

CHILDREN'S RIGHTS IN THE REPUBLIC OF CONGO

Alternative report to the UN Committee on the Rights of the Child on the implementation of the International Convention on the Rights of the Child in the Republic of Congo.

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REIPER (Réseau des Intervenants sur le Phénomène des Enfants en Rupture)

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List of abbreviations

AFD: French Development Agency

ASI: Action de solidarité internationale

AsPC: Association des Spiritains au Congo

BEPC: School Leaving Certificate

CEPE: End of Primary School Certificate

CHU: University Hospital Centre

CRC: Convention on the Rights of the Child

CIREV: Centre for Integration and Vulnerable Children

CPPA: Indigenous Peoples Planning Framework

CSI: Integrated Health Centre

DRC: Democratic Republic of Congo

ECOSOC: United Nations Economic and Social Council

FAAI: Fondation Apprentis d'Auteuil International

FCFA: Francs of the African Financial Community

GBV: Gender-based violence

IDA: Institute for the Hearing Impaired

INTS: National Institute of Social Work

IPP: Psycho-pedagogical Institute

ILO: International Labour Organization

MASAH: Ministry of Social Affairs and Humanitarian Action

NGO: Non-governmental organisation

ONSSU: National School and University Sports Office

ORA: Observe, Reflect, Act (schools)

PNAS: National Social Action Policy

REIPER: Réseau des Intervenants sur le Phénomène des Enfants en Rupture

RSU: Single Social Register

SNIAS: National Social Action Information System

SSE: Education Sector Strategy

SSPN: Samu Social Pointe-Noire

UNICEF: United Nations Children's Fund

UNFPA: United Nations Population Fund

UNHCR: United Nations High Commissioner for Refugees

WFP: World Food Programme

I. Introduction

1.1 Presentation of the authors

REIPER (Réseau des Intervenants sur le Phénomène des Enfants en Rupture) is a network and a framework for consultation, exchange and national reinforcement that brings together 22 Congolese and international associations that care for children in vulnerable situations in the Republic of Congo. Founded in 2003, REIPER aims to provide a concerted and effective response to the problems of children in need. Its objectives are to strengthen technical capacities and improve communication between stakeholders in this field, as well as to carry out national and local advocacy and awareness-raising in the field of children in conflict with the law. To this end, REIPER acts as a spokesperson for its members with the public authorities and the outside world. In addition, REIPER carries out outreach activities with children in the streets of Brazzaville and, since 2014, has been coordinating an intervention unit made up of social workers from its member organisations, with minors incarcerated in the Brazzaville prison.

List of REIPER member structures:

- Association Espace Enfants (AEE);
- Action Espoir des Enfants en Détresse (AEED);
- Action de solidarité internationale (ASI);
- Association Handicap Afrique (AHA);
- Association Serment Universel (ASU);
- Association des Jeunes pour le Développement et le Travail (AJDT);
- Association Maison du Cœur-Amis du Congo (AMACO);
- Caritas Brazzaville;
- Centre d'Accueil des Mineurs (CAM);
- Centre for Integration and Vulnerable Children(CIREV);
- Communauté Chemin de la Croix et de la Résurrection (3CR);
- Communauté Notre Dame du Perpétuel Secours (CNDPS);
- Compagnon Artisan Don Bosco (CADB);
- Éducation en Milieu Ouvert (EMO);
- Enfance créatrice de développement (ENCRED);
- Espace Jarrot;
- Foyer Père Anton;
- Orphelinat Notre Dame de la Divine Miséricorde (ONDDM);
- Orphelinat Saint Joseph de Gaston Céleste (OSJGC);
- Orphelinat Cœur Immaculé de Marie (OCIM);
- Samu Social Pointe-Noire (SSPN);
- Secours International du Mouvement Chrétien pour la Solidarité (SIMCS).

Apprentis d'Auteuil is a catholic foundation recognised as being of public utility by the French State. Since 1866, the foundation has been supporting children and young people in difficulty, through reception, education, training, and integration programmes in France and abroad, to enable them to become free adults committed to building the society of tomorrow. Apprentis d'Auteuil also supports its local partners in international advocacy to obtain concrete and sustainable changes in public policies

in favour of children and families, thus obtaining special consultative status with the United Nations Economic and Social Council (ECOSOC) in 2014. Apprentis d'Auteuil has been active in the Congo since March 1988 in partnership with local associations and more particularly with REIPER since its creation in 2003.

Based in Geneva, **Fondation Apprentis d'Auteuil International (FAAI)** is a public utility foundation created in 2013, which supports the international projects of Apprentis d'Auteuil in partnership with local actors. In Switzerland, it develops educational support and professional integration projects for young people in difficulty and school dropouts. In partnership with local actors, FAAI defends the rights of children and young people, in particular those in street situations, before the international institutions of the United Nations in Geneva.

1.2 Methodology

This report was written with all the REIPER member structures in order to pool the findings and data collected by the entire network. The information contained in this report was completed by consultations with 198 children and young adults (53% of whom were girls) aged between 5 and 22¹ currently being cared for in the centres of REIPER member structures.

These consultations were conducted between April 2021 and December 2022 in Congo's two largest urban areas: Brazzaville and Pointe-Noire, as well as in the rural area of Kingoué in the Bouenza department.

They focused on the rights of the child, including the right to education, to health, to protection against violence, or the right to identity or the status of these rights for children in special situations such as indigenous children, children in street situations, children accused of witchcraft, teenage mothers, etc.

They took place in a variety of formats: open discussion groups, drawing activities, letter-writing activities, workshops to develop recommendations, etc. These consultations had the same objective of consulting children on their experiences and understanding of their rights as well as the obstacles to their full enjoyment.

The words of the young people² are included in this report in '*What children said*' inserts at the end of each chapter and as direct quotes in the text. A full list of the issues discussed and the raw material from the consultations, such as the drawings and letters produced, are appended to this report³.

1.3 Country context over the review period to 2023

The socio-economic context of the Congo is an important factor in the implementation of social protection measures. The fall in oil prices in 2014 had already weakened the country's income, and the Covid-19 pandemic has only reinforced this trend and increased the impoverishment of the population.

¹ The oldest were young people followed by REIPER member structures and who had testified about their former condition as children.

² In this report, the terms 'child' and 'young person' are used synonymously, referring to anyone under the age of 18.

³ Some of the quotes included in this report are from child consultations conducted for the redaction of an alternative report prepared by REIPER and submitted to the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) in October 2021.

According to the World Bank, the extreme poverty rate has increased in recent years, reaching 50.2% in 2020 and 52% in 2021⁴.

However, the distribution of a country's income remains dependent on political choices, and for many years the Congolese government has opted for a regal redistribution of income by favouring the security sectors - police and army - to the detriment of social sectors such as social services, education, or health. As a result of this policy, 'lack of money, lack of means' is the most common reason given by the children interviewed for why their rights cannot be respected.

Caregiving for children in precarious situations is becoming more challenging, according to those in the field. In fact, the actions set in place cannot hope to have a long-term impact in the absence of an integrated and coordinated child protection system between the different institutions and branches of government. The major obstacle to this is the lack of effective enforcement of Congolese child protection legislation. In addition, the scarcity of formalised partnerships between civil society organisations and the various branches of government hinders child protection work as a whole.

It is crucial to integrate all of children's needs into a social protection system and treat them as a whole to protect them in all aspects of their lives. Thus, the establishment of a holistic child protection and care policy between the Ministry of Social Affairs and Humanitarian Action (MASAH), in particular, and non-governmental organisations would contribute to improving the living conditions of children and, in the long term, to reducing inequality and exclusion.

"All rights are important. One is not more important than the others. For example, if I have a nationality and I don't go to school, I am useless." [Girl]

"To go to school: first you have to be able to get to school and have things to eat in the evening." [Boy]

1.3.1 Impacts of the Covid-19 on children's rights:

The Covid-19 pandemic and the government's response to it have resulted in increased economic vulnerability for families. In addition, the abrupt closure of government services such as schools and social services, as well as numerous restrictions, have increased the vulnerability and stigmatisation of certain groups of children, including in street situations, those with disabilities, and incarcerated children.

The confinement was brutal and poorly explained without any preparation and nor accompanying measures. It further weakened the families who struggled to find food every day, rather than respecting the confinement measures and starving to death.

⁴ World Bank. Republic of Congo - Overview. 2022: <https://www.banquemonddiale.org/fr/country/congo/overview>

II. General measures of implementation

2.1 Legislation and coordination

Over the years, the Republic of Congo has developed a legislative arsenal for the protection of children's rights. At the national level, REIPER welcomes the promulgation of the Family Code (1984), of the law n°05-2011 on the promotion and protection of the rights of indigenous populations (2011), of the law n°12-2014 on the creation of the Family and Children in Need Fund (2014) and of the law n°22-2019 on combating human trafficking. REIPER members welcome the signing of the decree n°200-333 creating the National Permanent Committee for the follow-up of the global movement for children, which is placed under the authority of the President of the Republic. However, the network points out that this Committee has still not been created.

The law n°04-2010 of 14 June 2010 on child protection was a major step forward in the establishment of a child protection system in the country. However, the texts of application of this law are still pending, more than 10 years after its promulgation. REIPER points out that the three implementing decrees of law n°04-2010 have never been signed, although drafts had been drawn up, as well as two ministerial rulings⁵. Moreover, the implementing decrees of Law n°12-2014 creating the Family and Special Needs Fund (2014) have not been signed.

Furthermore, REIPER notes that the laws are not applied in practice, even when the implementing regulations have been signed, as in the case of the law n°05-2011 on the promotion and protection of the rights of indigenous peoples. REIPER members deplore the absence of a permanent body responsible for coordinating the implementation and effective application of all laws, policies, programmes, and measures in favour of children.

2.2 Overall policy and strategy, allocations, and resources

In general, REIPER is concerned about the lack of resources allocated by the State to child protection. As a result, child protection projects, as well as the National Social Action Policy (PNAS), are severely limited.

Thus, REIPER notes that the capacity building of MASAH, announced in the State report, is not sufficient. This is due to the low level of funding by the State, which itself acknowledges in its report the failure to meet the disbursements set out in its budget, particularly in 2018, when only 6% of the budget allocated to MASAH was disbursed.

⁵ These are :

- Preliminary draft decree relating to the application of the articles 74 and 75 of Law n°4-2010 of 14 June 2010 on the protection of the child in the Republic of Congo;
- Preliminary draft decree setting out the specific conditions for the entry of foreign children and the exit of children from the territory of the Republic of Congo;
- Preliminary draft decree fixing the list and nature of the work and the categories of undertakings prohibited to children and defining the age limit to which this prohibition applies;
- Ruling determining the modalities for the provision of a release bond in the event of the arrest of a child who has reached the age of 15 ;
- Ruling on the creation, powers, organisation, competence, and operation of the juvenile brigade.

