



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Ninety-fifth session

15 January–2 February 2024

### Consideration of reports of States parties

## Replies of the Congo to the list of issues in relation to its combined fifth and sixth periodic reports\*

[Date received: 25 October 2023]

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\* The present document is being issued without formal editing.



## Part I

### **Reply to the issues raised in paragraph 2 (a) of the list of issues (CRC/C/COG/Q/5-6)**

1. The harmonization of national legislation with the Convention can already be seen in the provisions of Act No. 4-2010 of 14 June 2010, the Child Protection Act, particularly with respect to the principles relating to the best interests of the child, non-discrimination, the survival and development of the child and the consideration of the views of the child (arts. 3, 5, 13 and 30).
2. These principles are also reflected in articles 39 and 40 of the Constitution of 25 October 2015.
3. With the exception of Act No. 10-2022 of 20 April 2022, the Prisons Code, the revised draft codes are awaiting review by the Council of Ministers prior to their introduction in Parliament.

### **Reply to the issues raised in paragraph 2 (b) of the list of issues**

4. A draft decree on the establishment, organization and functioning of a national child protection coordinating committee for the Congo is currently in the approval process.
5. Efforts to coordinate protection of children's rights have been put into practice through a pilot project to roll out the national child protection system in the Lékoumou department and in Moungali, the fourth borough of Brazzaville, and the signing of:
  - Order No. 053/MIDDL/DL/P/CAB of 27 June 2017 on the establishment, powers and organization of a departmental child protection coordinating committee in Lékoumou
  - Memorandum No. 041/DB/CB/MM/CAB of 24 January 2019 setting out the structure for a borough-level child protection coordinating committee in Moungali borough in Brazzaville

### **Reply to the issues raised in paragraph 2 (c) of the list of issues**

6. Decree No. 2023-25 of 23 January 2023 on the establishment, organization, composition and functioning of the Congolese children's parliament provides the legal basis for that parliament. The parliament serves as a forum for democratic expression, a venue for civic education and a channel for children to participate in decision-making processes on issues concerning them (art. 4). It is open to all Congolese children between 8 and 17 years of age, regardless of their race, sex, ethnicity, social origin, religion or opinions and regardless of whether or not they have a disability (art. 5). Its mission is to promote children's rights and disseminate information about those rights, enable children to express themselves and outline solutions to problems concerning them, expose children to the rules and basic principles of democracy and spread civic and moral values (art. 8).
7. As newly composed following elections that took place at general meetings held from 26 May to 5 June 2023, the parliament had 328 elected junior members, 55 of whom had national seats.
8. The process to introduce departmental and municipal parliaments began on 25 September 2023.
9. The Congolese children's parliament is expected to hold its inaugural session by the end of 2023.

## Reply to the issues raised in paragraph 2 (d) of the list of issues

10. In application of the recommendations of the Conference of African Ministers responsible for Civil Registration, including those made in Lusaka in 2019, civil registration services have, since 2020, been expanded to all public and private health facilities under Order No. 14888/MID/MSPFID of 13 November 2020, jointly issued by the ministers responsible for the interior and for health, on the establishment, powers and organization of ancillary civil registration centres in health facilities. To that end, assistant civil registration officials will soon be assigned to the public health facilities.

11. Additional steps taken have involved:

- Decree No. 2019-199 of 12 July 2019 on special measures for granting civil status documents to Indigenous Peoples
- Decree No. 2021-169 of 29 April 2021 on the establishment, powers, organization and functioning of the national civil registration coordinating committee
- Decree No. 2022-308 of 13 June 2022 on the national policy to reform and modernize civil registration in the Congo (2022–2026)
- The implementation of the “Mokanda ya mbotama”, or “Birth certificate”, project

12. To prevent cases of statelessness, a census focusing on civil status has been carried out in the Congo every year since 2018, in all the main civil registration centres, in order to ascertain the number of children and adults born in the country who do not have birth certificates.

13. A draft bill has been introduced to put in place a special procedure for reporting and registering births. The Supreme Court has already issued a favourable opinion on the draft, which is now in the approval process.

14. In addition, the Congo has been working to set up a national digital identity system since 2021, with support from the African Development Bank. The feasibility studies and impact assessments were all completed in 2021. Information on the matter has been provided to the main stakeholders working in the country on issues relating to identity and identification.

15. Other measures have also been taken, including:

- The regular provision of registers and other supplies to civil registration centres, with support from the Office of the United Nations High Commissioner for Refugees (UNHCR)
- The organization of workshops for the authorities and concerned stakeholders to raise awareness of the fact that, by law, the delivery of original birth certificates, birth registration, requests for judgments for purposes of late birth registration and page initialling and page number notations are free of charge
- The reopening of main and secondary centres and the opening of new ones to overcome barriers related to distance and accessibility
- Removing the condition that costs related to the mother’s stay in the maternity clinic must be paid before the birth certificate can be issued
- The gradual opening of secondary civil registration centres in maternity clinics
- The recruitment and training of a sufficient number of public officials
- The gradual implementation by the Congolese Information Systems Agency of the Comprehensive Civil Status Registration System with a view to making the existing civil registration system more modern, integrated and efficient and allowing for effective civil registration and the collection of high-quality statistics, in line with international rules and standards

### Reply to the issues raised in paragraph 2 (e) of the list of issues

16. The Persons and Family Code is one of the legal codes that are currently being updated.

### Reply to the issues raised in paragraph 3 (a) of the list of issues

17. The National Policy for Social Action and its 2022–2026 action plan incorporate the approach outlined in the Strategic Framework for Strengthening the National Child Protection System in the Republic of the Congo as the frame of reference for child protection work.

18. The pilot project to implement the approach has led to the creation of 33 village and neighbourhood child protection committees in Sibiti, Mayéyé and Komono in the Lékoumou department, and nine neighbourhood child protection committees in Moundali, the fourth borough of Brazzaville.

