



International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families Thirty-eighth session

Summary record of the 556th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 5 June 2024, at 3 p.m.

Chair: Ms. Diallo

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

Consideration of reports submitted by States parties under article 73 of the Convention *(continued)*

Initial report of the Congo (CMW/C/COG/1; CMW/C/COG/QPR/1)

1. *At the invitation of the Chair, the delegation of the Congo joined the meeting.*
2. **A representative of the Congo**, introducing his country's initial report (CMW/C/COG/1), said that his Government fully respected its international obligations and paid special attention to the promotion and protection of human rights. Accordingly, on 30 January 2024, the Congo had completed the fourth cycle of its assessment under the universal periodic review process at the Human Rights Council, the outcome report of which would be submitted for adoption at the fifty-sixth session of the Council. The country's initial report under the Convention was developed through a participatory and inclusive process, in line with the relevant international recommendations.
3. The Congo had a long tradition of welcoming immigrant populations, from the colonial days, when Brazzaville had been the capital of French Equatorial Africa, to the present day. It had therefore never instrumentalized the issue of migration for political ends.
4. In the specific case of migrant workers, while their precise number was difficult to ascertain, owing to a lack of relevant statistics, it was acknowledged that they represented a large number and that a good proportion of them worked in the informal sector.
5. The country's legal framework for the protection of migrant workers was based on both national law and international law. Relevant national laws included the Constitution of 25 October 2015; Act No. 29 of 7 August 2017, amending and supplementing certain provisions of Act No. 23-96 of 6 June 1996 on the conditions of entry, stay and exit for foreigners; Act No. 12-2023 of 10 May 2023, amending and supplementing certain provisions of Act No. 37-2014 of 27 June 2014, establishing the universal health insurance scheme; Act No. 19-2005 of 24 November 2005 on the trading business; Act No. 41-2021 of 29 September 2021 on the right of asylum and refugee status; Act No. 45-75 of 15 March 1975, establishing the Labour Code, amended and supplemented by Act No. 6-96 of 6 March 1996; and Act No. 004/86 of 25 February 1986 on the Social Security Code. In respect of the latter, it should be noted that the Congolese social security system afforded the same protection to migrant workers and members of their families as it did to Congolese nationals, including entitlement to disability, old-age and survivors' benefits, occupational accident and sickness benefits and family and maternity allowances.
6. At the international level, the Congo was a State party to the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97), the Equality of Treatment (Social Security) Convention, 1962 (No. 118), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the Maintenance of Social Security Rights Convention, 1982 (No. 157). It was a party to the Inter-African Conference on Social Welfare and had signed bilateral agreements with France and Rwanda on social security and with France and the United States authorizing the spouses of diplomatic and consular personnel of those countries to work in the Congo. In 2014, the Congo had concluded an agreement with the Democratic Republic of the Congo on the movement of people and goods between the two countries, under which persons from one country living in border areas were allowed to cross the Congo River for a short stay of up to three days in the other country, with a laissez-passer or a national identity card. However, the treatment and benefits afforded migrant workers was the same as those afforded legally resident foreign nationals.
7. In connection with the plight of migrant workers, the Government had not forgotten about the Congolese diaspora, having established a department dedicated to the diaspora in the Ministry of Foreign Affairs. In 2014, in partnership with the International Organization for Migration, it had developed a programme to enable the Government to mobilize the Congolese diaspora, with the aim of attracting qualified personnel from the diaspora to work in the country's health and higher education sectors. It had also created a liaison office at the Embassy of the Congo in France to connect Congolese jobseekers abroad with potential employers established in the Congo.

8. The Constitution guaranteed the rights of migrant workers and members of their families to education, health and freedom of association. All persons residing in Congolese territory, including migrant workers, could seek judicial remedies from the courts without discrimination. Mechanisms had been put in place for the out-of-court settlement of labour disputes, with the result that such disputes only came before a judge in exceptional cases.

9. During the coronavirus disease (COVID-19) pandemic, the Government had declared a public health emergency under which it had taken several measures which had been applied to all persons residing in and entering Congolese territory.

