

UN CRC	Ratification Date	Care-Related Concluding Observations
<p><b>CRC/C/COG/CO/2-4</b></p> <p><b>The Committee considered the combined second to fourth periodic report of the Congo (CRC/C/COG/2-4) at its 1847th and 1848th meetings (see CRC/C/SR.1847 and 1848), held on 13 and 14 January 2014, and adopted, at its 1875th meeting, held on 31 January 2014, the following concluding observations.</b></p>	<p><b>14 October 1993</b></p>	<p><b>25 February 2014</b>  <a href="http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsn8cH83B4VfiWmWR1BUrIWleFMB6scunRR%2bvQsWM2EEyVIGdS7lixrwTSDwOMdP4x2rBLaw8TE%2fj%2fQD432v%2fjzocgROOfGxYSwSx7EumwhLN">http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsn8cH83B4VfiWmWR1BUrIWleFMB6scunRR%2bvQsWM2EEyVIGdS7lixrwTSDwOMdP4x2rBLaw8TE%2fj%2fQD432v%2fjzocgROOfGxYSwSx7EumwhLN</a></p> <p><b>II. Follow-up measures taken and progress achieved by the State party</b></p> <p>3. The Committee welcomes the adoption of the following legislative measures:</p> <ul style="list-style-type: none"> <li>(a) <b>Law No. 10-2012 instituting the regime for families and children facing difficulties (4 July 2012);</b></li> <li>(b) Law No. 30-2011 on persons living with HIV (3 June 2011);</li> <li>(c) Law No. 5-2011 on the promotion and protection of the rights of indigenous peoples (25 February 2011);</li> <li>(d) <b>Law No. 4-2010 on the protection of the child and containing the Child Protection Code (14 June 2010).</b></li> </ul> <p>6. The Committee also welcomes the following institutional and policy measures that have an impact on children:</p> <ul style="list-style-type: none"> <li>(a) The National Development Plan 2012–2016;</li> <li>(b) <b>The National Policy for Social Action 2013–2016;</b></li> <li>(c) <b>The Congo-Benin agreement to protect children from human trafficking.</b></li> </ul>

