



Convention on the Rights of the Child

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Committee on the Rights of the Child

Combined fifth and sixth periodic reports submitted by the Congo under article 44 of the Convention, due in 2019*

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Executive summary

1. During the period under consideration, the social situation in the country was marked by two contrasting phases.
2. Until 2014, debt reduction under the highly indebted poor countries (HIPC) initiative and the positive performance of oil prices increased the fiscal space for structural investments and other development expenditure. The Government took the opportunity to provide the country with infrastructure that had been lacking. Access to basic social services also improved as a result of the introduction of measures such as free health care and free school attendance, as well as support programmes for the most vulnerable social categories.
3. In 2014, the sharp drop in oil prices plunged the Congo into an economic crisis that resulted in a marked deterioration in public finances and a severe contraction in foreign exchange reserves, pushing the proportion of the population living below the poverty line back up to the level of the 2010s.
4. The present report thus covers this difficult period.
5. The general measures of implementation include the adoption of a new Constitution marked by a clear desire to bring national legislation into line with the main relevant international legal instruments, particularly those relating to human rights. Alongside this revision of the Constitution, eight legal codes are also being revised.
6. Progress has been made in data collection through a major restructuring of the national statistics system. Similarly, dissemination of the Convention and awareness-raising in respect of its content have benefited from the fruitful cooperation between the Government and civil society. However, delays due to bureaucracy have affected the establishment of a coordinating body and an independent monitoring institution.
7. Despite the Government's good intentions, resource allocation has followed the same trajectory as the country's economic situation, exacerbated by shortcomings in financial management characterized by particularly low disbursement rates.
8. In terms of general principles, the foundations have been laid, with statements of principle, the introduction of legislation and training of staff, but these still need to be backed up by appropriate, well established and sustainable practical measures.
9. The main achievements in the area of rights and freedoms relate to birth registration, with provision continuing to improve, particularly for the most difficult-to-reach populations, such as indigenous groups, refugees and rural dwellers.
10. With regard to violence against children, the Government, with the support of civil society organizations and development partners, has continued to advance children's rights to protection from corporal punishment, torture, ill-treatment and sexual abuse. However, much remains to be done, as the issue is sometimes related to harmful practices that are deeply rooted in mentalities.
11. The action taken to improve the family environment and ensure the provision of alternative care is generally in line with the country's international commitments, although the Government is often obliged to rely on the work of civil society organizations. A lot is being done for children with disabilities, although the action taken may not always meet the level of needs identified.
12. In the area of health, significant progress has been made in vaccination rates and access to care thanks to new infrastructure and the recruitment of qualified staff, particularly in rural areas. However, the sector is suffering from a drastic reduction in financial resources.
13. The situation is similar in the education sector: the implementation of free education was seriously constrained by the economic crisis. The progress that has been achieved in student numbers, with almost universal enrolment in primary school, must be accompanied by a clear improvement in student performance. The organization and supervision of leisure, sports and cultural activities, which are still restricted to a small proportion of children, must be made available to all children.

14. Assistance is provided, in cooperation with civil society organizations, development partners and United Nations agencies, to children in need of special protection measures.

15. Finally, the report presents the country's status in terms of the ratification of international human rights instruments and cooperation with regional and international bodies.

Political, economic and social context

16. The Republic of the Congo is located in Central Africa and extends across the equator, covering an area of 342,000 km². The country shares borders with Cameroon, the Central African Republic, the Democratic Republic of the Congo, Angola (Cabinda enclave) and Gabon. It also has a 170 km coastline along the Atlantic Ocean.

17. The country is sparsely populated, with an average density of 15 inhabitants per km². Nearly half (47 per cent) of the population of 5.12 million are under the age of 18, which represents a significant potential labour force for the country.

18. The Congo acquired its sovereignty on 15 August 1960, but was very quickly confronted with the thorny issue of governance and since then has seen a number of crises that have led to several regime changes.

19. The years following the establishment of a multiparty system and the first presidential election in 1992 were marked by unrest and armed conflict that resulted in the loss of thousands of lives and caused significant harm to the population.

20. In 2001, the process of national dialogue led to an end to the conflicts and the adoption of a new Constitution in 2002. Several elections have been held since then, marking a gradual return to peace and security.

21. In October 2015, a new Constitution was submitted to a referendum and was approved with 92 per cent of the vote, following a process criticized by the opposition. The new Constitution allowed President Denis Sassou-Nguesso to run for a third term in the 2016 presidential election.

22. The World Bank classifies the Congo as a lower-middle-income country because of its oil production. According to the United Nations Development Programme (UNDP), it is at a medium level of human development.

23. After a period of prosperity linked to high international oil prices and, in 2010, the cancellation of debt under the HIPC initiative, there was a steep decline in economic performance resulting from the fall in oil prices from 2014 onwards, which plunged the country into a crisis marked by a sharp drop in growth (from +6.8 per cent in 2014 to -1 per cent in 2015 and -2.7 per cent in 2016). Although inflation remains moderate, in fiscal terms, the crisis has resulted in a deterioration in public finances (with the basic overall balance going from -19 per cent in 2014 to -32 per cent in 2017) and an exponential rise in public debt. Between 2013 and 2017, the public debt doubled in size, rising from 36.7 per cent to 120 per cent of gross domestic product (GDP), while international standards recommend a debt-to-GDP ratio of less than 70 per cent. This situation has turned the Congo from a country with a level of debt assessed as moderate into a highly indebted country requiring financial assistance from the International Monetary Fund (IMF) through an adjustment programme.

24. For children, the past decade has been a missed opportunity, because the country has not been able to take advantage of the economic boom to improve the situation of its children and reduce poverty. Economic growth has not been inclusive enough to reduce the high levels of social inequality. Approximately two out of every five Congolese still live below the poverty line and the country's Gini coefficient is one of the highest in the world.

25. Despite its wealth, the country's development indicators are similar to those of low-income countries, resulting in part from weak implementation of national policies, insufficient budget allocations to the social sectors and poor management.

26. However, the country has an additional opportunity to accelerate its social development. The economic recovery that began in 2018 is expected to strengthen in 2019

with a growth rate of 3.7 per cent thanks to an increase in oil production and the recovery in global oil prices. In addition, the reforms undertaken, particularly to improve governance and the business climate, should attract new investment. Finally, the signing on 11 July 2019 of an agreement with IMF under the Extended Credit Facility should enable the Congo to restore macroeconomic stability, including debt sustainability, and lay the foundations for higher and more inclusive growth.

Preparation of the report

27. This report was prepared following much the same approach as with the previous one. Under the guidance of a steering committee consisting of heads of government departments and United Nations agencies, a technical team composed of senior staff from the Directorate General of Social Affairs and five national consultants conducted the collection and analysis of the data needed to respond to the recommendations of the Committee on the Rights of the Child.

28. The preparation of the national report on the implementation of the Convention on the Rights of the Child involved four main stages:

(a) In the context of a seminar held to launch the process and harmonize the data collection and analysis methodology, a team of focal points was set up, including representatives of various bodies (ministries, Parliament, civil society organizations, United Nations agencies, local administrations, etc.). The focal points, who were given responsibility for providing the consultants with the necessary information, were briefed on the Committee's recommendations and the various methodological tools to be used for the data collection;

(b) The data-collection phase began immediately after the seminar: the consultants made use of documentary research, interviews, questionnaires and focus groups to gather the necessary information;

(c) Then, during a 10-day retreat, they compiled the first draft of the report;

(d) This first version was critically reviewed at a validation workshop attended by the same participants as at the methodology workshop. This workshop provided an opportunity to correct and supplement the report;

(e) During a second retreat, the consultants integrated the observations made during the validation workshop and finalized the national report;

(f) The report was then submitted to the Government for approval.

I. General measures of implementation (arts. 4, 42 and 44 (6))

Previous recommendations

Recommendation 9

29. The recommendations made in the previous concluding observations are taken into account in the responses given below.

Legislation

Recommendation 11

30. Since 2014, the Congo has been continuing with the reform of its legal framework to bring it into compliance with the Convention on the Rights of the Child.

31. Thus, the new Constitution, which was adopted by referendum on 25 October 2015, reflects the desire to harmonize domestic legislation with international legal instruments. The wording of the preamble declares that the fundamental principles proclaimed and guaranteed

in “all duly ratified relevant national and international human rights instruments” are an integral part of the new Constitution.

32. Title II of the Constitution concerns the rights and freedoms of citizens, including children. Pursuant to article 39 of the Constitution, every child, without any discrimination, has the right to receive from his or her family, society and the State the protection required by his or her status as a minor.

33. In the same vein, with the support of the European Union through the Project to Strengthen the Rule of Law and Associations, the Congo has embarked on the review and development of eight legal codes: the Criminal Code, the Code of Criminal Procedure, the Persons and Family Code, the Civil Code, the Code of Civil and Commercial Procedure, the Code of Administrative and Financial Procedure, the Prisons Code and the Code on the Organization of the Courts. All these draft codes are currently being circulated for approval within the Government and the Supreme Court.

Coordination

Recommendation 13

34. Texts establishing a national child protection committee are currently being drafted.

Comprehensive policy and strategy

Recommendation 15

35. In 2016, the Congo signed up to the 2030 Agenda and formulated a new national development plan for 2018–2022 aligned with the Sustainable Development Goals that serves as a framework for the implementation of all national policies and strategies related to children.

36. The National Policy for Social Action,¹ revised in 2017 on the basis of the new national development plan, seeks to build adequate and effective non-contributory social protection and disaster management systems and to strengthen the capacity of the Ministry of Social Affairs and Humanitarian Action.

37. In 2015, the Ministry adopted a strategic framework to strengthen the national child protection system and guide government child protection efforts over the following years. The framework introduces a “systemic approach” to address child rights issues in a holistic and integrated manner from the perspective of the child, the family and the community, with a focus on prevention, promotion and care.

Allocation of resources

Recommendation 17 (a)

38. Since 2010, efforts have been made to boost spending on children by increasing social budgets. In particular, the education budget rose by 10 per cent after the Government declared 2011 the “year of education”. Similarly, 2012 was declared the “year of health”, and the budget for this sector was increased by 66 per cent.

39. Despite these efforts, the dramatic decline in State budgetary revenues and the significant increase in public debt have had a negative impact on public spending. However, it must be acknowledged that the Government has endeavoured to preserve certain social expenditures. For example, budgetary allocations for the health sector accounted for 11 per cent of total planned budgetary expenditure (excluding debt) in 2019 and 13 per cent in 2018, although this remains far from the 15 per cent recommended in the Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases.

¹ Ministry of Social Affairs and Humanitarian Action, Republic of the Congo, August 2017.

40. Budgetary allocations for the education sector have also grown as a percentage of total public expenditure and GDP since 2011. However, this positive trend has not resulted in reaching 20 per cent of total public expenditure and 5 to 6 per cent of GDP, as recommended in the Incheon Declaration and Framework for Action for the implementation of Sustainable Development Goal 4.

41. In addition to the challenges of allocative efficiency, funding for social sectors faces the issue of budget credibility. In 2018, for example, only 24 per cent of the Ministry of Health's budget and 15 per cent of the education budget were disbursed. The budget for social affairs has never reached 1 per cent of the total budget and has consistently low disbursement rates (6 per cent in 2018).

Recommendation 17 (b)

42. Sectoral health, education and social protection policies and strategies are supported by budgeted multi-year action plans that target the most vulnerable populations, particularly children. These plans are designed to be integrated into the Medium-Term Expenditure Framework so that they can be taken into account in annual budget planning.