10. The Government had also taken steps to combat trafficking in persons, the exploitation of foreign nationals, child trafficking, sexual abuse, sex tourism and the exploitation of prostitution. International standards on trafficking in persons had been incorporated into national law. Act No. 22-2019 of 17 June 2019 on combating trafficking in persons had been enacted, and a road map for the period 2023–2025 had been adopted in the framework of Alliance 8.7, a multi-stakeholder initiative to eradicate forced labour, modern slavery, human trafficking and child labour.

11. Act No. 19-2022 of 4 May 2022, known as the Mouébara Act, had been passed to combat violence against women. The law had introduced tougher penalties than those set forth in the Criminal Code for offences related to violence against women.

12. Detained migrant workers and members of their families had the right to communicate with the consular and diplomatic authorities of their country of origin. The Congolese judicial authorities regularly shared information with their counterparts in other States on the situation of detained migrant workers.

13. As the Committee was aware, the Government faced numerous difficulties and much remained to be done, particularly to overcome obstacles to the collection of data. Nevertheless, the Government was determined to take action to protect the rights of migrant workers and members of their families, including by implementing the Committee's recommendations.

14. **Ms. Poussi** (Country Rapporteur) said that, despite the challenges that States faced in the area of migration, very few of them had ratified the Convention – a situation that was detrimental to the rights of migrant workers and members of their families. She therefore invited the Congo to defend the Convention and to promote its wider ratification at every opportunity.

15. It was clear that the State party had encountered difficulties in the preparation of its report. As the head of delegation had observed, the report contained very few disaggregated data on migrant workers, which hindered an objective, reliable and rigorous assessment of the situation in the country. The report also failed to address some of the points raised in the list of issues ([CMW/C/COG/QPR/1](#)).

16. As the National Human Rights Commission had reported that the Congo had not yet adopted legislation implementing the Convention, she would appreciate an explanation of how the Congo domesticated international human rights treaties, including the Convention. She would be interested to know about any relevant provisions that had been introduced into laws such as Act No. 10-2012 of 4 July 2012, instituting the regime for families and children facing difficulties. Noting that the Congo and Gabon had signed a bilateral agreement on cross-border cooperation, she said that she would be grateful for details of any other bilateral or multilateral agreements concluded by the Congo in the area of migration management, including on their scope, implementation status and impact on the rights of migrant workers and members of their families. She wondered what progress had been made in implementing Act No. 1/84 of 20 January 1984, on the reorganization of legal aid, given that its implementing regulations had not been adopted in the 40 years that had elapsed since its passage. In that regard, she wished to know whether it was necessary to update the Act itself before adopting the implementing regulations; whether the Government still planned to adopt the implementing regulations and, if so, within what time frame; and whether the Act provided for migrant workers to receive legal aid. She would also be interested to know which provisions of Act No. 23-96 of 6 June 1996, on the conditions of entry, stay and exit for foreigners, which had been amended and supplemented by Act No. 29 of 2017, had been brought into conformity with the Convention.

17. Given the lack of data in the report, she wondered whether the delegation was in a position to provide certain important statistics. It would be useful to know, for instance, the number of Congolese nationals living abroad and the number of foreign nationals living in the Congo. In the absence of such data, the delegation might also clarify whether the Congo was principally a country of origin, transit or destination. She would also like to know whether the Government had sought the assistance of the African Migration Observatory of the African Union, whose goal was to improve migration governance in Africa through the collection of migration data and guidance on the development of effective policies.

18. The delegation might wish to comment on the assertions of the National Human Rights Commission, which had informed the Committee that, since ratifying the Convention in 2017, the Congo had failed to formulate or adopt policies or strategies for the protection of migrant workers; that no policies, programmes or action plans on migration issues were currently envisaged; that no in-depth studies had been conducted on the situation of migrant workers and members of their families; and that there was no pre-departure training programmes for Congolese nationals who were planning to emigrate.

