

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review: 3rd Cycle, 31st Session

REPUBLIC OF CONGO

I. BACKGROUND INFORMATION

The Republic of Congo is party to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter the *1951 Convention*). The country is also party to the *1969 African Union Convention Governing the Specific Aspects of Refugee Problems in Africa*. The Republic of Congo also ratified the *African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa* (the *Kampala Convention*) in November 2014.

As of 31st October 2017, the Republic of Congo was hosting 58,936 refugees and asylum-seekers, including 31,747 from Central African Republic (CAR) following the security and humanitarian crisis this country has been facing since 2013. Despite the volatile situation in CAR, the Republic of Congo has discontinued the *prima facie* recognition of CAR citizens as refugees since July 2015. More than 4,500 people under UNHCR's mandate originating from CAR, of whom 49% are women and 48% children, are currently considered as asylum-seekers.

Following the voluntary repatriation operation conducted between 2012 and 2014, about 120,000 refugees from the Democratic Republic of Congo (DRC) were repatriated. As of 31 December 2017, 15,569 DRC refugees and asylum-seekers are still residing in the Republic of Congo, including 13,400 living in Likouala department.

Moreover, 9,257 Rwandan refugees are also registered in the Republic of Congo. The cessation clause recommended by UNHCR has been invoked in June 2013 by Congolese authorities and came to effect on 31st December 2017. The Rwandan refugee population is composed of 44% of women and 50% of children.

Finally, the Republic Congo also faces challenges in managing a displacement crisis with political origins and which resulted in more than 107,000 internally displaced persons (IDPs) in the Pool department. A humanitarian response plan was launched in 2017 to support the government efforts to address this situation. On December 23, 2017, the Government signed a peace agreement with representatives of the militia operating in the department. The 2018 Humanitarian Response Plan to be launched in March this year has an Early Recovery component to consider eventual returns now that a peace process has been triggered.

In addition to this political crisis, the country is facing an economic crisis due to the fall of oil price. This situation is impacting refugees, especially those living in urban settings where job opportunities are now being scarce.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Positive developments linked to 2nd cycle UPR recommendations

Linked to 2nd cycle UPR recommendation no. 111.109: “Continue its efforts to improve the conditions of detention (France)”.

UNHCR welcomes the steps taken by the Republic of Congo to improve conditions of detention by seeking the collaboration of NGOs with experience in detention monitoring.¹

In June 2017, ACAT Congo and FIACAT (International federation for action by Christians for the abolition of Torture) organized a workshop to reinforce capacities on legal safeguards for detainees. Several NGOs and UN agencies, including UNHCR, attended the workshop which was supported by Congolese authorities. Following the workshop, representatives of the Ministry of Justice and other national authorities together with NGOs elaborated a guide on legal safeguards for detainees, which was launched in December 2017. While detention conditions for refugees in conflict with the law have not improved in the immediate, UNHCR is pleased that the Government demonstrated willingness to collaborate with NGOs on this subject, which brings reassurances towards the progressive improvement in the detention conditions.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 2nd cycle UPR recommendations

Issue 1: Adoption of law on asylum with specific implementation decrees

Linked to 2nd cycle UPR Recommendation no. 111.136: Prioritize the completion of a comprehensive asylum and refugee law that makes provision, inter alia, for the strengthening of the capacity of the National Refugee Assistance Committee to ensure it operates effectively in handling its mandate. (Sierra Leone); and no. 111.137: “Finalise, within a clear time frame, a comprehensive national legislative framework for the determination of refugee status (Ireland)”.

The Republic of Congo has been delaying the adoption of legislation specific to asylum since December 2011. National authorities usually enforce legislation regarding foreigners in relation to refugees, in addition to three main instruments that regulate asylum. These instruments are as follows: the *Presidential Decree 99-310* of 31 December 1999 establishing the National Refugee Assistance Committee, and two ministerial decrees adopted in December 2001 introducing eligibility to refugee status commissions at first and second instance. These regulations cover several issues, such as documentation, access to employment, and asylum process. Congolese authorities also consider the provisions of legislation dealing with entrance, stay and exit of aliens (*Law 23-96*) as part of the framework regulating asylum and refugee-related matters. This law was reviewed in August 2017 with the negative effect of reducing the duration of validity of refugee cards from five to three years. Moreover, this law provides a possibility for every foreigner to apply for a 5 years residence permit after 10 years of regular residence on the territory. In practice however, the National Refugee Assistance Committee has been granting only refugee cards valid for one year to refugees from CAR and DRC. Moreover, the legislation prescribes that refugee cards are considered as residence permits. The National Refugee Assistance Committee questions the use of refugee cards as residence permits.

