



**Meeting of the States Parties  
to the Convention on the  
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-third session

SUMMARY RECORD OF THE 1179th MEETING (Chamber A)

Held at the Palais Wilson, Geneva,  
on Tuesday, 19 September 2006, at 3 p.m.

Chairperson: Mr. DOEK

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*The meeting was called to order at 3 p.m.*

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4)  
(continued)

Initial report of the Republic of the Congo [(CRC/C/COG/1); list of issues (CRC/C/COG/Q/1; written replies by the State party to the list of issues (CRC/C/COG/Q/1/Add.1)] (continued)

1. *At the invitation of the Chairperson, the delegation of the Republic of the Congo took seats at the Committee table.*

2. Ms. LEE requested details about the National Plan of Action on Education adopted in 1996. She was pleased that schooling was free of charge and compulsory up to the age of 16, but noted that schools were suffering from a shortage of teachers, that girls' school enrolment was lower than that of boys, that some pupils had to travel long distances to school and might be attacked on their way, that enrolment was refused for children who did not have a birth certificate or the means to pay costs connected with school attendance - which represented a double obstacle for Pygmy children - that the children of refugees and orphans were not guaranteed an education, and that an alarming number of children repeated grades or dropped out. She therefore asked what the State party planned to do to solve those problems. With regard to sexual violence and rape, she asked what measures had been taken following the Stockholm Declaration and Action Plan and the Yokohama Global Commitment. With regard to disabled children, she inquired about the status of the action plan launched in 2005 and noted that the situation of disabled persons was not mentioned in the country's Constitution. Lastly, she expressed surprise that, in a country that had experienced so many conflicts, the goals set for education (para. 356 of the report) did not stress topics such as tolerance, peace and human rights.

3. Ms. RAOUL (Republic of the Congo) explained that the collapse of the family dated back to 1963, when the socialist revolution had disrupted the established order, particularly in traditional education. Children had been given a new role of guardians of the revolution and parents had no longer been able to perform their functions. The structural adjustment programmes implemented during the economic crisis had only aggravated poverty. The State had then abandoned its social programmes, and the school system had disintegrated at the same time as parental authority was crumbling.

4. The Government was currently trying to find ways of restoring the role of the family. Under its programme of education for family life and responsible parenting, still in the project stage, it planned to educate parents and prepare children to be citizens and later parents themselves. In addition, a study on the family was being conducted. The findings would be available by December and would be used to draw up an action plan for the family, which would take into account the recommendations of the Plan of Action on the Family in Africa.

5. Referring to the role of the expanded family in the care of orphans, she stressed that the State preferred to entrust orphans to the care of distant relatives rather than subsidizing NGOs to look after them.

6. Mr. NIAMA (Republic of the Congo) explained that in 2002 the Government had created a Ministry of Youth Redeployment to help street children by promoting their social reinsertion through apprenticeships with well-known handicrafts

practitioners or by reintegrating them in the school system when they were still of school age. Children who had dropped out of school thus had a second chance.

7. Ms. RAOUL (Republic of the Congo) described the measures taken to help children who had been unable to attend school because of the war that had started in 1996 and continued until 2001 in some regions. Children who had been attending school before the events no longer knew how to read or write when the war had ended. The Government had therefore created a programme to bring them up to the appropriate level. Since there had no longer been any schools or teachers, instruction had been provided by community volunteers, to whom other villagers gave food, while the State provided material support. Schools had gradually been rebuilt in the conflict zones, teachers had resumed their duties and children had returned to school. However, in some places there were still no schools.

8. The CHAIRPERSON asked whether most children attended public schools and whether private schools had to meet standards regarding, for example, quality of teaching.

9. Ms. RAOUL (Republic of the Congo) explained that until 1965 there had been public schools and private schools, which had all been nationalized after the socialist revolution. Private schools had been allowed to reopen in 1990. Thus there were currently public schools and private schools from nursery school to the second cycle of secondary school, but most children attended public schools, because private schools were fee-paying. The only oversight concerned infrastructure.

10. The CHAIRPERSON recalled that some years previously the State party had launched a national plan entitled "Education for All". At the same time, it was implementing a UNICEF programme for the Congo for the period 2004-2008, which combined various subprogrammes, one of which also concerned "Education for All". He asked whether, under that subprogramme, the Government would succeed in reaching its goal of having 80 per cent of pupils complete primary schooling by 2008, reflecting the Millennium Development Goals.

11. Mr. NIAMA (Republic of the Congo) explained that, in estimating whether that goal was attainable, it was necessary to take into consideration the available infrastructure and human and financial resources. The school system was still based on volunteerism: in primary schools, 28 per cent of the teachers were volunteers, which meant that they were not qualified. In those conditions, it therefore appeared difficult to attain the goal set. More qualified teachers should be recruited.

