



**Meeting of the States Parties  
to the Convention on the  
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-third session

SUMMARY RECORD OF THE 1177th MEETING (Chamber A)

Held at the Palais Wilson, Geneva,  
on Tuesday, 19 September 2006, at 10 a.m.

Chairperson: Mr. DOEK

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*The meeting was called to order at 10 a.m.*

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4)  
(continued)

Initial report of the Republic of the Congo [(CRC/C/COG/1); list of issues (CRC/C/COG/Q/1; written replies by the State party to the list of issues (CRC/C/COG/Q/1/Add.1)]

1. *At the invitation of the Chairperson, the delegation of the Republic of the Congo took seats at the Committee table.*

2. Ms. RAOUL (Republic of the Congo) said that, with the adoption of a new Constitution in 2002, the Republic of the Congo had reverted to constitutional legality and that human rights were now the focus of the authorities. The courts and tribunals laid down and enforced the law. The National Assembly and the Senate were functioning normally and the opposition participated actively in their work. Children had a forum for free expression and participation in the national debate - the Children's Parliament of the Congo. At its second session, the young deputies had considered the question of ill-treatment; their conclusions had guided the action of the Ministry of Social Affairs, in particular with the celebration of the Day of the African Child in 2006.

3. With the implementation in 2002 of the "New Hope" development programme, it had gradually been possible to meet the challenges relating to children's survival and development. Schools and social and health facilities destroyed during the conflict were gradually being rebuilt. The accelerated municipalization strategy, launched in 2004, had provided a real stimulus. The situation of children had improved considerably, but much remained to be done and the Government intended to redouble its efforts in order to be equal to its task.

4. The Republic of the Congo was in the midst of negotiations with the international financial institutions in connection with the drafting of a poverty reduction strategy paper. Thanks to important measures designed to improve governance and achieve fiscal consolidation, the Congo had just reached decision point under the Heavily Indebted Poor Countries (HIPC) Initiative. The Government was committed to developing programmes mainly benefiting children, particularly as regards access to basic social services and social protection. The complexity of the problems of children required dynamic action on the part of several entities under the auspices of the Ministry for the Protection of Children.

5. Since the submission of the initial report, in August 2005, progress had been made with the drafting of a code for the protection of children and the promulgation of laws authorizing ratification of the African Charter on the Rights and Welfare of the Child and accession to the two Optional Protocols to the Convention on the Rights of the Child. In July 2006, the Republic of the Congo had participated in the ministerial meeting of the Economic Community of Central African States (ECCAS) and the Economic Community of West African States (ECOWAS) on trafficking in persons, particularly women and children.

6. The Republic of the Congo was determined to promote and protect the rights of the child and gradual alignment of national legislation with the provisions of the Convention remained a national priority.

7. Mr. KRAPPMANN recalled that the Republic of the Congo should have submitted its initial report in 1995 but had not done so until August 2005, at the end of a long period of very severe crises. The Committee was relieved that the State Party had at last entered a more stable phase of development and hoped that children would be the first to benefit.

8. The Committee welcomed the creation of the Department of Legal Protection of Children and of the Inter-ministerial Committee to Monitor Implementation of the Convention, the drafting of a child protection code and the ratification of ILO Conventions Nos. 105, 138 and 182. However, there was no doubt that most children continued to live in very bad conditions in the State party, as it recognized in the report with commendable frankness.

9. There were two opposing conceptions of the child in the State party: a traditional conception that the child was a miniature human being, bringing honour to parents, family and clan, but also an immature human who was not consulted on everyday issues; and a modern conception linked to contemporary law in general and to the Convention in particular. That opposition made it complicated to deal with issues such as gender equality, the role of the school, child labour, the age of criminal responsibility, the participation of the child and the age of marriage. The principle that the child was a right holder should be embodied in all laws and institutions.

10. The delegation should explain how the right of children freely to express their opinions was guaranteed and protected in the Republic of the Congo, in particular in judicial and administrative proceedings. He welcomed the existence of a Children's Parliament but urged the State party also to create student councils in every school and to give children the opportunity to express their views in all institutions. In general, details about the extent of participation of children in society would be welcome.

11. It appeared from the report that several ministries and committees were concerned with the protection and promotion of the rights of children, under the auspices of the Ministry of Social Affairs, but it would be useful to have details on cooperation between those various bodies and arrangements for the adoption, enforcement and monitoring of decisions. The delegation could also indicate which body was responsible for implementation of the Framework Plan of Operations 2004-2008, which covered several areas (including recognition of the rights of children and women, promotion of education, poverty alleviation and HIV/AIDS prevention), what budget resources were allocated for its implementation, what was the schedule of operations, who would evaluate the outcomes and whether there had been a mid-term evaluation.

