of the judiciary, and subsequently the Act of 15 August 1999, of which she read out the first article. The Ombudsman was an independent authority in charge of facilitating and humanizing interactions between the administration and the public.

56. **Ms. N'Dessabeka** (Congo) said that the authorities had increased the intake capacity of detention centres in order to alleviate prison overcrowding and to avoid minors being detained with adults. Minors placed in detention had access to teaching and could therefore sit the exams for primary and secondary school certificates and the national diploma (BEPC or brevet d'études du premier cycle).

57. **Mr. Cardona Llorens** wished to know the age of criminal responsibility and whether the current Criminal Code also applied to children.

58. **Ms. Winter** asked whether a child under 14 years could be tried by an adult court for very serious offences.

59. **Ms. N'Dessabeka** (Congo) said that the Criminal Code, which was currently under review, gave no fixed age for criminal responsibility.

60. **Ms. Raoul** (Congo) said that female circumcision was practised mainly among foreign, predominantly Muslim, communities from West Africa. A communication plan had been drawn up in cooperation with the Ministry for Women to combat such practices.

61. **Mr. Kotrane** (Country Rapporteur) thanked the delegation for allowing the Committee to assess the effects of the reforms undertaken by the Congo. Much remained to be done and the Committee would make several recommendations so that the Congo could continue to implement children's rights.

62. **Ms. Khazova** (Country Rapporteur) welcomed the open and constructive dialogue between the Committee and the delegation and expressed the hope that the concluding observations would help the authorities to focus their efforts on the most pressing issues.

63. **Ms. Raoul** (Congo) said that the concluding observations would serve as guidelines for the work of all departments concerned with children's rights.

The meeting rose at 1 p.m.