Recommendation 17 (c)

43. Such mechanisms exist, particularly in the form of parliamentary oversight of budget implementation. In addition, the reforms under way to improve governance include strengthening the accountability of and reporting by public authorities.

Recommendation 17 (d)

44. For over a decade, the Government has been taking significant steps to strengthen governance and combat corruption, including the Public Procurement Act (Decree No. 156-2009 of 20 May 2009), amended in 2012 (Act No. 31-2012), Act No. 5-2009 of 22 September 2009 on corruption, extortion, fraud and similar offences and various measures in the area of public finance management, including the establishment of the Treasury Single Account and the adoption of the Transparency Act of 2017 (Act No. 10 of 9 March 2017).

45. As prerequisites for signing a budget support programme with the IMF, the Congo adopted Act No. 3-2019 establishing the High Authority to Combat Corruption and produced a report on governance and corruption that includes reform measures to strengthen the rule of law, improve public finance management and combat corruption. These measures will be implemented under the three-year Congo-IMF Extended Credit Facility programme (2019–2021).

Data collection

Recommendation 19

46. The Congo has embarked on a wide-ranging process to revamp the national statistical system in response to Act No. 8-2009 of 28 October 2009 on statistics. Following the signing of the African Charter on Statistics on 28 June 2009 and its ratification on 18 August 2013, Parliament adopted Act No. 35-2018 of 5 October 2018 creating the National Institute of Statistics and Act No. 36-2018 of 5 October 2018 on official statistics, for which the implementing regulations are currently being revised.

47. Set up in 2015, the Statistical Capacity-Building Project, co-financed by the Government and the World Bank, supports the Congo through four main lines of action: (i) conducting in-depth diagnoses of the functioning of the national statistical system; (ii) developing system-wide codes, nomenclatures, concepts, definitions and statistical methods to ensure the comparability of data at the national, regional and international levels; (iii) preparing procedural manuals for the production and dissemination of statistics; (iv) training national statistical system managers in the application of international protocols, norms and standards.

48. Specifically, the support received through the Statistical Capacity-Building Project has enabled:

- The funding of scholarships for the training of 25 specialists in regional schools of statistics and the local training of statistical service managers from sectoral ministries in data collection and processing;
- The preparation of 14 procedural manuals for the production and dissemination of statistics in accordance with international protocols, norms and standards;
- The production of the 2018 health yearbook with technical and methodological support from the National Institute of Statistics;
- The production of the 2017–2018 yearbooks of the Ministry of Primary and Secondary Education and Literacy, the Ministry of Technical and Vocational Education, Skills Training and Employment and the Ministry of Higher Education.

49. Thanks to the standardization of methodologies and questionnaires, the Congo has internationally comparable demographic and health indicators.

50. The road map of the National Strategy for the Development of Statistics 2020–2024 is ready for approval.

Independent monitoring

Recommendation 21

51. To ensure that the country has a body to monitor the promotion and protection of human rights, the Constitution of 25 October 2015 retained the National Human Rights Commission.² Its powers, organization and functioning are laid down in Act No. 30-2018 of 7 August 2018.

52. The national system for protecting and promoting human rights is not limited to the National Human Rights Commission but also includes other national bodies, for example the Higher Council for the Freedom of Communication and bodies newly established under the Constitution of 25 October 2015, such as the Advisory Council of Elders and Traditional Leaders, the Women’s Advisory Council, the Advisory Council for Persons with Disabilities and the Advisory Council on Youth Affairs.

Dissemination and awareness-raising

Recommendation 23

53. Pursuant to Decree No. 2007-159 of 4 February 2007, a committee was established to raise awareness of international humanitarian law and international human rights law in the police force. This was followed by Order No. 16283/PR/MDN/MID of 22 December 2011 on the organization and functioning of the committee’s bodies. The main responsibility of the committee, which works closely with the International Committee of the Red Cross and other partners, is to train law enforcement officials to take whatever measures are needed to ensure the prompt and effective investigation of allegations of ill-treatment and torture made against the security forces. Most recently, the committee held a seminar on international humanitarian law for legal advisers in Brazzaville from 9 to 12 April 2018 and from 11 to 13 June 2018.

54. Training workshops on the Convention and the Child Protection Act, No. 4-2010, were organized in Brazzaville and Pointe-Noire for judges, lawyers, social workers and health professionals.

55. From 2014 to 2017, thanks to the financial support of the European Union, the non-governmental organizations of the Réseau des intervenants sur le phénomène de l’enfance en rupture (Network of Actors Working for Children Experiencing Situations of Social

² Articles 214 and 215 of the Constitution.

Disruption and Family Breakdown) (REIPER) conducted 122 awareness-raising sessions on children's rights in schools, social welfare districts, integrated health-care centres, town halls, barracks, prisons, orphanages, churches, reception centres for children in difficulty, refugee camps and the Gendarmerie Academy, among other places. These actions benefited 5,316 people (2,505 men, 2,425 women and 376 children). Moreover, 32 training sessions were held for 625 government employees (social workers, gendarmes, police officers, officials from the Ministry of Youth and Sports and the Ministry of Justice, teachers), and 28 instructors from the Evangelical Church of the Congo.

56. The Government has taken steps to promote civic education and raise awareness of human rights. The Ministry of Youth and Civic Education, which was established in 2010, has a directorate general for civic education. These bodies organize regular activities to promote civic education.

57. The following activities have been conducted with the support of development partners: (i) civic clubs have been set up in schools, beginning in 2007; (ii) citizens' clubs have been set up in the informal sector, beginning in 2008; (iii) a symposium on good governance for increasing civic and moral awareness in public bodies took place on 29 and 30 June 2010; (iv) teams have been set up to provide civic education and promote civic and moral values in public bodies, beginning in 2010; (v) civic education curricula have been developed for the police force.

58. Human rights are taught in preschool and primary school through a subject entitled civic, moral and peace education. Curricula for secondary education have just been approved and will be implemented once timetables have been adjusted and training has been provided to history and geography teachers in lower secondary schools and philosophy teachers in upper secondary schools.

59. In addition, a network of journalists for children's rights has been set up (Télé Congo, Radio Congo, la Semaine Africaine, Radio Mucodec, CRP, etc.).

60. Each year, the anniversary of the Convention's adoption on 20 November and the Day of the African Child on 16 June are occasions to raise awareness about children's rights.

Cooperation with civil society

Recommendation 25

61. The Congo involves several civil society associations and organizations in the development of the national child protection system, including REIPER, the Réseau national des peuples autochtones du Congo (National Network of Indigenous Peoples of the Congo) (RENAPAC), the Episcopal Commission for Catholic Education and Actions de solidarité internationale.

62. As mentioned above in the section on legislation, civil society organizations were actively involved in the review of some standard legal codes. Similarly, civil society was involved in the drafting of the two reports on the implementation of the Convention.

Children's rights and the business sector

Recommendation 27 (a)

63. Article 40 (2) of the Constitution prohibits the employment of children under 16 years of age. The draft Criminal Code currently under review provides for penalties of 1 to 3 years' imprisonment and fines of between 500,000 and 5,000,000 CFA francs (CFAF). Article 206 (1) (a) establishes that child labour violates the provisions of relevant instruments ratified by the Congo and of domestic child labour laws and regulations.

64. This legislation is supported by the recruitment system of the National Employment and Labour Office, which carries out preventive checks.

Recommendation 27 (b)

65. Labour inspectors check employees' ages and working conditions, thereby ensuring the effective compliance of companies in the industrial sector with national and international environmental and health standards.

66. A draft decree establishing the list and nature of tasks and the categories of business from which children are banned and the age limit to which this ban applies, which is currently under discussion, will strengthen the monitoring system.

Recommendation 27 (c)

67. Environmental and social impact assessments must be carried out prior to the approval of investment projects in the Congo.

Recommendation 27 (d)

68. The Constitution has established a series of mechanisms for prior consultations with populations, including children, on any project that may affect their rights. Article 236 provides for an advisory council on youth affairs responsible for issuing opinions on youth development activities.

Recommendation 27 (e)

69. The Constitution requires compensation for any environmental pollution or destruction resulting from economic activity (art. 42 (2)). This requirement is also laid down in article 43 of Act No. 5-2011 of 25 February 2011 on the promotion and protection of the rights of indigenous peoples: "The State shall guarantee the right of indigenous peoples to a healthy, satisfactory and sustainable environment. The storage or unloading of toxic waste or any other dangerous substance on land occupied or used by indigenous peoples is prohibited."

70. The Government has identified the fight against environmental degradation as a priority in the business sector, and the national development plan for 2018–2022 provides for the development of environmental impact assessment procedures.

Recommendation 27 (f)

71. The Government notes the need to be guided by the United Nations "Protect, Respect and Remedy" Framework.

II. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

Recommendation 29

72. Article 39 of the Constitution states that every child, without any discrimination, has the right to receive from his or her family, society and the State the protection required by his or her status as a minor.

73. Several steps have been taken in this respect:

- The creation of local civil status centres, the training of civil status officials and the issuance of birth certificates at no charge (see circular No. 0008/MID-CAB of 21 March 2018)
- The provision of social support and school supplies for children who are not in school, including Indigenous children, children with disabilities, street children and refugee children
- The creation of ORA (Observe-Reflect-Act) schools for Indigenous children and the admission of these children to mainstream schools

- Advocacy for the provision of community-based health services in Indigenous areas and the fight against discrimination in health centres
- The use of child reception and accommodation centres to reintegrate street children into the family and society

74. Articles 71 and 125 of the Child Protection Act and article 2 of Act No. 5-2011 on the Advancement and Protection of Indigenous Peoples also cover non-discrimination.

Best interests of the child

Recommendation 31

75. The best interests of the child, a principle based on non-discrimination, is the first general principle set forth in the Child Protection Act (arts. 3 and 4). The strategic framework to make the national child protection system more robust is guided by the following rules:

- (a) Focus on preventing and responding to child abuse, exploitation and neglect;
- (b) Ensure that prevention and care activities are managed horizontally, not vertically;
- (c) Orient and guide the relevant stakeholders and services towards specialization in child protection by degrees;
- (d) Ensure robust coordination and cooperation;
- (e) Develop common tools to guide action;
- (f) Make respect for children's rights and human rights the basis and focus of action.

Respect for the views of the child

Recommendation 33 (a)

76. Article 30 of the Child Protection Act states: "The child who is capable of forming his or her own views has the right to express those views freely in all matters affecting him or her. The views of the child shall be given due weight in accordance with his or her age and maturity."

Recommendation 33 (b)

77. Article 30 also states: "For this purpose, the child shall be provided the opportunity to be heard in any judicial and administrative proceedings affecting him or her, either directly or through a representative or an appropriate institution."

Recommendation 33 (c)

78. Article 31 states: "The child has the right to express him- or herself freely. This freedom of expression shall include freedom to seek, receive and impart ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice."

Recommendation 33 (d)

79. Programmes are conducted within the framework of youth movements or venues such as scouting, holiday camps, campaigns for girls' education led by the Forum for African Women Educationalists and student unions.

Recommendation 33 (e)

80. The strategic framework adopted in 2015 to make the national child protection system more robust provides for the development of a legal framework for the creation, organization and activities of the children's parliament. The development and publication of the decree

establishing the children's parliament was foreseen in the National Social Action Plan 2018–2022. The revitalization of the children's parliament and its involvement in the parliamentary process are part of the programme of cooperation with the United Nations Children's Fund (UNICEF) for 2019.

