



# 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 1847th meeting

Held at the Palais Wilson, Geneva, on Monday, 13 January 2014, at 3 p.m.

*Chairperson:* Ms. Sandberg

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*The meeting was called to order at 3.05 p.m.*

### **Consideration of reports of States parties**

*Combined second to fourth periodic reports of the Congo (CRC/C/COG/2-4; CRC/C/COG/Q/2-4 and 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 her Government had sought to provide greater protection against the risk of violence, exploitation and trafficking, including by launching awareness-raising campaigns and by teaching children how to better protect themselves. Social work with families was also being stepped up at the local level. A wide range of measures had been taken in the area of social and family reintegration for children deprived of parental care, victims of violence and abuse, children in orphanages, street children, victims of trafficking and children in conflict with the law. There would also be a gradual increase in allowances for children under 12 years of age with a view to improving their level of nutrition, care and education in accordance with a law adopted in 2012. Increased budget resources had been set aside to build the capacity of social sectors such as health care and education. Efforts were currently under way to establish a national centre to monitor children's welfare in accordance with the relevant legislation on child protection. The centre would help the Government in decision-making at all levels.
3. International cooperation to combat trafficking in persons had been enhanced. For example, the Congo had signed a bilateral agreement and adopted a plan of action with Benin. Central African countries had also launched joint awareness campaigns on trafficking in persons, particularly on trafficking in women and children.
4. Under national law, children were defined as persons under the age of 18 years unless, under a special provision, they attained the age of majority earlier. The minimum age for marriage was 21 years for men and 18 years for women, unless a waiver was granted by a public prosecutor on grounds specified in the Family Code. Forced marriage was prohibited by law. The principle of non-discrimination was enshrined in the Constitution and reinforced in several laws, including those pertaining to the rights of children, persons with disabilities, indigenous peoples and women, as well as in various national action plans and poverty reduction strategies. The principle of the best interests of the child was also embodied in the law, which focused in particular on the family unit. The right of children to voice their opinions and to be heard was protected by the Constitution and was a matter of national concern, as was illustrated by the establishment of a children's parliament following the first national children's forum in 2003. The law safeguarded children's right to life and development and provided for decent living standards, health care and compulsory and free education, as well as participation in sporting, cultural and artistic activities.
5. Universal birth registration was a priority in the Congo. Since 2005, the proportion of children under 5 years of age who had been registered at birth had increased from 81 per cent to 91 per cent. The enrolment of children under 18 years of age in the armed forces was prohibited. Freedom of expression, thought and conscience, freedom of association and assembly and the right to privacy were legally protected. Violations of children's private lives, particularly in cases involving prostitution, pornography and paedophilia, were punishable by law. The law also prohibited corporal punishment. A 2011 demographic health survey had indicated that most disciplinary measures against children were verbal and did not involve physical force. Nevertheless, approximately one in four children had been subjected to harsh corporal punishment and there was still a strong tendency in society to use violence.

6. **Mr. Kotrane** (Country Rapporteur), commending the State party on its strategy to ensure that children enjoyed the right to survival, development, protection and participation, its adoption of a number of relevant national laws and its accession to or ratification of various international instruments, asked whether it intended to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. While the national Constitution stated that the fundamental principles of international treaties to which the Congo was a party were an integral part of the Constitution, the Convention was not directly applicable under national law and domestic courts were not empowered to invoke its provisions directly. Furthermore, while the Committee noted that there had been efforts to harmonize national legislation with the Convention, it was concerned that there had been delays in the enactment of implementing decrees. What was being done to remedy those shortcomings? Moreover, further information was needed on the progress of the bill on modernizing the justice system, which had also stalled.