REIPER points out that MASAH staff contact NGOs for information on obtaining external financial support. In addition, the PNAS 2018-2022 foresees building human resource capacity to meet the needs of the social welfare system. Yet REIPER stresses that MASAH recruits few professionals trained by the National Institute of Social Work (INTS): several entire classes are awaiting recruitment.

2.3 Data collection

The overall level of statistical capacity in the Republic of Congo has decreased from 48% in 2018 to 38% in 2020, whereas it was rather stable from 2006 to 2018⁶. Two studies conducted by MASAH with support from UNICEF were completed in 2021. One entitled 'Children in street situations and mobility, including those trafficked in the Republic of Congo' and the other on 'Child victims of gender-based violence in the Republic of Congo'. While these studies provide valuable insights into the existing legislative framework as well as valuable qualitative analyses, REIPER stresses that at present, there are no up-to-date national statistics on children, particularly children in street situations. Consequently, there is no reliable official statistical data about children in the Republic of Congo.

2.4 Dissemination and awareness raising

REIPER regrets that the MASAH communication plan on the Child Protection Act has not been funded for several years. REIPER notes the demobilisation of the State in the promotion of children's rights and in the sensitisation of State agents and the general public to the Child Protection Act⁷. Civil society organisations are responsible for promoting children's rights and national legislation on child protection among civil servants, in particular the police and gendarmerie. During these awareness-raising sessions, REIPER members often note that civil servants are not aware of the existing legal provisions guaranteeing children's rights in the Congo.

2.5 Cooperation with civil society

The State's collaboration with civil society in child protection is not formalised by legislation, which makes the exercise of these missions precarious and outdated. In addition, **REIPER members point out that despite the Children's juvenile judge's placement in these civil society reception structures, the State does not financially assist civil society organizations.** REIPER observes that the State's report to the Committee presents many child protection projects that are in fact implemented and financed by civil society without State support.

Yet for a child protection strategy to be successful and comprehensive, cooperation between State agencies and the civil society is crucial. A good example of this is the Framework for Actor Consultation on the Care of Street Children and Young People in Pointe-Noire, which has been in existence since April 2014. Its objective is to promote synergy and progress on all aspects of the care of young people in Pointe-Noire. It is composed of a Permanent Secretariat which includes two member organisations representing REIPER, Action de solidarité internationale (ASI) and Samu Social Pointe-Noire (SSPN), as well as the State institutions involved in child protection. It allows for the facilitation of exchanges

⁶ World Bank. Republic of Congo - Indicators. 2020
<https://donnees.banquemondiale.org/indicateur/IQ.SCI.OVRL?locations=CG>

⁷ Law n°04-2010.

between the various child protection actors and the reporting of important issues encountered in the field to the Brazzaville authorities. However, it is not autonomous as it operates with external funding, notably from the French Development Agency (AFD) and the European Union.

2.6 Children's rights and the business sector

REIPER regrets that the implementing decree of Law n°04-2010 setting out the list, the nature of the work and the categories of enterprises prohibited to children and the age limit to which this prohibition applies, has still not been signed or published.

Recommendations

- 1. Update with the collaboration of the civil society, sign and publish the decrees, and rulings of application of Law n°04-2010 relating to the protection of the Child and to ensure its application, as soon as possible;**
- 2. Formalise by law the collaboration between the State and civil society organisations, defining the conditions for the involvement of civil society organisations in the development, implementation and evaluation of public policies relating to child protection and establishing a framework for intersectoral coordination;**
- 3. Make it compulsory for staff working with children to sign a Code of Conduct to prevent violence and sexual abuse;**
- 4. Subsidise civil society organisations to take care of children placed by juvenile judges in care facilities;**
- 5. Popularise, translate into national languages, and promote the texts of laws relating to child protection and disseminate them to government officials and the general public;**
- 6. Implement the Decree n°200-333 and officially create the Standing Committee for the Follow-up of the Global Movement for Children.**

III. General principles

3.1 Non-discrimination

Although the principle of non-discrimination is enshrined in the Congolese Constitution, in practice not all children are equal, especially in access to basic services. There is a great disparity between urban and rural areas, where children have to travel several kilometres to access a public school or health services. Moreover, many of these essential services are not free in practice, although they are free by law.

"The villagers have nothing to eat. [Young girl]

"Because of her foreign origin, a girl in my class is discriminated against, other students and even teachers tell her: "Go over there foreigner, you are from the DRC!" [Young girl]

Indeed, indigenous children are still discriminated against in their access to education despite the law n°05-2011 on the promotion and protection of the rights of indigenous people. In 2022, it is estimated that in some regions of the country, 65% of indigenous children of primary school age are not in school⁸. REIPER's members also point out the discrimination suffered by children with disabilities who do not have access to school and do not receive the necessary care due to their cost, as well as the lack of support for families caring for their children with disabilities.

Finally, there are major disparities between the treatment of girls and boys in Congolese society, which hinder the development of young girls and *de facto* the development of the country as a whole.

"Women do not have power over men" [Girl].

"We are two children at home and sometimes there is not enough to eat. It's my brother who gets it first and I'm told that I'm a girl so I can find it outside or ask my friends. I am used to it but sometimes it hurts." [Girl]

"When my mother prepares, I have food but when she doesn't prepare sometimes she gives money to my brother and my little sister but not to me. [Girl]


These problems are linked, in part, to Congolese culture and the idea that a girl must be prepared for marriage. Families with a boy and a girl consciously reserve household tasks for girls. In families where there are only boys, in this case they participate. This situation keeps girls away from their education because of fatigue and prioritisation of household chores. As the allocation of expenditure to gender equality was only 0.2% in 2014⁹, the State's efforts to promote gender equality are insufficient and need to be accelerated.

"My mother has always told me that washing dishes, sweeping, cleaning are only for girls. My brother doesn't do anything. His job is to go out and come back when everything is ready." [Girl]

⁸ Joint SGD Fund. Towards a more inclusive education. 2022: <https://jointsgdfund.org/article/together-more-inclusive-education>

⁹ UNDP. Africa Human Development Report. "Accelerating progress towards gender equality and women's empowerment in Africa". 2016

What children said about the right to non-discrimination

ILLUSTRATION	What facilitates access to this right	What hinders access to this right
	<ul style="list-style-type: none"> • "Law enforcement" • Protection • Job creation • "No favouritism". • Having a home and an entourage • Respect • "Love" • Silver • Schooling • Family • Medical follow-up 	<ul style="list-style-type: none"> • "Women do not have power over men". • Multiple causes of discrimination: disability or illness, status as a villager, street situation, mother and pregnant girls, prostitutes, illiterates, thieves, foreigners, drug addicts, beggars, etc. • Parents' refusal or reluctance to send disabled children or pregnant girls to school • No support for girl mothers • Abuse, rape and violence against prostitutes • Rejection, mistrust, exclusion • Violence of the "tatas boubous" • Neglect, lack of care • Violence

3.2 Best interests of the child

REIPER deplores the poor knowledge of police officers, magistrates, and other public agents of justice in matters of children's rights, and in particular the provisions of the law n°04-2010. This lack of knowledge often leads to blunders related to the treatment of minors, in particular children in street situations, by these services. REIPER draws attention to the fact that some judges **place children in preventive detention beyond the legal time limit, pending a court decision, which is contrary to the best interests of the child.**

3.3 Respect for the views of the child

REIPER stresses that there is still a lot of work to be done to really involve children in decision-making processes in Congo, as there is currently no space for children's expression.

Indeed, speaking out is traditionally not encouraged in Congo. It is a difficult exercise, both for the authorities and organisations working in child protection, and for the parents. Yet this voice is essential.

"The child has the right to speak (...) but when we have a problem and we want to explain to daddy he doesn't want us to be able to speak. [Girl, 14 years old]

REIPER welcomes the recent adoption decree's draft on the creation, organisation, composition and functioning of the Children's Parliament of Congo by the Council of Ministers on 30 December 2022 and in line with the law n°4-2010. It provides for the formalisation of the existence of a Children's Parliament as a first significant step in the integration of children into the decision-making processes that affect them. Until now, REIPER points out that a Children's Parliament was created in 2003 with the support of UNICEF without a regulatory framework being established, leaving the Parliament almost totally inactive and invisible.

Furthermore, the issue of participation of children and young people in care is also problematic in residential centres where there are no representatives of the children when important decisions about them are made. It is therefore important that the State allows and regulates the participation of young people without representatives, in the name of the right to participation enshrined in Article 12 of the International Convention on the Rights of the Child (CRC) and in Law n°04-2010 (Article 30), by amending the decree 2252 establishing the technical standards for the installation, organisation and operation of childcare and accommodation facilities.

Recommendations

- 1. Raise awareness nationwide of the principles of gender equality and non-discrimination, with particular attention to children with disabilities, children in street situations and indigenous children, with a focus on awareness raising in schools;**
- 2. Include a module on child rights in the national training of law enforcement officers, in particular the rights of children in street situations, by involving civil society actors;**
- 3. Create spaces for children's participation in child protection institutions, including public and private shelters, and promote the right to participation in society.**

IV. Civil rights and freedoms

4.1 Birth registration, name and nationality

REIPER points out that many children still do not have a birth certificate, particularly indigenous children or those in street situations. For example, none of the 16 children housed by CIREV between 2020 and 2021, the only structure under the supervision of MASAH, had a birth certificate. The free declaration of birth at the maternity hospital and the requisitions and judgments for late declaration of birth and the original birth certificate are instituted by article 14 paragraph 2 of Law n°04-2010. However, **in practice, REIPER notes that the free delivery of birth certificates is not guaranteed.**

"Why don't all indigenous children have birth certificate? [Young girl]

REIPER points out that many of the civil registry services are not aware of the free declaration of birth of requisitions and judgements and the original birth certificate, according to article 14 of the law on child protection. Furthermore, birth certificates are extremely complicated to obtain for children without families. When a birth has not been declared within the 30-day time limit, the civil registrar can only receive declarations of birth on the orders of the public prosecutor or with the authorisation of the President of the Court or the High Court (Tribunal de grande instance). REIPER has observed that the one-month deadline for declaring births is too short and that the judicial phase is complex and costly for a parent who has several children without a birth certificate. This procedure can cost up to 30,000 FCFA.

"Many families are poor and cannot register their children at birth due to lack of funds.

[Young boy]

Many families are unaware of the law and the obligation of the birth certificate. The network stresses the importance of approaching block and neighbourhood leaders who are close to the families and play a crucial role in explaining and reiterating the importance of obtaining a birth certificate to the parents.