¹ The Committee against Torture also recommended the Government's collaboration with NGOs on monitoring conditions of detention in its Concluding Observations addressed to the Republic of Congo following its periodic review in 2015 (CAT/C/COG/CO/1).

The restrictive application and interpretation of these instruments together with the lack of focus on refugees' rights on the part of the National Refugee Assistance Committee undermine the protection framework of refugees and asylum-seekers. For example, two unaccompanied minors from DRC were denied the right to apply for asylum in the Republic of Congo in 2016 and 2017. Despite UNHCR's and Ministry of Justice's advocacy efforts based on the *2010 Law on Child Protection* (article 41 specifically provides for the right for children to apply for asylum), the National Refugee Assistance Committee refused to receive the asylum claim of these children because the Committee considered their stay on the Congolese territory to be illegal.

Access to identity documents granting an alternative status is not the only area where refugees face restrictions. In fact, there are no specific provisions regulating the delivery of services and resources to foster refugee's self-reliance, such as access to the labour market and economic sectors. For instance, *Act 19-2005* of November the 24th 2005, regulating the practice of the profession of trader in Congo and its implementing decrees - decrees 2008-483 of November the 21st 2008 and 2011-490 of July the 29th 2011 prohibiting passenger transportation and retail trade activities to foreigners – do not contemplate any provisions in that regard.

Recommendations:

UNHCR recommends that the Government of the Republic of Congo:

- (a) Take concrete steps to adopt the draft asylum law and issue implementation decrees with specific attention paid to refugee children and refugees' access to labour in order to promote their self-reliance;
- (b) Eliminate restrictions on access to 5-year residence permits for refugees interested in local integration;
- (c) Strengthen the capacity of the National Refugee Assistance Committee and ensure that this body operates based on humanitarian considerations, keeping the rights and interests of persons under UNHCR's mandate at the heart of its interventions.

Issue 2: Efficient birth registration system, especially in rural areas

Linked to 2nd cycle UPR recommendation no 111.118: "Improve the procedures to increase the percentage of children registered at birth in remote and rural areas (Djibouti)".

The *Law 073/84 of 17 October 1984 on Family Code*² is the main legislation regarding birth registration in the Republic of Congo. This law provides for civil registry services at different administrative levels and also instructs tribunals to be involved in yearly control of the civil registry system in order to ensure procedures are respected. Article 23 of the *Law* specifies that issuance of civil registry documentation is free of charge. In addition to the *Family Code*, article 14 of the *Law on Child Protection*³ (*Law 4-2010 of the 14 June 2010*) emphasizes that all documents related to birth declaration are free of charge.

However, in practice, civil registry centres, especially those in remote areas such as Likouala department are not supported. Official pads of birth registration forms are not provided and staff in charge of civil registration are not regularly paid in localities such as Betou. In addition, judicial authorities systematically request civil registry centres to pay fees before clearance of the documents. UNICEF has identified approximately 14,000 people without

² Congo (Republic of), *Loi n° 073/84 portant Code de la famille*, 17 October 1984, available at: <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/38825/120166/F1100843641/COG-38825.pdf>.

³ Congo (Republic of), *Loi n°4-2010 du 14 juin 2010 portant protection de l'enfant en République du Congo*, 14 June 2010, available at : <http://www.ilo.org/dyn/natlex/docs/SERIAL/88295/100902/F1370556512/COG-88295.pdf>.

birth certificates in Betou area, where about 70% of the refugee population lives, which is direct consequence of this situation..

Recommendations:

UNHCR recommends that the Government of the Republic of Congo:

- (a) Ensure that adequate human and material resources are provided to ensure the functioning of the birth registration system;
- (b) Enforce the current legislation on free birth declaration by ensuring that all fees requested at any stage of the process are cancelled.