19. To provide an illustration, the following data were collected during oversight visits to the Lékoumou department from 23 to 29 July 2023:

- Front-line care was provided to 1,584 children, of whom 825 were girls, by the eight neighbourhood committees in the urban municipality of Sibiti and to 246 children, of whom 104 were girls, by nine village committees in the district of Sibiti
- Front-line care was provided to 651 children, of whom 291 were girls, by the six neighbourhood committees of the urban municipality of Komono
- Care was provided to 350 children, of whom 146 were girls, by the four neighbourhood committees in Mayéyé Centre

20. Efforts are under way to strengthen the capacity of the nine neighbourhood child protection committees in Moundali, the fourth borough of Brazzaville.

21. With support from the United Nations Children's Fund (UNICEF), a consultant was hired to evaluate the project and identify best practices that could be leveraged to gradually expand this integrated child protection system to the rest of the country.

22. While the results of the evaluation were awaited, consideration was given to expanding the project in Sibiti in July 2023.

### Reply to the issues raised in paragraph 3 (b) of the list of issues

23. The table below provides an overview of allocations under the budget lines devoted to children and to the social sectors from 2020 to 2022.

<i>Description</i>	<i>Amount</i>	<i>Percentage of budget</i>
Total of both types of budget lines for 2020	1 554 650 000	0.49
Lines devoted to children	350 000 000	0.11
Lines devoted to social sectors	1 204 650 000	0.38
Total of both types of budget lines for 2021	5 874 000 000	1.79
Lines devoted to children	1 300 000 000	0.40
Lines devoted to social sectors	2 287 000 000	0.70
Total of both types of budget lines for 2022	11 426 000 000	3.59
Lines devoted to children	800 000 000	0.25
Lines devoted to social sectors	5 313 000 000	1.67

24. To combat corruption, the Congo has the following institutions:

- A ministry for government oversight, which is responsible for preparing and implementing the national policy on government oversight, improving the quality of public services and combating unethical acts in public administration
- The High Authority to Combat Corruption, which is responsible for preventing and combating corruption, extortion, fraud and similar offences

### **Reply to the issues raised in paragraph 3 (c) of the list of issues**

25. Pursuant to Decree No. 2021-503 of 7 December 2021, the Government set up a high commission for statistics, thereby strengthening the relevant legal framework.

26. The steps taken by the Congo to improve working conditions at the National Statistics Institute, and thereby allow high-quality data to be obtained, include the construction of a building complex for the Institute and the Centre for Applied Statistics and Planning, which was financed by the World Bank Group and provisionally accepted on 30 September 2023, and the approval of an agreement on the Institute's management and staff structure.

27. With a view to establishing a higher education institution that meets international standards in statistics and related fields, the Congo created the National Centre for Training in Statistics, Demography and Planning under Act No. 18-2023 of 27 May 2023 as a replacement for the Centre for Applied Statistics and Planning.

28. On 28 March 2023, the Ministry for Social Affairs, Solidarity and Humanitarian Action signed a letter of intent with Both Ends Believing (BEB), a non-governmental organization of the United States of America, to put in place software for the collection of data on children living outside the family environment in the Congo.

### **Reply to the issues raised in paragraph 3 (d) of the list of issues**

29. Act No. 30-2018 of 7 August 2018 on the powers, organization and functioning of the National Human Rights Commission makes the Commission truly independent. The Commission has a subcommission on equity, gender, vulnerable persons, minorities and Indigenous Peoples, which is responsible for issues such as those relating to children's rights.

### **Reply to the issues raised in paragraph 4 (a) of the list of issues**

30. The National Policy for Social Action and its 2022–2026 action plan include a programme of social services for vulnerable social groups designed to prevent and address the risks of social exclusion, discrimination, abuse, violence and exploitation faced by households and individuals. Through this programme, the 118 social welfare districts spread throughout the country carry out measures focused on prevention, promotion, protection and assistance under their mandates for families, households and individuals.

31. These efforts involve specialized staff members of the social welfare services and staff members working with specific groups, who handle social problems arising in schools as well as those arising in other contexts.

32. In addition, coordinated action by the Government and the UNHCR country office in the Congo has led to very significant improvements in the living conditions of refugees in general and refugee children in particular. These efforts have helped 13,470 refugee children, including 7,105 girls. Other measures taken and practices instituted to assist refugee children include:

- The facilitation of their access to schools, with 4,567, or 62 per cent, of the recorded 7,297 school-age refugee children being enrolled in school, including 2,227 girls
- The construction of school buildings, the equipping of classrooms with desks, the provision of textbooks (11,707 mathematics books) and the distribution of school kits to over 7,000 students

**Reply to the issues raised in paragraph 4 (b) of the list of issues**

33. In the Congo, all decisions handed down in legislative, administrative and judicial proceedings or in connection with policies and programmes relating to children fully reflect the principle of the best interests of the child.

34. The same is true in terms of the respect for the child's views.

35. Bodies such as the children's parliament, the National Human Rights Commission, the General Inspectorate of Social Affairs, Humanitarian Action and Solidarity, the General Inspectorate of Courts and Judicial Services, the General Inspectorate of Health and the General Inspectorate of Preschool, Primary and Secondary Education and Literacy play a role in monitoring and ensuring the full application of the principle of the best interests of the child in all administrative and judicial decisions affecting children's lives.

36. The principle is also taken into account by juvenile judges and staff of the social welfare, health, administrative and judicial services in their day-to-day tasks.

**Reply to the issues raised in paragraph 4 (c) of the list of issues**

37. The national strategy for the protection and empowerment of children in cyberspace is being drafted.

38. Act No. 27-2020 of 5 June 2020, the Anti-Cybercrime Act, is in place, and the Congo has ratified the African Union Convention on Cyber Security and Personal Data Protection (Decree No. 2020-286 of 20 August 2020).