"Some parents are unaware of the importance of the birth certificate, it allows the child to be recognised. [Young boy]

As regards the birth certificate, it is obtained at the town hall. In practice, it is obtained by presenting the birth certificate issued by the maternity hospital in exchange for payment of the hospital fees for the birth. The town hall then issues the birth certificate, for an amount that varies from 1,000 to 3,000 FCFA. Finally, the parents have only 30 days after the birth to declare the birth to the Civil Registry in order to obtain the certificate. This is a very short period, especially for people living in rural areas. The situation becomes more complicated if the woman gives birth at home. She often must pay an abusive and informal fine of 15,000 CFA francs for not giving birth inside the hospital. This problem particularly affects indigenous populations who often live far from health centres.

As a last resort, parents can request a requisition for a late declaration of birth from the public prosecutor. However, this declaration is often prohibitively expensive (up to 30,000 FCFA in some cases) and families must provide a certificate of apparent age and a certificate of non-registration.

Until recently, these certificates were issued by town halls. Today, the certificate of apparent age is issued by the hygiene services of the Ministry of Health, but requests have not been able to be met since 2019. In Pointe-Noire, the head of the hygiene service told civil society organisations that the cost of issuing the certificate was now 5,000 CFA francs. These additional costs may vary from one town hall to another due to their informal nature.

The inter-ministerial decree n° 14888 on the creation, allocation and organisation of auxiliary civil status centres in health facilities, published by the government to facilitate free birth certificates, has not yet been effectively implemented.

"Normally a birth certificate should be free, it should not be paid for, because it is a right!

[Young boy, 15 years old]

Without identity documents, children cannot be enrolled in school or take State examinations. For registration for State examinations (CEPE, BEPC and baccalaureate), registration fees are often higher

for non-Congolese citizens by virtue of the provisions of circulars, in contradiction with the decree on free education. In the absence of identity documents, REIPER member organisations have also noted cases where public officials determine the nationality of a child enrolled solely on the basis of his or her name, generating additional costs.

"I have a friend in the village who doesn't go to school because he doesn't have a birth certificate. [Young boy]

What children said about the right to identity			
ILLUSTRATION	What this right represents	What facilitates access to this right	What hinders access to this right
	<p>The right to identity means "to express oneself", "to say one's name", "to be loved", "to choose one's religion".</p>	<ul style="list-style-type: none"> • Free birth certificate • Equal treatment in service payments • Accompaniment • Non-limitation of time limits for reporting births • Take "measures to accompany the law on free civil status documents in the Republic of Congo by 2023". 	<ul style="list-style-type: none"> • Discrimination on the basis of foreign origin • Basic services for which a fee is charged for foreigners • Being an allophone • Ignorance, negligence, or irresponsibility of parents regarding the importance of the birth certificate • Lack of resources and support • War • Immigration, rural exodus • Death of a parent • "Lack of rigour on the part of the State regarding the identity of citizens"

Recommendations

1. Increase awareness among the Congolese population, including staff at civil registry offices, of the right to identity and free birth registration;
2. Accelerate the operationalisation of auxiliary civil status centres in health facilities in application of inter-ministerial decree n°14-888.

V. Violence against children

5.1 Corporal punishment, abuse and neglect

Despite the ban on corporal punishment, enshrined in Article 53 of Law n°04-2010, this phenomenon persists, not only in families but also in police stations and schools.

"The tatas and the 'boubou' mums are abusing the children." [Young girl]

Furthermore, acts of violence and the use of corporal punishment are unfortunately only rarely reported to the authorities. Indeed, REIPER members note that the population and children are often unaware of the law concerning corporal punishment. They also note that children and even their neighbours are afraid to report a parent who has committed violence.

"I was a victim of several abuses in my parents' house, by my father's wife, her little brother and his family [...], and after I told my father that, he didn't want me anymore."

[Young girl]

Moreover, when perpetrators are reported, they are not automatically prosecuted. Sometimes they are even protected by the community, especially when the perpetrator has sufficient financial means to corrupt State structures.

REIPER welcomes the existence of legal provisions concerning violations of the fundamental rights of the child¹⁰. However, the network deplores the passivity of the State in the face of problematic family situations, for lack of a real child protection policy in this sense.

REIPER reports that there are no reliable official national statistics on the issue. However, the MICS-05 Congo 2014-2015 survey revealed that 82.5% of children aged 1-14 had experienced psychological aggression or corporal punishment.

In Pointe-Noire, the SSPN records a high number of cases of physical violence against children within families every year. Indeed, between 2014 and 2019, of the 1136 new children (including 208 girls) identified in a street situation by the mobile teams, 65%¹¹ stated that they had suffered permanent violence in the family or even permanent abuse or serious neglect. In general, REIPER member organisations and associations note that many girls are victims of violence and corporal punishment. In 2021, ASI recorded more than 30 cases of violence against young girls that the organisation supports in Brazzaville. A toll-free number to alert against gender-based violence was set up by ASI and Azur Développement, as part of a project implemented in partnership with the government and UNFPA in 2017, which involved the Brazzaville police.

¹⁰ Law n°04-2010. Title VI.

¹¹ That is 735 children, including 132 girls.

5.2 Torture and other cruel, inhuman or degrading treatment

REIPER members underline the lack of knowledge of the law n°04-2010 by law enforcement agencies and report that children, mainly children in street situations, are victims of raids, threats, and arbitrary arrests by law enforcement agencies.

Civil society is responsible for raising awareness within the police forces about children's rights, particularly the rights of children in street situations. The members of REIPER note that this awareness-raising is bearing fruit: the raids on children in street situations have decreased for a period. Unfortunately, frequent changes of assignment mean that this work must be repeated indefinitely, without financial support from the State. Currently and for several years, REIPER has observed an increase in episodes of violence by State agents against children, generally without legal proceedings.

"A child on the street is forced to follow the orders of the elders, forced to sell drugs, and sometimes gets arrested by the police, however, they are rejected by society, and shot. [...] there have been shootings of my relatives, who we hung out with but they didn't have the same luck as me today, they experienced the loss of their lives." [Young boy]

Summary executions of children by the police for reasons of banditry continue, despite the awareness-raising work of civil society. Between January and October 2021, the Foyer Père Anton received three reports of the execution of several children by the police. In October 2021, a pupil at the Don Bosco school in Pointe-Noire was killed and two others injured by police officers while chasing "bandits"¹². Unfortunately, many of these police abuses go unpunished.

5.3 Sexual exploitation and sexual abuse

Faced with the inaction of the State, civil society oversees the protection of victims of sexual violence. In particular the organisation ASI, a member of REIPER, through the setting up of "one-stop shop".

"Prostitutes are subjected to rape, abuse, sexual violence." [Young girl, formerly in prostitution].

Young girls in prostitution are particularly vulnerable to sexually transmitted infections and early pregnancies. These situations often result from the vulnerability of families that push young girls to prostitute themselves to survive.

"When I was nine years old, my father's little brother made me his sex object because my father had no money to buy a house." [Young girl]

Civil society carries out awareness-raising activities on the risks of prostitution and the importance of wearing condoms. However, Congo Brazzaville is currently suffering from a shortage of condoms. Young girls in prostitution cannot control their pregnancies, risk becoming pregnant and resort to

¹² VOA Afrique, One student killed and two injured in police operation in Brazzaville. 2021: <https://www.voafrique.com/a/un-%c3%a9l%c3%a8ve-tu%c3%a9-et-deux-autresbless%c3%a9s-lors-d-une-op%c3%a9ration-de-police-%c3%a0-brazzaville/6287305.html>

clandestine abortions to avoid finding themselves in an even more precarious situation than the one they are already in.

Abortion is illegal in the Congo and families often advise girls who want an abortion to take plants that are supposed to interrupt the pregnancy. Medical practices in remote areas also offer abortion for a small fee: 10,000 to 25,000 FCFA. However, these methods are very risky, especially as the subsequent care often requires follow-up and medication that is not available to them due to lack of resources. Therefore, they turn to self-medication, which can lead to problems of sterility or infections.

There are insufficient opportunities for these girls to escape their vulnerable situation.

"Teenage mothers have no support." [Young girl]

5.4 The right of the child to be protected from all forms of violence

REIPER stresses that there is currently no national alert system for children in danger, although provided for in the law n°04-2010 on the protection of the child and yet announced by the State in its report to the Committee on the Rights of the Child. The network deplores the absence of a toll-free number for reporting cases of violence against children. In the absence of a national and public alert system, REIPER, with the support of the European Union, is setting up a hotline to receive reports of cases requiring emergency protection measures. At present, Congolese children and young people do not have access to any kind of emergency number.

Furthermore, REIPER members note that civil society organisations concentrate most of their activities in urban areas. Thus, rural areas are deprived of any child protection services. REIPER warns of numerous episodes in rural areas, where certain harmful customs are practised, including the fact that a man can marry his granddaughter.

In terms of possible actions to protect children, REIPER highlights the lack of means available to Children's Judges. Due to a lack of financial resources and State reception centres, children reported as being at risk are entrusted by the judges to reception and accommodation structures of civil society, without providing them any support to take care of these young people.

Regarding the meeting to revitalise the National Observatory on Gender-Based Violence in Brazzaville on 9 September 2015, as announced in the report of the State of Congo, REIPER's members are not aware of the effectiveness of the revitalised functioning of the said Observatory and have therefore not made use of it to date.

During the consultations, several young girls who were cared for by different REIPER structures noted that the children were often victims of insults, humiliation, particularly "from the mother-in-law", verbal and sexual harassment, physical abuse, sexual exploitation, assault, and blows and injuries. They also observed that this violence occurred both within and outside the family.

What children said about the right to be protected from violence

WHAT THIS RIGHT REPRESENTS	What facilitates access to this right	What hinders access to this right
"Living in peace"	<ul style="list-style-type: none"> • Sometimes "leaving home to live more comfortably". • "Family in Solidarity" • Care structures • SAMU Social 	<ul style="list-style-type: none"> • Street violence; provocation, incitement to fight, name calling • Sexual harassment, abuse "by the greatest and the greatest men" • Speech deprivation • Abandonment by parents • Police violence, "shootings" • "Children in street situations are forced to follow the orders of the older ones, to sell drugs" • Difficult conditions in the families (housing, nutrition, clothing...) • Humiliation by the family • Forced prostitution to support the family

Recommendations

1. **Carry out a national awareness-raising campaign, particularly in schools, on the prohibition of corporal punishment and gender-based violence and ensure the care and protection of children victims of violence;**
2. **Create a National Observatory for the Protection of Children in Distress and the Early Warning System as set out in the law n°04-2010, in collaboration with child protection organisations, and promote it to the general public, especially children;**
3. **Create listening and care centres for child victims of violence, including in rural areas, in collaboration with civil society and by assigning staff specialised in dealing with the psychological impact of violence on children;**
4. **Develop protection programmes for young girls, awareness-raising on the risks of prostitution and reintegration for young girls in prostitution, and revitalise the National Observatory on Gender-based Violence.**

VI. Family environment and alternative care

6.1 Family environment

For the past five years, REIPER members have been observing the increasing impoverishment of families due to the global and national economic crisis. They deplore the lack of a housing policy for families in vulnerable situations.