7. Noting the lack of data on the outcomes of the various plans of action to which the State party had referred and the absence of policies that focused specifically on children, he would like to know what plans were envisioned to develop a comprehensive policy on children. He also noted with concern that the State party had suggested in its report that the Congolese Human Rights Observatory, a non-governmental organization, might serve as a national human rights monitoring mechanism. What steps were being taken to provide the National Human Rights Commission and the Office of the Mediator of the Republic (Ombudsman) with a clear mandate and the necessary resources to enable them to monitor the implementation of the Convention, in accordance with the Paris Principles?

8. While commending the State party on the legislation that had been enacted to uphold the principle of non-discrimination, particularly with respect to indigenous peoples, he noted with concern the continued discrimination against children from ethnic minority backgrounds, children living in remote areas, refugee children and other vulnerable children. What was being done to ensure that the Constitution was amended to prohibit discrimination on any grounds covered by the Convention? Lastly, while national law covered the principle of the best interests of the child, it was not clear what measures had been taken to ensure that those interests were taken into consideration in all legislative, administrative and judicial procedures and, also, in policies, programmes and projects pertaining to children.

9. **Ms. Khazova** (Country Rapporteur) said that while she was pleased to learn about the significant achievements that had been made in connection with the rights of the child, more needed to be done in order to improve the judicial system. In remote areas, in particular, many domestic, family and property issues were still dealt with by traditional courts. She wished to know whether national law prevailed over customary law. Information was needed on the extent to which judges and other court officials were familiar with the provisions of the Convention and the principle of the best interests of the child and, additionally, on whether the State party had endeavoured to raise awareness about them.

10. While there were many laws on the protection of children, the State party had yet to adopt a unifying policy with a view to coordinating efforts and channelling resources more effectively. There was also a need for a national monitoring mechanism to guarantee that the rights of all categories of children were protected. What were the obstacles to setting up such a mechanism? She noted with concern that resources for the protection of children were insufficient and that the lion's share of funds for vulnerable children went to the capital city and did not reach remote areas. The lack of financial resources also hampered efforts to combat widespread corruption in the country. Noting the delegation's numerous references to the United Nations Children's Fund (UNICEF), she emphasized that the State

had primary responsibility for the welfare of children and must treat it as a priority. She noted with concern the continued ethnic discrimination against people living in remote areas and, in particular, the gender discrimination experienced by girls, who continued to suffer from the adverse impact of early marriage, sexual violence, trafficking and other harmful practices such as female genital mutilation. What was the State party doing to overcome gender stereotypes and to combat discrimination more effectively?

11. She would appreciate further information on the outcome of the 2009–2013 strategic birth registration plan mentioned in the report. She noted that fees, travel expenses and the considerable distances required for many to reach birth registration centres were obstacles to achieving universal registration. Furthermore, many people did not grasp the importance and benefits of registering their children. Would the State party consider abolishing birth registration fees? While there had been a significant increase in the number of birth registrations as a result of the Government campaign, she would like to know what had been done to ensure that the birth registration system was sustainable and comprehensive.

12. **Ms. Aldoseri**, noting the importance of cooperation between the State and civil society, asked the delegation to describe the ways in which the State worked with civil society.

13. **Mr. Cardona Llorens**, recalling the Committee's general comment on State obligations regarding the impact of the business sector on children's rights, said that he would like to know what measures the State party had taken to ensure that major companies operating in the Congo, such as Total, upheld the rights of the child. What was being done to protect the environment and to guarantee access to water and health in coastal areas where oil companies were operating and in inland areas where there was a large forestry industry? What was being done to ensure that the best interests of the child were protected from any adverse impacts that those businesses might have?

14. **Mr. Nogueira Neto** asked what steps were being taken to combat sexually transmitted diseases and their impact on maternal and child health and whether the campaign to distribute male and female condoms had reduced the incidence of such diseases, particularly HIV/AIDS, among adolescents. In addition, he asked how the State party was seeking support from NGOs without relinquishing its authority. Moreover, he wished to know how effectively the State party was tackling corruption and whether any businesspeople or public servants had been convicted on corruption charges.