**Reply to the issues raised in paragraph 5 (a) of the list of issues**

39. Act No. 4-2010 of 14 June 2010, the Child Protection Act, outlaws corporal punishment (art. 53) and sets out a punishment of 3 months' to 1 year's imprisonment and a fine of 100,000 CFA francs (art. 124). Corporal punishment is thereby prohibited at home, in school and in all contexts.

40. In connection with the practical implementation of the National Social Action Plan, the social welfare districts, in line with their mandates, carry out awareness-raising and counselling activities with families and in schools to eliminate corporal punishment and promote positive, non-violent child-rearing practices.

41. In addition, a committee is expected to be set up before the end of the year to review and expedite the adoption of implementing regulations for the Child Protection Act.

**Reply to the issues raised in paragraph 5 (b) of the list of issues**

42. The bill on the new criminal code is in the approval process. However, the Congolese legal system – through, specifically, the Criminal Code in effect and the Child Protection Act – protects children against all forms of violence. For example, in 2022, in seven cases, the Brazzaville criminal court, by applying these laws, sentenced persons accused of rape, kidnapping, abduction of a minor and other offences committed against children to between 5 and 30 years' hard labour.

43. An inaugural class of 59 prison staff members underwent two years of initial training, from 2021 to 2022, at the National Civil Service and Judiciary Training School. There are now 53 in training. With respect to the police, 1,000 commissioned officers and 1,500 non-commissioned officers have been trained at the National Police Academy since 2020.

### **Reply to the issues raised in paragraph 5 (c) of the list of issues**

44. The 2022–2026 action plan for the National Policy for Social Action provides for a decree on the establishment of early warning systems and an institution for monitoring children at risk to be drafted in 2024 and to go into effect in 2025.

45. At the initiative of the Réseau des Intervenants sur le Phénomène des Enfants en Rupture (Network of Actors Working for Children Experiencing Situations of Social Disruption and Family Breakdown), the toll-free number 2231 has been in place since 2023 for the reporting of emergencies and of cases of violence against children and child abuse.

### **Reply to the issues raised in paragraph 5 (d) of the list of issues**

46. Cases of sexual abuse, particularly those involving rape or violence against children in vulnerable situations, are examined during criminal proceedings that result in perpetrators' receiving exemplary sentences. Five cases were reported between 2019 and 2022, with four court cases under way in the Likouala, Sangha and Lékoumou departments. One case, involving the abduction of an Indigenous girl, was tried in Lékoumou in 2021. The guilty party, a Bantu man, was sentenced to 3 years' imprisonment.

47. Act No. 19-2022 of 4 May 2022, the Mouebara Act, on combating violence against women, introduced a change with respect to the statute of limitations for offences committed against girls.

48. The relevant period has been doubled from 10 to 20 years. Article 46 (4) of the Act provides that "the statute of limitations for offences committed against girls begins to run when they reach the age of majority. This is to put an end to the practice whereby the families impose an out-of-court settlement while the victim is a minor."

### **Reply to the issues raised in paragraph 6 of the list of issues**

49. A draft bill on adoption in the Congo is currently in the approval process. The draft regulations on the placement of children will remain pending until the bill is adopted.

50. However, a trial programme on foster care has been put in place by the Réseau des Intervenants sur le Phénomène des Enfants en Rupture for the period 2023–2024 in Brazzaville and Pointe-Noire. It will involve 20 foster families.

51. The Congo is currently experimenting with the use of community-based child protection mechanisms designed to involve communities in the protection of children from violations of their rights, as indicated in paragraph 4 (a).

52. In addition, the Government provides outreach services to families and communities through a network of 118 social welfare districts spread throughout the country, with measures focused on prevention, promotion, protection and assistance.

53. The Government is also training social workers at the National Institute of Social Work. Between 2016 and 2021, 173 social workers were trained there, including 90 social service assistants, 45 community social development activity leaders and 38 educational social workers.

54. A draft bill on both national and international adoption is in the approval process.

### **Reply to the issues raised in paragraph 7 (a) of the list of issues**

55. The Action Plan, adopted under Decree No. 2009-171 of 18 June 2009, was designed to promote the full participation, equality and increased autonomy of persons with disabilities. Its implementation has been bolstered by various iterations of social welfare policies. Results have been seen in several areas:

- In terms of participation, article 5 of Decree No. 2023-25 of 23 January 2023 on the establishment, organization, composition and functioning of the Congolese children's

parliament states that the parliament is open to all Congolese children without distinction of any kind, including on the basis of disability

- In terms of employability, between 2021 and 2023, 196 children who were hard of hearing or had intellectual disabilities – 136 boys and 60 girls – were trained at the National Centre for the Vocational Rehabilitation of Persons with Disabilities, which provides vocational training for young people with sensory and motor disabilities
- In terms of specialized health care, the implementation of a project on surgical procedures for Congolese children and infants with birth defects allowed 99 children to receive care free of charge between 2019 and 2023

56. The Congo has adopted a strategy on the inclusion of persons with disabilities. The areas covered by the strategy include the schooling and literacy of children with disabilities.

### **Reply to the issues raised in paragraph 7 (b) of the list of issues**

57. The Congo has set up a system to support the schooling of students with disabilities. Under the system, students with disabilities are provided with adaptive educational equipment (recording devices and tablets), canes, hearing aids, scholarships and help from educational assistants (transcribers).

58. The table below shows the number of children with disabilities enrolled in the formal education system.

<i>Level</i>	<i>Total</i>	<i>Girls</i>
Preschool	46	26
Primary	3 070	805
Lower secondary	1 142	503
Upper secondary	465	216
<b>Total</b>	<b>4 723</b>	<b>1 550</b>

*Source:* Ministry of Preschool, Primary and Secondary Education and Literacy.