12. It would also be useful to know whether a child or a child's representative could appeal directly to the Mediator of the Republic, whether that office had a special department dealing with children's complaints and whether the National Human Rights Commission, which conducted investigations at the request of individuals, could do so at the request of a child.

13. Although it was a highly indebted poor country, the Republic of the Congo had sizeable oil reserves and high economic growth of 8 per cent. However, it had a poor international ranking as far as corruption was concerned. Since corruption was an impediment to development, the State party should make every effort to combat misappropriation of public funds and to make the best use of its oil wealth to meet the health, education and social welfare needs of children.

14. Ms. OUEDRAOGO urged the State party to ratify all The Hague conventions, as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. She was pleased that legislation on the promotion and protection of the rights of indigenous peoples was being drafted, while regretting that the text paid scant attention to indigenous children.

15. Although the law established the principle of equality of all citizens, there was some divergence between principle and reality, as the State party acknowledged in its report. It would therefore be interesting to know what measures had been taken or envisaged by the Republic of the Congo to combat de facto discrimination against street children, indigenous children, abandoned children, refugee children, children with AIDS and girls in general.

16. The Committee should also be told what the State party was doing to guarantee the right to life, survival and development, since poverty was jeopardizing the survival of a large number of children. Information would also be welcome on measures taken to protect children against accidents in the home and traffic accidents. The delegation should also report on what was being done to ensure reinsertion of child soldiers.

17. It would be interesting to know what measures were envisaged to ensure that birth registration would in future be systematic, and free of charge as provided by law, and to what extent those initiatives also covered indigenous peoples.

18. Since censorship was prohibited and there was free access to information in the State party, she wondered how the High Council on Freedom of Communication protected children from inappropriate information or images, in particular in video libraries, cybercafés and cinemas. It was regrettable that the Convention was not more widely publicized, although the media were highly developed, and that there were hardly any libraries because the ones destroyed during the conflict had not yet been rebuilt.

19. Noting that corporal punishment was forbidden in schools but was still common in the family, she asked what was being done to promote non-violent forms of discipline and whether there were any complaint procedures such as the National Human Rights Commission or hot line.

20. Mr. SIDDIQUI asked whether the Republic of the Congo intended to enlist international support to improve the compilation and management of data concerning children. In its report, the State party indicated that an intersectoral unit performed that task, without specifying what ministry it reported to or how it functioned. For example, it would be interesting to know whether that unit planned to issue an annual report on the situation of children. The information given in the written replies did not show trends in the budgets allocated to children, particularly in the areas of health, education, food and assistance to children in difficulty.

21. Ms. ANDERSON requested information about girls' school enrolment and about Government action in favour of women and children, particularly regarding measures to prevent physical and sexual violence.

22. She would also like to know how the Government and NGOs worked together in preparing the report and promoting the rights of the child.

23. Ms. ORTIZ asked whether young indigenous people had been involved in the drafting of the law on the promotion and protection of the rights of indigenous peoples, when Parliament would take action on that text, whether there was a strategy for putting into practice the constitutional principle of non-discrimination against indigenous peoples and for promoting mutual knowledge between indigenous inhabitants and the rest of the population, particularly children. She also wondered whether there were programmes to promote the economic and cultural development of the indigenous peoples and whether they had access to complaint procedures in the event of violation of their rights.

24. Mr. KOTRANE asked what was the status of the draft child protection code and whether the Republic of the Congo, where migration was frequent, intended to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

25. He noted that there was no minimum age for marriage and for employment. There was also no information about the duration of compulsory schooling. In addition, a judge could decide to consider minor offenders as adults if he considered that "mitigating circumstances on account of their immaturity" did not exist.

26. The delegation should also explain who coordinated the initiatives on behalf of children, since there was no national organ responsible for the rights of the child, and whether the Republic of the Congo planned to adopt a national plan of action, as recommended in the document entitled "A world fit for children" adopted at the special session of the General Assembly on children. Article 32 of the Constitution contained a commendable definition of the principle of non-discrimination against children born out of wedlock.

27. Ms. LEE asked for information about the bodies dealing with human rights, and particularly their independence and their terms of reference, as well as on the manner in which the State party's initial report had been disseminated.

*The meeting was suspended at 11.05 a.m. and resumed at 11.25 a.m.*

28. Ms. RAOUL (Republic of the Congo) said that, since 2002, the Ministry of Social Affairs, Humanitarian Action and Family dealt with questions concerning children, which had previously not been within the purview of any particular agency.

