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CHILDREN'S RIGHTS IN THE REPUBLIC OF CONGO

Joint report by :

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

Fondation Apprentis d'Auteuil International

and

Apprentis d'Auteuil
(Special consultative status ECOSOC)

I. PRESENTATION OF THE AUTHORS

1. **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, listed in Appendix I, that care for vulnerable children in the Republic of Congo. Founded in 2003, REIPER aims to provide a concerted and effective response to the problems of children at risk. 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 around children at risk. To this end, REIPER acts as the spokesperson for its members in dealings with public authorities and the outside world. REIPER also patrols the streets of Brazzaville for children and, since 2014, has been coordinating an intervention unit made up of workers.
2. **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.
3. 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.

II. INTRODUCTION

4. This report aims to highlight issues relating to childhood. This report will cover the child protection system, violence against children, juvenile administration, the right to health and education, and the rights of indigenous, disabled and street-connected children.

III. METHODOLOGY

5. This report was written with all REIPER members and children they care for. Between April 2021 and December 2022, **198 children and young adults**¹ (53% of whom were girls) aged between 5 and 22 were consulted². The children gave their views on their rights, in particular the right to

¹ The oldest were young people being monitored by REIPER member organisations and who had spoken out about their former status as children.

² The consultations took place in a variety of formats, including open discussion groups, drawing and letter-writing activities, and workshops to draw up recommendations.

education, health and protection from violence. The aim of these consultations was to ask children about their experiences and the obstacles to the full exercise of their rights. Their views³ are included in this report and a selection of the material from the consultations is presented in Appendix II.

IV. REVIEW OF CHILD PROTECTION RECOMMENDATIONS RECEIVED

6. During the **third cycle of the UPR** (2018), the Congolese government received **53 recommendations relating to the rights of the child** and accepted 52 of them. A large proportion of the past recommendations called on the government to develop a national child protection strategy, and **16** of them focused on combating **discrimination and violence against children**⁴. In addition, many of the accepted recommendations called on the State to take action to combat poverty⁵ and to ensure that children have access to quality healthcare and education.

V. NATIONAL CONTEXT: THE SITUATION OF CHILDREN'S RIGHTS IN THE REPUBLIC OF CONGO

7. 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 revenue, and the Covid-19 pandemic only reinforced this trend and increased the impoverishment of the population. According to the World Bank, the extreme poverty rate has risen in recent years, reaching 50.2% in 2020 and 52.5% in 2022⁶.
8. In addition, the Congolese government is giving priority to redistributing revenue to the security sector to the detriment of the social, education and health sectors. REIPER is concerned about the lack of resources allocated by the State to child protection. Indeed, when asked why their rights aren't being upheld, the youngsters who were consulted primarily cited the absence of resources.

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

A. The child protection system

9. REIPER has noted an increase in the difficulties of caring for children, particularly those in vulnerable situations. The network deplores the insufficient number of care facilities and the lack of financial support from the State for existing private facilities. There is only one public accommodation centre, the CIREV, which houses children aged 6 to 18 and which is experiencing major financial difficulties. Due to a lack of resources and public centres, children reported to the juvenile judge as being at risk are placed in civil society centres without State support.

³ In this report, the terms "child" and "young person" are used synonymously, referring to anyone under the age of 18.

⁴ Italy 130.160, Uruguay 130.178, Madagascar 130.175, Estonia 130.173, Chile 130.172, Bulgaria 130.171, Algeria 130.166, Armenia 130.159, Canada 130.158, Algeria 130.157, Paraguay 130.156, Netherlands 130.154, Estonia 130.153, Ukraine 130.152, Iceland 130.150, Spain 130.174.

⁵ Serbia 130.180, Cuba 130.115, Cameroon 130.114.

⁶ The World Bank. Republic of Congo - Overview. March 2023.