### **Reply to the issues raised in paragraph 7 (c) of the list of issues**

59. Relevant points include:

- The shortage and poor distribution of specialized facilities around the country
- Insufficient and poorly trained staff
- Inadequate funding
- A data collection system that is still in its infancy

60. From a legal perspective, children with albinism enjoy the same rights as all other Congolese nationals. From a societal perspective, unlike what is sometimes observed elsewhere, they are not subjected to situations that limit their access to services.

61. Efforts are being made to assist children with albinism, including by combating their social marginalization and exclusion; improving their access to appropriate health-care services, such as eye examinations and screening for precancerous lesions; distributing skin protection kits; promoting their integration into school; and educating the public about albinism, about not discriminating against persons with albinism and about the laws that protect them.



### **Reply to the issues raised in paragraph 7 (d) of the list of issues**

62. The issue of the accessibility of facilities and services to children with disabilities is of national concern. A number of measures have been taken to improve the situation, including:

- Article 15 of Act No. 6-2019 of 5 March 2019, the Urban Planning and Building Code, which provides for the accessibility of public buildings to persons with disabilities in the following terms:

The architectural layout of and improvements to buildings intended for the public must be accessible to persons with reduced mobility, including buildings used for:

- Multifamily housing
- Workers' housing
- Education, including schools and universities
- Health-care provision
- Cultural and religious activities
- Transportation, including bus, rail, river, sea and air terminals
- Sports and recreation, including zoos
- Commerce and marketing, including exhibition centres, markets, supermarkets and hypermarkets

### **Reply to the issues raised in paragraph 8 (a) of the list of issues**

63. The following measures have been taken to increase the provision of health-care services, improve access to those services and further the progress made in implementing national policies and plans:

- The roll-out of 14 health programmes to combat diseases such as cancer, hepatitis and onchocerciasis
- The revitalization of 52 health districts through the appointment of chief medical officers, the introduction of management teams and mechanisms for community participation and the training of community focal points
- The implementation of the “Eboteli”, “Kobikissa” and Disease Surveillance Systems Enhancement projects
- The opening of two general hospitals in Djiri, Brazzaville, and Patra, Pointe-Noire
- The development of a new national health development plan for the period 2023–2026
- The development of a new national strategy for reproductive, maternal, newborn, child and adolescent health and nutrition for the period 2022–2026
- The development of a national policy on school and university health
- The updating of the national reproductive health standards in 2021
- The acquisition of equipment for the treatment of haemoglobinopathies for the national reference centre for sickle cell anaemia

### **Reply to the issues raised in paragraph 8 (b) of the list of issues**

64. The coronavirus disease (COVID-19) pandemic had a negative impact on routine vaccinations. This impact manifested in:

- Shortages of the bacille Calmette-Guérin, measles-rubella, tetanus, three-dose pentavalent and other vaccines in seven departments, in 24 out of the 52 health districts, in 2020

- A resurgence in poliomyelitis, measles and yellow fever outbreaks

65. Faced with this public health emergency, the Government responded by organizing mass immunization campaigns at the local and national levels in 2021, 2022 and 2023.

### **Reply to the issues raised in paragraph 8 (c) of the list of issues**

66. In 2022, the Congo organized a national distribution campaign for long-acting insecticide-treated mosquito nets, which benefited 3,325,355 people.

67. In addition to stepping up vaccination efforts in health districts with low levels of immunization coverage, the Congo held six national immunization campaigns in 2021, 2022 and 2023, including campaigns against measles and rubella in 2021 and against poliomyelitis in 2022 and 2023.

68. To minimize the vulnerability of mothers and children to COVID-19, the Congo has been implementing a supplementary nutrition project for the past 3 years in the three departments most at risk of food insecurity as a result of the pandemic: Brazzaville, Pointe-Noire and Pool. As a result, in 2022:

- A total of 47,860 girls between 6 and 59 months of age were treated for moderate acute malnutrition
- A total of 38,060 pregnant and breastfeeding women were treated for moderate acute malnutrition
- A total of 119,609 children between 6 and 23 months of age and 84,765 pregnant and breastfeeding women received rations for the prevention of acute malnutrition
- Two hundred staff members received training in providing care for persons with moderate acute malnutrition and in communication strategies to promote changes in eating habits

### **Reply to the issues raised in paragraph 8 (d) of the list of issues**

69. The cost-free treatment programmes for malaria and HIV/AIDS are ongoing, despite some short-term challenges that have been noted.

70. The financing and implementation of the cost-free measures set out under Decree No. 2008-126 of 23 June 2008 continue to have effect. Treatment for HIV/AIDS, malaria and tuberculosis remains free of charge despite the country's current economic and financial situation. Following an assessment that was conducted of the measures called for under Decree No. 2011-493 of 29 July 2011, the measures relating to caesarean sections have been raised to the level of a programme.

### **Reply to the issues raised in paragraph 8 (e) of the list of issues**

71. In connection with the implementation of the universal health insurance scheme, the Ministry of Health is currently working to:

- Carry out an assessment of health units in order to identify those to include in the launch of the universal health insurance scheme
- Upgrade the technical capacity of the health units concerned
- Set fee schedules
- Identify disease-based service packages for the universal health insurance scheme

72. Awareness of female genital mutilation, child marriage and teenage pregnancy is raised at the community level by the local social welfare services (social welfare districts), at integrated health-care centres during antenatal check-ups, and in schools through the civic education classes that they offer. With the enactment of the law on combating violence

against women, victims now receive appropriate protection and care under the related national programme.

### **Reply to the issues raised in paragraph 8 (f) of the list of issues**

73. To mitigate the effects of the lack of social protection, the Government and its technical and financial partners have set up social transfer pilot projects. These programmes aim to increase demand for basic social welfare services and social protection. A large number of people in difficult circumstances have thus received allocations under specific programmes, including in the form of support measures oriented towards their social and economic integration.