15. **Ms. Wijemanne** said she would like to know whether any data were collected on women and children specifically and, if so, whether data on children were disaggregated by age, sex and place of residence. She invited the delegation to indicate what efforts were being made to improve the apparent shortcomings of the birth registration system. She asked whether information was collected on violence against women and children, whether child victims were able to report such violence and what steps were being taken to criminalize gender-based violence, which also affected children. Lastly, she asked the delegation to indicate what efforts were being made to tackle harmful practices such as early marriage and incest.

16. **Mr. Madi** asked how laws prohibiting corporal punishment were implemented and whether there were programmes for sensitizing teachers and social workers to the issue. According to the information available to the Committee, there were no penalties for inflicting corporal punishment.

17. **Ms. Oviedo Fierro**, noting that the Internet could be used to violate children's rights, requested information about measures restricting children's access to potentially harmful films and videos and to the Internet. In view of the value of school libraries as a source of information for children, she asked whether all schools had libraries. Lastly, she asked the delegation to provide detailed statistics on violence against children.

18. **Ms. Aldoseri** said that she would like to have further information on the dissemination of the Convention in the State party, in particular among schoolchildren.

19. **Mr. Kotrane**, noting that the Committee had expressed concern in its concluding observations on the State party's initial report (CRC/C/COG/CO/1) about the treatment of children in detention, requested updated information about that issue, including information about the prosecution of persons who mistreated such children and measures to help victims.

*The meeting was suspended at 4.05 p.m. and resumed at 4.35 p.m.*

20. **Ms. Raoul** (Congo) said that birth registration was free and compulsory. Since 2005, the Government had conducted awareness-raising campaigns to encourage parents with unregistered children to register their birth. As a result, more than 40,000 such children had received birth certificates and the births of 7,000 indigenous children had been registered. Compliance by parents with the birth registration procedure was improving.

21. **Mr. Kotrane** asked whether the State party had considered establishing mobile units to register births in remote areas and whether penalties for late registration had been abolished.

22. **Ms. Raoul** (Congo) said that late registration penalties had been lifted. While mobile units had not been set up, a better alternative might be for village chiefs to register births informally and to convey those records periodically to the nearest civil registry office, where the necessary formalities could be completed.

23. **Ms. N'Dessabeka** (Congo), describing efforts to protect detained children, in particular from torture, said that law enforcement officials found guilty of torture were severely punished. The torture of children was prohibited under article 64 of Act No. 4-2010 on the protection of children.

24. Efforts had been made to improve detention conditions for children. For example, some renovated and newly built prisons would have separate wings for women and children.

25. **Mr. Kotrane** asked whether any government officials or members of the police or military had been prosecuted and convicted since 2006 for torturing children.

26. **Ms. Raoul** (Congo) said that her delegation would provide a reply to that question subsequently.

27. **Mr. Tomby** (Congo) said that an interministerial committee was responsible for overseeing follow-up to the national social action plan.

28. **Ms. Raoul** (Congo) said that coordination of programmes to protect children's rights had improved.

29. **Ms. Khazova** asked whether the delegation considered the interministerial committee to be more effective than a system with separate bodies for different areas of activity.

30. **Ms. Raoul** (Congo) said that the current system worked reasonably well and that the various programmes were subject to periodic assessment.

31. **Mr. Tomby** (Congo) said that civil society was involved in the creation and implementation of various programmes for children and cited the example of a platform that brought together government bodies and other stakeholders working with vulnerable children. Moreover, the Government coordinated its efforts with those of civil society groups aimed at combating trafficking of children.