Regarding the State-led projects to support vulnerable families, in particular the LISUNGI project (temporary financial support for poor and vulnerable households via World Bank funding) and TELEMA (project to support the productive inclusion of vulnerable populations in the Republic of Congo, via AFD funding), REIPER members note that these projects remain ineffective on the ground.

These projects have produced the Single Social Register (RSU) of vulnerable households, which is part of the National Social Action Information System (SNIAS) and lists the vulnerable families receiving financial support. REIPER stresses that these projects, in particular LISUNGI, do not reach their target audience. The network points out the inappropriate implementation policy that does not collaborate with actors working directly with vulnerable people. It notes a lack of transparency with civil society organisations on the criteria for selecting families.

What children said about the family		
WHAT THIS RIGHT REPRESENTS	What facilitates access to this right	What hinders access to this right
<p>"A child who is in a family finds peace, happiness, joy, affection in everything."</p> <p>"Family is not necessarily the same blood. Family can be the person you rely on."</p>	<ul style="list-style-type: none"> ● "Treating all children equally". ● Support for parents in the life project ● Valuation by parents ● Parental responsibility for the care, education, feeding and protection of children ● "Family in Solidarity" 	<ul style="list-style-type: none"> ● Threats, abuse, accusations ● Injustice ● "Sharing children" (situation of exclusion of children in blended families) ● Difficult access to housing, nutrition, clothing ● Abandonment

6.2 Children deprived of a family environment and adoption

REIPER welcomes the signing of the implementing Decree No. 2011-341 of 12 May 2011 setting out the modalities for the creation and opening of private childcare and accommodation facilities and providing support to civil society organisations. However, the network reports that the approval orders have never been issued. The law n°04-2010¹³, institutes alternative care by an authorised institution but there is no implementing text specifying its organisation.

¹³ Law n°04-2010. Articles 55, 56 and 57.

In accordance with the above-mentioned law, REIPER, in partnership with MASAH, set up a "pilot scheme of 15 foster families" in Brazzaville and Pointe-Noire. By the end of the project in 2019, this pilot scheme had taken in 18 children, 8 of whom had been placed for adoption by the relevant State services. It should be recalled that REIPER has continued its efforts in the legal and institutional framing of this scheme so that MASAH, the partner that is supposed to take over, takes ownership of it. Unfortunately, this system could not be maintained because MASAH did not carry out a prior evaluation.

Reception and accommodation centres:

REIPER members deplore the insufficient number of childcare facilities and the lack of financial support from the State for existing private facilities. Indeed, there is only one public reception and accommodation centre, the CIREV, which accommodates children aged 6 to 18. This single public structure is experiencing great financial difficulties and must sometimes mobilise private funds to ensure the maintenance of the premises and the care of the children.

Furthermore, REIPER notes that law enforcement officers often drop children off at the centres without any administrative documents.

In its report to the Committee on the Rights of the Child, the Congolese government States that 24 reception and accommodation centres have been approved. In this regard, REIPER members who have applied for approval stress the complexity and, above all, the administrative slowness of the approval process. For example, one REIPER member who obtained authorisation to open his facility in March 2012 is still waiting for the approval order to be issued. However, the State services, in particular the Juvenile Judges, contact the reception centres even when they are not approved to place children. Structures that have received "opening authorisations" welcome the possibility of making social workers available. On the other hand, they deplore the fact that they do not receive State subsidies, which makes the process of applying for approval unattractive.

Placement procedure and follow-up:

As regards social services, REIPER notes that they are not sufficiently equipped, particularly the social action districts, which are significantly understaffed. As a result, investigations into family situations and the monitoring of children in care are difficult to carry out. REIPER structures note a tendency for children in care to settle down due to the lack of field investigations by the decentralised services of the Ministry of Social Affairs.

Adoption:

While Congo ratified the Hague Convention on Adoption in 2014, the central authority regulating international adoptions has never been established. The draft law on child adoption initiated by the government to harmonise national legislation with the Convention has not yet been completed. It will require the amendment of the Family Code. There is therefore no mechanism for the effective and coordinated implementation of adoptions and the absence of a central authority on adoption issues, which is nevertheless recommended by the provisions of the Convention, makes its application difficult.

Recommendations

1. **Issue an implementing decree defining and formalising foster care as provided for by the law n°04-2010 and create the institution in charge of its application and ensuring the coordination of the procedure between the different institutions involved;**
2. **Accelerate the process of implementation of the Convention on Adoption by issuing an implementing decree on the creation, attribution and organisation of the authority on international adoption, in accordance with the law on child protection¹⁴ ;**
3. **Create a State reception and accommodation centre for children in each department and allocate the necessary material, financial and human resources to it and implement the decree setting out the conditions for the creation and opening of private reception and accommodation centres for children;**
4. **Involve civil society in the definition of selection criteria, identification and registration of families in the Single Social Register so that projects such as TELEMA and LISUNGI really benefit the most vulnerable families.**

VII. Disability, basic health and welfare

7.1 Children with disabilities

Issues concerning children with disabilities:

In 2020, the organisation Handicap Afrique counted 588 children with disabilities in 6 localities in Congo: Brazzaville, Pointe-Noire, Dolisie (in Niari), Nkayi (in Bouenza), Owando (in the basin) and Bétou (in Likouala). REIPER stresses that this census is underestimated and that there are no official statistics at national level concerning these children.

Although statistics on children living with disabilities are difficult to establish in the Republic of Congo, violences against them can go as far as infanticide in some cases and are rarely sanctioned. Indeed, these children are often considered a disgrace to the family, as they are perceived as the result of a curse, a spell or divine punishment. To avoid the family being mocked by the community, they are segregated, locked away, while some families try to get rid of them by any means. Social pressure is extremely strong in this regard and leads to abuse. Similarly, ritualised killings of these children continue, although the exact extent of this phenomenon is not known due to the lack of studies on the issue.

There is no text implementing the law n°009-92 on the status, promotion, and protection of persons with disabilities. The Strategic Framework on the enrolment and re-enrolment of children with disabilities and the National Action Plan for Persons with Disabilities have still not been implemented.

Furthermore, REIPER members attest to the inaction of State agents in protecting these children who are victims of violence and discrimination. REIPER members report a lack of understanding by society

¹⁴ Law n°04-2010.

of the situation of disability and its management, particularly on the part of parents and teachers, thus hindering the proper development of these children.

"The deaf, blind [...] have nothing to eat." [Young girl]

There are only two State-run facilities for children with disabilities: the Institut Psychopédagogique (IPP) in Brazzaville and the Institut des Déficiants Auditifs (IDA) in Pointe-Noire. Some REIPER member structures take in children who are sometimes placed by the social services without financial or human resource support.

Access to health:

REIPER members highlight the inadequate medical and paramedical care for children with disabilities. The law n°04-2010 prohibits depriving a child, including children with disabilities, of access to health care due to financial considerations for subsidised hospitals. However, REIPER notes that these children do not benefit from free care or reduced health costs. As a result, the care organizations that look after these children without government assistance are responsible for ensuring that they have access to care.

Access to education:

As for their integration into schools, minors with motor, visual and/or hearing disabilities are generally integrated. However, the issue is more complex for children with mental disabilities or cerebral palsy, who are rejected and stigmatised in society. Parents are at a loss, do not know how to take care of them, and are not aware of the structures that can.

"Some parents who have deaf-mute children do not send them to school."

[Young girl].

7.2 Health and health services and living conditions

Health is a crucial issue for the well-being of the child. The opening of Integrated Health Centres (CSI) and hospitals by the government is an effective action to improve the Congolese health system. Hospitals are facing a cruel lack of staff, technical and financial means. Some CSIs and hospitals are opening without the technical facilities and equipment necessary to treat patients, or without health workers. This problem is particularly acute in rural areas. This is why awareness-raising activities are essential¹⁵. The law n°04-2010 prohibits the denial of health care to a child for financial reasons in subsidised hospitals¹⁶ and provides for criminal, disciplinary and administrative sanctions¹⁷. However, care is still conditional on payment.

"A cockroach got into my ear but I didn't know. When I got to the hospital, they asked me for at least 20,000 CFA francs or they wouldn't remove it (...) and the cockroach had started to burrow." [17-year-old boy]

¹⁵ AMACO carried out awareness-raising activities, particularly on health, with 500 participants in indigenous villages in the Bouenza department.

¹⁶ Law No. 04-2010. Article 26 paragraph 4.

¹⁷ Law No. 04-2010. Article 104.

"When they arrive at the hospital, instead of treating people first they ask for money. Money you can always get but then people die." [Girl, 17]

Access to the IHCs is conditional on a subscription of 3,500 FCFA, not counting subsequent payments for treatment. Another problem is that consultation fees are excessive in relation to the income of the Congolese. The cost of a consultation can be as low as CFAF 3,000 in traditional hospitals, and as high as CFAF 10,000 or even CFAF 15,000 for a specialist, not to mention the examinations: an unreasonable expense for a Congolese on an average salary of CFAF 90,000 per month. It is therefore impossible for the population to seek treatment in these conditions, so they turn to self-medication. This particularly affects the most vulnerable children who have no financial support. Therefore, they turn to street vendors to obtain medicines, without prior medical consultation, the costs of which they could not afford.

"There are good hospitals and doctors but you need to have money. If you have nothing, you can't go. Health is not free." [Girl]

"You can self-medicate because it's cheaper. Medicines at the pharmacy are expensive. You can find them in the "bana manganga" (street vendors). Sometimes there is a danger. But since we don't have the financial means, we make do." [Girl]

Free treatment of malaria for children under 15 years of age is instituted by an implementing decree¹⁸, but it remains theoretical. Malaria kits should be available free of charge in the Ministries of Health for children under 15 years of age and for 1,500 FCFA for children over 15 years of age. The SSPN has made a request for these kits but has yet to receive a response from the Ministry.

Insufficient health care personnel and trained staff is a problem, especially in rural areas. Some doctors assigned to hospitals lack skills and nurses must provide care for them. In addition, many health workers are volunteers, and therefore are not integrated into the institutions as civil servants. As a result, they do not receive a salary. Most CSIs and hospitals do not receive State funding and therefore cannot implement free treatment for children.

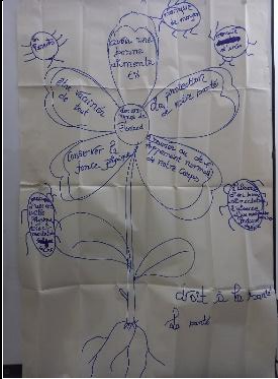
Childbirth:

The implementing Decree n°2011-493 of 29 July 2011 institutes a free-of-charge regime for the coverage of caesarean sections, ectopic pregnancies, emergency care of new-borns born after a caesarean section and other major obstetric interventions. However, the free service is not effective and puts the mother's life at risk if she cannot pay for a caesarean section. A head of department at a hospital in Pointe-Noire said that he receives 150 caesarean kits per year for a need of 300. In the absence of a social prioritisation protocol, they operate on a "first come, first served" basis, and as soon as the kits are exhausted, patients must pay or leave the hospital.