74. The Lisungi project, which promotes income-generating activities, supported 193,352 people between 2019 and 2022. It led the Government to gradually roll out the Lisungi project nationwide.

75. In late 2022, the Telema project entered the phase in which guidance began to be provided to project leaders. There are currently 450 beneficiaries.

### **Reply to the issues raised in paragraph 8 (g) of the list of issues**

76. In 2021, the Congo adopted a national disaster prevention and risk reduction strategy and action plan, under which the fourth area of focus deals with optimizing preparedness and building disaster response capacity at all levels.

77. Lessons learned from past disasters show that it is best to prepare for the response, to take steps before disasters strike and to ensure that the resources are available to carry out relief and recovery operations effectively at all levels, particularly operations targeting the most vulnerable people, including children.

78. In addition, since 2021, the Congo has had a post-flood recovery strategy and plan, one of the main areas of focus of which is the resilience of new or existing critical infrastructure, particularly infrastructure related to transportation, education and health care. The aim is to ensure that the public, especially children, have living conditions that are safe and pleasant and help them thrive.

### **Reply to the issues raised in paragraph 9 (a) of the list of issues**

79. The National Early Childhood Education Policy was adopted in 2022, together with an action plan.

80. The Government has introduced civic education classes incorporating human rights and children's rights at all levels of primary and secondary education.

81. In addition, the curricula for preschool, primary and secondary education, which were revised in 2021 and 2022, are waiting to be circulated at the preschool level.

82. The exclusion of pregnant girls from school is no longer a problem in the Congo, in line with the Child Protection Act. The Government encourages children to go to school regardless of their condition.

83. Furthermore, the Congo has begun preparations for the Sub-Saharan Africa Women's Empowerment and Demographic Dividend Plus project, financed by the World Bank Group, with technical assistance from the United Nations Population Fund. The project provides for scholarships for pregnant young women and teenage mothers in five departments – Brazzaville, Pointe-Noire, Pool, Likouala and Cuvette – to keep them in school.

### **Reply to the issues raised in paragraph 9 (b) of the list of issues**

84. At present, no government cultural centres are in operation. However, there are a number of recreation centres run by private companies and individuals.

**Reply to the issues raised in paragraph 10 (a) of the list of issues**

85. The Congo now has a law on refugees: Act No. 41-2021 of 29 September 2021 on the right of asylum and refugee status.

**Reply to the issues raised in paragraph 10 (b) of the list of issues**

86. Since 2019, the ministry responsible for Indigenous affairs has been working with civil society to identify and report cases of abuse or exploitation of Indigenous persons, particularly women and girls. In this context, five cases were reported between 2019 and 2022, with four court cases under way in the Likouala, Sangha and Lékoumou departments. One case, involving the abduction of an Indigenous girl, was tried in Lékoumou in 2021. The guilty party, a Bantu man, was sentenced to 3 years' imprisonment.

87. Article 9 of Act No. 5-2011 of 25 February 2011 on the promotion and protection of the rights of Indigenous Peoples provides that "all forms of trafficking in and sexual exploitation of Indigenous children and women are prohibited".

88. The trafficking in and sexual exploitation of Indigenous children and women are punishable under articles 334 and 335 bis of the Criminal Code.

**Reply to the issues raised in paragraph 10 (c) of the list of issues**

89. The Congo has been accepted as a pathfinder country under Alliance 8.7, a global platform comprising countries that want to make greater, faster progress in combating contemporary slavery, forced labour, child labour and the worst forms of child labour. To this end, in May 2023, the Government held a workshop to identify the country's strategic priorities with a view to drawing up a road map of short-, medium- and long-term initiatives and programmes to further, for example, the fight against forced labour and the worst forms of child labour. These efforts have involved experts from several ministerial departments, including those responsible for labour and social affairs; the country's technical and financial partners; employers' and workers' organizations; and civil society stakeholders.

90. A road map has been put in place with a series of quantified actions, including:

- The development and implementation of a national action plan to combat trafficking in persons, contemporary slavery, forced labour and the worst forms of child labour
- The review of the list of hazardous jobs forbidden to children under 18 years of age in all economic sectors
- The harmonization of the Merchant Shipping Code with the provisions of the Maritime Labour Convention, 2006, that relate to child labour

91. The country's road map will be presented in Geneva on 24 October 2023 at a high-level Alliance 8.7 meeting to be presided over by the Director-General of the International Labour Organization (ILO). This step should allow for appeals to be made for the mobilization of the technical and financial resources needed for the effective implementation of the road map.

92. To ensure the programme's effectiveness, the road map calls for the creation of a multisectoral national committee under the framework of Alliance 8.7 to combat trafficking in persons, contemporary slavery, forced labour and the worst forms of child labour.

**Reply to the issues raised in paragraph 10 (d) of the list of issues**

93. In the process of finalizing the revision of the Labour Code, the Congo requested assistance from the International Labour Office in incorporating into the draft bill on the code all the relevant provisions of international labour conventions, in particular those relating to child labour and the worst forms of child labour.

94. The experts from the International Labour Office, who were asked for their assistance in the matter at the beginning of the year, delivered their conclusions in April 2023, in the form of a memorandum with technical comments on the draft labour code.

95. The recommendations made are relevant, as demonstrated by the following excerpt: “The Office recommends ensuring that implementing regulations regarding the list of hazardous types of work prohibited to children under 18 years of age are adopted as soon as possible, in consultation with employers’ and workers’ organizations, in accordance with the recent comments of the Committee of Experts on the Application of Conventions and Recommendations on the application of Conventions No. 138, No. 182 and No. 188.76.”