10. In the absence of an integrated and coordinated child protection system between the public institutions concerned, the actions taken by civil society cannot have a long-term impact. Indeed, the scarcity of formalised partnerships between civil society organisations and the various State services hampers child protection work as a whole. In its last review, the Committee on the Rights of the Child recommended to the State to "*systematically involve communities and civil society actors (...) in the planning, implementation, monitoring and evaluation of policies, plans and programmes relating to the rights of the child*"⁷ .
11. A major obstacle to the proper functioning of a child protection system is the lack of effective enforcement of Congolese legislation. **Act n°04-2010 of 14 June 2010 on child protection (the Child Protection Act)**, was a major step forward in setting up a child protection system in the country. **However, more than 10 years after its enactment, the law has yet to be implemented.** REIPER points out that the three decrees implementing Law n°04-2010 have never been signed, even though drafts had been drawn up, as had two orders⁸. In addition, the implementing decrees for Law n°12-2014 creating the Family and Children in Difficulty Fund (Caisse de la Famille et de l'Enfance en difficulté) (2014) have never been issued.
12. 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.

Recommendations:

13. To sign and publish the decrees and orders implementing **Law n°04-2010 on child protection**, and to ensure that it is applied by allocating the necessary budgets and disseminating it to civil servants and the general public in the appropriate languages;
14. Formalise collaboration between the State and civil society on child protection by subsidising care facilities for children in care and setting up an intersectoral coordination framework;

⁷ Committee on the Rights of the Child. Report on the implementation of the Convention on the Rights of the Child in Congo 2014-2019. Republic of Congo. P. 5. presented in a single document.

⁸ These are:

- Preliminary draft decree relating to the application of articles 74 and 75 of law n°4-2010 of 14 June 2010 on child protection in the Republic of Congo;
- Preliminary draft decree laying down special 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 companies prohibited to children defining the age limit to which this prohibition applies;
- Order determining the terms and conditions for the provision of a bail bond in the event of the arrest of a child who has reached the age of 15;
- Decree on the creation, powers, organisation, competence and operation of the minors' brigade.

B. Violence against children

15. During the last cycle of the UPR in 2018, the Congo accepted 16 recommendations calling on the State to take action to combat violence, corporal punishment, trafficking and harmful practices, particularly against children from vulnerable groups and girls⁹. REIPER welcomes the existence of legal provisions concerning infringements of the fundamental rights of the child, enshrined in the Child Protection Act.
16. Unfortunately, corporal punishment and ill-treatment persist, whether in family homes, schools or even police stations. In general, acts of violence are unfortunately rarely reported to the authorities, as the public and children are often unaware of the law. There is no national public warning system for children in danger, as required by law¹⁰.
17. While there are no recent official national statistics on violence against children, the MICS-05 Congo 2014-2015 survey revealed that **82.5% of children aged from 1 to 14 years old had suffered psychological aggression** or corporal punishment. In Pointe-Noire, 65% of the children in street situations¹¹ said that they had suffered permanent violence in the family, or even permanent ill-treatment or serious neglect.
18. In 2014, the Committee on the Rights of the Child called on the State to "*take measures to eradicate female genital mutilation in all communities (...) and to take concrete and effective measures to enforce the legal prohibition of child and forced marriages*". Without State action, these harmful practices are still a reality in the Congo. They often involve violence and cause physical and/or psychological harm or suffering to children, including female genital mutilation, child marriage, extreme dietary restrictions, corporal punishment, stoning, accusations of witchcraft, infanticide, incest, etc.
19. In 2018, Congo accepted the recommendation to "*conduct a thorough investigation into the deaths of 13 young people in a Brazzaville police station in July 2018 and prosecute those responsible*¹²". REIPER notes that nothing has been done to implement this recommendation and warns of the continuing summary executions of children by the forces of law and order on the grounds of banditry. For example, in 2021, a pupil in Pointe-Noire was killed and two others injured by police officers while they were chasing "bandits"¹³, and, like most cases of police violence, no investigation was launched.
20. REIPER has observed an increase in violence by State agents against children, especially those in street situations who are victims of raids, threats and arbitrary arrests by police forces,

⁹ Uruguay 130.179, Uruguay 130.178, Madagascar 130.176, Madagascar 130.175, Estonia 130.173, Chile 130.172, Bulgaria 130.171, Algeria 130.166, Armenia 130.159, Canada 130.158, Algeria 130.157, Paraguay 130.156, Netherlands 130.154, Estonia 130.153, Ukraine 130.152, Argentina 130.151, Iceland 130.150, Spain 130.142, Belarus 130.104, Belarus 130.18, Australia 130.94, Germany 130.78.