"My cousin was supposed to have a caesarean section, but we couldn't afford it. There is another girl with the same problem, and she has a rich family member. And so she came

¹⁸ Decree n°2008-128 instituting a free treatment regime for tuberculosis and HIV/AIDS patients. 23 June 2008.

before my cousin because she is the niece of someone who is well off. We even almost lost my cousin.” [Girl]

What children said about the right to health			
ILLUSTRATION	What this right represents	What facilitates access to this right	What hinders access to this right
	<p>"Ensuring the normal development of our bodies"</p> <p>"Keeping the physical strength "</p>	<ul style="list-style-type: none"> • Physical activity • Healthy eating • "Being inoculated against everything" • Protecting our health • Accessible structures 	<ul style="list-style-type: none"> • Abandonment of the sick • Lack of special attention from the public or from a person • Children in street situations are turned away or poorly received in hospitals • Lack of resources • Parental abandonment or neglect • Lack of access to health centres • Lack of good nutrition • Lack of good physical exercise

Access to water and food:

"Without water you can't live." [Girl 15 years old]

Although the government has set up boreholes to meet the population's need for drinking water under the "Water for All" project, many of these boreholes are no longer functional and have not been repaired. This situation is not only found in rural areas but also in Brazzaville, where some neighbourhoods have not had water from the tap for several years.

The paradox is that there is no shortage of water in the Congo, but the supply is catastrophic, and not only for drinking water. Indeed, water is also necessary for washing and hygiene, cooking, washing dishes and clothes... in short, to stay healthy.

The lack of water from the tap affects people and requires them to make extra efforts to fetch water. Moreover, it is often the children who are sent to fetch water from the nearest borehole, which may affect their education.

"Sometimes in a month it flows once, twice, so you have to go to the source. The source is far away and there are lots of people." [Girl, 17]

What children said about the right to food

WHAT THIS RIGHT REPRESENTS	What facilitates access to this right	What hinders access to this right
<p>"You have to eat to have energy and to keep up with the lessons".</p>	<ul style="list-style-type: none"> • Share • Solidarity • Integration of a shelter that "feeds morning, noon and night" 	<ul style="list-style-type: none"> • No canteen for children in street situations • Children in street situations are insulted when they ask for food, or beaten when they find it necessary to steal to eat • Lack of facilities for the care and feeding of children in street situations • Lack of food • Division of food in the family

7.3 Harmful practices

REIPER welcomes the prohibition of harmful practices through the Child Protection Act¹⁹. However, the network stresses that these practices are still in force. Repudiable practices (advocated by some members of the community on the basis of tradition, culture, religion or superstition) are those that discriminate on the basis of sex, gender, age and other criteria. They often involve violence and cause physical and/or psychological harm or suffering to children: Female genital mutilation, child and forced marriages, extreme dietary restrictions, including during pregnancy (forced feeding, food taboos), ligatures, scars, branding/tribal marks, corporal punishment, stoning, violent initiation rites, accusations of witchcraft, infanticide, incest, and body modifications carried out for beauty purposes or to promote marriage of girls and women. The network also points out that indigenous children are particularly vulnerable to early marriage.

Recommendations

1. **Identify children living with a disability and the types of disability existing in the Congolese territory;**
2. **Raise awareness in the communities about the rights of children with disabilities, the prevention of certain disabilities, but also about the sanctions set by law for people who commit violence against these children;**
3. **Create new specialised centres, especially outside urban areas, and strengthen the capacity of existing centres by providing technicians trained by the National Institute of Social Work;**

¹⁹ Law n°04-2010. Article 62, 107, 108, 115, 116.

4. **Ensure that budgets allocated to health institutions comply with the legal requirements on free health care²⁰ and guarantee free health care for all children, including children with disabilities, chronic diseases and children in street situations;**
5. **Implement a policy to reduce the disparities between urban and rural centres in terms of available staff and equipment;**
6. **Establish an efficient water distribution network throughout the country, ensuring that the electricity network is functioning, as water supply depends on it;**
7. **Raise awareness and work directly with families and local communities on children's rights and the elimination of harmful practices affecting children, including criminal sanctions against perpetrators.**

VIII. Education, leisure and cultural activities

8.1 Right to education, including vocational training and guidance

Access to education and free education:

"School is our due." [Girl]

In response to the State saying in its report that free education is "implemented by ministerial ruling n°278/MFB/METP/MEPSA of 20th of March 2008 on the "abolition of school fees in public educational institutions and free textbooks at the level of basic education", REIPER members emphasise that free education is not actually guaranteed. The network stresses that the circular note n°0352 of 5th of October 2018 of the Ministers of Education, contrary to the ministerial order of 2008 cited above, sets the rates of financial contribution of parents of students according to the cycle of children, for the "promotion and recovery of the education system".

REIPER members declare that they themselves pay the school fees of the children they accompany. These amount to 5,000 CFA francs per child per year in pre-school and primary school, 10,000 CFA francs per child in secondary school and high school, and 15,000 CFA francs in technical school. In some cases, school uniforms, canteens, insurance and the costs of temporary workers must also be covered. This situation particularly limits access to education for children from families in precarious situations. REIPER member structures report difficulties in enrolling children in school since the decision on free schooling was lifted in 2018.

²⁰Law n°04-2010. Article 26 paragraph 4.

Quality of education and human resources:

Furthermore, the State does not provide schools with adequate and sufficient means to educate the country's youth. The 2015-2025 Education Sector Strategy (ESS) drawn up by the Interministerial Technical Committee in charge of the education sector strategy notes the insufficient number of qualified teachers, a high pupil/teacher ratio in some departments, the lack of classrooms and the lack of teaching materials, among other things.

In response to the Congolese government's report stating that it supports schools by 100,000 CFA francs per school one to three times a year, REIPER members say they are not aware of such support. In public schools, classrooms are overcrowded, and therefore some pupils study on the ground. During consultations, children mention classes of up to 142 pupils. In public schools, they have up to 45 pupils. Classes are too small and materials such as benches and tables are insufficient. Some new districts in Brazzaville do not even have a school and children have to travel up to 5 km to find a public school.

"With a lot of students, you can't grasp the lessons as well. [Boy, 16]

In general, there are too few civil service teachers, lowly qualified. Community teachers make up the shortfall, but their remuneration is not guaranteed by the State. Parents often take charge by forming associations to rehabilitate or build schools and provide educational materials, thanks to the school fees made compulsory in schools. Parents also recruit community teachers, known as 'called and volunteer' teachers, most of whom have no teacher training. In some localities, their salaries are paid by the local elected representative or a benefactor. In Kifoulou in Bouenza, the public school remained closed for four years.

*"Teachers should only be serious, prepare their lessons well and be serious above all."
[Boy, 13]*

In addition, there is a severe shortage of qualified teachers²¹. Many people are assigned to teach even though they are not qualified. Some public-school directors prefer to hire experienced volunteers who do not have the required skills, rather than some teachers trained by the Ministry of Pre-school, Primary, Secondary and Literacy Education. Thus, parents often have to pay these so-called community teachers to teach their children.

"Sir I don't understand the lesson well and the teacher says: leave it I'm not even paid well". [Boy]

Although the law n°32-65 of August 1965 states that "education is free during compulsory schooling (and that) this gratuity extends to school supplies", this is not the case in practice. Tuition fees in a public-school cost in average 8,000 CFA francs per year.

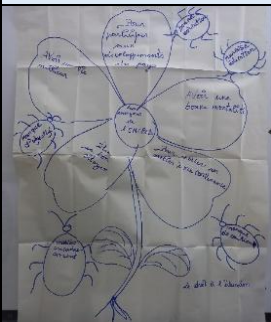
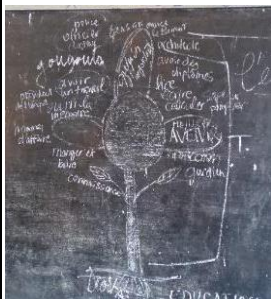
²¹ Ministry of Primary, Secondary and Literacy Education, Ministry of Technical and Vocational Education, Skills Training and Employment and Ministry of Higher Education. Education Sector Strategy. 2015-2025.

"Sometimes, means and transport are lacking. Sometimes we have to share notebooks, bags...". [Girl, 17]

"Parents can't afford private schooling". [Boy, 17]

There is a lack of teaching materials and schools are increasingly asking parents for funds for tutorials and photocopying. If parents cannot pay the extra fees, children cannot access the courses. This is a growing problem, not only in State schools, but also in private schools.

"100 Francs to pay for photocopies and the teacher says only you will manage that." [Boy, 13]

What children said about the right to education			
ILLUSTRATIONS OF THIS RIGHT	What this right represents	What facilitates access to this right	What hinders access to this right
 	<p>"Without school, you can't do anything"</p> <p>"You have to go to school to work and to be rich"</p> <p>"Becoming a great person in life"</p> <p>"Succeeding in the future"</p> <p>"Knowing how to read, write and speak"</p> <p>"Being a good citizen"</p> <p>"Having a better life"</p> <p>"Participating in the development of the country"</p> <p>"Have a good mentality"</p> <p>"Doing a job that suits me"</p> <p>"Becoming someone important"</p> <p>"Accessing knowledge"</p> <p>"Opening the memory²²"</p>	<ul style="list-style-type: none"> • Care by a facility or host family • "Having good friends" • "Overcoming the hunger" • "Sharing money with friends" • "State facilitation of access to education" 	<ul style="list-style-type: none"> • No legal guardian • Lack of drop-in centres and school education • "Lack of funding from parents" • "Parental impediment". • "Maltreatment of teachers" • "Bad friends" • "Lack of focus" • "Poor framing" • "Lack of support" • "Bad education"

²² This is a Congolese idiomatic expression meaning that one has been allowed to acquire knowledge and insight.

8.2 Rest, play, leisure, recreation and cultural and artistic activities

As far as recreation is concerned, the process of creating playgrounds in schools and residential areas is in decline. Indeed, many of the playgrounds created over the past 10 years have been transformed and now have another function. This is the case, for example, of Luna Park in the Poto-Poto district of Brazzaville, which is now a cinema, reserved for the wealthy because it is expensive. This comment only concerns the old districts of the capital because the new ones simply do not have playgrounds. With no safe green spaces, children play in the street.

Moreover, there are no longer any public facilities for culture, which has become a luxury. The national youth and cultural festivals, which used to bring young people together, are no longer held. In addition, the ONSSU used to organise annual sports competitions between schools, but these activities were discontinued before 2019 due to a lack of funds.