12. Mr. KRAPPMANN asked what was done for children who dropped out of school at a very early age and were too young to work.

13. Ms. RAOUL (Republic of the Congo) explained that children between 10 and 13 years of age who left school often found themselves on the streets. Those aged 16 or 17 could be helped by associations dealing with that age group. The Government had no specific programme in that area.

14. Mr. NIAMA (Republic of the Congo) said that the State was aware of its responsibility to ensure that nobody was left behind, but that there was currently no overall programme that was regularly re-assessed. A number of initiatives were taken on a day-to-day basis, both by the authorities and by nongovernmental organizations, but there was no overall approach.

15. On the other hand, in the area of health a major programme had been under way for several years and was to continue for several more years in order to combat malaria, which was the principal cause of visits to physicians and of morbidity. Specifically, the goal was to make the environment healthier, to distribute treated mosquito nets and explain their usefulness, and to subsidize treatments for malaria attacks provided at integrated health-care centres. Thanks to those proactive measures, the cost of treating a malaria attack had dropped sharply and was now affordable, at 1,000 CFA francs.

16. Female genital mutilation was not traditional in the country. The practice did not exist, or was not known to the authorities. Drug use, on the other hand, did exist and was punished by law. Drug addicts could, if necessary, be treated in specialized facilities. The Inter-Ministerial Committee for Action against Drugs, composed of representatives of several ministries and nongovernmental organizations, had met during the years following its establishment but was currently inactive. One of the Government's goals was to revive its activities.

17. Ms. OUEDRAOGO said that the Committee had been reliably informed that female genital mutilation was practised by certain immigrant populations on Congolese soil.

18. Mr. KOTRANE asked the delegation to explain how human rights in general and the rights of the child in particular, as well as the culture of peace and respect for the environment, were included in school curricula, in accordance with article 29 of the Convention on the goals of education. He would also like the delegation to explain how teachers were trained to teach those topics.

19. Mr. NIAMA (Republic of the Congo) said that in 2003 the High Commissioner for Civic and Moral Education had issued a handbook on the teaching of human rights and the dissemination of the culture of peace, which was already being partly used on an experimental basis, with the support of UNESCO and of the National Institute for Educational Research and Action (INRAP). Units for the dissemination of the Convention on the Rights of the Child, established with UNICEF support, informed journalists and teachers about the content of the Convention so that they could pass on that information in the media and in schools. However, there had been no evaluation of the results obtained by those units. In any case, it was clear that, the younger the targets of the awareness raising, the more effective it was. For example, teaching children at a very early age not to stigmatize Pygmies could cause racism to recede.

20. As the country became more open, previously unknown problems emerged. Female genital mutilation was taboo in the Republic of the Congo. If some immigrants practised it but nobody reported them, the authorities were not aware of the problem. Similarly, the authorities should start to think about whether the Republic of the Congo was not only a transit and destination country for human trafficking, as it had previously thought, but was also becoming a country of origin.

21. Ms. RAOUL (Republic of the Congo) emphasized that teaching the culture of peace was especially important because the country had experienced armed conflicts. That was why the Government insisted that a culture of peace component should be included in all projects supporting education which it negotiated with its partners (donors and civil society organizations, such as youth movements).

22. Immunization coverage, after falling to 29 per cent of the population in 1999, had risen to 90 per cent in 2004, which was above the 1990 level (80 per cent). She assured the Committee that there was no charge for immunization.

23. Wars were the main reason for the existence of street children: a survey conducted in 2002 by a nongovernmental organization revealed that the territory had about 1,100 street children, 46 per cent of whom came from the neighbouring Democratic Republic of the Congo. The restoration of peace should therefore result in a drop in the number of such children. Then the other causes of the phenomenon must be addressed - the living conditions of poor families in crowded housing and lack of prospects and its corollary, dropping out.

24. Mr. NIAMA (Republic of the Congo) said that steps had already been taken to follow up the Stockholm Declaration and Action Programme, even if for technical reasons the Republic had not yet ratified the text. On the occasion of an inter-ministerial meeting held in Abuja in 2006, the Republic of the Congo had thus committed to combating human trafficking in coordination with other ECOWAS countries. An initial partial survey, funded by the organizations Justice and Peace and Caritas, had revealed the existence of trafficking in Togolese and Beninese children in the commune of Pointe Noire; another survey launched with UNICEF funding should provide a clearer picture of the phenomenon. In any case, the Government was not waiting for ratification in order to take action and was already working with the consulates of Benin and Togo and the municipality of Pointe Noire so see that no child was sent to another country without guarantees of safety.