19. Furthermore, the delegation might comment on reports that the State party applied a discriminatory policy of “Congolization” by giving preferential treatment to Congolese nationals, thus exacerbating the situation of migrant workers by excluding them from occupations in certain sectors, including road haulage, passenger transport, retail, health, pharmacy and private education, and restricting their access to land ownership.

20. The Committee would be grateful for information on the National Plan against Trafficking in Persons 2014–2017, including on the Plan’s objectives, outcomes and any evaluation that had been carried out. It would be interesting to know what activities had been carried out under the Plan in relation to migrant workers and members of their families. She wondered whether the State party had adopted a new national plan against trafficking in persons and, if so, whether said plan included specific measures or activities to fulfil the State party’s obligations under the Convention.

21. The Committee would also be interested to know what laws were applied and what measures were taken to prosecute and punish traffickers. It would be useful to know whether the Congo had concluded any international or regional cooperation agreements or bilateral agreements to combat trafficking. She would be interested to know more about the State party’s reasons for signing a cooperation agreement with Benin to combat trafficking in children, the extent of child trafficking between Benin and the Congo, and the results that had been achieved with the implementation of the agreement. The delegation might also describe measures taken to protect victims of trafficking and to support their physical and psychological recovery, social reintegration and access to justice and redress.

22. **Mr. Corzo Sosa** (Country Rapporteur) said that, while the submission of the initial report had demonstrated the State party’s good intentions, he had been disappointed to note that the report lacked sufficient data. He wished to remind the delegation that, by ratifying the Convention, the Government had assumed an obligation to generate and report relevant data on the protection of migrant workers and members of their families. Furthermore, he wished to emphasize the importance of involving a variety of national actors and sectors in the reporting process. Notwithstanding the references to a participatory and inclusive national process and the involvement of civil society and the National Human Rights Commission in the preparation of the report, the extent of the participation of various stakeholders remained unclear. He would appreciate an explanation of how the consultations had been organized and how civil society, academia and relevant institutions had participated in the process.

23. Recalling that the State party shared a 2,410-kilometre border with the Democratic Republic of the Congo, he said that he would appreciate information on any problems that had arisen at the border, including on the mass expulsion of migrants from the Democratic Republic of the Congo as alluded to in paragraph 71 of the report. Moreover, he wished to know whether the authorities investigated any acts of arbitrary detention, rape or abuse of authority involving members of the police that had been objectively reported and were known to the public, even in the absence of a formal complaint.

24. According to the report, the National Human Rights Commission had the status of a constitutional body, which guaranteed its independence and autonomy in accordance with the Paris Principles. Nevertheless, the fact that the Commission had been accredited with B status by the Global Alliance of National Human Rights Institutions suggested that greater efforts

were needed to enhance its independence. He therefore wished to know how the State party planned to strengthen the remit and independence of the Commission with a view to obtaining A status. The delegation might also comment on reports that the Commission did not address migration-related issues and therefore was not fulfilling its role as the national human rights institution.

25. He had been concerned to read in the report that the Convention had been neither applied by public officials nor invoked directly before the courts. As several years had passed since the State party's ratification of the Convention, during which time it had been under an obligation to harmonize its laws with the Convention, he wished to know what had been done to incorporate the Convention into the country's law.

26. The Committee was satisfied to note that the authorities did not detain anyone for entering Congolese territory in an irregular manner and gave persons in an irregular situation the opportunity to regularize their situation. In that regard, he would be interested to know how the authorities regularized the status of persons who had entered the country in irregular manner. Clarification might be provided regarding paragraph 72 of the report, which stated that migrant workers and members of their families who were investigated, arrested, detained or facing expulsion for immigration-related offences had the right to have access to legal counsel – a statement which suggested that some persons did not, in fact, have the opportunity to regularize their situation. He wondered what the deadline was for illegal immigrants to regularize their situation and what the consequences of failing to meet the deadline might be.