96. It also recommended that there be a clear definition of the term “young person”, which was presumed to mean a child between 16 and 18 years of age. This definition is particularly important in terms of article 285 (2) of the draft, which addresses the decree to establish “the nature of the tasks and the categories of business from which young persons are banned and the age until which this ban applies”.

97. These recommendations are currently being applied and are allowing the Congo to respond effectively to the concerns of the Committee of Experts on the Application of Conventions and Recommendations of the ILO, in particular those relating to child labour. The experts’ responses on that issue have already been examined and taken into account in the draft bill on the labour code. A workshop for the validation of the draft bill is scheduled for this month, before the convening of the tripartite National Advisory Commission on Labour, which must give its opinion before the bill can be adopted by the national Parliament.

98. Other measures taken include the introduction by the Directorate General of Labour of a multi-year programme to monitor the application of labour regulations by companies and establishments covered by the Labour Code.

99. The programme has two main objectives:

- To ensure that labour regulations are properly applied
- To collect, process and disseminate labour statistics, which support decision-making on policies

100. The monitoring activities and the technical documents used for them address the specific problems of forced labour and the worst forms of child labour.

101. The programme is scheduled to be launched in Brazzaville on 16 October 2023. It will then gradually be rolled out nationwide.

### **Reply to the issues raised in paragraph 10 (e) of the list of issues**

102. See the reply to the issues raised in paragraph 4 (a) of the list of issues.

### **Reply to the issues raised in paragraph 10 (f) of the list of issues**

103. The draft decree on the establishment, powers, composition and functioning of the National Committee to Combat Trafficking in Persons is now in the approval process.

### **Reply to the issues raised in paragraph 11 (a) of the list of issues**

104. The two juvenile courts, in Brazzaville and Pointe-Noire, are operating despite challenges in a variety of areas, including human resources, funding and equipment.

105. Outside of the juvenile courts in Brazzaville and Pointe-Noire, which have judges appointed by the Supreme Council of the Judiciary, the presidents of the *tribunaux de grande instance* (courts of major jurisdiction) in other departments appoint judicial officials within their jurisdictions to carry out the duties of juvenile judges.

**Reply to the issues raised in paragraph 11 (b) of the list of issues**

106. Under article 73 of Act No. 4-2010, a minor under the age of 13 does not incur liability for harm that he or she causes; rather, it is the parents who bear civil liability for the harm.

107. The minor may be subjected only to measures of protection, assistance and supervision. Such measures may include placement in a rehabilitation and reintegration centre.

**Reply to the issues raised in paragraph 11 (c) of the list of issues**

108. The ministries responsible for justice and social affairs have set up a joint team to finalize the implementing regulations for Act No. 4-2010 of 14 June 2010.

**Reply to the issues raised in paragraph 11 (d) of the list of issues**

109. Act No. 10-2022 of 20 April 2022, the Prisons Code, defines and classifies prisons in the Congo. Article 6 (2) of the Act provides that there should be separate areas for minors and women who have been placed in pretrial detention or convicted, and article 7 (1) specifies that the special centres for women created within prisons are to be used to accommodate young female detainees under the age of 18.

**Part II****Reply to the issues raised in paragraph 12 (a) of the list of issues**

- Act No. 19-2022 of 4 May 2022, the Mouebara Act, on combating violence against women
- Act No. 9-2022 of 11 March 2022 on Preventing and Combating Corruption and Related Offences
- Act No. 88-22 of 30 December 2022 on Public-Private Partnership Agreements
- Act No. 41-21 of 29 September 2021 on the right of asylum and refugee status
- Act No. 27-2020 of 5 June 2020, the Anti-Cybercrime Act
- Act No. 43-2021 of 19 October 2021 on Social Welfare Guidelines
- Act No. 6-2019 of 5 March 2019, the Urban Planning and Housing Code
- Act No. 22-2019 of 17 June 2019, the Combating Trafficking in Persons Act
- Act No. 3-2019 of 7 February 2019 establishing the High Authority to Combat Corruption
- Act No. 22-2019 of 24 May 2019 on the establishment, powers, composition and functioning of the National Commission for Transparency and Accountability in Public Financial Management
- The law on protecting and assisting internally displaced persons, which is pending enactment
- The implementing decrees for Act No. 5-2010 on the Advancement and Protection of Indigenous Peoples
- Decree No. 2023-25 of 23 January 2023 on the establishment, organization, composition and functioning of the children's parliament of the Congo
- Decree No. 2019-204 of 12 July 2019 on special measures to facilitate access to education for Indigenous children and to literacy for adults

- Decree No. 2022-237 of 4 May 2022 on the establishment, powers and organization of the National Programme to Combat Violence against Women
- The decree on the powers and functioning of the National Commission to Combat Trafficking in Persons, which is pending adoption by the Government

### **Reply to the issues raised in paragraph 12 (b) of the list of issues**

- The National Commission for Transparency and Accountability in Public Finance Management, which is responsible for, among other things, ensuring the strict application of the Code on Transparency and Accountability in Public Finance Management and informing the authorities of any violations; collecting and disseminating best practices in the area; and requesting all expert opinions for the validation of information relating to public revenue and expenditure
- The High Authority to Combat Corruption
- The children's parliament of the Congo, which serves as a forum for democratic expression, a venue for civic education and a channel for children to participate in decision-making processes on issues concerning them

### **Reply to the issues raised in paragraph 12 (c) of the list of issues**

- The Integrated Early Childhood Development Policy and Action Plan for the period 2022–2026, which have an estimated cost of 41,675 billion CFA francs (CFAF)
- The Action Plan for Improving Indigenous Peoples' Quality of Life for the period 2022–2025, which has an estimated cost of CFAF 7,041 million
- The National Policy for Social Action and 2023–2026 Action Plan, which have an estimated cost of CFAF 231,841.3 million
- The National Health Development Plan for the period 2022–2026, which has an estimated cost of CFAF 1,153,048 million
- The National Strategy to Combat Gender-based Violence and the related Action Plan for Implementation for the period 2021–2025, which have a cost of CFAF 16.5 trillion
- The Education Sector Strategy for the period 2022–2030, which has a cost of CFAF 622,608 million
- The National Policy to Reform and Modernize Civil Registration in the Congo