		<p style="text-align: center;"><b>B. General principles (arts. 2, 3, 6 and 12 of the Convention)</b></p> <p style="text-align: center;"><b>Non-discrimination</b></p> <p>28. The Committee welcomes measures taken by the State party to strengthen national legislation guaranteeing the principle of non-discrimination, including the law on the promotion and protection of the rights of indigenous peoples. Nevertheless, the Committee is concerned by the slow implementation of such legislation and regrets that the Constitution has yet to be amended to prohibit discrimination on any grounds covered by the Convention (CRC/C/COG/CO/1, para. 27 (a)). The Committee expresses its strong concern about the lack of systematic efforts to combat and change discriminatory attitudes and practices, and is particularly concerned about:</p> <ul style="list-style-type: none"><li>(a) The widespread ethnic-based discrimination against children belonging to indigenous groups, who are often the target of insults, physical violence and bullying;</li><li>(b) Discrimination against children living in isolated, rural areas in the enjoyment of their rights, in particular regarding access to health services, food, water, schooling and birth registration;</li><li>(c) Discrimination against children in street situations and refugee children, in particular those from Rwanda;</li><li>(d) Multiple forms of discrimination and prejudice against children with albinism;</li><li>(e) The multiple gender-based discrimination against girls.</li></ul> <p>29. <b>Recalling its previous recommendation (CRC/C/COG/CO/1, para. 27), the Committee recommends that the principle of non-discrimination, as provided for under article 2 of the Convention, be fully and vigorously applied by the State party and integrated into the implementation of all other articles to guarantee, without discrimination, the rights set out in the Convention. The Committee also recommends that the State party make systematic, adequate and effective efforts</b></p>
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		<p>to address persistent discrimination in the family, in schools and in other settings, in particular concerning indigenous children, children from rural areas, children with albinism, children in street situations and refugee children, especially girls. It further recommends that the State party include in its next periodic report information on measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party in follow-up to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference.</p> <p><b>C. Civil rights and freedoms (arts.7, 8, and 13–17, of the Convention)</b></p> <p><b>Birth registration</b></p> <p>36. The Committee notes with appreciation the birth registration strategic plan for the period 2009–2013 and the abolishment of fees for late birth registration as mentioned by the State party delegation during the dialogue. Nevertheless, the Committee remains concerned about the large number of children that are still not registered, the existence of unofficial payments attached to late birth registration, the insufficient number of civil registry offices in remote areas and the insufficient awareness of the importance of registration. It also notes with concern that the one-month limit for families to register births increases difficulties and costs for families.</p> <p>37. <b>The Committee reiterates its previous recommendation (CRC/C/COG/CO/1, para. 34), and urges the State party to establish an efficient and accessible birth registration system covering its entire territory, including by empowering chiefs of villages in remote areas to register civil status, so that all children are registered immediately after birth. The Committee also urges the State party to ensure that undue payments are not imposed. It also reiterates its</b></p>
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		<p><b>recommendation that the State party:</b></p> <p><b>(a) Promote awareness and appreciation of the importance of birth registration among parents and administrative authorities through regular mass campaigns providing information on the procedure for birth registration, and on the rights and entitlements derived from the registration;</b></p> <p><b>(b) Take appropriate measures to register those who were not registered at birth, including indigenous children and refugee children;</b></p> <p><b>(c) Seek technical assistance from the Office of the United Nations High Commissioner for Refugees, UNICEF and the United Nations Population Fund (UNFPA), among others, for the implementation of these recommendations.</b></p> <p><b>D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39 of the Convention)</b></p> <p><b>Corporal punishment</b></p> <p>40. While welcoming the prohibition of corporal punishment to discipline a child, as provided in Law 4-2010 on the protection of the child, the Committee remains concerned that children still suffer violent corporal punishment at home and at school.</p> <p>41. The Committee reiterates its previous recommendation (CRC/C/COG/CO/1, para. 38), and calls on the State party to:</p> <p><b>(a) Ensure the full implementation of Law No. 4-2010, which prohibits corporal punishment, and ensure that all cases of corporal punishment are effectively investigated and prosecuted;</b></p> <p><b>(b) Continue to raise awareness among the general public, including children, about the unlawfulness of corporal punishment and other forms of violence, and the negative consequences thereof on the development and well-being of the</b></p>
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		<p>child;</p> <p><b>(c) Promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment;</b></p> <p><b>(d) Provide children with child-sensitive mechanisms for lodging complaints in the event they are victims of violence, including corporal punishment.</b></p> <p><b>Abuse and neglect</b></p> <p>44. The Committee notes the ongoing preparation of a draft law on sexual violence. Nevertheless, it expresses its concern about the widespread violence against children, in particular girls, and that, according to the State party's own evaluation, perpetrators of child abuse and neglect enjoy a high degree of impunity. The Committee is also concerned about the lack of information on measures, mechanisms and resources for preventing and combating domestic violence, abuse of children at school and neglect of children, as well as on the institution in charge of providing support and recovery services to child victims.</p> <p>45. <b>The Committee recommends that the State party:</b></p> <p><b>(a) Expedite the adoption of the draft law on sexual violence and ensure that the national legal framework for the protection of the child is systematically applied and that perpetrators of violence against children are brought to justice;</b></p> <p><b>(b) Further strengthen awareness-raising and public education programmes, including campaigns, with the involvement of children, in order to formulate a comprehensive strategy for preventing and combating child abuse;</b></p> <p><b>(c) Designate a national institution to implement long-term programmes for addressing the root causes of violence and abuse, and ensure that it receives adequate human, technical and financial resources;</b></p> <p><b>(d) Establish a national database on all cases of domestic violence against, and abuse and neglect of children, and undertake a comprehensive assessment of the</b></p>
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		<p>extent, causes and nature of such violence;</p> <p>(e) Encourage community-based programmes aimed at preventing and tackling domestic violence, child abuse and neglect, including by involving former victims, volunteers and community members and providing them with training support.</p> <p><b>E. Family environment and alternative care (arts. 5, 9–11, 18 (1 and 2), 20–21, 25 and 27 (4) of the Convention)</b></p> <p><b>Family environment</b></p> <p>50. The Committee is concerned about the unequal parental responsibilities of the mother and the father, ingrained in law and in practice. The Committee remains concerned about the delays on the part of the State party in repealing legal provisions not in accordance with the Convention and which discriminate against women and girls. It reiterates its concern that insufficient measures have been taken to change the prevalent gender stereotypes concerning the roles of women and girls, especially in the family. Furthermore, the Committee is concerned that social and other family support services in general are inadequate.</p> <p>51. <b>The Committee urges the State party to accelerate its efforts to revise the Family Code and ensure that all provisions that discriminate against women and that have a negative impact on their children are repealed. In particular, it calls on the State party to ensure that the Family Code provision that recognizes the father as the head of the family is repealed, and that mothers and fathers equally share the legal responsibility for their children, in accordance with article 18, paragraph 1, of the Convention. The Committee also recommends that the State party provide families with the necessary support to enable them to fulfil their obligation towards their children and to ensure their well-being and development.</b></p>
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		<p>situation of children working in the streets, and the abandonment of children by parents solely for economic reasons;</p> <p><b>(f) Increase the number of social workers and assistants, as well as their opportunities for high-quality training and on-the-job support.</b></p> <p><b>Adoption</b></p> <p>54. While noting that the State party envisages developing an adoption policy and ratifying the Hague Convention on the Protection of Children and Cooperation in respect of Inter-country Adoption, the Committee reiterates its concern about the absence of a central control mechanism and of procedures regarding domestic and intercountry adoptions. The Committee also expresses its concern at the lack of information about the “informal adoption” of children cared for by their extended families, including of children who are AIDS orphans, which is widely practised but not monitored.</p> <p>55. <b>The Committee reiterates its previous recommendation (CRC/C/COG/CO/1, para. 49) in full, and calls on the State party to:</b></p> <p><b>(a) Ensure the compliance of legislation and administrative procedures on adoption with article 21 of the Convention;</b></p> <p><b>(b) Establish a comprehensive national policy and guidelines governing adoption and a central control mechanism to ensure that domestic and intercountry adoptions are performed in full compliance with the best interests of the child and the appropriate legal guarantees in accordance with the Convention;</b></p> <p><b>(c) Expedite the ratification and implementation of the Hague Convention on the Protection of Children and Cooperation in respect of Inter-country Adoption.</b></p>
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**F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1–3) and 33 of the Convention)**