Issue 3: Prevention and reduction of statelessness

Linked to 2nd cycle UPR Recommendation no. 111.27: “Ratify the International Convention on the Protection of the Rights of All Migrant Workers and their families, the Second Optional Protocol to the International Covenant on Civil and Political Rights, the Third Additional Protocol to the Geneva Conventions of 1949, the Conventions on statelessness, and ILO Convention 169” (Ecuador).

While there is no available study on stateless persons or persons at-risk of statelessness in the Republic of Congo, the low birth registration rate and lack of all safeguards to prevent statelessness in the nationality legislation constitute statelessness risk factors. The process of the law reform initiated in 2016 to merge the *Family Code* and *Nationality Law* is an encouraging step as it is meant to capture all the safeguards to prevent statelessness.

On 16 October 2017 in Brazzaville, Ministers of Foreign Affairs of the Member States of the International Conference on the Great Lakes Region (ICGLR) signed a *Declaration on the Eradication of Statelessness*.⁴ The eleven commitments of this Declaration include developing and implementing national action plans to end statelessness and undertaking nationality law reforms to guard against statelessness. ICGLR Member States, including Republic of Congo, also committed to acceding to the *Statelessness Conventions*, an achievement expected by 2019 as per the Brazzaville Declaration’s Regional Action Plan to eradicate statelessness.⁵ Ratifying these two *Conventions* is essential to strengthening international efforts to end statelessness by 2024, and ensuring full enjoyment of the right to a nationality, which is paramount for the effective enjoyment of other fundamental rights.

Recommendations:

UNHCR recommends that the Government of Republic of Congo:

- (a) Accede to, and domesticate, *the 1954 Convention relating to the Status of Stateless Persons* and to *the 1961 Convention on the Reduction of Statelessness*.

Issue 4: Access to basic social services

Linked to 2nd cycle UPR Recommendation no. 111.121: “Continue its efforts to further improve the standards of living of its population, including by improving access to education and health services (Cuba)”.

Accessing the health and education systems in the Republic of Congo is a challenge for refugees and internally displaced people. With regard to health care, in the absence of mutual or health insurance schemes, the imposition of fees for medical consultations and prescriptions create serious barriers for refugees and asylum-seekers’ access to medical

⁴ The ICGLR Declaration on eradication of statelessness signed by the 12 Ministers of Foreign Affairs of ICGLR Member States available at : <http://www.refworld.org/docid/59e9cb8c4.html>

⁵ The 2017-2019 Action Plan of ICGLR on eradication of statelessness available at: <http://www.refworld.org/docid/5a7c16aa4.html>

treatment. UNHCR has been supporting provision of free of charge health services in Likouala department, while refugees in Brazzaville have to pay lower fees compared to the charges imposed in public hospitals. As the country has not yet adopted national programmes for prevention and response to HIV/AIDS, the intervention of international actors has facilitated access to antiretroviral treatment. Medical staff in public hospitals are not paid for months and have been regularly striking in main towns such as Brazzaville.

According to the Constitution and the *Decree no. 278/MEFD/METP/MEPSA of 20 March 2008*, education in public schools should effectively be provided free of charge in the Republic of Congo. However, in practice, all parents have been paying fees to ensure that schools can operate. On 20 October 2017, the Ministry of Education issued a note (0437/MEPSA-CAB) requiring parents to pay fees, including for public education.

Recommendations:

UNHCR recommends that the Government of the Republic of Congo:

- (a) Strengthen the health and education systems especially in remote localities, by ensuring adequate material and human resources, including equipment and training for teachers and medical professionals.

Additional protection challenges

Issue 5: Police operations targeting foreigners including refugees and asylum-seekers

Police agents in the Republic of Congo may often carry out law enforcement operations that result in human rights violations. The economic crisis which is prevailing in the Republic of Congo is impacting refugees, especially those in urban settings. Most of them lost their livelihood activities and are currently living in dire conditions. Refugees in urban settings are considered as security threats and systematically targeted during police operations. Refugees and asylum-seekers are often victims of police harassment, ransoming, and arbitrary detention, despite the fact that they are holding valid documentation issued by Congolese authorities. In 2016, 240 refugees and asylum seekers have been arrested, and 217 in 2017. Among these cases, very few have been documented and followed fair judicial procedures.⁶

Recommendations:

UNHCR recommends that the Government of the Republic of Congo:

- (a) Provide training on human rights to law enforcement agents and ensure that police operations are conducted according to human rights principles and standards and abide by international commitments of the country;

**UNHCR
March 2018**

⁶ See also: For example, two unaccompanied minors from DRC were denied the right to apply for asylum in the Republic of Congo in 2016 and 2017. Despite UNHCR and Ministry of Justice advocacy efforts based on the 2010 Law on Child protection (article 41 specifically provides for the right for children to apply for asylum), the National Refugee Assistance Committee refused to receive the asylum claim of these children because the Committee considered their stay on the Congolese territory to be illegal.