What children said about the right to leisure		
WHAT THIS RIGHT REPRESENTS	What facilitates access to this right	What hinders access to this right
<p>Leisure activities "de-stress", "develop the brain", "blossom".</p> <p>"It is knowledge, discovery, laughter, joy, expression".</p> <p>Nearly 10 young people talked about the "right to play".</p>	<ul style="list-style-type: none"> • Holiday camp • Organisation of outings by the host organisation: excursions, buying toys, visiting places the children do not know, involving all the children in all the orphanages • Encouragement • Children's participation in activities • Family • School 	<ul style="list-style-type: none"> • Lack of dedicated spaces • Lack of resources • Lack of time • Lack of leisure time

Recommendations

1. Ensure the effective implementation of legal provisions on free education;
2. Ensure adequate teaching conditions by opening additional schools and classrooms, providing one sitting position per student, automatically assigning teachers to schools upon graduation, and providing teacher training for community volunteers and teachers;
3. Create leisure spaces accessible to all children, including children in street situations, and support the work of civil society in providing cultural and leisure activities for children.

IX. Special protection measures

9.1 Asylum seeking and refugee children

In response to the Congolese government's statement in its report to the Committee on the Rights of the Child stating that "Congo has no stateless people on its territory", REIPER members report cases of internally displaced people, including adults and children fleeing the conflicts in the Pool region (2016-2017), who have lost their birth certificates and are thus at risk of statelessness.

"We still see many children without birth certificates, it hurts me" [Girl].

With regard to refugee children, there is no regular contact with specialised refugee care structures and there is no follow-up by the State and the High Commission for Refugees. As a result, refugee children settle in reception centres without a suitable durable solution.

Furthermore, REIPER stresses that refugees and displaced children are particularly vulnerable to sexual abuse because of their precarious situation. It is necessary to work upstream with the staff that have contact with them to avoid any form of abuse of these populations.

Access to education:

REIPER members note that refugee children who do not have Congolese nationality are subject to school and academic fees that are sometimes higher than those for Congolese children, according to a procedure set out in a Circular of the 3rd of October 2018. These costs represent a barrier to education for refugee children.

"Why do foreign children have to pay more than Congolese children, when we have the same rights?" [Young]

Recommendations

- 1. Harmonise registration procedures and fees for all children, including refugee and asylum-seeking children, to enable them to access education;**
- 2. Ensure that refugee children and their families are taken care of by the State social services, with the collaboration of civil society, and that they are accompanied to obtain a birth certificate or identity document.**

9.2 Children belonging to minority or indigenous groups

REIPER members note that in Congo, children belonging to minority or indigenous groups are victims of social and economic stigmatisation and lack access to education or to quality and inclusive education and vocational training. They are also particularly vulnerable to early marriage. Indeed, indigenous girls are very often offered for marriage to the richest *Bantu* man in the village or area.

The indigenous population represents about 3% of the population of Congo and is mainly found in 8 departments: Likouala, Sangha, Cuvette, Plateaux, Pool, Lékoumou, Niari and Bouenza²³. REIPER points out that support and care projects for indigenous children are only carried out in four departments: Likouala, Sangha, Lékoumou and Bouenza. These projects are being implemented with the support of NGOs, UNICEF, the World Food Programme (WFP) which support school canteens, school retention and payment of incentives to facilitators²⁴. In Bouenza, the NGO AMACO, a member of REIPER, has set up and is currently running 'Observe Reflect Act' (ORA) schools for indigenous children, with the support of the European Union.

The REIPER network welcomes the adoption of implementing decrees by the State in 2019 to implement Law n°05-2011 on the promotion and protection of the rights of indigenous peoples, which provides for special measures to facilitate access to basic social services, health and education, among others. However, REIPER members deplore the lack of enforcement of these laws and decrees²⁵ and note that some officials are sometimes unaware of them.

Economic discrimination and stigmatisation:

REIPER welcomes the adoption of a Planning Framework for Indigenous Peoples (CPPA)²⁶, developed by the Ministry of Forest Economy, Sustainable Development and Environment in 2018. However, it points out that the CPPA has not been disseminated to the populations concerned or to the general public, and that it has not been implemented to date.

In the District of Tsiaki, in the department of Bouenza, a member of REIPER notes with regret that indigenous people and children are victims of stigmatisation and social contempt on the part of *Bantu* parents, even in the context of projects aimed at inclusion and social mixing. Thus, this increases the feeling of inferiority of indigenous children.

REIPER also points out that the indigenous community is economically discriminated against, often living on subsistence farming and working as labourers for *Bantu*.

This economic discrimination results in reduced resources for the community and indigenous parents, with the consequence that children have less access to health care, food and other basic services, and more precarious housing. This precarious situation only increases the social stigmatisation of indigenous children.

"Indigenous people are rejected by others" [Girl].

²³ UNICEF. Analysis report: Children in street situations and mobility, including trafficked children in the Republic of Congo. 2021.

²⁴ The project LISUNGI in the Likouala department started in September 2021 and will be completed by August 2023.

²⁵ Law n° 5-2011 on the promotion and protection of the rights of indigenous peoples; Decree No. 2019-199 on special measures for granting civil status documents to indigenous peoples; Decree 2019-201 establishing procedures for consultation and participation of indigenous peoples in socio-economic development projects and programmes; Decree No. 2019-202 specifying special measures to facilitate access of indigenous peoples to social and health services and to protect their pharmacopoeia; Decree 2019-204 on special measures facilitating access to education for indigenous children and literacy for adults;

²⁶ Ministry of Forest Economy, Sustainable Development and Environment. Planning Framework for Indigenous Peoples (PFIP). November 2018:

<https://documents1.worldbank.org/curated/ar/256731559039112296/pdf/Cadre-de-Planification-en-Faveur-des-Peuples-Autochtones.pdf>

Education:

REIPER notes that many indigenous children do not go to school (not enrolled or dropped out). Very often, they are excluded from school because they do not pay their school fees. These exclusions are in violation of the laws²⁷ which guarantee access to education for all children without discrimination. The indigenous minority is therefore still particularly affected by illiteracy and school dropout.

"Many indigenous children do not go to school" [Girl].

To address these issues, 'Observe Reflect Act' (ORA) schools have been established, offering an adapted curriculum for indigenous children. They do not offer a complete primary education cycle. In the department of Bouenza, there are five ORA schools in five villages in the Tsiaki district, with a current total of 369 children. In Likouala and Sangha, there are also 65 other ORA schools. In some localities, these schools are the only ones, so that even *Bantu* children are sometimes enrolled there. Despite this, the status of ORA schools remains informal, as they have never been officially recognised by the national education system. REIPER deplors the lack of State involvement and investment in these schools, despite the major role they play in improving access and equity in the localities where they are located. This lack of State recognition has serious consequences for the schools.

On the one hand, ORA schools only operate with the support of civil society organisations and their partners. In Bouenza, AMACO manages these schools and has been advocating since October 2022 for the government to take over, as the project, co-financed by the European Union, will end in June 2023.

Furthermore, REIPER notes that the ORA schools are makeshift structures with insufficient resources. They sometimes close because of the non-payment of teachers' bonuses, as in the 2019-2020 and 2020-2021 school years. In Likouala and Sangha, for example, teachers' bonuses were not paid until the first quarter of 2022 by UNICEF.

Similarly, it is the partnership with WFP that provides ORA schools with canteens in Bouenza ("*Cantine ya buala*"), motivating parents to send their children to school but also children to attend school, and supporting local producers. REIPER therefore affirms the need for the State to strengthen the partnership with institutions, notably UNICEF and WFP, so that school canteens are always open and allow children in vulnerable situations to continue their schooling.

As a result of their usefulness, REIPER would like to see ORA schools established as official educational structures (primary schools or reschooling centres) so that they can be integrated into the national education system and included in the school map, in accordance with the law²⁸.

Vocational training:

In the Republic of Congo, learning is more possible in town than in the countryside. In fact, children and young people in rural areas have few opportunities for learning and guidance, particularly if they

²⁷ Law n°25-95. Articles 1, 2 and 3. 17 November 1995

Law n°5-2011. Title IV. Article 17. 5 February 2011.

²⁸ Law n°25-95 modifying school law n°008-90 of September 6th, 1990, relating to the reorganisation of the education system in the Republic of Congo and fixing the organisation of the education system into a formal education system and a non-formal education system.

drop out of school, as training leading to qualifications is not decentralised nor inclusive. This situation mainly affects indigenous children, most of whom live in forest or rural areas.

REIPER points out that visually impaired and deaf-mute indigenous children face even greater difficulties in accessing education and vocational training, as the few existing adapted centres are in urban areas.

Civil society:

Civil society and international funding partners are working to implement an equal-opportunity strategy to improve the status of minority groups and to contribute to the resolution of inequalities affecting them.

REIPER points out that Congo Brazzaville has put in place a legal framework for the promotion and protection of the rights of minority or indigenous groups²⁹, but that this initiative has had little effect. Although the public authorities are not opposed to the findings and needs expressed by civil society, REIPER notes that civil society organisations are very often asked to cover travel expenses or other bonuses to motivate public officials to deal with, collaborate and participate in actions to promote the rights of minority groups, even though these tasks are part of their mandate.

What indigenous children said about their rights	
What facilitates access to the rights of indigenous children	What hinders the rights of indigenous children
<ul style="list-style-type: none"> ● Application of implementing decree n°2019-199 of 12 July 2019 by 2024 ● Creation of a reception and training centre for indigenous children in all departments of Congo 	<ul style="list-style-type: none"> ● Rejection "by others" ● No school ● No birth certificate

Recommendations

- 1. Re-establish inclusive schools, with an earmarked budget that considers the realities of indigenous children with a view to their socio-educational integration and to fostering living together;**
- 2. Implement the law n°5-2011 on the promotion and protection of the rights of indigenous peoples as well as the Planning Framework for Indigenous Peoples and promote them among the population and the public service.**

²⁹ Law n°5-2011 and its implementing decrees.

9.3 Economic exploitation, including child labour

At the national level, the State has created appropriate laws to combat early labour and the worst forms of child labour, notably *through* the 2015 Constitution, the Labour Code and Law n°4-2010, with the minimum age for work in Congo set at 16.

The Article 116 of Labour Code states that "a implementing *decree issued after the opinion of the National Consultative Labour Commission shall determine the nature of the work and the categories of enterprises prohibited to young people and the age limit to which the prohibition applies*". However, REIPER stresses that, as the implementing decree has never been signed, there is no supervisory body and the categories of work prohibited to children have not been determined.