27. **Mr. Ceriani Cernadas** said that he would appreciate information on the requirements that undocumented persons must meet in order to regularize their situation. He had been concerned, having read some articles of Act No. 29-2017 of 7 August 2017, that, under article 48, foreign nationals who failed to apply for a residence card by the deadline might be sentenced to 6 months' to 1 year's imprisonment, while under article 50, those who failed to renew their residence card could be sentenced to 6 months' imprisonment. He wished to know whether those provisions were applied in practice and, if not, whether any steps had been taken to decriminalize the failure to apply for and renew residence cards, issues which the Committee considered to be purely administrative in nature. Similarly, considering that articles 33 and 34 of the Act provided for the expulsion of foreign nationals who were found to be working without a residence permit, he wished to know whether those articles were applied in practice and whether and in what circumstances undocumented migrant workers might be asked to regularize their status instead of being expelled. In addition, as article 47 regulated the expulsion of foreign nationals whose presence in the country was deemed to be undesirable, he wished to know what circumstances or conduct might lead to persons being expelled on the grounds that they presented a threat to "public morals".

28. Lastly, he would be interested to know what measures the State party had taken to fulfil its obligations under the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, to which it had acceded in 2023. For example, the delegation might describe measures to prevent the statelessness of children of migrant workers who could not receive their parents' nationality.

29. **Ms. Gahar** said that she would appreciate an explanation of the data collection methodology that had been used in the preparation of the report, together with information on cooperation between the State party's authorities and institutions during the drafting process. The delegation might also indicate whether the implementing regulations of Act No. 4-2010 of 14 June 2010 on child protection had been adopted and, if so, whether they provided for the protection of migrant children and the children of migrant workers.

30. The Committee would be glad to receive additional details regarding the complaints received by the National Human Rights Commission, including complaints submitted by migrant workers. It would be useful to know whether the Commission, as part of its mandate to conduct public surveys on the enjoyment of civil, political, social and cultural rights, had conducted surveys or undertaken unannounced visits in detention centres with a view to protecting the rights of detained migrants.

31. Recalling that the Congo had recently experienced severe floods, she said that she would be interested to know what steps had been taken to provide social assistance and psychological care to migrant workers affected by natural disasters. She wondered what political strategy the authorities pursued to combat climate change and the internal

displacement of populations it caused. Lastly, she would appreciate information on the regulatory framework governing the intercountry adoption of Congolese children.

32. **Mr. Taghi-Zada** said that he, too, would be interested to receive information on any agreements that the Government had concluded, or planned to conclude, with countries of destination for Congolese migrants. He would also like to know to what extent such agreements reflected the principles set forth in the Convention. The Committee would appreciate statistics or analyses that identified the main countries of destination and transit for Congolese migrants.

33. **Ms. Dzumhur** said that she would be interested to receive information about the laws, institutions and procedures governing migration in the Congo and also about any challenges faced in that regard. She would like to know whether all children, including those of migrants, had access to the education system. The delegation might also usefully indicate any measures that had been taken to provide education for Congolese nationals abroad, and also clarify whether all persons, regardless of their status, including migrants, had access to health care. She would appreciate knowing whether diplomatic offices were available in countries of destination for Congolese migrants and what tools were used to provide information to Congolese nationals about those countries.

34. She wondered whether the delegation could provide information about the ability of national human rights institutions to assess the human rights situation in places where migrant workers lived and about the number of human rights complaints received from migrants. The delegation could also clarify whether any mechanisms existed for the protection of children's rights and, if not, what were the main obstacles in that regard.

35. Given that women made up a large proportion of migrants, she wished to know whether mechanisms or institutions had been established and whether any laws had been adopted to implement gender equality in the Congo. Lastly, she wished to know what action should be taken to improve data collection.

36. **Mr. Kariyawasam** said that he recognized the difficulties that the State party faced in collecting relevant information, owing in part to its geographical location, with long borders that were difficult to manage. It was his understanding that about 15 to 20 per cent of the population of the Congo had emigrated and that, under the Convention, the Government had a responsibility to provide them with as many facilities as possible, both while they were in the countries of destination and upon their return to the Congo, whether on their own volition or following expulsion.