25. The number of AIDS orphans was estimated at 78,000. Some of them had been obliged by circumstances to become heads of families. About 20 of them, selected on the basis of objective criteria of vulnerability, were being helped under a targeted programme providing financial assistance, educational support and psychological and medical counselling. UNESCO and several donors had shown an interest in that initiative, so that the number of orphans assisted would certainly increase.

26. Ms. ORTIZ said that she would welcome more information on that programme and particularly how and by whom the beneficiary families were selected. She asked which agency was responsible for the programme and what was its budget.

27. Mr. NIAMA (Republic of the Congo) replied that the programme had first been implemented in one district, before being expanded to the five departments with the highest rates of HIV/AIDS. Currently cofinanced by the Government and by the World Bank, it could be extended to the country's 11 departments if other partners joined in. At present and in the absence of studies, it was difficult to estimate the funds that would be allocated to it.

28. Ms. RAOUL (Republic of the Congo) said that there were no guidelines governing the operation of orphanages and no agency centralizing applications to adopt in the Congo. The Family Code did contain provisions on adoption but enforcement decrees would be needed to clearly apportion responsibilities and areas of competence. The Ministry of Social Affairs, Solidarity, Humanitarian Action and the Family was sometimes asked by the Brazzaville Court of Major Jurisdiction to conduct investigations or to undertake formalities connected with adoption applications, but it did not have the necessary resources and competence to prevent illegal adoptions. It was therefore essential to establish an adoption oversight body able effectively to protect children.

29. Ms. ORTIZ invited the Congolese Government to avail itself of UNICEF technical assistance to formulate guidelines on orphanages. The purpose of such guidelines was to investigate the child's family situation so as to verify whether orphanage placement was really the best solution, to monitor the living conditions of orphans placed in such establishments and to determine whether children could be entrusted to an adoptive family. For that task, the State party should designate an agency competent in family placement or adoption, which would act as intermediary with the development partners. Lastly, with regard to the prevention of violence against children, she asked which individuals or agencies, at the local, regional and national levels, should be given training so as to be able to help victims of ill-treatment.

30. Ms. RAOUL (Republic of the Congo) said that a study was being conducted on the situation of orphanages. The goal was to highlight the failings of the existing system and the areas in which action was needed. Victims of ill-treatment could contact the help centres which had been set up in villages and urban districts and the decentralized units of the Ministry of Social Affairs. However, there was a shortage of qualified staff in those units. The Ministry therefore planned to train young people with a *baccalauréat* or a *brevet d'études* to provide support to victims of ill-treatment.

31. Mr. KOTRANE asked whether some judges received specific training in the area of juvenile delinquency. Since minors suspected of committing an offence could be held in pretrial detention for several months, he wondered about the efficiency of the system of juvenile justice in the State party.

32. The CHAIRPERSON, noting from the written replies that, out of 100 juvenile delinquents arrested by the Brazzaville police, 86 had been released and 8 had been acquitted and discharged, said that those figures implied that juvenile delinquents had little reason to fear justice. He would therefore like to know what was the attitude of the police and the national courts towards juvenile delinquency.

33. Ms. RAOUL (Republic of the Congo) explained that the small number of minors given prison sentences was due to the lack of space in prisons and to the fact that there were very few blocks for minors in the Congolese penitentiary system. It was true that the Congo was desperately short of judges specializing in juvenile justice and that the prolonged holding of minors in detention centres was a matter of particular concern.

34. Ms. ORTIZ asked whether female prisoners who had a young child were allowed to keep the child with them in prison.

35. Mr. NIAMA (Republic of the Congo) said that he had visited the women's block in the Brazzaville prison and that, during his visit, he had seen no children in the cells, which probably meant that mothers were not allowed to keep their children with them.

36. Ms. RAOUL (Republic of the Congo) said that no public facility existed yet to assist victims of family violence and that, for the time being, such victims received counselling and psychological support from an association working with the Ministry of Social Affairs.

37. No statistics had so far been compiled in the Congo on the number of disabled children. However, the Ministry of Social Affairs planned to conduct a population census in 2007 and, in preparation for that work, had instructed its staff to take into account disabled children and orphans. In addition, under the National Action Plan

for the African Decade of Persons with Disabilities, in which one of the priorities was the schooling of disabled children, the Ministry was doing everything possible to help disabled children to be mainstreamed in the regular school system and, if appropriate, to continue their studies at an institution of higher education. For example, blind students were accompanied by a tutor at university and were given a tape recorder to record the courses. In addition, the Ministry planned shortly to launch a programme for early detection of disabilities.

