



Convention on the Rights of the Child

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Summary record of the 2759th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 16 January 2024, at 10 a.m.

Chair: Ms. Skelton

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

Consideration of reports of State parties *(continued)*

Combined fifth and sixth periodic reports of the Congo (continued) (CRC/C/COG/5-6; CRC/C/COG/Q/5-6; CRC/C/COG/RQ/5-6)

1. *At the invitation of the Chair, the delegation of the Congo joined the meeting.*
2. **Ms. Mboukou Kimbatsa** (Congo) said that the coronavirus disease (COVID-19) pandemic and the economic crisis caused by the fall in the price of oil had made it impossible to implement many schemes and projects, although her Government realized that it must give effect to the international instruments to which it was a party. It was therefore committed to fully implementing Act No. 4/2010 of 14 June 2010, the Child Protection Act.
3. A strategy had been introduced to address the difficulties encountered by persons with disabilities. Families and society had to accept that a child might be living with a disability. A forum on acceptance of disability in the family would be held in the coming months, probably in March 2024. Its purpose was to encourage parents to provide proper home care for children with disabilities and to identify ways of helping them to do so.
4. Nine departments in the south of the country had been damaged by the recent flooding, and the inhabitants of some villages had been forced to flee. A multisectoral plan to deal with the flooding included comprehensive measures to provide assistance for children and adults with disabilities.
5. Her country was unprepared for the effects of climate change. The cost of mitigating those effects had been assessed at 16 billion CFA francs. Money for the relief of disasters caused by global warming would thus have to be diverted from other budgetary appropriations.
6. Indigenous children, like all children in the Congo, had the right to education. Outside the big towns, however, and in the forest, where the Indigenous population lived by collecting honey and wild silkworms, children could be encouraged to go to school and transport could be organized to enable them to do so, but, when the time came to collect the silkworms, they left the classroom and went off into the forest with their parents. What was therefore needed was a special school year for Indigenous children. Some Indigenous children nevertheless managed to go on to further education; in fact, one girl had qualified as a lawyer and was active in the field of promoting women's advancement. In Sibiti and Lékoumou Departments a non-governmental organization had opened halls of residence for Indigenous girls to enable them to pursue their studies. ORA (Observe, Reflect, Act) schools had been created in an attempt to give children in forest zones access to education. Children had sometimes dropped out of secondary school because free boarding schools had been closed. In 2023, funding from the International Monetary Fund (IMF) had made it possible to recruit 1,200 full-time preschool, primary and secondary school teachers for positions at schools in remoter areas and 800 lecturers and instructors in vocational and technical training colleges.
7. Fifty social workers had been recruited in 2023, and in 2024 it would be possible to recruit 200 more. The National Institute of Social Work trained and provided guidance for social workers. The population could therefore obtain social assistance, but clearly it would be necessary to raise public awareness of the possibility of receiving advice and support in connection with registering the births of their children, for example, or paying hospital charges.
8. A teenager who became pregnant might wish to hide her pregnancy from her mother or have a clandestine abortion. A mother who knew that her daughter was pregnant might feel obliged to go along with an abortion to save the family's reputation. In some areas, the social services did not automatically take on cases of street children who had run away from home. However, there were not many pregnant girls on the streets of Congolese towns, as there was always someone to whom the girl could turn, an aunt, a mother-in-law or another member of the family of the father of the child.
9. **A representative of the Congo** said that, after an increase, the health budget accounted for 12 per cent of the State budget. The question of expanding the health

infrastructure and the network of integrated health-care centres would be tackled once the problems posed by recent floods had been dealt with. Some young Cuban doctors had been trained to work in rural areas. Similarly, Congolese doctors or those from other countries were sent to rural areas as part of their final training. Two general hospitals would probably be built in 2024, and mobile clinics would go into operation in an attempt to broaden access to health care. Campaigns were under way throughout the country to catch up on routine vaccinations that had been missed during the pandemic. Routine vaccination coverage amounted to 61 per cent.

10. The distribution of insecticide-treated mosquito nets in all the departments had been made possible by the International Monetary Fund. Before the nets had been handed out, awareness-raising campaigns had been conducted on the need to use them to prevent malaria. After the first batch of nets had been distributed, an assessment had been made to determine whether all families had received them and identify any shortcomings that might need to be rectified before the second batch was distributed.

11. Measures to prevent childhood tuberculosis formed part of the third IMF-funded programme to counter HIV/AIDS. Steps were also taken to prevent mother-to-child transmission in hospitals and integrated health-care centres. A project run with support from the United Nations Development Programme (UNDP) had been launched to ensure that HIV-positive children received adequate nutrition.