37. He would like to know whether there were any institutional mechanisms in place to welcome returning migrants and help them resettle in the country and whether there were any incentives or regimes set up to encourage their return. For example, in some countries, returning migrants were allowed to bring back funds from abroad free of customs duty, and there were mechanisms in place to ensure that they were not exploited by financial institutions when they remitted funds back to their home countries.

38. Considering the high level of trafficking occurring along the country's borders, he wondered whether there were any regional or international consultative mechanisms to prevent trafficking and to bring people engaging in trafficking to justice.

39. **The Chair** said that the State party should be commended for the institutional and legal mechanisms it had set up in an effort to improve the situation of migrant workers and their families. Regarding the conventions that the Government had signed to protect the rights of migrant workers and members of their families, notably the Air Afrique Staff Convention, it would be interesting to know the current scope of that instrument, since Air Afrique was no longer in operation. She asked about the current scope of the bilateral agreement between the Congo and Gabon on cross-border cooperation and its impact, not only on Congolese nationals working in Gabon, but also on Gabonese nationals working in the Congo.

40. Since domestic workers represented a large proportion of the migrant population in the global South in general and in Africa in particular, she wished to know whether the State had any intention to ratify the ILO Domestic Workers Convention, 2011 (No. 189) and to adopt the ILO Recommendation No. 201, the provisions of which supplemented and allowed for the effective implementation of the Domestic Workers Convention.

41. While appreciative of the general indication in the report that a number of policies and strategies designed to protect migrant workers had been adopted, including those to prevent trafficking in persons, she wondered whether there were any specific or sectoral policies or strategies that were in the process of being adopted or that were being developed. She asked, for example, whether there was any national policy on migration, which would give an indication of the Government's vision and outlook on the issue. It would be useful to know whether there were any programmes in place for the implementation of such a policy and, if not, whether the Government was committed to developing such programmes.

42. The State party should be commended for its policy of non-discrimination between nationals and migrants with regard to the undertaking of a commercial activity in the country and for the fact that tradespersons' cards were issued to tradespersons of all nationalities, as indicated in paragraph 15 of the report. Many migrant workers were indeed employed as tradespersons and in the informal sector in general. She wished to know whether the same rights embodied, for example, by the tradesperson's card were also extended to migrant workers in other areas of the informal sector.

43. Article 22 of Act No. 23-96 of 6 June 1996 on the conditions of entry, stay and exit for foreigners stated that migrants or foreign nationals must have a work contract in order to be able to engage in any activity or employment in the Congo, and that they were prohibited from undertaking any activity in any profession other than the one for which the work contract had been issued. She wished to know whether that article was implemented in fact, and if so, what happened to migrant workers in the informal sector, which hardly featured any work contracts. She was particularly concerned about the provision that prevented migrant workers from engaging in any activity or profession other than the one for which the work contract had been issued.

44. **A representative of the Congo** said that his country had a long tradition of welcoming foreign nationals, which had become more pronounced with the onset of conflict in neighbouring countries, such as the Democratic Republic of the Congo and the Central African Republic, many of whose nationals had been forced to emigrate to the Congo and were employed primarily in the informal sector. There had also been a significant influx of migrant workers from West Africa into the Congo, which explained the specific agreement the country had signed with Benin. There had been a documentary shown in European countries some 20 years prior depicting how trafficking in persons networks were organized from Benin to send people to Europe and to Central Africa, including the Congo. The Congo was therefore primarily a country of destination, although at some point it had also become a country of transit, as occurred following the war in Rwanda, when many Rwandans were transiting through the Congo on their way to Gabon and other countries in Africa. However, Congolese nationals were also emigrating to other countries, and the different diplomatic missions of the Congo around the world generally provided them with assistance.

45. Turning to the question concerning statistics, he said that most data that was available in the Congo were sectoral in nature; it was possible to find statistics, for example, on the number of migrant workers receiving social security benefits or the number receiving occupational accident and illness benefits. What was difficult to obtain were aggregated data for the numbers to make sense at the national level. In the future, the requisite synergy would need to be created between the various institutions handling migrant worker issues, to ensure that data were collected, processed and disseminated in a consolidated manner to all international bodies to which the Congo had a reporting obligation.