¹⁰ Law n°04-2010.

¹¹ Annual census by Samu Social Pointe-Noire. Between 2014 and 2019, it counted 735 children in street situations, including 132 girls.

¹² Germany, 130.78.

¹³ VOA Afrique, Un élève tué et deux autres blessés lors d'une opération de police à Brazzaville. 2021 : <https://www.voaafrique.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>

without legal proceedings.

21. REIPER points out that the police are not familiar with the Child Protection Act and notes that by organising awareness-raising campaigns for the police, violence against children is being reduced. Unfortunately, the frequent changes of assignment of police officers mean that the work has to be repeated indefinitely.

"A child in the street is forced to follow the orders of the elders, forced to sell drugs, and sometimes get arrested by the police, yet they are rejected by society and shot. [...] There have been shootings of people close to me. They weren't as lucky as me today, they lost their lives." [Young boy]

22. In 2014, the Committee on the Rights of the Child recommended "*implementing the national gender policy and action plan*", and "*paying particular attention to the gender dimension of violence*". REIPER welcomes the adoption of a law to combat violence against women in the Republic of Congo¹⁴ in May 2022 and its implementing decree¹⁵. However, the network stresses that, at present, only civil society is responsible for protecting and monitoring victims of sexual violence.

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

23. REIPER members note that many girls are victims of violence and corporal punishment. During consultations, several young girls reported that they were often the victims of insults, humiliation, particularly "from the mother-in-law", verbal and sexual harassment, physical abuse, sexual exploitation, assault and battery, and that this violence occurred both within and outside the family.
24. To survive, young girls from precarious families are particularly vulnerable to prostitution. These girls are particularly vulnerable to multiple forms of violence, sexually transmitted infections, and early pregnancies. REIPER stresses that there are not enough opportunities for these girls to escape their vulnerable situation.

"Prostitutes suffer rape, abuse and sexual violence". [Young girl, formerly in prostitution].

Recommendation:

25. Raise awareness and work with families, communities and schools on children's rights, the elimination of corporal punishment, gender-based violence and harmful practices affecting children (excision, forced marriage, trafficking, infanticide, accusations of witchcraft, etc.) and ensure the care and protection of child victims of violence, particularly young girls, children with disabilities and in street situations, indigenous children, etc.

¹⁴ MOUEBARA Law n°19-2022 of 4 May 2022 on combating violence against women in the Republic of Congo.

¹⁵ Decree no. 2022-237 of 4 May 2022 creating, allocating and organising the national programme to combat violence against women.

C. Administration of juvenile justice

26. During the 2018 UPR, Congo accepted the recommendation to "*ensure access to justice so that the law on the protection of children is effective in putting an end to all forms of violence (...)*"¹⁶. At present, perpetrators of violence against children are not automatically brought to justice. REIPER stresses the inadequacy of the number of judges available to juvenile courts, and of the resources allocated to these courts. In addition, most judges and the administration are unfamiliar with the laws on child protection, as many ministries and judges' offices do not have the adequate working and educational conditions. They lack access to an Internet connection and no efforts are being made to publicise the laws.
27. REIPER also observes that minors are treated equally as adults in police stations and that the police arrest and imprison children. The network regularly observes that police stations do not respect the 24-hour time limit for police custody, that there are abusive preventive detentions in prisons, and that there is no legal assistance for children.
28. As the Congolese government itself acknowledges in its report to the Committee on the Rights of the Child (2014-2019), "*for lack of educational centres (...), even children benefiting from the mitigating excuse of minority are placed in detention.*"¹⁷. REIPER notes that there are no wards reserved for minors, who occupy the same cells as adults.
29. REIPER stresses that children in prison are victims of violence, including rape, inadequate and unbalanced meals, left without adequate medical care, have no access to education and no prospect of reintegration. Some children do not receive parental visits and are left to fend for themselves. The network also points to difficulties in the operation of detention centres due to a lack of adequate resources and qualified staff, in particular psychologists and specialised educators.
30. However, some REIPER members note an improvement in children's courts where children in conflict with the law have been placed in children's shelters instead of being incarcerated while awaiting trial.