ANNEX

Excerpts of relevant Recommendations from the 2nd cycle Universal Periodic Review and Concluding Observations from UN Treaty Bodies

CONGO

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations and UN Treaty Monitoring Bodies' Concluding Observations relating to issues of interest and persons of concern to UNHCR with regards to CONGO.

I. Universal Periodic Review (Second Cycle – 2013)

Recommendation ⁷	Recommending State/s	Position
Accession to international instruments		
111.27 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and their families, the Second Optional Protocol to the International Covenant on Civil and Political Rights, the Third Additional Protocol to the Geneva Conventions of 1949, the Conventions on statelessness, and ILO Convention 169.	Ecuador	Supported
Refugees and asylum-seekers		
111.135 Continue implementing programs, in cooperation with specialised organisations of the UN system, aimed at improving living conditions of migrants and providing them with possibilities for repatriation.	Russian Federation	Supported
111.136 Prioritise the completion of a comprehensive asylum and refugee law that makes provision, inter alia, for the strengthening of the capacity of the National Refugee Assistance Committee to ensure it operates effectively in handling its mandate.	Sierra Leone	Supported
111.137 Finalise, within a clear time frame, a comprehensive national legislative framework for the determination of refugee status.	Ireland	Supported
111.138 Take concrete and effective measures — such as the establishment of investigations and judicial prosecutions, as well as training in human rights — to punish and prevent abuses, in particular sexual violence, committed against refugees in the camps.	Canada	Supported
111.139 Intensify its efforts to prevent incidents of sexual and gender-based violence within refugee communities and convict the perpetrators of such crimes.	Italy	Supported
Birth registration		
111.117 Further efforts to be made to make birth registration available to all groups of the population.	Slovenia	Supported
111.118 Improve the procedures to increase the percentage of children registered at birth in remote and rural areas.	Djibouti	Supported
111.119 Ensure the implementation of a free birth registration system, exempted from corruption, for all children without discrimination, throughout all the territory of the country.	Romania	Supported
Detention		
111.38 Enact legislation allowing human rights NGOs to monitor and visit detention centres.	United States of America	Supported

⁷ All recommendations made to Congo during its 2nd cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review of Congo" (6 January 2014), A/HRC/25/16, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/CGIndex.aspx>.

111.91 Initiate investigations as soon as possible to determine responsibilities in cases of allegations of abuse and torture by Congolese security forces — especially in prisons — and prosecute the perpetrators of such crimes.	Canada	Supported
111.109 Continue its efforts to improve the conditions of detention.	France	Supported
Trafficking in persons		
111.93 Continue its efforts in finalising the bill to combat trafficking in persons and to provide appropriate funding and resources on programmes and activities in this regard.	Malaysia	Supported
111.94 Develop awareness campaigns directed towards adults and children containing preventive measures to avert trafficking in persons.	Mexico	Supported
Discrimination		
111.90 Launch a national campaign to combat all forms of marginalisation or discrimination based on gender, religion or ethnicity.	Sierra Leone	Supported
Gender discrimination and SGBV		
111.34 Carry out the legislative reform to ensure de jure and de facto equality between men and women and adopt a comprehensive law repressing all forms of violence against women.	Tunisia	Supported
111.81 Strengthen the implementation of measures and provisions to eradicate all forms of discrimination and sexual violence against women and girls, including the development of programs of dissemination, prevention and assistance.	Chile	Supported
111.99 Develop and implement, in collaboration with civil society, a comprehensive national strategy against gender-based violence, including domestic violence, sexual harassment and harmful traditional practices, including female genital mutilation.	Ireland	Supported
111.103 Create a system, to include training for law enforcement, legal professionals and health care personnel, for providing legal and medical aid to survivors of gender based violence, including rape and sexual violence, domestic violence, and female genital mutilation.	United States of America	Supported
111.133 Provide medical and psychological assistance to women who were victims of sexual violations during the conflicts.	Mexico	Supported
112.4 Develop a national strategy to eliminate all discriminatory practices against women, conduct awareness campaigns to eliminate inequality and abolish the practice of female genital mutilation, and ensure access to education for all women and girls.	France	Supported
114.2 Eliminate from its legislation all forms of sexual discrimination, and take all the necessary measures to effectively enforce this.	Belgium	Noted
Access to labour, health and education		
111.121 Continue its efforts to further improve the standards of living of its population, including by improving access to education and health services.	Cuba	Supported
111.125 Intensify its on-going efforts towards improving the living conditions of its people, especially the most vulnerable groups.	Zimbabwe	Supported
111.130 Review corruption in the healthcare system and implement measures to ensure that all persons have access to adequate healthcare without discrimination.	Germany	Supported
112.15 Pursue its efforts to promote and facilitate schooling and attendance, especially for disadvantaged families.	Togo	Supported