46. As to the question of the ratification of the ILO Domestic Workers Convention, 2011 (No. 189), he said that the country had undertaken a vast programme to ratify various international labour conventions, as evidenced by the four cited earlier, which had been ratified fairly recently and which would enter into force in October 2024. Others, possibly including the Domestic Workers Convention, might also be ratified soon. In fact, the Congo did not have to wait for the adoption of that Convention to take action to protect domestic workers, having already adopted many regulations concerning them. The first such regulation had been adopted in 1985 and updated in 1995. As part of the review of the Labour Code, it intended to review all labour regulations in a comprehensive manner to take into account all the conventions it had ratified recently and even those that it intended to ratify. Indeed, it had already submitted a document to the International Labour Office concerning the process it had to put in place to incorporate the international conventions which it had or intended to

ratify into its law and practice. The Government was currently examining the response from the International Labour Office.

47. The “Congolization” of jobs and positions was not really connected to a specific piece of legislation. However, it was worth noting that a law passed in 1967 concerning the “Africanization” of certain jobs and positions was still on the books in the Congo. That law had been passed at a time when colonization had just ended and the Congo had inherited all the nationals of the other countries comprising French Equatorial Africa, of which Brazzaville had been the capital. Following the departure of the whites from the country, a way had to be found to make it easier for Africans to obtain jobs. Concerns regarding “Congolization” related to national preference, particularly in the oil industry, where decrees provided that Congolese nationals should be supported and given preference to enhance their competitiveness in the labour market. The focus was more on competitiveness rather than on access, because access to the labour market in all sectors was equal for all residents, including foreign nationals.

48. When considering the case of the Congo and the lack of statistics, it was important to bear in mind that the Congo was a small country with a small population lying next to a much larger country, the Democratic Republic of the Congo, with a much larger population, and that the two countries were separated just by a river, putting a strain on the ability of the Congo to manage and account for the movement of people from across the river into the country.

49. **A representative of the Congo** said that the bilateral convention between France and the Congo on social security allowed French nationals who had worked in the Congo or Congolese nationals who had worked in France to receive their pension upon retirement. With regard to the Air Afrique Staff Convention, even though the company had collapsed many years prior, it had former employees or their heirs from various countries who were still entitled to and were requesting their pension benefits. As for the bilateral convention with Rwanda signed in 2016, the Government was currently examining the cases of seven Rwandans. The Congo was also a signatory to the Multilateral Convention of the Inter-African Conference on Social Insurance, which had been ratified by its 18 member States to ensure that all their nationals had social insurance coverage when working in any of the member States. The Government of the Congo had all the statistics concerning social insurance for all the migrants under its responsibility.

50. **A representative of the Congo**, referring to the questions concerning the entry and stay for foreigners in the Congo, said that Act No. 29-2017 had been adopted to amend and supplement certain provisions of Act No. 23-96 of 6 June 1996. Nonetheless, it was the previous law that was most often referenced in respect of the entry and stay for foreign nationals. There had been no mass expulsion of foreign nationals from the Congo, although the Government had organized an operation in 2012 called “*Mbata ya Bakolo*”. The only issues that had been raised with the Government in the context of that operation had concerned mainly refugees who had been expelled to the Democratic Republic of the Congo, even though the operation had involved foreign nationals from all countries, in particular those who had been in the country in an irregular situation. The Government had worked with Office of the United Nations High Commissioner for Refugees (UNHCR) to ensure that any refugees who had been expelled by mistake to the Democratic Republic of the Congo or to the Central African Republic were able to return to the country.

51. As for the implementation of Act No. 29-2017, while the law clearly stated that foreign nationals in an irregular situation might be expelled from the country, in practice, it was applied with a great deal of flexibility, with all sorts of facilities being made to enable said foreign nationals to regularize their situation rather than be expelled. With regard to the former Rwandan refugees still in the Congo, the Government had revised its provisions concerning refugees, such that some of those former Rwandan refugees had lost their refugee status and were thus in the country in an irregular situation. They therefore came under the purview of the law governing the entry and stay of foreign nationals in the Congo. It was difficult for them to change their status from refugees to regular foreign nationals because most had generally refused to go to their Embassy to obtain a passport, which was necessary for them to change their status. Although their status remained unclear, they had not been expelled and lived in the Congo in peace.