**Children with disabilities**

56. The Committee notes with interest the National Plan of Action for Persons with Disabilities (2009) and the strategic framework on schooling and re-schooling of children with disabilities (2007), but is concerned at their slow implementation. It also notes with concern that, despite the existence of Law No. 9/92 (1992) on the promotion and protection of disabled persons, no application decrees have been finalized. It also expresses concern that many children with disabilities, especially in rural areas, remain at home and receive no schooling owing to the lack of practical measures to ensure that the national education system has the necessary capacities to facilitate their access to and to integrate them into the education system.

57. In the light of article 23 of the Convention and of the Committee's general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, reiterates its previous recommendations (CRC/C/COG/CO/1, para. 57), and recommends that the State party:

- (a) Implement the existing national plan of action and strategic framework through dissemination and by ensuring adequate resources;
- (b) Finalize decrees for the implementation of Law No. 9/92;
- (c) Take practical measures to encourage the inclusion of children with disabilities in the mainstream educational system and in society;
- (d) Strengthen special training for teachers and make the physical environment, including schools and all other public areas, accessible for children with

		<p><b>disabilities;</b></p> <p><b>(e) Improve and strengthen early detection and treatment services in the health and education sectors.</b></p> <p><b>Children in street situations</b></p> <p>76. The Committee is concerned about the situation of children working and living on the street in major urban centres. The Committee notes with concern the lack of data on those children and the fact that many of them have limited enjoyment of their rights and are susceptible to abuse.</p> <p><b>77. The Committee recommends that the State party:</b></p> <p><b>(a) Undertake a comprehensive study to assess the situation of children in street situations and its causes;</b></p> <p><b>(b) Develop a national strategy aimed at preventing children from living and/or working in the streets, as well as at supporting children in street situations and ensuring that children in street situations are provided with a suitable programme of assistance, and with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development;</b></p> <p><b>(c) Take measures to eradicate discrimination against children in street situations;</b></p> <p><b>(d) Develop a national strategy aimed at preventing situations in which children resort to living and working on the street.</b></p> <p style="text-align: center;"><b>Country Report</b></p> <p><b>CRC/C/COG/2-4</b>  <b>18 September 2012</b></p> <p><a href="http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCOG%2f2-4&amp;Lang=en">http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCOG%2f2-4&amp;Lang=en</a></p>
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<b>OPSC to CRC</b>	<b>Ratification Date</b>	<b>Care-Related Concluding Observations</b>
	27 October 2009	
<b>OPAC to CRC</b>	<b>Ratification Date</b>	<b>Care-Related Concluding Observations</b>
	24 September 2010	
<b>OPIC to CRC</b>	<b>Ratification Date</b>	<b>Care-Related Concluding Observations</b>
<b>ICCPR</b>	<b>Ratification Date</b>	<b>Care-Related Concluding Observations</b>
	5 October 1983	
<b>ICESCR</b>	<b>Ratification Date</b>	<b>Care-Related Concluding Observations</b>
	5 October 1983	
<b>CEDAW</b>	<b>Ratification Date</b>	<b>Care-Related Concluding Observations</b>
	26 July 1982	
<b>CRPD</b>	<b>Ratification Date</b>	<b>Care-Related Concluding Observations</b>

UPR	Date of Consideration	Link to Page
Hague Intercountry Adoption	Ratification Date	Link to Country Profile

**Acronyms and Abbreviations:**

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OPAC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OPSC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
OPIC to CRC	Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure
UN	United Nations
UPR	Universal Periodic Review