Right to life and survival

Recommendation 35

81. Under the law, persons without melanin have the same rights as all other Congolese nationals. In reality, they are sometimes victims of rejection and discrimination.

82. The Ministry of Social Affairs and Humanitarian Action takes action to help them, including by covering the cost of health care and providing protective kits (skin creams, sunglasses, long-sleeved clothing and hats). Associations of persons without melanin work to defend their rights.

III. Civil rights and freedoms (arts. 7, 8 and 13–17)

Birth registration

Recommendation 37 (a)

83. Three workshops to raise awareness of the birth registration system have been organized with the financial and technical support of the Office of the United Nations High Commissioner for Refugees (UNHCR): from 24 to 26 May 2018 in Likouala Department, from 20 to 21 November 2018 in Pool Department and from 1 to 2 October 2019 in Plateaux Department. One hundred and fifty civil registry, health, judicial and social affairs officials and civil society leaders in these three departments learned about birth registration issues. Additional workshops are scheduled for November 2019 and 2020 in the country's other departments.

84. The Congolese Information Systems Agency has set up a project, the Comprehensive Civil Status System, that is intended to establish a modern, integrated and efficient civil status system for effective civil registration and the collection of high-quality statistics.

Recommendation 37 (b)

85. Studies have shown that the births of more than 9 out of 10 (96 per cent) children up to 4 years of age have been registered. While there is no difference between boys and girls, there is a significant gap between urban (99 per cent) and rural (91 per cent) areas. To remedy this situation, the Government regularly organizes mobile civil registration drives in rural and Indigenous areas.

Recommendation 37 (c)

86. With support from UNHCR, many children without birth certificates have been identified in Likouala Department, including more than 4,500 in the towns of Betou and Impfondo. As a result, a workshop on the birth registration system was organized in Impfondo at which recommendations were made to:

- (a) Issue birth certificates to combat statelessness;
- (b) Apply a legal framework for the protection of children, in particular the Child Protection Act, and Act No. 078-1984 of 17 October 1984, the Congolese Family Code;
- (c) Raise public awareness of the importance of birth registration and provide support to vulnerable families through the social welfare districts;
- (d) Identify stateless children, provide material support, expand civil status centres in hospitals and demarcate border areas.

87. The decentralized action plan to improve the quality of life of the Indigenous population in Lékoumou Department, implemented with technical and financial assistance from UNICEF, made it possible to register 550 Indigenous children between October 2013 and April 2016. This initiative continued with the signing of 6,040 birth certificates for Indigenous children, including 4,228 in Sibiti and 1,812 in Zanaga, in 2018 and 6,734, including 4,700 in Sibiti and 2,034 in Zanaga, in 2019.

Access to appropriate information

Recommendation 39

88. Children's access to information and the media and their protection from harmful information are guaranteed pursuant to Organic Act No. 4-2003 of 18 January 2003, under which the missions, organization, composition and operations of the High Council for Freedom of Communication were established.

89. Since 2017, the Ministry of Post and Telecommunications, with the support of the International Telecommunication Union, has been developing a national strategy for the protection and empowerment of children in cyberspace. To this end, from 21 to 24 June 2017, a capacity-building workshop was held in Brazzaville for officials from the main institutions involved in ensuring that children are safe online.

90. From 13 to 17 November 2017, the Congo participated in the thirty-fifth meeting of the International Criminal Police Organization (INTERPOL) Specialists Group on Crimes against Children. This meeting focused on (i) violent crimes against children, (ii) identification of victims of sexual abuse, (iii) Internet crimes against children and (iv) means of dealing with sex offenders.

91. A study of gender-based and online violence in schools was conducted in July 2019 with technical and financial support from UNICEF. The results and recommendations of the study will help the Government develop innovative initiatives conducive to safe learning without fear.

IV. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Corporal punishment

Recommendation 41 (a)

92. Administering corporal punishment to discipline or correct a child is prohibited under article 53 of the Child Protection Act.

93. Investigations and trials, the classic components of criminal proceedings, may be conducted in the event of corporal punishment. Such punishment can be reported to the State prosecutor.

94. A few cases of violence handled by the juvenile court have been reported. In 2018, the following cases were reported: rape (25 cases); sexual assault (3 cases); indecent assault (3 cases); paedophilic conduct (11 cases); grievous bodily harm (67 cases).

95. In 2018, with support from UNICEF, 41 child victims of rape (a boy and 40 girls) in Likouala Department received psychological support, and 1,323 children in Bouenza, Likouala and Pool Departments received care in child-friendly settings after having been subjected to violent forms of discipline. In 2019, according to figures collected as part of the implementation of the comprehensive child protection system in Lékoumou Department, there were 55 recorded cases of violence against children, including 10 cases of rape, 40 of corporal punishment, 2 of attempted homicide and 3 of child abandonment; these cases are pending before the courts.

Recommendation 41 (b)

96. The non-governmental organizations (NGO) and networks Azur Développement, REIPER and Enfance créatrice de développement (Childhood Creating Development) (ENCREED) began raising awareness of the unlawful nature of corporal punishment during training sessions for children, administrative staff, local authorities, police and the gendarmerie. Since May 2019, ENCREED has organized a discussion with 25 children to familiarize the authorities and children with children's rights and the issue of violence in schools. Azur Développement has reached out to 3,993 girls, 3,633 boys and 166 other persons, including members of civil society organizations in Brazzaville and Pointe-Noire. Another initiative is led by the NGO Mouvement international de réconciliation in the "non-violence school" in Ouenzé.

97. The prevention of violence against children has been made part of the communication component of the Lisungi Project, a system of social safety nets, and, in this context, advocacy efforts reached more than 8,500 members of the households concerned between 2018 and 2019.

Recommendation 41 (c)

98. The National Social Action Plan provided for the development and implementation of a package of activities, including a component on family life and responsible parenting, to promote family cohesion. The Government is seeking support from United Nations agencies to develop and implement these activities.

99. For their part, civil society organizations, including the Mouvement international de réconciliation, organized 10 sessions and 6 days of work to advocate a culture of non-violence and peace for the benefit of parents, members of the staff of the non-violence school, officials and teachers from the Ouenzé school district in Brazzaville.

100. Since January 2019, ENCREED has been leading the project to support the promotion of children's rights in the Madibou district of Brazzaville. To this end, it has: (i) developed two frameworks for dialogue with the public authorities, bringing together municipal authorities, law enforcement officers and public administrators for a total of 100 participants; (ii) organized outreach sessions for families, children and community leaders (including the distribution of 9,527 leaflets on the 10 main children's rights); and (iii) led discussion groups on the rights of the child for 345 children.

Recommendation 41 (d)

101. To ensure access to justice for all, in line with Sustainable Development Goal 16, the Government has undertaken to reform its judicial system. In this context, article 453 of the draft code of civil procedure provides for the minor's right to be heard and to be defended by a lawyer in all proceedings affecting him or her. There is no time limit for making a request for a minor to be heard, and the request is made of the judge, without any procedure having to be followed, either by the minor him- or herself or by the persons exercising parental authority. Under article 461, if the minor is unable to appoint a lawyer him- or herself, the judge may request the President of the Bar to do so.

102. Azur Développement helps child victims of violence to file complaints with the competent courts. At the State level, any informed person may refer the matter to the competent authority.

103. From 2018 to 2019, the Groupe de réflexion contre les violences basées sur le genre (an NGO combating gender-based violence), drawing on experiences recounted by young people, led nine outreach activities to combat violence: 150 young people from schools in Pointe-Noire and Loango took part. This NGO brought an action in the case of three minor victims: two of (i) rape, one case of which was heard in criminal court, while the other was referred to an investigating judge, and (ii) assault and battery, the case of which led to criminal proceedings.

Torture and other cruel, inhuman or degrading treatment

Recommendation 43 (a)

104. The Congo has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

105. Article 14 of the Constitution prohibits all acts of torture and cruel, inhuman or degrading treatment. Under a new criminal code, still in draft form, torture will be made a criminal offence in its own right, punishable by 10 to 15 years' imprisonment. The stiffest penalty, 30 years' imprisonment, will be imposed if there are aggravating circumstances.

106. Investigations into alleged acts of cruel, inhuman or degrading treatment or punishment will be conducted without regard to the military, law enforcement or other official status of the person under investigation. Under the draft code, it will be impossible for the perpetrator to invoke exceptional circumstances, even those relating to war or threat of war, internal political instability or any other state of emergency, including the order of a superior or any higher public authority (art. 151).

107. A project on the prevention of and response to gender-based violence by police officers, conducted as part of a partnership involving the Ministry of the Interior and the United Nations Population Fund (UNFPA) since 2017, has resulted in (i) the development of instructions and guidelines for police officers on matters related to gender-based violence and (ii) the training of trainers on those matters.

Recommendation 41 (a)

108. There is a centre for the prevention and treatment of psychological trauma in Brazzaville. For want of resources, the decentralized committees are not yet operational.

109. Organizations such as Azur Développement provide medical and psychological care and legal assistance before the courts to child victims in Brazzaville and Pointe-Noire. The NGO Groupe de réflexion contre les violences basées sur le genre, which is based in Pointe-Noire, takes similar steps, becoming a party to proceedings with a view to providing legal assistance.

Recommendation 41 (c)

110. Under the Child Protection Act, cases of apparent criminality are dealt with by the police, while cases of actual criminality are heard by the courts. For example, the case of the young people who died in a holding cell at the police station in the former shipyard in the Chacona area of Brazzaville is pending before the courts.

Recommendation 41 (d)

111. Regular training within the framework of international humanitarian law studies has always been part of training programmes for law enforcement officers.

112. In 2017 and 2018, REIPER organized three training sessions on children's rights, two in Brazzaville and one in Pointe-Noire, for 90 police officers, gendarmes, judicial service officials and social service officials.

113. In 2018, support from UNICEF made it possible to provide training to 90 judges, prosecutors, lawyers, police officers, gendarmes and social workers on the Child Protection Act, in particular on (i) general principles of child protection, (ii) extrajudicial and judicial procedures, (iii) the basics of special criminal law for minors and (iv) child labour.

Ill-treatment and neglect

Recommendation 45 (a)

114. The bill on sexual violence has been circulated with a view to adoption. The measures in place are provided for in the Child Protection Act, which establishes specific articles and sanctions.

Recommendation 45 (b)

115. See reply to recommendation 41 on corporal punishment.

Recommendation 45 (c)

116. The issue of violence is, for the most part, handled by NGOs. The Government is working to implement a substantial anti-violence programme.

Recommendation 45 (d)

117. The second component of the Telema Project, aimed at promoting the productive inclusion of vulnerable persons, provides for the development of a national social action information system and an institution for monitoring social and children's affairs that will collect information on child-related issues with the support of the Agence française de développement.

118. A decree providing for the establishment of early warning systems and an institution for monitoring children at risk is being prepared.

Recommendation 45 (e)

119. The 2015 strategic framework to make the national child protection system more robust called for the development and implementation of community-based child protection mechanisms. The pilot phase of the systemic approach to child protection is being conducted in two departments: one, Brazzaville, is an urban environment, and the other, Lékoumou, is rural.

Sexual exploitation and abuse**Recommendation 47 (a)**

120. Judges, prosecutors and law enforcement officers are informed that all cases of abuse reported to them must lead to an investigation and proceedings that culminate in a judicial decision. The training provided is the same as that referred to in the response to recommendation 43 (d).

121. Domestic laws protecting children are still not adequately enforced. The Government will have to overcome a number of obstacles to their enforcement, in particular with regard to the adoption of the implementing regulations of the Child Protection Act.