52. With regard to the question of statelessness, the Congo had ratified the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. It had recently set up a national committee to combat statelessness and was also conducting an awareness-raising campaign on the topic, starting with the registration of all children born to foreign parents, in order to prevent statelessness. There were unfortunately no statistics as to the exact number of stateless persons in the country, since no census had been conducted in that regard.

53. **A representative of the Congo** said that article 223 of the Constitution stipulated that international conventions ratified by the Congo prevailed over the laws of the country. That automatically meant that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which had been ratified by the Congo, was applicable in the country. The concerns raised with regard to the application of the Convention were legitimate, because the idea seemed to have been given that a law to implement the Convention was being considered. In fact, the reality was that whenever the Government ratified an international convention, some legislative or regulatory provisions that were contrary to the convention might need to be adjusted to ensure that they were in keeping with the convention.

54. **A representative of the Congo** said that, at the domestic level, Act No. 1/84 of 20 January 1984 on the reorganization of legal aid was still in application and legal aid was available to low-income residents of the Congo, whether they were Congolese nationals or foreign nationals. At the international level, Act No. 25-2018 established the modalities for the Government to provide assistance to any Congolese national being prosecuted in a foreign or international court, regardless of the country of which the said national was a resident, whether temporary or permanent.

55. With regard to the right of reparation or compensation for victims of violations of rights covered by the Convention, he said that any persons, whether Congolese nationals or migrant workers or members of their families, whose rights were violated, were entitled to bring legal action in court to seek compensation.

56. **Ms. Poussi** said that the Committee had been informed that the Congo was working to set up a national digital identity system with support from the African Development Bank and that the feasibility studies had been completed in 2021. She wondered whether the delegation could give an update regarding that system, along with the integrated civil registration system. She also sought more information about the collection and processing of statistical data and how those data would be made available to the various migration actors.

57. While welcoming the explanations concerning the former Rwandan refugees, who lived in harmony with the Congolese people, she found that their legal status was still somewhat unstable. She wondered whether some exceptional solutions could not be contemplated for them since they had lost the connection with their country of origin for various reasons. It might be preferable for the Congo to consider regularizing those people as a solution. She wondered whether that was possible and how many people would be affected.

58. **Mr. Corzo Sosa** said that the registration of births did not resolve the issue of statelessness, because a person needed to have a nationality and registration did not confer nationality. He hoped to have some clarification as to how the system worked, because although the Congo had ratified the conventions on statelessness, preventing statelessness did not entail just establishing a birth registration system but rather granting nationality. The fact that under Congolese law children of foreign nationals could acquire Congolese nationality when they reached the age of majority did not resolve the issue, because being granted nationality was different from having a birth certificate.

59. It was difficult to understand why the Congo still maintained its reservation to articles 76 and 77 of the Convention, which recognized the competence of the Committee to receive communications from States parties and from or on behalf of individuals, respectively.

60. It was indicated in paragraph 111 of the report that article 49 of the Constitution of 25 October 2015 established that foreign nationals who were lawfully settled in the country had the same rights and freedoms as nationals, under the conditions determined by treaties and laws, subject to reciprocity. That condition of reciprocity meant that if persons emigrated

to the Congo and the States of origin had not concluded an agreement with the Congo, they would not enjoy those rights. It would be useful if that point could be clarified.

61. **The Chair** said that, given the importance that the Committee placed on statistics and data, it would be helpful if, perhaps even within the next 24 hours, the delegation could send some statistics in writing, which the Committee could take into consideration in its assessments. While she appreciated the difficulty in managing the extensive border between the Congo and the Democratic Republic of the Congo, she wondered whether there were any cross-border mechanisms in place with the Democratic Republic of the Congo and whether there was a system, programme or policy for documenting migration flows between the two countries.

The meeting rose at 6.05 p.m.