II. Treaty Bodies

Committee against Torture

Concluding Observations, (15 May 2015), [CAT/C/COG/CO/1](#)

Allegations of torture and ill-treatment

10. The Committee is deeply concerned about the numerous allegations of acts of torture and ill-treatment committed in most of the country's places of detention, in particular in police stations, at the Directorate-General of National Security (DGST) and in gendarmeries. These acts are allegedly committed for the purpose of obtaining a confession by, in particular, law enforcement officials in the course of interrogations during police custody and preliminary investigations (arts. 2, 11, 12 and 13).

The State party should immediately take effective measures to investigate all acts of torture, to prosecute and punish those responsible and to ensure that torture is not used. It should unambiguously reaffirm the absolute prohibition of torture and publicly condemn its practice. It should make clear in the bill currently being drafted that anyone ordering, committing or otherwise complicit or acquiescent in such acts will be held personally responsible before the law and will be subject to criminal prosecution and appropriate penalties.

Conditions of detention

13. The Committee shares the alarming assessment of detention conditions provided by the State party itself, especially regarding the dilapidation of facilities, prison overcrowding, the lack of a social reintegration system in most prisons, the prison system's insufficient infrastructure and the lack of training of prison officials. These issues are compounded by reports from non-governmental organizations (NGOs) of violence, including sexual violence; the non-segregation of adults from minors and of remand prisoners from convicted prisoners; and inhuman and degrading living conditions, such as undernourishment, inadequate hygiene, bedding issues and the virtual lack of health-care services and of access to medication. The Committee has received allegations of corruption involving certain judges, prison officials and gendarmes to whom detainees reportedly pay money in exchange for their release or better detention conditions. The Committee notes the State party's efforts to refurbish the short-stay prisons in Brazzaville, Pointe Noire and Dolisie with the financial assistance of the European Development Fund and to build prisons in Brazzaville, Pointe Noire and Owando as well as other parts of the country, although the construction schedule and completion dates for these projects have not been specified. The Committee finds regrettable the lack of information on the legal and regulatory framework governing the rights of detainees, disciplinary sanctions, monitoring regulations and the segregation of remand prisoners from convicted prisoners and of minors from adults (arts. 2, 11 and 16).

The State party should, as a matter of urgency:

- (a) **Ensure that detention conditions in the country's prisons are in line with international standards;**
- (b) **Intensify its efforts to reduce prison overcrowding, including by adopting alternatives to deprivation of liberty for minor offences;**
- (c) **Make available to prisons appropriate resources to provide health-care services and ensure that all detainees have access to medical assistance;**
- (d) **Provide prisons with appropriate resources to eliminate undernourishment;**
- (e) **Continue to implement plans to improve and develop the infrastructure of prisons and provide separate detention facilities for juvenile offenders and women;**
- (f) **Take steps to increase the number and quality of training programmes for prison officials;**

- (g) **Consider revising the legal and regulatory framework governing the organization and operation of prisons;**
- (h) **Cooperate with NGOs that conduct monitoring activities and provide them with support;**
- (i) **Set up social reintegration programmes for prisoners.**