122. In 2009, the Congo put in place a policy of capacity-building for judicial personnel that involves training for judges and prosecutors.

123. In addition to the training provided in the Congo, judicial cooperation agreements have been signed with Benin, Cameroon, France, Morocco, Senegal, Togo and Tunisia to speed up the training process.

Recommendation 47 (b)

124. See under 41 (a) and (b).

125. In addition, the Government is contracting with NGOs, including Azur Développement and legal aid clinics, to provide child victims with legal support before the courts in Brazzaville and Pointe-Noire.

Recommendation 47 (c)

126. Concerns over cases of sexual abuse are addressed in the strategic framework for strengthening the national child protection system, which is the policy document underlying efforts to combat sexual exploitation. Similarly, the country has national operational capacity in trauma counselling and a network of NGOs working on the issue of violence.

Freedom of the child from all forms of violence

Recommendation 49 (a)

127. The Congo has developed a strategic framework for strengthening the national child protection system that takes into account all situations involving the right of the child to protection from violence, neglect, abuse and exploitation. It establishes the responsibilities or obligations of all actors (the State, families, the community, civil society and children). It refers to all international legal instruments in the field of human rights in general and children's rights and to domestic child protection laws. Prevention, care and promotion are the three pillars of intervention. Operational plans have been in testing in Sibiti (Lékoumou Department) and Mougali district of Brazzaville since 2015.

Recommendation 49 (b)

128. A national coordinating framework to address all forms of violence against children has not yet been created. However, the National Commission to Combat Trafficking in Persons, which implements the Government's policy on combating this scourge, was established in accordance with Act No. 22-2019 of 17 June 2019, the Combating Trafficking in Persons Act.

129. In addition, the composition and operating procedures of the Interministerial Committee for Monitoring and Evaluating the Promotion and Protection of the Rights of Indigenous Peoples are defined in Decree No. 2019-203 of 12 July 2019.

Recommendation 49 (c)

130. The Ministry for the Advancement of Women and the Integration of Women in Development developed the National Gender Policy 2016. It has not been evaluated since its implementation.

131. Cooperation with international organizations in this field is very active. For example, the Congo signed an agreement with the United Nations on a development assistance framework for the period 2014–2018, which, starting in 2016, also involved an annual workplan on a project to support women and girls, women's leadership and the prevention of HIV/AIDS.

132. A partnership agreement signed with UNFPA on 25 October 2016 focuses on combating gender-based violence. A project on preventing and responding to gender-based violence has also been put in place. Led by the Ministry of the Interior and Decentralization, this project, which targets police officers, gendarmes, lawyers, physicians, psychologists and other specialists, facilitated the drafting and adoption, on 9 August 2018, of a training manual for officials from the national police force and guidelines for training on means of combating gender-based violence.

133. Numerous activities have been organized to promote and protect women's rights, including the educational outreach campaign on the increase in the number of early pregnancies, held on 22 July 2015 in Pool and from 5 to 8 August 2015 in Sangha. Also worthy of note is the meeting held on 9 September 2015 in Brazzaville to revitalize the National Institute for Monitoring Gender-based Violence.

134. A bill on violence against women is currently being considered. Pending its adoption, training and outreach are being organized. In 2015, in Pointe-Noire, 600 law enforcement officers received training on gender violence and inequality. In Brazzaville, 80 facilitators from victim care units were trained, as well as 35 police, social affairs, health and judicial officials. A brigade for the coastal area, made up of 11 women, was created in Pointe-Noire. Judges, prosecutors, police officers and health and social affairs officials attended a seminar held from 25 to 27 August 2015 to raise awareness of the criminal nature of violence against women. Police stations and hospital facilities have been provided with information technology tools, office supplies, digital cameras and essential medicines.

135. As part of the implementation of the National Gender Policy and the Programme to Combat Gender-based Violence, the Government, in agreement with the Agency for the

Regulation of Postal and Electronic Communications and mobile telephony operators, introduced a toll-free emergency number that has been operating since 4 March 2018. Similarly, the European Union, in partnership with the NGOs Actions de solidarité internationale and Azur Développement, has set up a help desk for women and children victims of violence in Brazzaville.

Recommendation 49 (d)

136. The Congo remains willing to receive a visit from and work with the Special Representative of the Secretary-General on Violence against Children and/or other relevant United Nations institutions.

Recommendation 49 (e)

137. The State made a substantial effort to implement policies and programmes until 2015. The economic crisis has led to considerable budget cuts.

138. See recommendation 17 (a).

V. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20–21, 25 and 27 (4) of the Convention)

Family environment

Recommendation 51

139. A draft Persons and Family Code is under review by the Supreme Court, which will provide an opinion on it.

140. Article 321 of the current Family Code states: “Unless otherwise specifically provided, the father and mother shall exercise their authority jointly and a decision made or act performed by one shall be presumed to have been made with the agreement of the other, unless the latter raises an objection with interested third parties.” Article 37 provides that “the State shall have the duty to assist the family, which is the custodian of morals and values”, and that “the rights of the mother ... are guaranteed” (art. 37, para. 2).

141. In addition, poor households receive support from the Lisungi Project, a system of social safety nets, to help them fulfil their duties to educate, feed and provide health care for their children. Another project, the Telema Project, which promotes the productive inclusion of vulnerable populations, is currently being implemented.

Children deprived of a family environment

Recommendation 53 (a)

142. In 2011, the Government published Decree No. 2011-341 of 12 May on the conditions and procedures for establishing and opening private care homes for children. Under article 17 of the Decree, the Ministry of Social Affairs and Humanitarian Action issued Order No. 2252/MASAHS/CAB of 14 February 2012 setting the technical standards for the establishment, organization and functioning of care homes for children.

143. Thus far, 24³ care homes have received approval: 13 in Pointe-Noire, 10 in Brazzaville and 1 in Dolisie.

Recommendation 53 (b)

144. Before it adopts legislation on foster care in order to reduce the use of institutions, the Congo is testing out the following projects, which are financed by the European Union and are being implemented by the NGO network Réseau des intervenants sur la problématique

³ Source: Family Directorate, Ministry of Social Affairs and Humanitarian Action

des enfants en rupture: (i) a project to support families called “Support for the Development of Prevention-based Initiatives and Other Initiatives to Help Vulnerable Children”; and (ii) the Foster Homes Project.

Recommendation 53 (c)

145. See recommendation 53 (a).

Recommendation 53 (d)

146. The Government’s goal is for children to be able to grow up and thrive in their biological families. Placement in a care home is a last resort. Accordingly, if children are found on the street in an appalling state, they will be picked up and placed temporarily in a care home, and a search for their parents will be launched. If the parents cannot be found, the child will be placed in an institution, for an indefinite period of time, until other solutions are found.

Recommendation 53 (e)

147. The National Social Action Plan provides the frame of reference for efforts to reduce the number of children in street situations, and encompasses the strategic framework for strengthening the national child protection system. In connection with it, the Congo has, in partnership with the World Food Programme, developed a food safety net project and, since 2014, has been implementing a component of the Lisungi Project that is focused on income-generating activities and that, with support from the Agence française de développement, assists poor families. Lastly, the Telema Project, which promotes the productive inclusion of vulnerable populations, is now being implemented with financial support from the Agence française de développement.

Recommendation 53 (f)

148. Despite the economic recession, the State plans to, over time, increase the number of social workers and improve their training and working conditions.

149. In addition to the training in social work provided by the National Civil Service and Judiciary Training School through its social development officer programme, the National Institute of Social Work opened in 2014 by the Ministry of Social Affairs and Humanitarian Action and the Ministry of Higher Education provides training in the following three tracks: (i) social services assistant; (ii) educational social worker; and (iii) community social development activity leader.

Adoption

Recommendation 55 (a)

150. These concerns have been addressed in the draft Persons and Family Code, particularly in chapter 2, on filiation by adoption, of title 5.

151. The Child Protection Act, in its article 59, para. 2, is in line with article 21 of the Convention.

Recommendation 55 (b)

152. A bill on adoptions, based on the Hague Convention, has been sent to the Secretariat General of the Government for approval.

Recommendation 55 (c)

153. On 14 February 2014, the Congo ratified the Hague Convention with the adoption of Act No. 3-2014 and Decree No. 2014-28.

154. The key measures have been included in the draft Persons and Family Code. Work was begun on the draft bill on the adoption of children mentioned above for the purpose of incorporating the Hague Convention into domestic legislation.

VI. Disability, basic health and welfare (arts. 6, 18 (3), 23–24, 26, 27 (1)–(3) and 33 of the Convention)

Children with disabilities

Recommendation 57 (a)

155. The evaluation document for the 2013–2016 action plan notes that the results achieved in terms of the services provided to persons with disabilities were encouraging, with the targets set being exceeded: between 2013 and 2016, assistance was provided to 13,595⁴ people, more than the 11,000 expected. The assistance provided was mainly in the areas of functional rehabilitation, schooling and the provision of orthopaedic devices. However, children with disabilities still have limited access to education and, in 2015, accounted for fewer than 0.3 per cent⁵ of middle- and high-school students. The results relating to persons without melanin were very limited: assistance – mainly in the form of protective kits containing clothing, creams, sunglasses and hats – was provided to 104 people without melanin, or 4 per cent of the 2,600 expected. In addition, the awareness-raising strategy has not been developed.

156. An average of 30 per cent of the allocated resources, which were already insufficient, was used between 2016 and 2018.

Recommendation 53 (b)

157. The law in question has been revised to reflect the changes that have occurred in the situation of this segment of the population since the ratification in 2014 of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto. The adoption process, which will lead to the publication of the law, is moving forward normally.

Recommendation 53 (c)

158. In 2013, the Ministry of Primary and Secondary Education and Literacy organized a symposium on inclusive education in the Congo and published a teaching manual. The integration of blind children into the mainstream school programme from middle school to university has been proceeding normally since the process was launched in Pointe-Noire and Brazzaville. In 2017, five visually impaired students passed a competitive examination for entrance into the Teacher Training College of Brazzaville. In addition, some schools in Brazzaville, Kinkala, Dolisie, Kelle and Ewo have been equipped to make them more accessible to persons with reduced mobility.

159. In terms of government hiring, 10 per cent of public service positions are reserved for persons with disabilities.

Recommendation 53 (d)

160. The National Institute of Social Work introduced a training programme for educational social workers in 2014; 12 such social workers have been trained and 28 are in training. International Days of Persons with Disabilities have been celebrated through initiatives such as the installation of access ramps in public buildings in Brazzaville, Cuvette Ouest and Pool Departments. This focus has also been integrated into the programme for accelerated municipal development and the Basic Education Improvement Project.

⁴ Government of the Congo and UNICEF, *Analyse de la situation des enfants et des adolescents en République du Congo*, 2018, p. 126.

⁵ Ibid.

Recommendation 53 (e)

161. Measures to prevent disability constitute the first area of focus under the National Action Plan for Persons with Disabilities. The main areas of action outlined are prevention, early detection, research and the establishment of a disability information system. The second area of focus under the Plan deals with the school enrolment of and teaching of literacy to persons with disabilities.

162. The Association pour le développement de la réadaptation et du bien-être (Physical Rehabilitation and Well-being Development Association) and the American non-governmental organization MiracleFeet have set up a programme called “Together for a Congo Free of Clubfoot Disability” to treat children born with clubfoot in six departments. Between July 2017 and August 2019, 285⁶ children were treated. Other efforts undertaken in connection with the programme include: (i) raising awareness among health and social workers and the public; (ii) training health and social workers in the early detection of clubfoot; (iii) advocating for long-term support for the treatment and early detection of clubfoot; and (iv) establishing a data collection system.