32. **Ms. Raoul** (Congo), in response to questions about data collection, acknowledged that it often received insufficient attention. The national social action information system would include a section dedicated to children.
33. **Mr. Cardona Llorens** asked what financial and human resources were allocated to the information system.
34. **Ms. Raoul** (Congo) said that under the 2014 budget, 145 million CFA francs had been allocated to the information system and that technical advice was provided by the University of Aix-Marseille in France.
35. **Ms. N'Dessabeka** (Congo) said that between 2005 and 2010, a total of 40 perpetrators of sexual violence against children under the age of 12 years had been tried and convicted. The most severe sentences had included a term of 30 years' imprisonment with forced labour and a fine of more than 11 million CFA francs.
36. **Ms. Wijemanne** asked whether a demographic health survey had been carried out in the Congo.
37. **Ms. Raoul** (Congo) said that such a survey had been carried out in 2007.
38. **Mr. Tomby** (Congo) said, in connection with the dissemination of the Convention, that schoolteachers, NGOs and the children's parliament had all participated in efforts to distribute information about children's rights under the Convention and that his country's initial report had been made available nationwide.
39. **Ms. Raoul** (Congo), in response to questions about the impact of petroleum production activities on children's well-being, said that oil companies had been asked to boost their environmental protection efforts. They now took steps to mitigate the adverse impact of their activities on communities and to support health care and education at the local level. Similarly, forestry companies had been asked to safeguard the environment and to build roads and schools. The Government was responsible for continuing to encourage multinational companies to maintain and intensify such efforts.
40. While boys and girls had equal access to schooling, the dropout rate for girls was higher. The Government used measures such as targeted scholarships to encourage girls to stay in school.
41. **Mr. Cardona Llorens** asked what steps the State party took to ensure that multinational companies protected the environment and the rights of children and indigenous peoples affected by their activities. How were children's rights protected in the contracts that were concluded with such companies?
42. **Ms. Raoul** (Congo) said that the human rights obligations of multinational corporations were stipulated in the contracts that they signed with the Government. Each year, the Government made a special commitment to promote a particular social service and allocated budgetary resources accordingly. In 2012, additional budgetary resources had been provided for health care and in 2013 and 2014 emphasis would be placed on education, with plans to build more schools throughout the country. The Government, with the help of international partners, had also been implementing a food security programme since 2012 under which families with two or more children under 11 years of age who did not attend school were given a food security allowance in exchange for ensuring that their children went to school.
43. **The Chairperson** said that, if she had understood correctly, the Government held multinational corporations accountable for protecting human rights by attaching conditions when it granted licenses to operate in the country.

44. **Ms. Raoul** (Congo) confirmed that to be the case. While the Constitution did not contain any specific provisions on the rights of indigenous peoples, a number of programmes benefitting them had been implemented on the basis of a law adopted in 2011 relating to their protection.
45. Parents were responsible for protecting their own children from the dangers of the Internet. Although she was not aware of any programmes to educate parents about the dangers involved, the media did report on such issues. In any case, Internet access was not widespread in her country.
46. **The Chairperson** said that the Committee expected the Government to be more proactive in that respect and to take measures to teach children how to protect themselves.
47. **Ms. Raoul** (Congo) said she agreed that such efforts should be made, particularly with regard to cybercafés, as that was where most children accessed the Internet. Perhaps cybercafés that accepted children as clients could be required to block websites and programmes that posed a danger to them.
48. Efforts to spread awareness of the Convention among judges and civil servants were ongoing, and the members of the children's parliament made great contributions to those efforts.
49. **Mr. Tomby** (Congo) said that the proposal to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure was currently being considered by the Ministry of Justice and Human Rights.
50. **Ms. Winter** asked whether it was true that customary law prevailed over national law in courts of first instance.
51. **Ms. N'Dessabeka** (Congo) said that the dual system had been abolished in 1981 and that courts at all levels applied the laws adopted by parliament.
52. **Mr. Cardona Llorens**, supported by **Ms. Khazova**, observed that, while the dual system had been abolished by law, it might still operate in practice. He asked whether cases continued to be brought before customary courts and, if so, how they were dealt with.
53. **Ms. Raoul** (Congo) said that her delegation would answer that question at the following meeting.
54. **Ms. Khazova** asked whether the State party would consider repealing the provision of the Family Code establishing the father as the head of household and replacing it with a provision establishing parental equality. She asked whether there were any State-run orphanages or children's institutions in the country and requested statistical data on the number of children living in institutions. Did the Government monitor such institutions, if any, in order to prevent abuses? She encouraged the Government to address the root causes of child trafficking and the sale and sexual abuse of children. Did the Government plan to take any measures in that connection that would target economically disadvantaged families or those living in border areas?
55. **Mr. Kotrane** said that he wished to know the status of the State party's efforts to ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, as the Committee had recommended in 2006. To what extent was the State party implementing a comprehensive national policy on adoption, including informal adoptions? In addition, he expressed concern about delays in proceedings involving child refugees and about the sexual violence inflicted on them. What was the Government doing to expedite the adoption of the bill on refugees and to ensure that it was based on the principles set out in the Convention?