### **Reply to the issues raised in paragraph 12 (d) of the list of issues**

- The 1954 Convention relating to the Status of Stateless Persons, on 5 August 2020
  - The 1961 Convention on the Reduction of Statelessness, on 5 August 2020
  - The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 13 October 2020
  - The ILO conventions on weekly rest; employment policy; invalidity, old-age and survivors' benefits; medical care and sickness benefits; minimum wage fixing; workers' representatives; and paid educational leave, on 30 December 2022
  - The ILO conventions on night work clauses, working conditions in hotels and restaurants, protection of workers' claims in the event of their employer's insolvency, and safety and health in agriculture, on 4 May 2022
110. The Congo is in the process of becoming a party to other conventions, including:
- The International Convention for the Protection of All Persons from Enforced Disappearance

- The Convention on the Prevention and Punishment of the Crime of Genocide
- The United Nations Convention against Transnational Organized Crime
- The ILO Domestic Workers Convention, 2011 (No. 189)
- The ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169)
- The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights
- The regional Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children
- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, 2020

### Part III: Statistical data and other information

#### Reply to the issues raised in paragraph 13 of the list of issues

111. The table below presents the budgetary allocations for children over the past three years.

<i>Description</i>	<i>Amount</i>	<i>Percentage of budget</i>
Total of both types of budget lines for 2020	1 554 650 000	0.49
Lines devoted to children	350 000 000	0.11
Lines devoted to social sectors	1 204 650 000	0.38
Total of both types of budget lines for 2021	5 874 000 000	1.79
Lines devoted to children	1 300 000 000	0.40
Lines devoted to social sectors	2 287 000 000	0.70
Total of both types of budget lines for 2022	11 426 000 000	3.59
Lines devoted to children	800 000 000	0.25
Lines devoted to social sectors	5 313 000 000	1.67

#### Reply to the issues raised in paragraph 14 (a) of the list of issues

112. Data not available.

#### Reply to the issues raised in paragraph 14 (b) of the list of issues

113. Data not available.

#### Reply to the issues raised in paragraph 14 (c) of the list of issues

114. Data not available.

#### Reply to the issues raised in paragraph 14 (d) of the list of issues

115. Data not available.

#### Reply to the issues raised in paragraph 14 (e) of the list of issues

116. Data not available.



**Reply to the issues raised in paragraph 14 (f) of the list of issues**

117. The number of stateless children in the Congo is zero.

**Reply to the issues raised in paragraph 14 (g) of the list of issues**

118. Data not available.

**Reply to the issues raised in paragraph 14 (h) of the list of issues**

119. Data not available.

**Reply to the issues raised in paragraph 14 (i) of the list of issues**

Age	0–5 years		6–10 years		11–14 years		15–17 years		Total per year	
Gender	M	F	M	F	M	F	M	F	M	F
2020	Brazzaville									
	8	12	6	6	7	2	1	8	50	
2021	7	11	6	5	10	8	0	3	50	
2022	9	14	5	7	13	8	5	4	97	
	Pointe-Noire									
	1	1	2	1	2	1	0	0	8	
2023	Brazzaville									
	8	7	7	14	12	8	9	5	106	
	Pointe-Noire									
	0	1	3	1	2	1	0	0	8	
Oyo: 1 12-year-old; Kinkala: 1 13-year-old										
<b>Overall total</b>	<b>33</b>	<b>46</b>	<b>29</b>	<b>34</b>	<b>46</b>	<b>30</b>	<b>15</b>	<b>20</b>	<b>253</b>	

Source: Association Johny Chancel Pour les Albinos.

**Reply to the issues raised in paragraph 14 (j) of the list of issues**

120. From 2020 to 2022, 1,340 children in a street situation, of whom 20 per cent were girls, received care from the mobile emergency social services of Pointe-Noire. Over the same period, 583 children, of whom 151 were girls, arrived on the streets – a rate of around 200 children per year.

121. From March 2021 to February 2022, the mobile unit of the Réseau des Intervenants sur le Phénomène des Enfants en Rupture identified 1,365 children in a street situation in Brazzaville, of whom 1,145 were boys and 259 were girls. From March 2022 to February 2023, 1,404 such children were identified. Of that number, 81.55 per cent were boys and 18.45 per cent were girls.

**Reply to the issues raised in paragraph 14 (k) of the list of issues**

122. Data not available.

**Reply to the issues raised in paragraph 14 (l) of the list of issues**

123. Data not available.

**Reply to the issues raised in paragraph 14 (m) of the list of issues**

124. Data not available.

**Reply to the issues raised in paragraph 15 (a) of the list of issues**

125. Data not available.

**Reply to the issues raised in paragraph 15 (b) of the list of issues**

126. Data not available.

**Reply to the issues raised in paragraph 15 (c) of the list of issues**

127. The foster care trial programme, which was interrupted by the COVID-19 pandemic, has been resumed in Brazzaville and Pointe-Noire. A total of 20 children, of whom 10 are girls, have been placed with 20 families.