163. Since 2012, the foundation Sur un pied d’égalité (On an Equal Footing) has been funding a project for the care of disadvantaged children with congenital or acquired locomotor malformations. More than 400 children have already been helped.

164. The Congo has institutions for the education of young persons with various types of disabilities: an institute for deaf children, the Congolese National Institute for Blind People, an institute for persons with hearing impairments, an institute of educational psychology, a special school and a psychopaedagogic medical centre. From 2018 to 2019, these schools had a total of 826 students. Young people with disabilities can learn skills such as carpentry, welding or sewing at the National Centre for the Vocational Rehabilitation of Disabled Persons. The 2016 annual report of the Directorate General for Social Affairs noted that the records indicated that 2,343 patients had received functional therapy and seven students with disabilities had received assistance in connection with their schooling.

165. The Ministry of Social Affairs and Humanitarian Action also promotes the integration of students with disabilities into the formal education system. According to the statistical yearbook of the Ministry of Primary and Secondary Education and Literacy, 2,526 students with disabilities attend mainstream schools.

166. The Government provides assistive devices to students on the basis of their specific disabilities: crutches, forearm crutches, walkers, white canes, visual aids, recording devices and special braille paper.

Health and health services**Recommendation 59 (a)**

167. To better safeguard the right to health, particularly that of mothers and children, the Government launched an expansive programme at the beginning of the decade 2010–2020 to increase the supply of and improve access to health-care services, with a view to achieving universal health coverage.

168. The programme, which is currently being implemented, aims to have a general hospital built in each department and to have some of the health facilities, referral hospitals and integrated health centres that were destroyed during the armed conflicts restored. It also aims to connect the country in a structured network of departmental general hospitals, referral hospitals and integrated health centres in order to provide the public at large, and pregnant women and children in particular, with equitable access to high-quality health-care treatments and services as close as possible to their place of residence, both in rural and urban areas.

169. In the long term, the Government wants to ensure that each department has at least one general hospital providing tertiary health care and that each health district has a certain

⁶ Presentation document for the programme “Together for a Congo Free of Clubfoot Disability”, August 2019.

number of integrated health centres providing the minimum care package and a first-referral hospital providing secondary health-care services, also known as the “supplementary care package”.

170. The Congo adopted an integrated district health system in the 1990s, and the public-sector health system now in place around the country includes:

- 52 health districts, each headed by a chief medical officer supported by a management team comprising five to eight people
- 366 integrated health centres, which provide primary health-care services and are headed by doctors in urban areas and by health assistants in rural areas
- 8 general hospitals including the university medical centre, which is the largest hospital in the country

171. There are also other specialized diagnostic and treatment facilities in the Congo: (i) a national public health laboratory; (ii) a national blood transfusion centre, which has a network of interdepartmental centres and blood transfusion stations; (iii) a national reference centre for sickle cell anaemia; (iv) two outpatient treatment centres for HIV/AIDS, in Brazzaville and Pointe-Noire; (v) two tuberculosis clinics; and (vi) a procurement office for essential drugs and health products.

172. The efforts begun by the Congo in 2016 to review its health sector operations led to the preparation of a new national health policy for the period 2018–2030, together with a national health development plan for the period 2018–2022 and a strategic plan for reproductive, maternal, newborn, child and adolescent health for the period 2018–2022. In terms of maternal and child health targets, the 2018–2022 National Health Development Plan and the 2018–2022 Strategic Plan for Reproductive, Maternal, Newborn, Child and Adolescent Health coincide, overlap and line up with the 2018–2022 National Development Plan and the Sustainable Development Goals.

Recommendation 59 (b)

173. To prevent the spread of transmissible diseases – mainly malaria – the Government distributed more than 2 million long-lasting insecticide-treated nets in 2011 and 2012.

Changes in scope of usage of insecticide-treated nets

<i>Indicators</i>	<i>Baseline (2005–2008)</i>	<i>2012–2016</i>	<i>Targets (2018)</i>
Percentage of children under 5 years of age having slept under an insecticide-treated net	26.3%	60.5%	-
Percentage of pregnant women having slept under an insecticide-treated net	27%	60.3%	-
Percentage of households with at least one insecticide-treated net	27%	66.1%	

174. In 2019, the Government acquired 3,074,000 long-lasting insecticide-treated nets, which were expected to be enough for at least 90 per cent of households.

175. In terms of treatment, between 320,000 and 400,000 children under 15 years of age and nearly 10,000 pregnant women receive free treatment each year under the initiative to provide malaria-related services free of charge.

176. With regard to sanitation, the Government has launched an initiative called “Clean Cities, Villages and Homes”, under which workplaces and homes are cleaned and cleared of brushwood the first Saturday of every month.

177. In connection with the efforts to eradicate polio and implement the polio endgame strategy in Africa, several catch-up immunization campaigns have been conducted in recent years with support from Gavi Alliance, UNICEF and the World Health Organization. The

most recent initiatives were local immunization days held in December 2018 and national immunization days held from 26 to 30 June 2019.

178. These efforts have halted the spread of wild poliovirus, with the last case of polio being reported on 22 January 2011. The Congo is therefore on the path to eradicating the disease.

179. Like most countries in the region, the Congo has been facing measles outbreaks since 2011, despite the immunization campaigns that have been carried out in addition to routine immunization. There were 1,374 suspected cases reported in 2015, of which 22 resulted in death, and 1,390 suspected cases reported in 2016, of which one resulted in death. More than half of the cases were confirmed through testing, and some 29 per cent of the cases involved unvaccinated children under 5 years of age.

180. Maternal and neonatal tetanus was considered eliminated in the Congo in 2009.

181. Average immunization coverage increased from 69 per cent in 2017 to 75 per cent in 2018, with significant variations depending on the antigen and department: 90.8 per cent of children between 12 and 23 months of age have been vaccinated against tuberculosis, 45.8 per cent of children have received three doses of the polio vaccine, 66.3 per cent have received three doses of the vaccine against diphtheria, whooping cough and tetanus and there is 62.5 per cent immunization coverage for measles.

182. Thanks to calls for the mobilization of domestic resources, the health budget increased from 7 per cent to 13.5 per cent in 2019 and a specific budget line was created solely for vaccination. The following were then paid for or carried out with government funds:

- The purchase of CFAF 2 billion worth of vaccines
- The roll-out of a combined vaccine against measles and rubella in all regular vaccination centres by 5 March 2019
- The jointly funded purchase of CFAF 572 million worth of vaccines
- Operational costs amounting to CFAF 491 million
- Capacity-building activities for more than 90 per cent of the vaccination workers in the country's 52 health districts
- The replacement of more than 50 per cent of cold-chain equipment
- The implementation of the Reaching Every District strategy in the 52 health districts
- Proactive immunization campaigns following the declaration of a yellow fever epidemic in Pointe-Noire Department

183. The Government has various strategic and operational tools to fight malnutrition, particularly among children and pregnant women:

- The multisectoral strategic framework against malnutrition for the period 2015–2025
- The national food and nutrition security policy
- The national protocol for the management of acute malnutrition that has been implemented in treatment centres
- Monitoring standards and procedures for young children, and other such tools

184. The integrated health centres and public hospitals provide services to prevent and treat malnutrition. Vitamin A supplements are provided under the Expanded Programme on Immunization.

185. In order to build institutional capacity and improve coordination in the fight against malnutrition, the Government has joined the worldwide Scaling Up Nutrition movement.

186. Lastly, with support from the World Health Organization and UNICEF, the Government held a workshop on 23 January 2019 to draft a decree regulating the marketing of breast-milk substitutes.

Recommendation 59 (c)

187. Various strategies were prepared and implemented to speed up achievement of the Millennium Development Goals by 2015, in particular Goals 4, 5 and 6, which relate to maternal and child health, HIV/AIDS, tuberculosis and malaria: (i) a 2012 poverty reduction strategy paper; (ii) a 2008–2015 road map to hasten reductions in maternal, neonatal and infant mortality; (iii) integrated management of childhood illness; (iv) a strategic plan to promote children’s survival; (v) a 2011–2015 strategic plan for adolescent and youth health; (vi) a 2012–2016 strategic plan to reposition family planning; and (vii) a 2012–2016 plan for preventing mother-to-child transmission of HIV/AIDS.

188. In terms of impact, several studies have shown a clear reduction in maternal, neonatal, infant and child mortality indicators, as indicated in the table below:

Changes in maternal and child health indicators from 2005 to 2016

<i>Indicators</i>	<i>Baseline data (2005)</i>	<i>MDG targets</i>	<i>Level achieved (in 2015–2016)</i>	<i>Notes</i>
Neonatal mortality rate	33%	16.5%	21%	Good progress
Infant mortality rate	75%	37.5%	36%	Very good progress
Child mortality rate	117%	58.5%	52%	Very good progress
Maternal mortality ratio	781 per 100,000 live births	390 per 100,000 live births	436 per 100,000 live births	Good progress
% of births attended by skilled health personnel	86%	100%	94.2%	Very good progress
% of women who had at least 4 antenatal check-ups during their pregnancy	75%	100%	79%	Constant

Recommendation 59 (d)

189. In addition to the free antenatal and postnatal health-care services (vaccinations for children and pregnant women under the Expanded Programme on Immunization), certain other services have also been made free, including:

- Malaria treatment for children under 15 years of age and pregnant women
- HIV/AIDS treatment, services to prevent mother-to-child transmission of HIV and tuberculosis treatment, which was also ordered by decree in 2008
- Caesarean sections and other major obstetric procedures, such as emergency hysterectomies and procedures to address ectopic pregnancies, and emergency care for newborns

190. In addition, the Congo has been reforming its social protection system since 2011, with the adoption by Parliament of Act No. 31-2011 of 15 July 2011, which established the social security system, and Act No. 37-2014 of 27 June 2014, which introduced a universal health insurance scheme. In 2015, a universal health insurance fund was also established.

191. In March 2017, a two-tiered basket was created for health benefits:

- The basic basket provides full coverage in the following three priority areas: (i) health-care services for mothers and for children up to 5 years of age, including services to address nutritional diseases; (ii) treatment for certain communicable diseases, such as malaria, HIV/AIDS and tuberculosis; and (iii) treatment for certain non-communicable diseases, such as hypertension, cerebrovascular accidents and diabetes.
- Treatment in the following two areas is available under the supplementary basket: (i) communicable diseases not covered in the basic basket and road accidents; and (ii)

non-communicable diseases not covered in the basic basket. The health insurance does not fully cover the costs of services provided under the supplementary basket; the patient must make a financial contribution in the form of a co-payment, the amount of which will be determined subsequently and will be between 10 and 20 per cent.

192. The launch of the universal health insurance scheme is planned for 1 February 2020.

Recommendation 59 (e)

193. Health education is an essential component of health promotion and preventive care for pregnant women and mothers during antenatal check-ups and postnatal family planning and in follow-up care for newborns and infants. Information on certain specific diseases, such as malaria, cholera, chikungunya virus, yellow fever and Ebola virus disease, is regularly broadcast on television or the radio in connection with specific awareness-raising plans.