29. Mr. NIAMA (Republic of the Congo) explained that article 318 of the Family Code defined anyone who had not reached the age of 18 as a minor, but that society also had its own definition of a child. In the Congo, any person not yet able to look after himself or herself was considered to be a child. Emancipation often commenced with marriage. A person who married at the age of 16 thus assumed the responsibilities of an adult.

30. Mr. KOTRANE asked whether a child who was emancipated, for example by marriage, ceased to enjoy the rights guaranteed by the Convention on the Rights of the Child.

31. Mr. NIAMA (Republic of the Congo) explained that the two concepts of the child coexisted without being contradictory. A young person who married was emancipated only socially. From the legal viewpoint, that person was still a minor and, even if the law did not expressly so require, the courts took that fact into account in practice.

32. Ms. RAOUL (Republic of the Congo) emphasized that the indigenous peoples lived separately from the Bantu, with their own particular culture and way of life. They had been the subject of many studies, which had not yet resulted in the formulation of a specific action plan for them. However, since 2002, special attention was given to them in the work of the Ministry of Justice and Human Rights. The Ministry of Social Affairs was also starting to be concerned with them, particularly in the context of efforts to combat HIV/AIDS. Indigenous children were not systematically enrolled in school but there were programmes to improve the situation. Health projects were also under way, for example for treating yaws, a disease prevalent among the indigenous peoples.

33. School attendance was compulsory for girls and boys, but it was true that girls' enrolment declined steadily after the fourth year of primary school. Before the war, the country had had the highest school enrolment rate in Africa - almost 100 per cent - and for entry into primary school the rate had been the same for boys and girls. Studies had shown that parents were mainly responsible: in a situation of growing unemployment, they found it increasingly pointless to send their children to school and that attitude affected girls primarily.

34. Since the war, birth registration was a problem throughout the country, and especially among the indigenous people. Cost was undoubtedly one factor, but parental negligence was also involved. The Government was trying to make families aware of the need to register their children and to encourage the administrative authorities to facilitate the process.

35. Ms. ORTIZ, noting that the Ministry of Justice and Human Rights had still not adopted an action plan to assist indigenous communities, asked what measures could be envisaged to encourage citizens to associate more with the indigenous population and what institution could be entrusted with working on article 2 of the Convention.

36. Mr. KRAPPMANN, noting that according to some sources cruel and degrading treatment was being inflicted on Pygmy children, particularly girls, and that the population seemed to consider such behaviour harmless, asked what measures the Congolese authorities were taking to enforce the law.

37. The CHAIRPERSON asked under which action plan or programme the Government was taking various measures, with UNICEF support, for the construction of schools, purchase of teaching materials, etc.

38. Mr. NIAMA (Republic of the Congo) replied that actions to benefit indigenous populations had been undertaken in the context of the Congo-UNICEF cooperation programme for the period 2004-2008. Since 2003, the Congolese authorities had been particularly concerned about those populations and were working with NGOs. In the north of the country, in the department of Sangha, in the region of Ouessou, the NGO "L'espoir renaît" was participating, with UNICEF support, in school reconstruction, yaws prevention, etc. The decentralized planning workshop on the protection of Pygmies, held in May in Ouessou, had contributed to the Knowledge Attitudes Practices (KAP) survey being conducted with UNICEF support in five departments of the country, with a view to designing a broader programme and making more general recommendations on the subject of protection of Pygmies.

39. In traditional Congolese society, Pygmies were exploited by Bantu. That phenomenon had lessened somewhat but was still resistant to legislation. Field work was needed to eradicate those customs. Documentaries had been made with

UNICEF support to sensitize the population to the question. Marriages had begun to take place between Pygmies and Bantu and, in some villages, children from the two ethnic groups attended the same school. Some Pygmy children attended school up to the elementary level, despite not having birth certificates.

40. Ms. RAOUL (Republic of the Congo) explained that there was as yet no action plan as such for Pygmies, but that they were among the target groups being dealt with by the Ministry of Social Affairs, which was engaged in sensitization and protection work. The Ministry of Justice and Human Rights was responsible for drafting laws concerning indigenous populations. There was no arrangement for exchanges between Bantu and Pygmy children, but it would be possible, for example, to organize summer camps in order to enable Pygmy children and Bantu children from the towns to meet.