56. Child labour, including some of its worst forms, remained widespread in the State party. Therefore, he would like to know what measures were being taken to develop a comprehensive action plan to eliminate the worst forms of child labour. While recognizing the Government's efforts to separate children from adults in detention centres, he asked whether it was also considering alternatives to detention for children. He requested information about Government efforts to train judges and all other court officials who came into contact with children, with a view to ensuring that staff knew how to provide children with appropriate treatment and facilitate their social reintegration.

57. **Ms. Herczog** noted that many children's institutions operated by NGOs and charities were poorly funded, resulting in low-quality care and in abuse and neglect. She asked how the Government was dealing with that issue and whether it was promoting family-based alternatives to institutionalization.

58. **Mr. Cardona Llorens** asked to what extent the Government was taking measures to provide inclusive education for children with disabilities and to ensure their access to health care in both urban and rural areas. He asked what training was provided for special education teachers and, also, for mainstream teachers on educating children with disabilities. He invited the delegation to provide information about any awareness-raising campaigns conducted to discourage harmful practices, such as female genital mutilation and early marriage, as well as discriminatory practices against albino children. He asked whether there were any plans to develop a system through which children could lodge complaints or request information, either by means of a helpline or the Internet. Lastly, he asked whether the judicial system made any provisions for children whose parents were serving lengthy prison sentences.

59. **Ms. Wijemanne** asked what measures the Government was taking to reduce the high infant and maternal mortality rates and to prevent childhood illnesses, including among population groups that did not have access to health care. She requested information on any programmes to promote breastfeeding and to control and monitor the distribution of infant formula. She asked whether malaria treatment and insecticide-treated bed nets were made available to children free of charge. Lastly, she asked what programmes were in place for children living with HIV/AIDS.

60. **Mr. Gastaud** requested further information on the awareness-raising campaign conducted to encourage dropouts to return to school and on the results that had been achieved. He asked whether children in detention centres received an education in order to facilitate their social reintegration upon their release. He also wished to know what measures were being taken or considered to deal with street children in urban areas, noting that such children were vulnerable to many forms of abuse.

61. **Ms. Aldoseri** requested statistical data, disaggregated by age, ethnicity, sex and disability, on the users of the libraries that had recently been opened. She asked whether the Government had a strategy in place to create public recreation areas, including playgrounds.

62. **Ms. Winter** asked how many women in detention had their children with them and how old those children were. She wished to know how the State party had dealt with the Congolese and foreign child soldiers who had fought in armed conflicts in the Congo. Lastly, she asked what regulations were in place in the juvenile justice system to ensure that children were completely separated from adults at all stages of proceedings, detention and rehabilitation.

63. **The Chairperson** asked what specific measures were being taken to address the low rates of birth registration among indigenous children and to improve their situation in general.

64. **Ms. Oviedo Fierro** asked how many abandoned children were living in the State party.

65. **The Chairperson** asked whether the State party had ratified the Palermo Protocol and, if not, whether it intended to do so.

*The meeting rose at 6 p.m.*