194. As a result of a nationwide programme to provide improved drinking water sources, more than 80 per cent of households are using such sources, although there are significant disparities between urban areas, where the figure is 98 per cent, and rural areas, where it is 57 per cent. As the percentage of households using improved, unshared toilets is, at 24 per cent, still low and the percentage of the population practising open defecation, at 8.8 per cent, is relatively high, diarrhoeal disease still contributes significantly to child morbidity. However, thanks to active awareness-raising efforts, it is now common for parents to give their children oral rehydration salts when they have diarrhoea. Packets of rehydration salts are generally distributed to mothers at integrated health centres during postnatal check-ups and growth monitoring visits for newborns and infants.

Recommendation 59 (f)

195. As part of their pre-service training, 2,108 Congolese students are currently studying medicine in Cuba. The first class, comprising around 500 doctors, will be ready and arrive back in the Congo in 2021. A project to support the continuing education of allied health professionals was launched in 2012 with funding from the European Union and the Agence française de développement and aims to train close to 1,450 people, including 900 nurses, 300 midwives and 250 laboratory technicians.

196. Furthermore, the educational programme for allied health professionals is being overhauled, including through the introduction, in the 2019/20 academic year, of an academic track comprising a bachelor's degree, a master's degree and a doctoral degree for that group of professionals, which includes nurses, midwives and laboratory technicians.

197. In addition, the integrated management of childhood illness was introduced in the Congo in 2001 as a strategy to reduce child mortality. According to a 2011 evaluation, 48 per cent of integrated health centres have officers trained in the integrated management of childhood illness. Staff of integrated health centres and hospitals regularly receive additional in-service training in connection with the implementation or application of other strategies, such as those focused on emergency obstetric and neonatal care or the integrated management of acute malnutrition.

Recommendation 59 (g)

198. Like the rest of the population served by a health district, the Indigenous community participates in the running of the health district through management committees and health committees, which are the mechanisms for community participation in health districts.

199. Although title V of Act No. 05-2011 of 25 February 2011 on the Protection and Promotion of Indigenous Peoples' Rights sets out guarantees regarding Indigenous Peoples' access to health care, in practice they often face discrimination and stigmatization. As a result, they are forced to use traditional medicine, and pregnant women in the communities have to give birth in the forests. The Government is considering recruiting Indigenous health workers to improve the experiences of Indigenous people in the health system. Furthermore, the national strategy for the promotion of traditional medicine provides for the integration of the traditional medicine of Indigenous communities.

HIV/AIDS

Recommendation 61 (a)

200. According to data models by the Spectrum and Estimation and Projection Package (EPP) programs, the HIV/AIDS epidemic is generalized and the average prevalence among 15- to 49-year-olds was 3.14 per cent in 2017. There are between 85,000 and 110,000 people living with HIV, including 9,100 children aged 14 years and under. The estimated number of new infections among children in that age group is 1,700.

201. Due to the economic and financial crisis, the National AIDS Programme is no longer able to regularly supply training establishments with tests; therefore, the inclusion in public health training of HIV screening for pregnant women – and thus the prevention of mother-to-child transmission of the virus through antiretroviral treatment – is random. Only certain specialized facilities that receive funding from the Global Fund and the European Union, such as both outpatient care centres in Brazzaville and Pointe-Noire, continue to provide this service systematically.

Recommendation 61 (b)

202. The first step in providing care to infected mothers and pregnant women is to screen them at prenatal check-ups. The Government has made this screening available at most integrated health centres. However, the shortage of HIV test kits is a barrier to effective implementation and the service's sustainability.

203. To ensure optimal follow-up of children born to HIV-positive mothers, the Government has equipped the national public health laboratory and the Pointe-Noire military hospital to carry out viral load testing, which is a free, highly effective diagnostic tool and way of assessing the efficacy of treatment, as it enables the administrator to quantify and directly visualize the presence of the virus.

Recommendation 61 (c)

204. The Government recently developed a new national strategic plan for the prevention of HIV/AIDS among adolescents and youth for the period 2020–2024 with support from United Nations agencies (UNICEF, the Joint United Nations Programme on HIV/AIDS, the World Health Organization and UNFPA). The plan aims to change young people's behaviour through education and communication and to make services more appealing to young people by catering to their specific needs.

Recommendation 61 (d)

205. The Ligne Jaune helpline is run by the telephone operator MTN and the non-governmental organization ASU, which specializes in providing psychological assistance to persons living with HIV/AIDS. The helpline, which is free and confidential, provides information on screening, treatment and modes of transmission of HIV/AIDS, hepatitis and other sexually transmitted infections.

Recommendation 61 (e)

206. In addition to the national strategic plan for the prevention of HIV/AIDS among adolescents and youth for the period 2020–2024, a new strategic AIDS framework for the period 2019–2022 has been formulated with the technical assistance of the above-mentioned agencies.

Harmful practices

Recommendation 63

207. A 2004 study showed that harmful practices occur in foreign communities, particularly West African communities. However, children from mixed marriages are sometimes subjected to these practices as well. To eliminate the practices, the Government

applies the provisions concerning sexual violence contained in the section of the Criminal Code on indecent acts.

208. Genital mutilation is banned under article 62 of the Child Protection Act, and anyone who commits that offence is liable to the penalties in article 116 of the Criminal Code.

Standard of living

Recommendation 65 (a)

209. In addition to articles 29 and 36 of the Constitution, the Government has adopted two laws on free State-run health-care and education services.

210. Primary education was made free and compulsory under the Education Act, No. 25/95 of 17 November 1995. Free primary and secondary education at public schools came into effect through Ministerial Order No. 278/MFB/MET/MEPSA of 20 March 2008.

211. The relevant health-care laws are: (i) Decree No. 2008-126 of 23 June 2008 on free treatment for HIV/AIDS, malaria and tuberculosis and (ii) Decree No. 2011-493 of 29 July 2011, which waives the costs associated with caesarean births, neonatal care for babies born by caesarean and other major obstetrical treatment.

212. Under the eligibility criteria for the Lisungi Project, disadvantaged families are required to prioritize their children's health care and school attendance.

Recommendation 65 (b)

213. The design of the National Development Plan 2018–2022 was a participatory effort in which the Government, technical and financial partners and civil society, including children's organizations, took part.

214. The Government's efforts to reduce poverty, vulnerability and inequality and empower poor and vulnerable households include:

- The social safety net initiative known as the Lisungi Project, under which 9,824 poor households in the Project's 16 areas of activity have been receiving conditional cash transfers (for food, health care and education) since 2015.⁷ In 2019, nearly 8,000 income-generating initiatives received support through the project;
- The Telema Project, aimed at supporting the employment inclusion of vulnerable populations, is being launched;
- The set-up of rural business incubators at community centres in Louvakou, Niari Department, and in Otsendé, Cuvette Department.

VII. Education, leisure and cultural activities (arts. 28–31 of the Convention)

Education, including vocational training and guidance

Recommendation 67 (a)

215. The Constitution guarantees the right of all children to education and their equal access to instruction and training without discrimination. Schooling is compulsory up to the age of 16 years.⁸ According to the 2014–2015 Multiple Indicator Cluster Survey, overall, 97 per cent of primary-school age children (6–11 years) attend primary or secondary school; the rate is almost equal between girls and boys (96 per cent compared to 97 per cent). Two thirds of secondary school-age children (12–18 years) attend a secondary or higher education institution. There is no difference in secondary school attendance between boys and girls.

⁷ *Social Info* of 1–31 December 2018, No. 2, p. 1.

⁸ Constitution, art. 29.

The main factors that can hinder access to education and school retention are household income, area of residence (urban or rural) and the mother's level of education.

216. Free education, provided for in the Education Act, No. 25-95 of 17 November 1995 on the reorganization of the education system, came into effect through Ministerial Order No. 278/MFB/MET/MEPSA of 20 March 2008. School registration fees were waived (to be replaced by a subsidy from the Ministry tied to the education level of a given school and the number of students enrolled there) and reading and mathematics textbooks were distributed to students and teachers. This was suspended in 2014 owing to the economic crisis. Following two years of scarcity, government assistance resumed slightly in the form of two or three annual lump-sum payments of CFAF 100,000 per school, along with basic supplies (chalk, paper, etc.).

Recommendation 67 (b)

217. On the basis of a skills assessment of new admissions to primary school, conducted with support from UNICEF and endorsed on 18 September 2018, the Congo plans to develop a national early childhood education policy in 2020.

Recommendation 67 (c)

218. While the Congo has nearly achieved the Education for All goals on access to education, challenges remain in terms of the quality of instruction. The school completion rate (80.3 per cent) and the retention rate (77.4 per cent) reflect the poor quality of instruction, which leads, inter alia, to students dropping out (10 per cent).

219. To resolve the issue, the Government has taken the following measures:

(a) The strengthening of the quality of education through an improved supervisory staff/teacher ratio thanks to an increase in the number of supervisors (inspectors and guidance counsellors) in 2019 – 73 at the preschool level, 605 at the primary level and 287 at the lower secondary level;

(b) The improvement of the initial training of teachers by raising the recruitment criteria (secondary certificate plus two years' tertiary education for primary schoolteachers, a Bachelor's degree for lower-secondary school teachers);

(c) Skills-upgrading seminars for teachers, in collaboration with partners (UNICEF, the United Nations Educational, Scientific and Cultural Organization);

(d) An increase in the number of teachers through the recruitment of more than 3,000 qualified teachers;

(e) The continued provision of free textbooks;

(f) The development of new curricula;

(g) The roll-out of the school meals strategy through the installation of canteens;

(h) Capacity-building at the National Educational Research and Teaching Institute;

(i) The enhancement of in-service training for primary school staff.

220. To give school-age children who dropped out of school before having cemented their literacy skills another chance to learn, the Ministry of Primary and Secondary Education and Literacy, in partnership with the French cooperation agency, established a remedial stream, known as "reschooling", in 2003, under the Primary Education and Literacy Rehabilitation Support Project. Take-up of this programme remains slow, especially in rural areas. Some 5,764 learners, including 1,290 in rural areas, were registered in the programme for the 2018/19 academic year. In 2019, after three years of reschooling, 72.22 per cent of the children obtained their primary education certificate. In addition, the World Bank is providing support to the Skills Development for Employment Project, through which participants can learn a trade. In 2019, the Project funded training for 4,051 young people, including 1,777 girls (43.3 per cent); 2,294 of them, including 1,199 girls (52.2 per cent), were placed with master craftspeople.

221. The Ministry of Primary and Secondary Education and Literacy has taken steps to expand the programme throughout the national territory. To that end, the Directorate General for Literacy has launched information and awareness-raising campaigns to encourage the population to register at reschooling centres. Furthermore, the Ministry has established a programme for the construction of reschooling centres.

Recommendation 67 (d)

222. For sociocultural reasons, school enrolment among Indigenous children is low. In the 2018/19 academic year, there were only 2,873 Indigenous students, of whom 1,338 were girls, out of a total student body at the primary level of 783,448 students, including 383,172 girls. At the lower-secondary level, there were 256 Indigenous students, including 101 girls. This spurred the Government to adopt legislative and regulatory measures, namely, Act No. 5-2011, whose articles 17, 18, 19, 20 and 21 safeguard the right to education of Indigenous children, and Decree No. 2019-204 of 22 July 2019 on measures to facilitate Indigenous children's access to education and Indigenous adults' access to literacy.

223. In certain towns of Sangha and Likouala Departments, Indigenous children are enrolled in schools that have been especially established by the Catholic Church and NGOs, referred to as ORA (Observe–Reflect–Act) schools.