38. The schooling of refugee children was not a problem in the case of children from the Democratic Republic of the Congo. On the other hand, Rwandan parents preferred to send their children to school in the camp where they were living, where classes were taught in their language, but only through the primary level. Since that could affect the integration of such children in society if they were to remain in the Congo, the Government would prefer them to attend Congolese schools, but it respected the parents' choice.

39. Mr. KOTRANE noted that, according to nongovernmental organizations, Rwandan refugees did not have access to health services.

40. Mr. KRAPPMANN said that some refugee children had difficulty returning to their countries because they no longer had a passport and asked what was being done to solve that problem.

41. Ms. RAOUL (Republic of the Congo) said that there was nothing to prevent refugees from returning and that, on the contrary, arrangements had been made to inform them of the possibility of return and to help them to go home. In addition, they were under the protection of the Office of the United Nations High Commissioner for Refugees (UNHCR), which issued all necessary travel documents to them. As regards Rwandan refugees' difficulty accessing health service, she explained that, since UNHCR had declared cessation of refugee status for such persons, they no longer had access to health centres in their camps and had to pay for medical care themselves.

42. Mr. SIDDIQUI said that he did not understand why a country with so much wealth and such a high GDP was not able to relieve poverty in the territory that it administered, for example by investing in the social sector.

43. Mr. NIAMA (Republic of the Congo) replied that it was true that the country was rich in natural resources but that it had to recover from the war, which had hit the small industries very hard, and that in order to relaunch its economy it therefore had to invest in all sectors and not only in the social sector.

44. Under its accelerated municipalization strategy, the Congo each year financed the reconstruction of infrastructure and equipment in one particular department, investing in schools, roads and hospitals and reviving agricultural activities in the department concerned. The effects could not yet be felt, because it would take several years for those investments to be reflected in an improvement of the population's quality of life.

45. The CHAIRPERSON expressed the hope that the State party intended to double its education and health budget in the next three years, as it had already done in other sectors. Of its goal of 266 integrated health-care centres (CSI), only 21 per cent had been constructed in 2002. He asked whether the centres were involved in efforts to combat HIV/AIDS, why women and girls subjected to rape,

incest or family violence were reluctant to lodge complaints, and why the State party had not created a mechanism to which they would feel comfortable appealing.

46. Ms. RAOUL (Republic of the Congo) acknowledged that rape was still a taboo subject in most African countries and that the first awareness campaign on the question of rape and sexual violence, conducted three years previously with the help of Doctors without Borders, had not had much effect. Many more awareness and education campaigns would be needed to achieve progress.

47. Mr. NIAMA (Republic of the Congo) acknowledged that the number of health-care centres created nation-wide was far below the goals which the Government had set itself, but emphasized that the process was under way. In addition, the Government would have to lower its sights because it would be too expensive to create the planned centres in some very remote regions which sometimes had only 50 inhabitants per square kilometre. On the other hand, the centres already in operation were very well attended, because they were easily accessible and provided affordable care. The mobile clinics established before the war to offset the lack of health-care facilities and to serve the most isolated populations had all been destroyed. It was hoped that it would be possible to restore that type of service in the least populated regions.

48. Ms. RAOUL (Republic of the Congo) agreed that, even if the health care provided at the centres was affordable, health was still families' largest expenditure item. For that reason, the Ministry responsible for social security had submitted a preliminary draft of legislation on the creation of a system of social security designed to protect the vulnerable populations.

49. Mr. NIAMA (Republic of the Congo) said that the cooperation programme implemented in conjunction with UNICEF in the areas of the development and monitoring of young children, basic education, protection of children and women, HIV/AIDS and planning of social policies was currently undergoing a mid-term assessment with a view to possible revisions. For that purpose, each sector responsible for one of the programme components would assess its own results and report to those responsible for the other components in the framework of a multi-sectoral review. It should be noted that a number of points covered in the Convention - non-discrimination, survival and development, participation of children, protection of children - were being considered in the context of that review.

50. Mr. KOTRANE informed the delegation that official guidelines were to be issued shortly by the United Nations on the creation and operation of orphanages, following the Day of General Discussion held by the Committee on the Rights of the Child on children without parental care.

51. Mr. KRAPPMANN said that at the moment it was not easy to be a child in the Republic of the Congo but welcomed the determination of the State party to improve the situation. In that regard, the State party should focus on assistance to families, health, education for all and respect for the opinion of the child and should promote adoption of legislation prohibiting criminal proceedings against children.

52. Ms. RAOUL (Republic of the Congo) said that the Committee's final comments would receive all due attention and that her country would spare no effort to implement them in order to improve the situation of Congolese children.

*The meeting rose at 5.30 p.m.*