41. Ms. ORTIZ emphasized that it was essential to take specific action to make people understand that the law must be respected, and asked when the law on non-discrimination against indigenous populations would be adopted. It would be helpful if the delegation could indicate whether an action plan would be included in the activities of the Ministry of Justice and Human Rights.

42. It would also be interesting to know whether the Congolese authorities were prepared to accept the consequences that would result from a real change and whether the Government had a programme to make people understand the urgent need for behavioural change.

43. Ms. RAOUL (Republic of the Congo) replied that change could come only from action focusing on children, who must be taught not to consider Pygmies as inferior beings. A plan of action for the protection of the indigenous peoples was under consideration in the Ministry of Social Affairs, with UNICEF support; it would concentrate on efforts to combat HIV/AIDS and to increase school enrolment.

44. The law currently being drafted was with the Secretary-General of the Government; it would then go to the Supreme Court, would be sent back to the Government and would then go before the Assembly.

45. Mr. NIAMA (Republic of the Congo) said that the figures given in the written replies for budget allocations devoted to children related only to education and aid to families. Other figures were available and, even if the budgets were not yet adequate, the will to support efforts on behalf of children was there. The Government would try to provide better aggregated data on children and it accepted support that would help it to improve methods in that regard. The poverty reduction strategy paper devoted considerable attention to programmes for children in the sectors of education, health and social protection. Accelerated municipalization, including rehabilitation of schools in the departments of Kouilou, Niari and Likouala, was one example.

46. Ms. RAOUL (Republic of the Congo) said that the Ministry of Social Affairs did need statistics, compiled by location, concerning children in difficulty, in order to determine the reasons for their difficulties and to tackle the cause of the problems.

47. Children did not participate in institutions such as the Mediator and the High Commission for Information and Communication, but they could appeal to the Mediator if they were involved in a dispute with the administration and no solution was found and if the case had not been brought before a court.

48. Ms. OUEDRAOGO asked whether the regulations concerning information and communication took into consideration the best interests of the child in order to protect children from information that could be harmful to them.

49. Ms. RAOUL (Republic of the Congo) said that the situation in that regard was indeed unsatisfactory and that the Government would be studying the question.

50. A survey on the situation regarding adoption and adoption circuits in the country's two major cities had been initiated two or three weeks previously. Adoption existed in the Republic of the Congo, but it rarely went through official channels. There were orphanages, especially since the war, but they were not regulated and there was a shortage of skills and of money. The Government would welcome support in that area.

51. As regards corruption, financial institutions required accounts to be transparent. In that connection, the Republic of the Congo was one of the few countries that posted its oil figures on the Internet.

52. Mr. NIAMA (Republic of the Congo) said that children had played an active role in the conflict in the country during the 1990s and the early 2000s and that the Government had created programmes to assist such children after the war, with the creation of a high commissioner's office for the reintegration of former combatants, working with support from the World Bank and ILO. The children had been disarmed and the work of psychological rehabilitation undertaken with UNICEF support had resulted in the creation of the "Traumatized children" project. That work was continuing with the project "Young people at risk", designed with UNDP support. Many of those young people had started to work in activities such as livestock farming and market gardening.

53. Mr. KRAPPMANN asked whether children could appeal to the National Human Rights Commission and, if so, how often they did so.

54. Ms. LEE noted that in 2005 the transparency index in the Republic of the Congo had not been very good. She wondered about the potential impact of corruption on funds allocated for children.

55. Ms. OUEDRAOGO said that it was too often forgotten that girls were also involved in armed conflicts and asked what was done for their social reinsertion.

56. Ms. RAOUL (Republic of the Congo) replied that a few girls who had been involved in the war, as scouts or as women for combatants, had been looked after through the detraumatization system in the same way as boys. They had been helped to settle down and to develop a professional activity.

57. The President of the Republic had recently announced that an Anti-Corruption Commission would shortly be established to eradicate a scourge which was undermining the country.

58. No child had as yet appealed to the National Human Rights Commission. Instead, children with problems contacted the decentralized district agencies of the Ministry of Social Affairs, which they knew about through television.

59. The CHAIRPERSON asked whether the country had a hot line which children could telephone to make a complaint or voice their concerns. Such an arrangement could help the Government to understand where, in children's opinion, problems existed and thus to decide on effective and targeted action.