Refugees and asylum seekers

18. The Committee welcomes the State party's continued efforts to ensure access to its territory for refugees and asylum seekers, in accordance with article 3 of the Convention. Nevertheless, the Committee notes with concern the current lack of any comprehensive legislation on asylum and refugees. The Committee is also concerned at reports of physical abuse, ill-treatment and sexual violence allegedly carried out by the police authorities against a large number of nationals of the Democratic Republic of the Congo following a police operation entitled *Mbata ya bakolo*, which took place in April 2014. While taking note of the administrative sanctions imposed and the criminal proceedings initiated against 18 police officers who were responsible for serious human rights violations during that operation, the Committee regrets the lack of information on the status of those proceedings and the type of criminal sanctions envisaged. The Committee is also concerned at reports of numerous cases of refoulement to the Democratic Republic of the Congo in the wake of the above-mentioned police operation (arts. 3, 11 and 16).

The Committee recommends that the State party:

- (a) **Strengthen its domestic legislative framework by drafting a comprehensive law on asylum containing specific provisions on non-refoulement and access to its territory, in accordance with article 3 of the Convention;**
- (b) **Continue, in cooperation with the Office of the United Nations High Commissioner for Refugees, its efforts to identify refugees and asylum seekers and to ensure their protection, in accordance with international law, by respecting, in particular, the principle of non-refoulement, including during specific police operations;**
- (c) **Ensure that the detention of asylum seekers and refugees is used only as a measure of last resort and, where necessary, for as short a period as possible;**
- (d) **Ensure that the legal safeguards are respected, in accordance with article 11 of the Convention;**
- (e) **Ensure that investigations are carried out effectively and that refugees and asylum seekers allegedly subjected to torture or other cruel, inhuman or degrading treatment by State or private actors, including victims of rape and domestic violence, have access to remedies, as set out by the Committee in its general comment No. 2 (2007) on the implementation of article 2 by States parties;**
- (f) **Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

Trafficking in persons

19. The Committee notes with interest the information provided by the State party on the anti-trafficking bill, a national action plan against trafficking in persons currently being prepared in cooperation with the United Nations Office on Drugs and Crime and the agreement signed between Congo and Benin in 2011 on the protection of children against trafficking in persons. The Committee notes with concern that the State party has not yet deposited the instrument of ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime or signed the Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa (Abuja Agreement) (arts. 2 and 16).

The Committee invites the State party to speed up the adoption of the anti-trafficking bill and to accede to the international instruments combating trafficking in persons.

Violence against women

20. In the light of reports of very large numbers of women victims of sexual violence in times of conflict and of the information provided by the State party on current cases of sexual violence against increasingly young girls, the Committee notes with interest the existence of a bill on gender violence currently awaiting adoption by the State party prior to submission to Parliament. However, the Committee has not received any information on the content of that bill, the mechanisms for combating and preventing violence against women, especially sexual abuse and exploitation in prison and in conflict areas, or the time frame for the adoption of the bill (arts. 2 and 16).

The Committee invites the State party to adopt, without delay, a comprehensive law punishing all forms of violence against women, including marital rape, female genital mutilation and sexual abuse and exploitation of women in prison and in conflict areas.

Committee on the Rights of Child

Concluding Observations, (25 February 2014), [CRC/C/COG/CO/2-4](#)

Data collection

18. The Committee welcomes the State's efforts to improve the availability of data, including through the Health Demographic Survey 2011, the Survey on Congolese Households and the data collection system available for the education sector. Despite noting information on the creation of a national system of information on social action and an observatory for children and society, the Committee regrets the absence of a comprehensive system for data collection in the State party. The Committee notes with concern that reliable, disaggregated data on important areas of the Convention are not available and that there is insufficient coordination and collaboration among government agencies regarding data collection.

19. In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child, the Committee recalls its previous recommendation (CRC/C/COG/CO/1, para. 17) and strongly recommends that the State party expeditiously improve its data collection system. The data should cover all areas of the Convention and should be disaggregated by age, sex, geographic location, ethnic and national origin and socioeconomic background in order to facilitate analysis of the situation of all children, particularly those in situations of vulnerability. Furthermore, the Committee recommends that the data and indicators be shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. In this context, the Committee also recommends that the State party continue its technical cooperation with, among others, the United Nations Children's Fund (UNICEF) and regional mechanisms.