12. **A representative of the Congo** said that there were 225 labour inspectors. She had never encountered any children considered witches, but she would try to do some research on the subject and ask social workers to identify any such children. The police had no special units responsible for the protection of children. The delegation would work with the Ministry of the Interior on setting up such a unit.

13. **A representative of the Congo** said that, where there were no juvenile judges, the Presidents of the *tribunaux de grande instance* (courts of major jurisdiction) acted as juvenile judges. Under article 697 of the Code of Criminal Procedure, a juvenile judge was appointed by the Minister of Justice. If a juvenile judge was unable to hear a case, the President of a *tribunal de grande instance* must appoint one of the judges of the court to act as a juvenile judge. The functions of a juvenile judge could not be combined with other judicial duties.

14. In accordance with article 75 of the Child Protection Act, when an offence was referred to a public prosecutor, both the latter and criminal investigation officers had discretion to find out-of-court responses or to take non-judicial decisions – for example, where the unity of a family might be in jeopardy, as in a case involving a child victim of incest, or where the young person should not have to face the prospect of a court appearance. Those cases were not referred to the juvenile judge. However, in urgent cases or when the public prosecutor thought that criminal investigations might be initiated, the public prosecutor could refer the matter to the juvenile judge. In those cases, the juvenile judge would take part in the whole procedure.

15. **A representative of the Congo** said that the principles of non-discrimination and the best interests of the child were enshrined in the Constitution and taken into account in national social policy. Support for children with disabilities was focused on education, screening and medical care. In Brazzaville, there were a number of special schools for children with various disabilities, including blind and deaf children and children with autism. In total, approximately 525 children attended those schools, which provided all services free of charge. Free school transport, meals, school materials, assistive devices and mobility aids were also provided. An educational support system was in place to help children with disabilities transition to mainstream schools. Support staff who were proficient in Braille and sign language had been assigned to schools to facilitate the inclusion of children with disabilities.

16. A number of blind students had obtained their secondary school certificates and gone on to university. The first blind student to have obtained his master's degree now held a senior position in the Ministry of Social Affairs and Humanitarian Action. Five students with disabilities had also recently completed teacher training college. The Government was committed to supporting the education of children with disabilities through a range of measures, including scholarships and free transport. Its aim was to ensure that disability was

not an obstacle to children's success and that children with disabilities were not undervalued by their families.

17. With support from a Dutch partner organization, a surgical programme for children with physical disabilities, as part of which some 400 children had undergone operations to improve their mobility, was being implemented. In 2023, 100 operations had been performed. On 3 December, the International Day of Persons with Disabilities, awareness-raising media activities, which some of the 400 children had taken part in, had been conducted.

18. **Ms. Mboukou Kimbatsa** (Congo) said that, although significant efforts were being made for the benefit of children with disabilities, much remained to be done, as many of the services and support mechanisms mentioned were not yet available outside the capital. It was relying on the support of international partners to help make them available throughout the country.

19. **A representative of the Congo** said that the Government was committed to promoting inclusive education and ensuring the physical accessibility of schools for children with disabilities. Act No. 6/2019, the Urban Planning and Building Code, provided for measures to ensure the accessibility of public buildings, including schools and universities, for persons with limited mobility. Pursuant to those provisions, access ramps had been installed in public buildings in Brazzaville and a number of other cities.

20. The Government and its partners had put in place a system for the education of Indigenous children in the ORA schools, where they were prepared for the transition to the formal education system. The National Action Plan to Improve the Quality of Life of Indigenous Peoples 2022–2025 provided for the training of Indigenous teachers in order to ensure that schooling was compatible with the Indigenous way of life.

21. New labour inspectors received initial training to prepare them to carry out inspections, while in-service inspectors received continuous training on specific areas such as child labour and domestic work. A programme for additional training was being developed.

22. **A representative of the Congo** said that, with the support of the United Nations Children's Fund (UNICEF), the Ministry of Health had been able to acquire the necessary equipment to maintain the cold chain for the supply of medicines and vaccinations in rural areas. A medication supply centre had recently been inaugurated to enhance capacity to supply the entire country. With the support of UNDP, 10 warehouses would be set up across the country to facilitate the distribution of medicines to all departments.

23. **Ms. Mboukou Kimbatsa** (Congo) said that all Congolese peacekeeping troops in the Central African Republic had been repatriated. Those found guilty of abuses had been punished and expelled from the military. The legislative provisions on the minimum age for enrolment in the army would be reviewed.