224. Thanks to affirmative action measures, such as the distribution of school kits and uniforms and the establishment of school canteens, attendance has greatly improved. In the 2017/18 academic year, there were 5,670 children, including 2,692 girls, studying at 69 ORA schools. This constitutes marked progress compared to the previous assessment, conducted in 2012, when 2,012 students were recorded.

225. The cost of ORA schools is largely covered by partners, chiefly UNICEF. The Government has begun the process of integrating these establishments into national school districting, in keeping with the National Plan of Action to Improve the Quality of Life of the Indigenous Peoples 2014–2017.

Recommendation 67 (e)

226. Children's and human rights are taught at the preschool, primary and secondary levels through the course "civics, moral education and education for peace". The curricula and teaching guides for this course at the secondary level were developed by the National Educational Research and Teaching Institute in 2009. Their implementation is contingent on the reorganization of the teaching schedule and the training of history and geography teachers (at the lower-secondary level) and philosophy teachers (at the upper-secondary level), who are those tasked with teaching this subject.

227. The revision of the curriculum at the preschool and primary levels was completed in 2019.

228. Lastly, the NGO Mouvement international de réconciliation has established a school specialized in promoting a culture of non-violence and peace through education in the Ouenzé school district of Brazzaville.

Rest, leisure, recreation and cultural and artistic activities

Recommendation 69

229. Many cultural elements have been incorporated into the school curricula. Outside of schools, the flagship cultural offering consists of events at the reading and cultural activity centres. Children can take part in a variety of cultural activities (reading, theatre, talks, debates) organized by cultural centres, youth centres and recreational centres. The Ministry of Youth and Civic Education has opened three youth centres in Brazzaville, two in Niari Department and one each in Pointe-Noire, Cuvette, Plateaux and Sibiti Departments.

230. Act No. 9-2010 of 26 July 2010 on the national cultural policy envisages the establishment of cultural centres in all the administrative capitals at the department and district levels and in every municipality or locality (art. 26).

231. The right to leisure is enshrined as a fundamental human right in article 34 of the Constitution. Thus, 1,581 children between the ages of 8 and 12 years, including 514 girls, took part in the holiday camps held from 2015 to 2019. Youth leaders, youth counsellors and youth inspectors are trained by the National Institute for Youth and Sport. Between 2015 and 2019, the National Institute trained 451 counsellors and 210 inspectors.

232. The Ministry of Tourism and Environment devised the national policy on the sustainable and responsible development of the recreation sector, which was endorsed on 2 October 2019. Children's recreational activities, addressed in programme 2 on inclusive participation in and development of leisure activities, are an important component of the policy.

233. Sports are taught in school. The National Office for School and University Sports organizes national inter-establishment competitions every year. Outside of school, children and young people can participate in sports activities at ad hoc playgrounds or the various stadiums and gymnasiums built by the State. Every department has at least one football stadium.

234. Civil society organizations, parliamentarians and other individuals organize and finance sports activities at the neighbourhood and village levels. School holidays are often an opportunity for benefactors to organize sports competitions between teams of neighbourhood children and young people.

235. Students enjoy many days of rest, as follows: two days per week (Saturday and Sunday); first semester school holidays (one week); second semester school holidays (two weeks); long vacation (three months). No activities are organized during these rest periods, however.

VIII. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d), 38–40)

Asylum-seeking and refugee children

Recommendation 71

236. Act No. 29–2017 was adopted on 7 August 2017, amending certain provisions of Act No. 23–96 of 6 June 1996 on the conditions of entry into, stay in and exit from the country for foreigners.

237. A bill establishing the right of asylum and refugee status was approved by the Council of Ministers on 7 August 2019 and sent to the parliament for adoption.

238. In order to meet refugees' needs for protection and assistance, the following have been established:

- The National Committee for Assistance to Refugees, created pursuant to Decree No. 99–310 of 31 December 1999;
- The Commission on Eligibility for Refugee Status, created pursuant to Order No. 80–41 of 26 December 2001, which is responsible for ensuring the legal and administrative protection of refugees, monitoring the application of international and regional treaties on the status of refugees and considering applications for refugee status;
- The Refugee Status Appeals Commission, established under Order No. 80–42 of 26 December 2001, is responsible for guaranteeing the rights of refugees in legal proceedings related to appeals against decisions of the first commission.

239. According to statistics from the National Refugee Assistance Committee, the Congo currently hosts 60,335 refugees. The main countries of origin of the refugees are Rwanda (9,765), the Democratic Republic of the Congo (15,540) and the Central African Republic (33,081).

240. Coordinated action by the Government and the UNHCR country office has led to very significant improvements in the living conditions of refugees in general and child refugees in particular. The construction and fitting out of school buildings and the provision of textbooks (11,707 mathematics books) have made it possible to enrol 4,567 refugee children (62 per cent of all refugee children in the country).

241. With regard to child protection, particular emphasis has been placed on child-friendly support systems and violence prevention measures through the establishment of Child Friendly Spaces catering for more than 80 per cent of children.

242. Awareness-raising campaigns on children's rights have also been organized for refugees and local populations. The campaigns were brought to police officers, gendarmes, customs and immigration officials and neighbourhood leaders; and training has been provided for 36 community focal points on children's rights and child protection.

243. Many cases of violence, especially verbal violence (73.8 per cent) and physical violence (37 per cent), have been reported. Work to combat the threat of sexual and gender-based violence faced by displaced women and girls is based on the UNHCR strategy, as explained in a document entitled *Action Against Sexual and Gender-Based Violence: An Updated Strategy*.

244. Refugees living in sites prepared for them (Likouala Department) receive health care and food.

245. There are no stateless persons in the Congo. Birth registration campaigns are organized every year; and the Nationality Code of 20 June 1961 authorizes late registration procedures and the issuing of birth certificates at any time.

246. The process of accession to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness has just been initiated as part of the implementation of the National Action Plan to Combat Statelessness.

Children belonging to minority or indigenous groups

Recommendation 73 (a)

247. To disseminate the Act, around 5,000 brochures produced by the UNFPA in national languages were distributed to mark the International Day of Solidarity with Indigenous Peoples, in Sibiti in 2014 and in Ouesso in 2015. An information campaign was organized in those areas to raise awareness on the rights of indigenous people. The campaign reached a total of 3,300 persons, including 2,620 members of Indigenous groups.

248. The Congo has issued six implementing decrees in follow-up to Act No. 5–2011: (i) Decree No. 2019–199 of 12 July 2019, introducing special measures for granting civil status documents to Indigenous Peoples; (ii) Decree No. 2019–200 of 12 July 2019, on the modalities for protecting the cultural property, sacred sites and spiritual sites of Indigenous Peoples; (iii) Decree No. 2019–201 of 12 July 2019, on the procedure for the consultation and participation of Indigenous Peoples in socioeconomic development projects and programmes; (iv) Decree No. 2019–202 of 12 July 2019, specifying special measures to facilitate access to health and social services for Indigenous Peoples and to protect their pharmacopoeia; (v) Decree No. 2019–203 of 12 July 2019 on the composition and operating procedures of the Interministerial Committee for Monitoring and Evaluating the Promotion and Protection of the Rights of Indigenous Peoples. (vi) Decree No. 2019–204 of 12 July 2019 on special measures to facilitate access to education for Indigenous children and literacy for adults.

Recommendation 73 (b)

249. See paragraph above: UNFPA financed the publication of the Act and the campaigns were supported by UNICEF.

Recommendation 73 (c)

250. Article 53 of the Child Protection Act states that administering corporal punishment to discipline or correct a child is prohibited. In its article 7, Act No. 5–2011 provides that “Acts of torture or other cruel, inhumane and degrading treatment or punishment, and attacks on the right to life and physical and moral integrity with respect to Indigenous Peoples are prohibited.” The perpetrators of such acts are punished in accordance with the provisions of article 309 of the Criminal Code, subject to compensation for harm caused.

Recommendation 73 (d)

251. Pursuant to Act No. 5-2011, on 12 July 2019, the Congo promulgated Decree No. 2019–202, laying out special measures to facilitate access for Indigenous Peoples to social and health services and to protect their pharmacopoeia, and Decree No. 2019–203, establishing the composition and operating procedures of the Interministerial Committee for Monitoring and Evaluating the Promotion and Protection of the Rights of Indigenous Peoples.

252. An action plan for improving the quality of life of Indigenous Peoples for the period 2014–2017 was developed and implemented. A new action plan is currently being developed.

Recommendation 73 (e)

253. In its theme 1, the revised National Social Action Plan includes “social action in favour of Indigenous Peoples” to protect their rights and improve their standard of living, their access to land and their access to health services, education and civil registration.

254. The policy for the promotion and protection of the rights of Indigenous Peoples is enshrined in the Constitution and in Act 5–2011 of 25 February 2011. The Government has strengthened the country’s legal framework with the publication of the decrees referred to in the paragraph above on recommendation 73 (a).

Economic exploitation of children, including child labour**Recommendation 75 (a)**

255. The Constitution of 25 October 2015, in its article 40, provides that the State shall “protect children and adolescents from economic or social exploitation” and that “the work of children under the age of 16 is prohibited.” Furthermore, Act No. 6-96 of 6 March 1996 on the Labour Code, in its article 116, and the Child Protection Act, in its articles 68 and 112, prohibit the use of young children in work and the worst forms of labour. The Congo has ratified the International Labour Organization (ILO) Worst Forms of Child Labour Convention (No. 182).

Recommendation 73 (b)

256. No comprehensive study has yet been conducted on this subject. However, according to the 2014–2015 Multiple Indicator Cluster Survey for the Congo, 29 per cent of children aged 12–14 years are involved in economic activities for less than 14 hours per week and 3 per cent are for more than 14 hours each week. In addition, 6 per cent of children aged 12–14 years contribute to household chores for at least 28 hours per week. Four per cent of children aged 15–17 years work on household chores for more than 43 hours per week. No specific study has yet been conducted on this issue.

Recommendation 73 (c)

257. There are legal measures at national level. In its article 68, the Child Protection Act provides that “the employment of young children, the worst forms of labour and all other domestic activities that endanger the physical or mental health of the child are prohibited.” Furthermore, the worst forms of child labour include: “all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use

in armed conflict.” The Congo also adopted the Combating Trafficking in Persons on 17 June 2019.

Recommendation 73 (d)

258. ILO Convention No. 189 is in the process of ratification (in letter No. 020.86 of 15 July 2019, the Minister for Foreign Affairs requested the Secretary General of the Government to initiate the ratification procedure for 38 ILO Conventions).

Recommendation 73 (e)

259. The Government takes note of the Committee’s encouragement and undertakes to seek technical assistance from the Programme in order to eliminate child labour.

Street children

Recommendation 77 (a)

260. No comprehensive study of street children was conducted between 2014 and 2019 in general in the Congo. However, the strategic framework for strengthening the national child protection system has taken stock of the issues that these children suffer from: (i) violence, (ii) lack of affection, (iii) illness and lack of care, (iv) drugs. Similarly, the analysis published in 2019 highlights the origin of the violence they experience. According to that paper, the environment in which street children live inherently creates violence, both among the children themselves and from adults and law enforcement officers.

261. A partial survey conducted in 2017 by the NGO ENCREC as part of a project on emotional, relational and sexual education for street children identified the following causes: (i) death of a parent; (ii) abandonment by the family; (iii) violence; (iv) having dropped out of school; (v) family hardship.

Recommendation 73 (b)

262. The Strategic Framework for Strengthening the National Child Protection System in the Republic of the Congo 2015, which presents a systemic approach, serves as a reference.