Dissemination and awareness-raising

22. The Committee takes note of the various efforts made by the State party to disseminate information and provide training on the Convention. However, it notes with concern that the principles and provisions of the Convention are not disseminated systematically at all levels of society, notably in rural areas and among children. It also notes with concern that training on the Convention is not permanent and remains insufficient.

23. The Committee encourages the State party to continue to carry out awareness raising programmes, including campaigns to disseminate the text of the Convention, and to incorporate human rights education into the curricula of both primary and secondary schools. It also recommends that the State party continue its efforts to provide adequate and systematic training and/or sensitization on children's rights to professional groups working with and for children, such as judges, lawyers, law enforcement officials, civil servants, local government officials, teachers, social workers, and health personnel and, especially, children themselves.

Non-discrimination

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:

- (a) The widespread ethnic-based discrimination against children belonging to indigenous groups, who are often the target of insults, physical violence and bullying;
- (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;
- (c) Discrimination against children in street situations and refugee children, in particular those from Rwanda;
- (d) Multiple forms of discrimination and prejudice against children with albinism;
- (e) The multiple gender-based discrimination against girls.

29. 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 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.

Respect for the views of the child

32. The Committee recalls its concern that the general principle of respect for the views of the child is not fully respected and applied (CRC/C/COG/CO/1, para. 30). It notes with concern the lack of progress in adopting the law on the inclusion of the Parliament of the Congolese Child in the parliamentary process.

33. The Committee draws the State party's attention to its general comment No. 12 (2009) on the right of the child to be heard, and recommends that the State take measures to strengthen respect for the views of the child in accordance with article 12 of the Convention. To that effect, the Committee recalls its previous recommendation (CRC/C/COG/CO/1, para. 31), and urges the State party to:

- (a) **Ensure the implementation of the right of the child to have his or her views taken into account. In that connection, particular emphasis should be placed on the right of every child to express his or her views freely in the family, at school, within other institutions and bodies, and in the community and society at large, with special attention being paid to vulnerable and minority groups. This should also be reflected in all laws and judicial and administrative decisions;**
- (b) **Take measures to ensure the effective implementation of legislation recognizing the right of the child to be heard in relevant legal proceedings;**
- (c) **Conduct research to identify the issues that are most important to children, to hear their views on those issues, to find out how well their voices are heard in family decisions-making affecting their lives and identify the channels through which they currently and potentially have the most influence on national and local decision-making;**
- (d) **Conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, the community and schools, including within student council bodies, paying particular attention to girls and children in vulnerable situations;**
- (e) **Institutionalize the sessions of the Parliament of the Congolese Child as a regular event and ensure that it is provided with a meaningful mandate and adequate human, technical and financial resources, in order to facilitate children's effective engagement with national legislative processes on issues that affect them.**

Birth registration

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.

37. **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 recommendation that the State party:**

- (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) **Take appropriate measures to register those who were not registered at birth, including indigenous children and refugee children;**
- (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.**

Asylum-seeking and refugee children

70. While noting with interest the Refugee Bill, the Committee is concerned that the current lack of a comprehensive refugee and asylum law affects children in particular, as children often experience difficulties in gaining access to the asylum system or are negatively affected by long delays in the processing of their claims. The Committee commends the

cooperative approach of the State party towards refugees, including many children; however, it is concerned about:

- (a) The hardship of refugees and asylum seekers' living conditions, especially those of refugee and asylum-seeking children;
- (b) Incidents of sexual and gender-based abuse and degrading treatment of children, mostly girls;
- (c) High school dropout rates among refugee children, in particular girls.

71. The Committee calls on the State party to finalize and adopt the Refugee Bill with a view to ensuring a child rights-based approach to asylum and the determination of refugee status. It encourages the State party to subsequently take all necessary measures to guarantee the full implementation of the national law, in line with international human rights and refugee law, and refers the State party to its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin. The Committee urges the State party to protect children, especially girls, against sexual abuse and other related incidents, to investigate cases of abuse fully and to prosecute and sentence the perpetrators of such crimes. It recommends that the State party take all the necessary measures to improve the living conditions of asylum-seeking and refugee children. It also encourages the State party to ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.