**Reply to the issues raised in paragraph 15 (d) of the list of issues**

128. Data not available.

**Reply to the issues raised in paragraph 15 (e) of the list of issues**

129. From 2021 to 2023, there were 56 children – 31 boys and 25 girls – who were available for adoption.

<i>Ages</i>	<i>0–3 years</i>			<i>4–6 years</i>			<i>7–10 years</i>			<i>11–13 years</i>			<i>14–16 years</i>			<i>Total</i>		
<i>Gender</i>	<i>B</i>	<i>G</i>	<i>T</i>	<i>B</i>	<i>G</i>	<i>T</i>	<i>B</i>	<i>G</i>	<i>T</i>	<i>B</i>	<i>G</i>	<i>T</i>	<i>B</i>	<i>G</i>	<i>T</i>	<i>B</i>	<i>G</i>	<i>T</i>
2021	12	8	20	1	0	1	0	0	0	0	0	0	0	0	0	13	8	21
2022	11	10	21	1	0	1	0	0	0	0	0	0	0	0	0	12	10	22
2023	6	7	13	0	0	0	0	0	0	0	0	0	0	0	0	6	7	13
<b>Total</b>	<b>29</b>	<b>25</b>	<b>54</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>31</b>	<b>25</b>	<b>56</b>

Source: Directorate for Families.

**Reply to the issues raised in paragraph 15 (f) of the list of issues**

<i>Ages</i>	<i>0–3 years</i>			<i>4–6 years</i>			<i>7–10 years</i>			<i>11–13 years</i>			<i>14–16 years</i>			<i>Total</i>		
<i>Gender</i>	<i>B</i>	<i>G</i>	<i>T</i>	<i>B</i>	<i>G</i>	<i>T</i>	<i>B</i>	<i>G</i>	<i>T</i>	<i>B</i>	<i>G</i>	<i>T</i>	<i>B</i>	<i>G</i>	<i>T</i>	<i>B</i>	<i>G</i>	<i>T</i>
<i>National</i>																		
2021	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
2022	1	0	1	1	1	2	2	1	3	0	0	0	0	0	0	4	2	6
2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
National total	1	1	1	1	1	2	2	1	3	0	0	0	0	0	0	4	3	7
<i>International</i>																		
2021	6	2	8	2	2	4	4	6	10	3	1	4	2	0	2	15	13	28
2022	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

<i>Ages</i>	<i>0–3 years</i>			<i>4–6 years</i>			<i>7–10 years</i>			<i>11–13 years</i>			<i>14–16 years</i>			<i>Total</i>		
<i>Gender</i>	<i>B</i>	<i>G</i>	<i>T</i>	<i>B</i>	<i>G</i>	<i>T</i>	<i>B</i>	<i>G</i>	<i>T</i>	<i>B</i>	<i>G</i>	<i>T</i>	<i>B</i>	<i>G</i>	<i>T</i>	<i>B</i>	<i>G</i>	<i>T</i>
2023	8	0	8	2	0	2	7	0	7	0	0	0	2	0	2	19	0	19
International total	14	2	16	4	2	6	11	6	17	3	1	4	4	0	4	34	13	47
<b>Total</b>	<b>15</b>	<b>3</b>	<b>17</b>	<b>5</b>	<b>3</b>	<b>8</b>	<b>13</b>	<b>7</b>	<b>21</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>4</b>	<b>0</b>	<b>4</b>	<b>38</b>	<b>16</b>	<b>54</b>

*Source:* Directorate for Families.

- Receiving countries:
- France
- Italy
- United States of America

### **Reply to the issues raised in paragraph 16 (a) of the list of issues**

130. Data not available.

### **Reply to the issues raised in paragraph 16 (b) of the list of issues**

131. There are no facilities exclusively for the accommodation of children with disabilities.

### **Reply to the issues raised in paragraph 16 (c) of the list of issues**

132. See paragraph 8 (b).

### **Reply to the issues raised in paragraph 16 (d) of the list of issues**

133. See paragraph 8 (b).

### **Reply to the issues raised in paragraph 16 (e) of the list of issues**

134. Data not available.

### **Reply to the issues raised in paragraph 16 (f) of the list of issues**

135. Data not available.

### **Reply to the issues raised in paragraph 16 (g) of the list of issues**

136. Data not available.

### **Reply to the issues raised in paragraph 17 (a) of the list of issues**

137. Data not available.

### **Reply to the issues raised in paragraph 17 (b) of the list of issues**

138. Data not available.

### Reply to the issues raised in paragraph 17 (c) of the list of issues

<i>Ages</i>	<i>13 years; 14 years; 16 years; 17 years; 18 years; 20 years</i>					<i>Criminal status</i>		<i>Socio-economic situation</i>
<i>Type of offence</i>	<i>Grievous bodily harm causing unintentional death</i>	<i>Criminal association / ASM / Theft</i>	<i>Rape / Grievous bodily harm / Paedophilic conduct</i>	<i>VCJ</i>	<i>Murder / Child abduction</i>	<i>Manslaughter / Criminal association</i>	<i>Awaiting trial</i>	<i>Convicted</i>
<i>Gender</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>	<i>M</i>
2021	1	2	1		1	2	7	Students
2022	3	1	7			2	12	1 Students
2023	7	38	13	1	10	4	72	1 Students
<b>Total</b>	<b>11</b>	<b>41</b>	<b>21</b>	<b>1</b>	<b>11</b>	<b>8</b>	<b>101</b>	<b>2</b>

### Reply to the issues raised in paragraph 17 (d) of the list of issues

139. No children are detained in the same cells as adults.

### Reply to the issues raised in paragraph 17 (e) of the list of issues

140. To date, no child has been convicted.

### Reply to the issues raised in paragraph 18 of the list of issues

141. The Congo based its National Development Plan 2022–2026 in part on the Sustainable Development Goals, transforming them into national goals for accelerated, inclusive and sustainable development. This plan, which serves as a framework for the implementation of all national policies and strategies, includes children's issues in its social welfare component.

### Reply to the issues raised in paragraph 19 of the list of issues

142. Most of the data has been updated in this report.

### Reply to the issues raised in paragraph 20 of the list of issues

- Maternal and child health
- Childhood information system
- Comprehensive support for children in conflict with the law
- Efforts to combat violence against children
- Children with disabilities