At the international level, the Congolese State has ratified the International Labour Organisation (ILO) Convention No. 182 on the Worst Forms of Child Labour (23 August 2002) and ILO Convention No. 138 on the Minimum Age for Admission to Employment (26 November 1999). However, ratification of the complementary ILO Conventions is still pending. Thus, despite the existence of the above-mentioned legal framework, REIPER members note that many children work on the streets selling water, bags of packaging or other products at the auction to support themselves and their families. These minors, sometimes 6-year-old children, are not taken care of by any State service. The REIPER members take in some of these children, who are sometimes forced to run away to avoid abuse from their families when they do not bring back the full proceeds of the products sold.

"Today, children are found in inappropriate situations because they have not been well cared for by their parents, and some have lost their parents. Society must organise itself to give children the rights they deserve. [...] Without social assistance, we can't manage to fight this situation. [Youth]

Furthermore, REIPER states that in Bouenza, children are involved in artisanal gold mining without any action being taken by the authorities against this phenomenon. Children also work on stone-crushing sites, particularly on the banks of the Djoué, or near the cataracts. Many children survive by recycling of materials. Similarly, in Likouala, children, and sometimes teachers, regularly drop out of school to take part in the harvest and thus ensure their subsistence.

Recommendations

- 1. Implement the Article 68 of Law n°04-2010 prohibiting early employment, and issue an implementing decree defining the exceptions to the prohibition of child labour;**
- 2. Issue a decree implementing the Article 116 of Labour Code to set up a body to monitor child labour and ensure adequate working conditions.**

9.4 Children in street situations

Problems faced by children in street situations:

REIPER makes an alarming observation. As mentioned earlier in this report, there are no updated national statistics on children in street situations in Congo, despite the recent publication of a study on this issue conducted by MASAHA with the support of UNICEF in 2021³⁰. This study uses figures from a 2003 census which indicated that there were 1,900 children in street situations in Brazzaville and Pointe-Noire. In 2008, the number of children with broken families and in a street situation, accommodated in reception centres was estimated at 910³¹, a figure well below the estimated real number of children in street situations in Congo, and the current situation has worsened further.

In fact, in 2021, the team of professionals from the REIPER mobile branch, which carries out daily outreach activities in Brazzaville, counted 1,156 children living on the streets, including 1,061 boys and 95 girls aged between 3 and 18. In 2022, it counted 1321 children aged between 3 and 18, including 1062 boys and 259 girls.

"Living on the street, children lose everything. They take on other names, they don't go to school, they are cut off from their families, they are beaten, abused, abandoned. They don't get any special attention or protection from the police, who, on the contrary, consider them very badly." [Boy]

REIPER members point to a total lack of protection for children in street situations who are subjected to precariousness, marginalisation, harassment and abuse. They suffer from illnesses and often from addictions (alcoholism, drugs and other addictions).

They are also victims of sexual abuse, violence, as well as strong police repression. With no family nor social references (family dislocation or disharmony involving emotional deficiencies and the absence of parental authority), they may be forcibly enlisted in gangs practising shoplifting, begging on the street, or in prostitution networks. Others beg or sell collected plastic bottles to survive.

"In the street, children are sexually harassed, there are children who are abused by the biggest and the tallest men." [Boy]

The majority of the rights of children in street situations involving even feeding, washing, clothing, health care, housing, transportation, education, entertainment, protection from all forms of violence and freedom from discrimination are violated.

"In case of illness, it is life or death. Either the sick person is abandoned in the street, lying on the ground without any special attention from the public, or it is a person of good will, a

³⁰ UNICEF. Analysis report: Children in street situations and mobility, including trafficked children in the Republic of Congo. 2021.

³¹ Ministry of Health, Social Affairs and Family. Analysis of the mapping of actors working in the field of care for street children, Final Report. 2009. p. 8.

passer-by, a salesman or saleswoman whom the sick child is used to helping, who comes to help him or her with the medicines on the street³² ." [Boy]

Access to education:

The majority of these children do not attend school for various reasons. On the one hand, the precariousness of the parents means that they do not have the means to enrol their children in school. On the other hand, social isolation, the emotional fragility of these children due to their situation and the inadequacy of the child protection system make enrolment in school and school follow-up almost impossible³³ .

Access to health:

REIPER members welcome the signing of contracts with certain hospitals, allowing access to care at reduced rates for children in street situations. In Pointe-Noire, REIPER members have also concluded agreements for the medical support of children in street situations with two hospitals, Adolpe A. Sicé and Loandjili. Sicé and Loandjili. These agreements stipulate that the hospitals apply a 50% reduction on medical consultation fees for these children, which are covered by the centres and the children.

Nevertheless, this practice is limited to Pointe-Noire. Only one structure based in Brazzaville has signed a contract with a health centre for the provision of health care at preferential costs in the context of a specific project.

Thus, REIPER members emphasise that this initiative in favour of access to care for vulnerable children would benefit from being extended to the rest of the country. In addition, REIPER members based in Pointe-Noire report that, in practice, the reduction of care fees is made difficult by the establishment of one-stop payment windows in some hospitals, and can be easily revoked if the person in charge changes.

"Children in street situations are often turned away or poorly received in hospitals. [Boy]

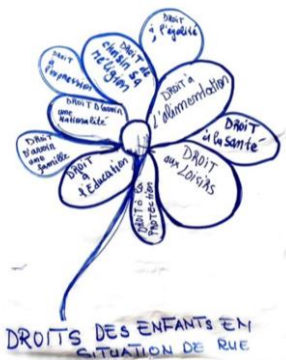
State inaction:

The members of REIPER emphasise the inadequacy of reception, listening and guidance centres for children in street situations and deplore the lack of subsidies needed to run the existing reception centres managed by civil society. In addition, the national budget allocated to social affairs is insufficient and the law is not applied to the families of these children. Finally, REIPER also notes the lack of playgrounds, leisure and entertainment facilities for children in street situations.

³² In Congo, "street medicines" are medicines sold by street vendors without a prescription. The people who buy them are not advised by a doctor and practice self-medication.

³³ UNICEF. Children in street situations and mobility, including trafficked children in the Republic of Congo. 2021. p. 169-170

What former children in street situations said about their rights

ILLUSTRATION	What protects their rights	What hinders their rights
	<ul style="list-style-type: none"> ● Consideration ● Listening ● Social assistance ● "Special protection of the police force" ● State facilitation of access to education ● Create care centres 	<ul style="list-style-type: none"> ● Difficult access to nationality ● Stigma, injustices ● Parental Abandonment ● Lack of reception, care and specialised assistance facilities ● Sexual harassment, abuse, rape ● "Children are forced to sell drugs" ● Violence ● Financial difficulties ● Limitation of time limits for registering births ● "Parents who deliberately lead people astray" ● Rejection in blended families


9.4.1 So-called 'witch' children

The members of REIPER note that, among the children in street situations they take in, with the proliferation of the Revivalist churches in Congo, many are accused of witchcraft or considered as "bad luck" in the family. They are victims of stigmatisation, family and/or social violence that sometimes leads to death, and rejection. Extreme poverty even leads some parents to abandon their children, often in cases where the child has an illness that the parents cannot afford to treat. So-called "witch children" are ostracized from the community and are often traumatized. They receive no therapeutic or psychological support and have no access to education.

"So-called 'witch children' have the right to be treated like all children and not like poisons³⁴ that are shunned because they kill or can cause death" [Girl].

"Many children suffer because they sometimes go without food, or become delinquent. They can be killed, caught, and put in prison. Sometimes they are raped, assaulted, called witches" [Youth].

³⁴ In the Congo, 'poison' behaviour is a pernicious, evil attitude adopted with a view to negatively influencing the life of another person. A child known as a 'sorcerer' is considered to be 'poisonous' because he or she is likely to cast a bad spell, to harm or prevent the realisation of vital or advantageous actions or events, for his or her parents for example.

What children said about children accused of witchcraft		
ILLUSTRATION	What protects the rights of these children	What hinders the rights of these children
	<ul style="list-style-type: none"> ● "To be treated as children, not as poisons" ● Support through "good education" ● Support in the "life project" ● "The State can make parents aware of how to live with children" 	<ul style="list-style-type: none"> ● Family rejection for disobedience ● Abuse ● Rape ● Attacks ● Insults

Recommendations

- 1. Establish a programme for the care, reintegration and vocational training of children in street situations, including families and child protection organisations, and create State-funded care facilities by 2027;**
- 2. Issue a ministerial ruling establishing specific brigades for minors within the police force, as provided for in the law on the protection of children, and train the police and public agents on child rights and the psychosocial problems of children in street situations in order to combat the violence and discrimination they suffer;**
- 3. Train health personnel on child rights and on the care of vulnerable children, particularly those in street situations, to ensure their access to health care;**
- 4. Enact a law providing for the protection of so-called 'witch children' and defining penalties for those who abuse them, and sensitise families and local communities, including the Revivalist churches, to address the issue.**

9.5 Sale, trafficking and abduction

With regard to child trafficking, Congo ratified in 2012 the supplementary protocol on the prevention, suppression and punishment of trafficking in persons, especially women and children. However, the State has not yet acceded to the UN Convention against Transnational Organized Crime, to which the protocol is linked. This renders the ratification of the protocol invalid, since article 37, paragraph 2, of the Convention states that *"in order to become a Party to a protocol, a State or regional economic integration organisation must also be a Party to this Convention"*.

In a 2021 study, UNICEF recalled that an estimate of the number of trafficked minors in Congo in 2007 was 1,800 children. To date, trafficking remains an invisible and complex phenomenon, difficult to

quantify. In its latest study, UNICEF highlighted two dimensions of the trafficking phenomenon in Congo: on the one hand, internal trafficking, linked in particular to the practice of "confiage"³⁵, and cross-border trafficking, which mainly concerns children from Central Africa (Democratic Republic of Congo and Cameroon) and West Africa (especially Benin)³⁶.

In cases of "entrustment", REIPER members find that children are particularly involved in domestic tasks.

In response to the State, which mentions in its report that in Pointe-Noire '*the local coordination of the anti-trafficking project carries out actions for the economic reintegration and rehabilitation of child victims*', REIPER reports that the project was closed in 2013 and that there are no longer any actions carried out in this sense.

"The remarriage of parents, after divorce, forces children to go and live with the extended family, which is not always easy because very often there is abuse, rejection of responsibility, accusations, injustice...". [Boy]

Recommendations

- 1. Joining the United Nations Convention against Transnational Organized Crime;**
- 2. Carry out an awareness-raising campaign for the population about trafficking and "entrustment".**

9.6 Administration of juvenile justice

In response to the State report, REIPER reports that despite the existence of the legal framework, the legal texts are not known. Despite the publication of the legal texts in the Journal officiel du Congo online, these texts are not accessible as many ministries and judges' offices do not have an Internet connection. In addition, there is no popularisation work that is carried out.

REIPER members reiterate their concern about the insufficient number of judges available to the juvenile courts, as well as the resources allocated to the performance of their duties.