60. Mr. KOTRANE asked whether the Child Protection Code would facilitate detection of cases of ill-treatment of children or of violations of their rights, for example by obliging physicians, social workers or educators to report them.
61. Mr. NIAMA (Republic of the Congo) replied that the Republic of the Congo had not yet set up a hot line for questions concerning children and that the offices of the Ministry of Social Affairs were responsible for reporting ill-treatment.
62. He recalled that the African Charter on the Rights and Welfare of the Child, largely based on the Convention, also stressed the duties of children. What made a man was both his rights and his duties. That was why Congolese society was required to guarantee the many rights of children and to guide them by teaching them their duties, which were not numerous and included respecting others' property, being helpful, helping their grand-parents to wash the dishes or doing some work in the fields. The goal was not to make children assume the same duties as young adults but to make them gradually understand that, in exchange for the rights for which the Government was fighting, they had to do certain things.
63. Ms. LEE said that children should nevertheless be treated as children in order to be able fully to exercise their rights and to become responsible adults. She hoped that the Republic of the Congo would espouse that idea.
64. Mr. KRAPPMANN said that he was concerned to note from the report that, according to a study, in 20 per cent of the cases of girls who had been raped the rapist was a member of their own family and that 80 per cent of the children interviewed had been subjected to various forms of violence in their family, although the family was supposed to be the best place for the development of the child. He would like the delegation to explain the reason for that breakdown of the Congolese family system and to say how the country intended to restore the family support system.
65. It would be useful to have information on the results of the National Plan for Vulnerable Children, 2004-2006, which was coming to an end.
66. It seemed that only 10 to 20 per cent of children completed their primary and secondary studies, which would mean that most of them did not have access to vocational training, offered only in secondary schools. It would therefore be helpful to know what happened to children who did not attend school, whether they were given a second chance to study or receive vocational training and whether child soldiers and other children affected by the war could obtain schooling or vocational training.
67. Ms. OUEDRAOGO asked whether police and gendarmes were trained to deal with street children, even if they did not seem to be the best people to take charge of them. It would be desirable to conduct a study on the problem of those so-called "unattached" children, so as better to understand why they left home.
68. The delegation should describe the action taken, the progress made and the difficulties encountered by the Interministerial Technical Committee for Combating Drugs, and provide relevant statistical data.
69. It would be interesting to know what the State party intended to do about the growing number of disappearances of children, which according to the report could be attributable to traffickers from West Africa residing in the Republic of the Congo.

70. Mr. SIDDIQUI, noting the paradoxical coexistence of a high GDP and a high rate of poverty in the Republic of the Congo, wondered whether it was due to the fact that oil revenue, which was not heavily taxed and which accounted for most of GDP, was repatriated by the multinational oil companies, to the inadequacy of the resources allocated to poverty reduction, or to misuse of budgets by an inefficient and corrupt bureaucracy.

71. The delegation should clarify whether the marginalized sectors of the population, including children, had been invited to participate in the drafting of the poverty reduction strategy paper and how the State party intended to implement it in order to ensure that it was effective.

72. Ms. AL-THANI expressed concern about the state of the Congolese health system, despite the many plans put into effect by the Government. Health centres and hospitals were sub-standard, with under-qualified staff and insufficient medicines, drinking water and sanitation, which promoted the spread of infectious diseases. Death rates were alarming and continued to rise, while immunization coverage was low because vaccines were not always provided without charge. No help was given to adolescents in the area of reproductive health and measures to prevent teenage pregnancy and sexually transmitted diseases. Information should also be provided on the mental health situation and on measures to prevent malaria, which was the principal cause of death in the Republic of the Congo.

73. She also asked whether the Government provided free HIV/AIDS screening and counselling for pregnant women and what it was doing to combat the practice of female genital mutilation, which persisted in some communities.

74. Ms. ORTIZ asked whether local reception and counselling structures existed to help children who were victims of incest and whether grandparents, uncles or brothers raising children who were not growing up with their parents received material and psychological assistance.

75. She asked which body was in charge of adoption and what was done to promote the return of children living in orphanages who still had parents.

76. Ms. ANDERSON inquired about the status of activities undertaken under the UNICEF country programme, two years after its commencement, and of the projects launched in the context of the subprogramme for orphans and vulnerable children.

77. It would be useful to know what obstacles were preventing the introduction of a system of social protection for children and vulnerable families in the State party and what could help to overcome them. The delegation should also indicate how many orphans were heads of household and whether there were programmes to help them.

78. Mr. KOTRANE asked what were the goals of education and what was done, in accordance with article 29, to develop in children respect for their parents, for nature and for their responsibilities vis-à-vis society.

79. He asked the delegation to provide more information about sexual exploitation, since girls in the Republic of the Congo prostituted themselves in order to pay for their schooling and examinations.

80. He requested information on the progress made regarding justice for minors and the exact number of children's courts.

*The meeting rose at 1 p.m.*