263. The NGOs working in this field develop actions that help to improve the living conditions of vulnerable children estranged from their family and/or living on the streets. For example, between 2015 and 2019, the Centre d’Insertion et de Réinsertion des Enfants Vulnérables (Centre for Inclusion and Reintegration of Vulnerable Children) (CIREV) took in 208 street children; those of school age were given places in public schools and the others were provided with apprenticeships in workshops (masonry, mechanics, electricity, welding, baking). The Centre received support from UNDP to provide vocational training for 14 children.

264. In 2016, the NGO Samusocial launched a two-year project of concerted action to promote access for children and adolescents living on the street in Pointe-Noire to quality health and psychological services. Some hospitals have signed contracts and now offer reduced rates to children living on the street to make it easier for them to access health care.

Recommendation 73 (c)

265. The Constitution of 25 October 2016 states, in its article 39, that “Every child shall have, without any discrimination, the right to such measures of protection as are required by his or her status as a minor, on the part of his family, society and the State.” Article 5 of the Child Protection Act affirms that “All children are equal in rights and duties”.

Recommendation 73 (d)

266. In addition to the National Social Action Programme, the Congo also has a strategic framework for strengthening the national child protection system, which addresses the issues of all categories of vulnerability that affect children in a systemic manner.

Sale, trafficking and abduction

Recommendation 79 (a)

267. The approach adopted by the Congo includes taking care of children through the provision of accommodation, clothing, medical or psychological care and food, police investigations into suspected traffickers, family tracing, negotiations with the country of origin in respect of repatriation, schooling, apprenticeships, etc.

268. In Pointe-Noire, for example, the local anti-trafficking project coordination unit organizes economic reintegration and rehabilitation activities for child victims of trafficking.

Recommendation 79 (b)

269. The Congo has just passed a specific law, the Combating Trafficking in Persons Act.

270. In Pointe-Noire, the local anti-trafficking project coordination unit organized 11 radio broadcasts and 7 awareness-raising sessions on child trafficking for the foreign communities concerned in 2014 and 2015.

Recommendation 79 (c)

271. With the support of the United States of America, the Congo organized two training workshops on human trafficking, on 11 and 12 December 2018 in Brazzaville, and on 13 December 2018 in Pointe-Noire. The participants were members of the staff of the Presidency, the Prime Minister's Office, ministerial departments, the consulate of Benin, the Pointe-Noire departmental anti-trafficking coordination unit, civil society and NGOs. The aim of the two workshops was to encourage the authorities to put in place mechanisms that would lead to: (i) the adoption of an anti-trafficking law; (ii) the stepping up of investigations, prosecutions and convictions of traffickers; (iii) the introduction of specialized border teams to prevent minors being brought into the Congo without their parents.

272. In addition, from 23 July to 23 August 2019, 12 executives (11 men and 1 woman) received training in the United States on how to tackle child trafficking, including through international police cooperation. The training was then brought to the national level between 19 and 31 October 2019, with the participation of 50 focal points from the police, the gendarmerie and the customs, justice and social affairs administrations.

Recommendation 79 (d)

273. At the request of the Government of the Congo, a workshop was held from 5 to 7 August 2019 in Kinshasa, Democratic Republic of the Congo, for the two countries to exchange experiences in combating child trafficking. The workshop led to the establishment of a framework for cooperation to accelerate the implementation in the two countries of 11 recommendations on fighting trafficking.

274. The Congolese side is waiting for the response to the request it made in early 2019 to the Beninese Government for a review of the memorandum of understanding signed by the two countries on 20 September 2011 in Pointe-Noire and its implementation action plan signed in Cotonou in February 2012.

Recommendation 79 (e)

275. The Ministries of Social Affairs, the Interior, Health, Education and Vocational Training and civil society organizations work together in combating child trafficking through identification, assistance, psychological recovery and social reintegration. The child victims are placed in foster homes.

276. The alleged traffickers have been remanded in custody pending their criminal trial. The police are continuing their investigations to find any other child victims of trafficking.

277. In addition, with funding from the United States of America, the United Nations Office on Drugs and Crime carried out a project on combating human trafficking in the

Congo between 2013 and 2015 under the supervision of the Ministry of Justice and Human Rights.

Recommendation 79 (f)

278. During the period 2014–2019, individuals engaged in child trafficking have faced penalties up to and including imprisonment. In Pointe-Noire, a total of 8 persons have been imprisoned, of whom 1 in 2015, 3 in 2017 and 4 in 2018. Seven cases are awaiting judgment. In Brazzaville, six alleged traffickers were being held in pretrial detention in 2019.

279. Now that the Combating Trafficking in Persons Act has been promulgated, the strategy for its implementation will be developed.

Recommendation 79 (g)

280. The Government has just relaunched the process for the ratification of the United Nations Convention against Transnational Organized Crime and two of its three optional protocols.

Administration of juvenile justice

Recommendation 81 (a)

281. Under the Child Protection Act, the age of criminal responsibility is set at 13 years. Article 72 of the Act provides that: “Harm caused by children under 13 years of age may only entail civil liability. A child under the age of 13 years is presumed not to have the capacity to infringe criminal law. He or she may be subject only to measures of protection, assistance and supervision under the conditions set out in the present Act.”

Recommendation 81 (b)

282. The juvenile justice system (juvenile judge, juvenile court and juvenile criminal court), together with special procedures based on the principle of educational measures being preferred over criminal sanctions, was established pursuant to Act No. 1–63 of 13 January 1963 on the Code of Criminal Procedure.

283. The specialized procedures under the Code of Criminal Procedure mean that no warrant of committal, expedited investigation or direct summons may be ordered (art. 694 (3)). It is not possible to bring a prosecution for a crime without prior notice (art. 694 (3)). A social investigation must be conducted to obtain information on the material and moral situation of the minor’s family, the minor’s character and background, school attendance record and behaviour at school, and the conditions in which he or she has lived or been raised (art. 698 (4)).

284. Training on the Convention and the Child Protection Act was held for 180 civil servants involved in the juvenile justice system, including magistrates, lawyers, police officers and gendarmes, in June and July 2013 and October and December 2018 in Brazzaville and Pointe-Noire.

285. As for financial resources, the two juvenile courts, in Brazzaville and Pointe-Noire, have their own budget lines. Unfortunately, on account of the country’s very difficult financial situation, no funds have been disbursed since 2016.

286. The forthcoming publication of a draft decree on the implementation of articles 74 and 75 of the Child Protection Act and a draft order on the establishment, powers, organization, competence and functioning of the police juvenile division will add to the legislation providing a framework for children in the justice system.

287. While specialized courts and procedures for minors already existed in the past, they have now been strengthened. Under article 129, on the organization of the juvenile courts, the number of judges has been increased from one to three, including a president and at least two public prosecutors.

288. In criminal cases, a juvenile judge is competent to rule on less serious offences attributed to children. The penalties that may be imposed range from release under supervision, through placement in a juvenile re-education centre to, on an exceptional basis, imprisonment. The Directorate of Legal Protection for Children within the Ministry of Justice and its decentralized services are responsible for organizing educational measures for juvenile offenders and juveniles at risk. Currently, these specialized courts and procedures exist only in Brazzaville and Pointe-Noire.

Recommendation 81 (c)

289. The Code of Criminal Procedure provides, in its title IX relating to juvenile offenders and in its articles 696 and 699, that, if the minor or his or her legal representative has not retained a lawyer, the juvenile judge shall appoint, or request the appointment of, official defence counsel.

290. The Child Protection Act, in its article 74, provides for the judicial procedures to be followed when a minor is apprehended. Paragraph 9 of the article stipulates that “the services of a lawyer are mandatory as soon as the minor is taken into police custody If the child or his or her legal representative fails to retain a lawyer, the public prosecutor shall request the president of the Bar to appoint official defence counsel.” Furthermore, article 78 (1) lays down the right of the child to be represented by counsel throughout the proceedings. The judge may designate official defence counsel.

Recommendation 81 (d)

291. The Child Protection Act also provides for an out-of-court procedure. Article 75 of the Act states that: “Every effort shall be made to deal with juvenile offenders in a manner that avoids the need for judicial proceedings before the competent authority.”

292. However, it will be possible to implement this measure in a controlled and responsible manner only when the draft decree on the application of articles 74 and 75 of Act No. 4–2010 of 14 June 2010 is promulgated.

293. Finally, article 82 of the Act provides for the possibility of modifying court judgments in the best interests of the child.

294. According to article 74 (3) of the Act, “Any diversion involving referral shall require the consent of the juvenile, or her or his parents or guardian, provided that such decision to refer a case shall be subject to review by a competent authority, upon application.” Its article 76 (4) provides that, “While in custody, juveniles shall receive care, protection and all necessary individual assistance - social, educational, vocational, psychological, medical and physical - that they may require in view of their age, sex and personality.”

295. Two draft decrees establishing: (i) the list of jobs and categories of businesses prohibited to children and the age limit up to which the prohibition applies and (ii) the modalities for providing a release bond in the case of arrest of a child who has reached the age of 15 years have been transmitted to the Secretariat General of the Government for initiation of the process of adaptation.

Recommendation 81 (e)

296. As there has been a lack of educational centres for more than 20 years now, even children, who have the mitigating excuse of their young age, are placed in detention. The existing special quarters are far from meeting international norms and standards.

Recommendation 82

297. The Government is committed to seeking support from the partners mentioned to improve its juvenile justice system.

IX. Ratification of international human rights instruments

Recommendation 83

298. Since moving to the second cycle of the universal periodic review, the Congo has ratified, inter alia, the following legal instruments: (i) the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, on 31 March 2017; (ii) the Convention on the Rights of Persons with Disabilities and its Optional Protocol, on 14 February 2014; (iii) the Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption, in 2014; (iv) the Optional Protocol to the Convention against Torture, on 25 April 2016; (v) the Kampala amendments to the Rome Statute of the International Criminal Court, in 2014. Furthermore, national human rights institutions, civil society and some partners are advocating to the authorities that the Congo should ratify other international legal instruments to which it is not yet a party. These include the Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Prevention and Punishment of the Crime of Genocide, the Third Protocol Additional to the Geneva Conventions of 1949 on the Reduction of Statelessness and ILO Convention No. 169 concerning Indigenous and Tribal Peoples.

Recommendation 84

299. The Government of the Republic of the Congo undertakes to submit the two reports in 2020.

X. Cooperation with regional and international bodies

Recommendation 85

300. The periodic report on the general human rights situation to be submitted to the African Commission on Human and Peoples' Rights is under preparation. The Congo submitted its report on the implementation of the African Charter on the Rights and Welfare of the Child in November 2015.

301. The African Commission's Working Group on Indigenous Populations/Communities provided the Government with support in organizing the workshop on the rights of indigenous populations and communities in Africa held in Brazzaville on 14 and 15 December 2014 with the participation of civil society. In addition, the United Nations Subregional Centre for Human Rights and Democracy in Central Africa organized a capacity-building workshop in Brazzaville on report writing and the strategy for implementing the recommendations of the treaty bodies and the universal periodic review (19 November 2015), a workshop on strengthening the human rights-based approach (1–2 December 2015) and a workshop to raise awareness on torture prevention in the Congo (3 December 2015).

XI. Follow-up and dissemination

Recommendation 86

302. The recommendations of the Committee on the Rights of the Child have been transmitted to the country's institutions.

Recommendation 87

303. The recommendations were transmitted to all the public administrations and civil society organizations concerned with the issue of children's rights during a workshop held in Brazzaville in April 2016.

XII. Next report

Recommendation 88

304. The present report is intended to meet these requirements.