Concerning the point raised in *Recommendation No. 81. d)*, REIPER wishes to mention that the draft "*implementing decree fixing the list and nature of the work and categories of undertakings prohibited to children and the age limit to which this prohibition applies*" has still been awaiting signature for more than 5 years.

³⁵ 'Confiage' is a very common cultural practice in the Congo, consisting of the distribution of people within the family.

³⁶ UNICEF. Analysis report: Children in street situations and mobility, including trafficked children in the Republic of Congo. 2021.

REIPER members point out that minors are treated at the same level as adults in police stations and gendarmerie brigades. The police forces arrest and place children in prison, often in disregard of the articles 74 and 75 of law n°04-2010. On several occasions, REIPER members have been informed of the situation of children - sometimes from 8 years old - who were locked up in police stations for several days or even weeks. Moreover, REIPER regularly observes the non-respect of time limits for police custody (24 hours) by police stations as well as abusive preventive detentions in prisons. It also observes the absence of legal assistance for children, contrary to the provisions of the law n°4-2010³⁷.

As noted in the State report itself (Recommendation No. 81.e), "*for lack of educational centres for more than twenty years, even children benefiting from the mitigating excuse of minority are placed in detention. The existing special wards are far from meeting international norms and standards.* Thus, REIPER members note the absence of wards reserved for minors in detention centres and the fact that incarcerated children occupy the same cells as adults. They emphasise that incarcerated children are victims of violences, including rape, insufficient and unbalanced meals, left without adequate medical care, no schooling and no prospect of reintegration. Some children do not receive parental visits and are left to fend for themselves. They also point out the difficulties in running detention centres due to a lack of adequate resources and qualified staff such as psychologists or specialised educators.

Reintegration:

There are no rehabilitation centres in Congo. The re-education centre in Louvakou, run by the Ministry of Justice, as well as the observation centre behind the prison, have been closed for many years. This is a glaring failure to provide adequate care for children when cases of offences involving them arise.

However, some REIPER member organisations point out that in some juvenile courts, there have been improvements in the management of children in conflict with the law. Indeed, due to the lack of special facilities for minors, some judges decide to temporarily place incarcerated children in children's shelters until the problem is solved and they would be able to return to their parents (even though the process of reintegration can be very slow).

The phenomenon of *black babies* is increasingly worrying in the Republic of Congo. These young people act in organised gangs. If they are exposed or killed, the leaders are often not bothered nor investigated because their contacts allow them to escape. The poorest young people in the group and those without contacts remain in prison. According to the police and gendarmes, they act as a network, are trained and know the movements of the police. The phenomenon is still poorly understood because of the number of parameters involved in the formation of these groups. Very often there is an amalgam between these young people and children in street situations, whereas most *black babies* live in families and not all *black babies* are children.

"They are arbitrarily arrested and incarcerated in police stations or gendarmerie posts under the pretext of being thieves, bandits, rapists, witch doctors, members of criminal associations (Ka)." ³⁸

[Young boy, about children in street situations]

³⁷ Law n°4-2010. Article 74, paragraph 9 and Article 78, paragraph 1.

³⁸ Also known as '*bébés noirs*' in Brazzaville, this is a term that refers to gangs composed of minors and/or young adults.

The issue is mainly seen from a security perspective by the State, instead of considering the feeling of abandonment and the lack of opportunities of these young people who then turn to violence. Finally, civil society is excluded from the discussion, whereas child protection organisations and actors could contribute their expertise on the issue.

Recommendations

- 1. Review the living conditions in all detention facilities to ensure their compliance with the Standard *Minimum* Rules for the Treatment of Prisoners, and establish detention centres and cells in police stations suitable for juveniles;**
- 2. Punish violations of rights in police custody, pre-trial detention of minors by law enforcement agencies and ensure that judicial investigations and proceedings are carried out in cases of proven violations of the law;**
- 3. Provide the Children's Courts with more qualified judges and allocate the material and financial resources necessary to carry out their mandate;**
- 4. Establish rehabilitation centres, finance their operation and work in collaboration with civil society organisations to pool their expertise in terms of youth reintegration;**
- 5. Involve all stakeholders in defining and curbing the *black baby* phenomenon: government, police officers, social services, civil society organisations, families and young people involved.**

X. List of recommendations

General measures of implementation

1. Update with the collaboration of the civil society, sign and publish the decrees, and rulings of application of Law n°04-2010 relating to the protection of the Child and to ensure its application, as soon as possible;
2. Formalise by law the collaboration between the State and civil society organisations, defining the conditions for the involvement of civil society organisations in the development, implementation and evaluation of public policies relating to child protection and establishing a framework for intersectoral coordination;
3. Make it compulsory for staff working with children to sign a Code of Conduct to prevent violence and sexual abuse;
4. Subsidise civil society organisations to take care of children placed by juvenile judges in care facilities;
5. Popularise, translate into national languages, and promote the texts of laws relating to child protection and disseminate them to government officials and the general public;
6. Implement the Decree n°200-333 and officially create the Standing Committee for the Follow-up of the Global Movement for Children.

General principles

7. Raise awareness nationwide of the principles of gender equality and non-discrimination, with particular attention to children with disabilities, children in street situations and indigenous children, with a focus on awareness raising in schools;
8. Include a module on child rights in the national training of law enforcement officers, in particular the rights of children in street situations, by involving civil society actors;
9. Create spaces for children's participation in child protection institutions, including public and private shelters, and promote the right to participation in society.

Civil rights and freedoms

10. Increase awareness among the Congolese population, including staff at civil registry offices, of the right to identity and free birth registration;
11. Accelerate the operationalisation of auxiliary civil status centres in health facilities in application of inter-ministerial decree n°14-888.

Violence against children

12. Carry out a national awareness-raising campaign, particularly in schools, on the prohibition of corporal punishment and gender-based violence and ensure the care and protection of children victims of violence;
13. Create a National Observatory for the Protection of Children in Distress and the Early Warning System as set out in the law n°04-2010, in collaboration with child protection organisations, and promote it to the general public, especially children;
14. Create listening and care centres for child victims of violence, including in rural areas, in collaboration with civil society and by assigning staff specialised in dealing with the psychological impact of violence on children;
15. Develop protection programmes for young girls, awareness-raising on the risks of prostitution and reintegration for young girls in prostitution, and revitalise the National Observatory on Gender-based Violence.

Family environment and alternative care

16. Issue an implementing decree defining and formalising foster care as provided for by the law n°04-2010 and create the institution in charge of its application and ensure the coordination of the procedure between the different institutions involved;
17. Accelerate the process of implementation of the Convention on Adoption by issuing an implementing decree on the creation, attribution and organisation of the authority on international adoption, in accordance with the law on child protection³⁹ ;
18. Create a State reception and accommodation centre for children in each department and allocate the necessary material, financial and human resources to it and implement the decree setting out the conditions for the creation and opening of private reception and accommodation centres for children;
19. Involve civil society in the definition of selection criteria, identification and registration of families in the Single Social Register so that projects such as TELEMA and LISUNGI really benefit the most vulnerable families.

Disability, basic health and welfare

20. Identify children living with a disability and the types of disability existing in the Congolese territory;
21. Raise awareness in the communities about the rights of children with disabilities, the prevention of certain disabilities, but also about the sanctions set by law for people who commit violence against these children;

³⁹ Law n°04-2010.

22. Create new specialised centres, especially outside urban areas, and strengthen the capacity of existing centres by providing technicians trained by the National Institute of Social Work;
23. Ensure that budgets allocated to health institutions comply with the legal requirements on free health care⁴⁰ and guarantee free health care for all children, including children with disabilities, chronic diseases and children in street situations;
24. Implement a policy to reduce the disparities between urban and rural centres in terms of available staff and equipment;
25. Establish an efficient water distribution network throughout the country, ensuring that the electricity network is functioning, as water supply depends on it;
26. Raise awareness and work directly with families and local communities on children's rights and the elimination of harmful practices affecting children, including criminal sanctions against perpetrators.

Education, leisure and cultural activities

27. Ensure the effective implementation of legal provisions on free education;
28. Ensure adequate teaching conditions by opening additional schools and classrooms, providing one sitting position per student, automatically assigning teachers to schools upon graduation, and providing teacher training for community volunteers and teachers;
29. Create leisure spaces accessible to all children, including children in street situations, and support the work of civil society in providing cultural and leisure activities for children.

Special protection measures

- **Asylum-seeking and refugee children**

30. Harmonise registration procedures and fees for all children, including refugee and asylum-seeking children, to enable them to access education;
31. Ensure that refugee children and their families are taken care of by the State social services, with the collaboration of civil society, and that they are accompanied to obtain a birth certificate or identity document.

- **Children belonging to a minority or an indigenous group**

32. Re-establish inclusive schools, with an earmarked budget that considers the realities of indigenous children with a view to their socio-educational integration and to fostering living together;

⁴⁰Law n°04-2010. Article 26 paragraph 4.

33. Implement the law n°5-2011 on the promotion and protection of the rights of indigenous peoples as well as the Planning Framework for Indigenous Peoples and promote them among the population and the public service.

- **Economic exploitation, including child labour**

34. Implement the Article 68 of Law n°04-2010 prohibiting early employment, and issue an implementing decree defining the exceptions to the prohibition of child labour;

35. Issue a decree implementing the Article 116 of Labour Code to set up a body to monitor child labour and ensure adequate working conditions.

- **Children in street situations**

36. Establish a programme for the care, reintegration and vocational training of children in street situations, including families and child protection organisations, and create State-funded care facilities by 2027;

37. Issue a ministerial ruling establishing specific brigades for minors within the police force, as provided for in the law on the protection of children, and train the police and public agents on child rights and the psychosocial problems of children in street situations in order to combat the violence and discrimination they suffer;

38. Train health personnel on child rights and on the care of vulnerable children, particularly those in street situations, to ensure their access to health care;

39. Enact a law providing for the protection of so-called 'witch children' and defining penalties for those who abuse them, and sensitise families and local communities, including the Revivalist churches, to address the issue.

- **Sale, trafficking and abduction**

40. Joining the United Nations Convention against Transnational Organized Crime;

41. Carry out an awareness-raising campaign for the population about trafficking and "entrustment".

- **Administration of juvenile justice**

42. Review the living conditions in all detention facilities to ensure their compliance with the Standard *Minimum* Rules for the Treatment of Prisoners, and establish detention centres and cells in police stations suitable for juveniles;

43. Punish violations of rights in police custody, pre-trial detention of minors by law enforcement agencies and ensure that judicial investigations and proceedings are carried out in cases of proven violations of the law;

44. Provide the Children's Courts with more qualified judges and allocate the material and financial resources necessary to carry out their mandate;

45. Establish rehabilitation centres, finance their operation and work in collaboration with civil society organisations to pool their expertise in terms of youth reintegration;
46. Involve all stakeholders in defining and curbing the *black baby* phenomenon: government, police officers, social services, civil society organisations, families and young people involved.