24. **Ms. Aho** (Country Task Force) said that she would be interested to hear about measures being taken as part of the Campaign on Accelerated Reduction of Maternal, Newborn and Child Mortality in Africa, particularly in the light of the large number of obstetric fistulas and early pregnancies in the country. She also wished to know what was being done to prevent early pregnancy, whether sexual and reproductive health programmes were run in schools and whether young people had access to information and contraceptives.

25. She would welcome detailed information on the programmes in place to combat malnutrition among children and pregnant women. She would also be interested to hear about the situation with regard to breastfeeding and the regulation of the marketing of breast-milk substitutes. In addition, she would appreciate information on programmes to prevent alcohol and drug addiction among young people and on the availability of mental health-care treatment and programmes.

26. In view of the recent floods, she wondered what steps were being taken to raise awareness of the role the public could play in preventing environmental degradation. It would be interesting to know what measures were taken to ensure that families that received insecticide-treated mosquito nets actually used them for their intended purpose. Lastly, she

would welcome an update on progress towards the establishment of the universal health insurance system.

27. **Ms. Ayoubi Idrissi** said that she would appreciate further information on the use of diversion programmes in the child justice system. While the Committee did, in its general comment No. 24 (2019) on children's rights in the child justice system, encourage States to explore the possibilities of avoiding formal court processes, certain conditions must apply, including the requirement to obtain the consent of the victim. In order to safeguard the rights of victims, certain offences, such as sexual violence and incest, should always be brought before the courts. Settling such cases out of court would not be in the interest of the children who were the victims of those crimes.

28. **Ms. Todorova** (Country Task Force) said that she did not understand why, in cases involving sexual violence in the home, priority would be given to maintaining the integrity of the family rather than to protecting the child victims. Preserving the family unit at all costs sent the wrong message.

29. She would be interested to hear more about the project providing for scholarships for pregnant young women and teenage mothers. She wondered, for example, how many girls had benefited thus far and whether the project could be considered a success.

30. **Ms. Zara**, noting the risks faced by teenage girls who had clandestine abortions, said that she would be grateful for information on any education programmes on sexual and reproductive health. She would also like to know more about the strategies developed to make preschool education more widely available.

31. **Mr. Gudbrandsson** said that he wished to know whether procedures for the removal of the offender from a child victim's circle of trust or from a dangerous situation were followed in the State party, whether there were procedures for eliciting and documenting the child's narrative, whether medical evaluations informed legal proceedings and whether there were processes to ensure that cases of child sexual abuse were referred to the judicial system.

32. **Ms. Kiladze** said that she would like to hear whether the delegation believed that improvements could be made to ensure the quality of social work in the Congo and whether the number of social workers should be increased.

33. **Ms. Beloff** said that, as the best interests of the child were occasionally used as an argument in favour of traditional practices that violated the rights of the child, she would like to know whether measures taken by the Government with a view to resolving tensions between traditional practices and the international commitments assumed by the State party regarding prevention of sexual violence had been endorsed through a high-level judicial decision.

34. **Mr. Van Keirsbilck** (Coordinator, Country Task Force), said that he wished to know how many children were currently deprived of liberty and where they were being held. Information on the conditions in which children were detained would also be appreciated, including whether they were held in prisons alongside adults. He was keen to know, as he had noted at the previous meeting, whether the State party had plans to raise the age of criminal responsibility and wished to learn more about the role played by the national human rights institution with regard to children.

35. He would appreciate further clarification as to how children could refuse to marry or to enter into what was referred to as pre-marriage under article 37 of the Child Protection Act. He wished to know whether the provision made for the annulment of forced marriages of children in that article meant that child marriage was possible in certain circumstances.

36. As he had also noted at the previous meeting, he would welcome further information on the representation of children, especially those not in education, in the children's parliament. He would like to know how many children from the Congo had been subject to intercountry adoption in recent years, whether it was possible to confirm that such adoptions had been legal and whether adopted children received support if they wished to find their biological parents and learn about the conditions of their adoption. He wished to know how many children lived with their mothers in prison, what the conditions in which they were held were and whether the State party planned to seek alternatives to such situations. He

wondered, too, whether there were plans to finance ORA schools, which currently received most of their funding from private individuals and other stakeholders, through the State budget.

37. The delegation might wish to provide more information on the outcomes of legal proceedings involving the child victims of international peacekeepers. It would be helpful to learn, for instance, whether those victims had been heard during the proceedings, whether they had had legal representation and whether they had been awarded damages.

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

38. **Ms. Mboukou Kimbatsa** (Congo) said that pregnancy prevention and sexual health programmes formed part of school curricula. Boys and girls were taught about the menstrual cycle in the seventh grade and received guidance on how to prevent early pregnancy and sexually transmitted infections such as HIV/AIDS, including through condom use. In addition, health workers visited schools at least once a year to talk to students about sexual health. As a consequence, girls had a good understanding of their menstrual cycles and how to avoid pregnancy. Pregnancy did not prevent girls from continuing their studies, as exemplified by the fact that many girls in the Congo had given birth during their school years and had later returned to complete their studies.

39. The Government had implemented a programme through which Congolese gynaecologists and surgeons were trained to repair obstetric fistulas; the Central Africa Inter-State Public Health Centre provided similar training to trainee doctors and nurses. Such operations took place at several hospitals in the Congo.

40. **A representative of the Congo** said that the nutrition division of the Directorate General for Hygiene and Health Promotion developed and implemented strategies to support the nutritional needs of the population, including young girls. The Government had made its pledge to the Global Fund to Fight AIDS, Tuberculosis and Malaria in more favourable circumstances. The country had recently experienced multiple unforeseeable crises, including flooding, and the Government's efforts had therefore been focused on emergency response. It would fulfil its pledge once it could.

41. Mental illness was treated as a public health problem. The Ministry of Health had taken advantage of World Mental Health Day to raise public awareness of the dangers of poor mental health and the importance of mental health care. A programme to enhance mental health care was in the early stages of development.

42. An action plan developed to support the implementation of the National AIDS Programme, which was financed by the Global Fund, touched on care for children living with HIV/AIDS. In 2022, 1,597 children living with HIV/AIDS had undergone antiretroviral therapy. To prevent mother-to-child transmission, the Government was working to raise awareness of the risks affecting pregnant women living with HIV/AIDS, to promote testing among that population and to ensure care for those women and their children.

43. The Government was implementing a universal health coverage system. Surveys had been conducted and steps had been taken to explore how technology could be integrated into such a system in order to provide the best possible service and follow-up.

44. **Ms. Mboukou Kimbatsa** (Congo) said that there were few mothers in the Congo who did not breastfeed their infants. Outpatient treatment centres for HIV/AIDS supported mothers living with HIV to ensure that they could continue breastfeeding, and a maternity hospital in Brazzaville, Blanche Gomes Hospital, provided women with advice about the types of milk that they could give to their infants. Midwives held weekly sessions at various locations to raise awareness among young mothers about breastfeeding and preventing malnutrition, as well as providing mothers with vitamin A supplements. Programmes had also been developed to provide children at risk of malnutrition with specialist treatment and to raise awareness among their mothers of the kinds of food children needed. None of the cohort of 1,200 doctors and other medical professionals returning from training in Cuba were specialists in child nutrition, as trainee doctors did not select their specialist areas until their fourth or fifth year of training. There were, however, several specialists among the country's more experienced doctors.

45. Welfare grants were awarded not just to young girls but also to young boys, and the best-performing students at some schools received scholarships. Cash transfers were made to vulnerable families through the Lisungi Project, a system of social safety nets, to support their children's education and welfare.

46. Family violence, including spousal violence, was often kept secret, and girls were considered inherently at risk in the outside world. There were currently no facilities in the Congo for children experiencing abuse. However, the Government was in the process of establishing a shelter for women experiencing violence that could also provide support to girls, and it was exploring the possibility of placing social workers in schools and other public institutions to help children in difficult situations.

47. During the distribution campaign for mosquito nets, the authorities had been careful to take the necessary measures to raise public awareness about the dangers of malaria and the need for protection. Awareness-raising activities had taken place in every village, generally in the presence of village chiefs and local health officials. Each household had then been provided with enough nets to cover all its beds. Although the Government did not have the resources to ensure that all mosquito nets were being used correctly, it continued to encourage the general public to take necessary precautions with regard to malaria.

48. The Government was committed to improving the quality of its social services, including by training more social workers. Admissions to the National Institute of Social Work were determined on the basis of a public competitive exam for baccalaureate holders. Active social workers were able to continue their training at the Institute, and the Government had signed a memorandum of understanding with the National Conservatory of Arts and Crafts in France for the development of a new curriculum to train early childhood workers.

49. There were 105 children – 98 boys and 7 girls – currently detained in prisons throughout the country. Of those children, 34 boys and 1 girl were held in Brazzaville, at the only prison in the country with a separate wing for minors. The Government was developing two new reintegration centres for children in conflict with the law, one in the north of the country and one in the south, to be placed under the auspices of the Ministry of Youth and Civic Education. The new centres would provide young offenders with the services of health workers, social workers, psychologists, teachers, vocational training officers and youth workers. The southern centre, located in Bouenza Department, would be operational within two months. A juvenile judge had once ruled that a number of child prisoners should be transferred from their penitentiary to the Centre for Inclusion and Reintegration of Vulnerable Children, a facility designed to accommodate street children. However, the initiative had not been a success. The children in question had displayed violent behaviour following the transfer and had been quickly returned to prison.

50. The time had come for a comprehensive review of the Child Protection Act in order to remove or amend all outdated and ambiguous provisions. For example, the reference in article 37 to the right of children to refuse pre-marriage implied that pre-marriage was still a widespread practice. In reality, it was a most uncommon custom of the remotest parts of the country. It no longer existed in urban areas, where all women were free to choose their husbands.

51. ORA schools were funded by UNICEF and the Lisungi Project. The Project, which had been set up to improve health and education services in remote areas, was to conclude at the end of February 2024. The Government would therefore be looking into alternative funding methods so that it could continue to support the ORA schools.

52. **A representative of the Congo** said that adoption was governed by the Family Code and the Child Protection Act. The Congo had been a party to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption since 2014, and all intercountry adoptions had had to comply with that instrument since April 2020.

53. Any abandoned child whose parents could not be located following a preliminary search was placed under the care of the Ministry of Social Affairs and Humanitarian Action. The Ministry operated three centres where abandoned children could be accommodated while a full investigation was carried out into their origins. That investigation lasted six months, during which the children remained at the centre and were not made available for adoption.

After six months, interested parties could submit an application for adoption to the Ministry. However, potential adoptive parents whose applications were approved by the Ministry were still required to institute legal proceedings to complete the adoption. It could take anywhere from six months to two years for the judge to rule on the adoption. Adoptions approved by the Ministry and confirmed by a judge were full and irrevocable.

54. As required under the Hague Convention, the Ministry kept files on all Congolese children who had left to live with adoptive parents in another country. Those children had the right to consult their files. The Ministry received regular reports about the children from their host countries and carried out visits to meet them and check on their progress. Officials had made visits of that nature to France in 2016 and 2018 and to Italy in 2023.

55. In the past, Congolese nationals living in Europe had managed to adopt the children of their relatives in the Congo; their primary aim had been to obtain European identity documents for them. However, under new rules, Congolese migrants in Europe wishing to adopt a young relative were obliged to submit a formal application to the adoption authority in their country of residence, which would then liaise with the relevant authorities in Brazzaville. In reality, very few of those applications fulfilled the criteria for a legal adoption, and the practice had therefore been eliminated.

56. **Ms. Mboukou Kimbatsa** (Congo) said that, according to the decree on the establishment, organization, composition and functioning of the children's parliament, the role of the parliament was to contribute to rallying children around programmes in favour of childhood; raise awareness among children and parents and call on the authorities and civil society actors to pay greater attention to children's issues; raise awareness among children of environmental and sustainable development issues; promote and disseminate children's rights; teach children the values of achieving success through effort and of moral probity, tolerance, solidarity and respect for others and for oneself; challenge the public authorities on the State's fulfilment of its international commitments relating to children; encourage children to formulate and express their concerns freely; and familiarize children with the exercise of parliamentary action and participatory democracy. The children's parliament was allocated its own budget, which included funding received from UNICEF, by the Ministry of Social Affairs and Humanitarian Action. The Ministry also tasked the children's parliament with specific missions related to the fulfilment of its mandate on an ongoing basis.

57. All children were represented by the children's parliament, including children in street situations. Prospective members were selected by schools on the basis of, among other things, their academic performance. The idea was that members should be aware of the challenges and difficulties facing all children and capable of articulating those issues in front of an audience. The parliament was open to all Congolese children without distinction of any kind, and its current members included children with disabilities, children with albinism and Indigenous children.

58. **Mr. Van Keirsbilck**, thanking the delegation for its contribution to a valuable and productive dialogue, said that he had been heartened to hear that the State party had the political will to take the necessary measures to strengthen its implementation of the Convention. The Government should now put in place a follow-up mechanism to coordinate implementation of the Committee's recommendations and to ensure that its concluding observations were disseminated among children in a format that was accessible to them.

59. **Ms. Mboukou Kimbatsa** (Congo) said that she had greatly appreciated the constructive nature of the dialogue and thanked all Committee members for their questions. The establishment of a follow-up mechanism would clearly enable the Government to remain in closer contact with the Committee and to report more regularly on the steps it took in follow-up to the Committee's recommendations. Although there was still a long way to go, her country was, as she had noted at the start of the meeting, committed to fulfilling its international obligations.

The meeting rose at 12.50 p.m.