Recommendations:

31. Train magistrates and police forces in children's rights, provide juvenile courts with additional resources, create specific police brigades and separate cells and wards adapted to minors in detention, finance their legal defence and support them in their reintegration.
32. To ensure that the penalties laid down by law are applied to the perpetrators of violence against children, including breaches of rights with regard to police custody and preventive detention of minors by the forces of law and order.

¹⁶ Uruguay 130,179

¹⁷ Committee on the Rights of the Child. Report on the implementation of the Convention on the Rights of the Child in Congo 2014-2019. Republic of Congo. P. 22

D. Disability and health

a) Disability

33. During the 2018 UPR, Congo accepted 6 recommendations for the implementation of the rights of children with disabilities¹⁸. In 1992, the Congo adopted a law for the protection of people with disabilities¹⁹, followed by a "Strategic framework for the schooling and re-schooling of children with disabilities" and a "National action plan for people with disabilities". Despite recommendations to this effect by the Committee on the Rights of the Child, Law n°009-92 has not been implemented by decree, and the National Framework and Plan have not been implemented. Although the government has set up a consultative body²⁰ in this area, REIPER deplores the lack of a national census of children with disabilities and the absence of concrete action to promote their rights.

"The deaf and the blind have nothing to eat. [Young Girl]

34. REIPER warns of the discrimination and violence perpetrated against these children, who are often considered a disgrace to the family and the community. Social pressure leads to exclusion, confinement and sometimes infanticide, particularly in ritualistic killings. The extent of this phenomenon is unknown due to a lack of research on the subject.

35. There are only two state-run facilities for disabled children, the Institut Psychopédagogique (IPP) in Brazzaville and the Institut des Déficients Auditifs (IDA) in Pointe-Noire, which together cater for around 60 children a year. The rest of the children are cared for by civil society organisations. REIPER notes that the government has recently become aware of this problem and has asked civil society to open a specialised orphanage. However, the orphanage is currently run by Handicap Afrique, with no government involvement or funding.

36. Inadequate medical and paramedical care is very costly for families. As a result, access to care falls to the associations that take care of these children without the support of the authorities.

"Some parents with deaf-mute children don't send them to school.

[Young Girl]

37. Although the Congo has received three recommendations to promote the inclusion of young people with disabilities in the school system²¹, no measures have been taken by the State to facilitate their inclusion since then. Education is only accessible to children cared for by civil society organisations, which run special classes in Brazzaville, Pointe-Noire, Nkayi, Owando and Bétou, and vocational training in Brazzaville.

¹⁸ Afghanistan 130.129, Mexico 130.169, Laos 130.181, Maldives 130.184, Ivory Coast 130.185, Mauritius 130.186.

¹⁹ Law n°009-92.

²⁰ Law n°26-2018 of 7 August 2018 determining the organisation, composition and operation of the Advisory Council of People Living with a Disability

²¹ Ivory Coast 130.185, Maldives 130.184, Afghanistan 130.129.

b) Health

38. During the last UPR, Congo accepted four recommendations to ensure access to healthcare for all children without exception²². Law n°04-2010 prohibits the denial of healthcare to children for financial reasons in subsidised hospitals²³ and provides for criminal, disciplinary and administrative sanctions²⁴.
39. The opening of Integrated Health Centres (IHCs) and hospitals by the government is an effective way of improving the Congolese health system and making care accessible to the vulnerable and precarious population. These hospitals lack technical and financial resources, sometimes opening without adequate equipment or health workers. What's more, access to the CSIs is subject to a subscription fee of CFAF 3,500, and the patient is responsible for paying for treatment and consultations ranging from CFAF 3,000 to CFAF 15,000 for a specialist.
40. Care that is conditional on payment *effectively* excludes children in precarious and vulnerable situations, particularly street-connected children, children with disabilities and indigenous children. Many of them turn to self-medication provided by street vendors.

"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 take it out (...) and the cockroach had started to burrow in. [17-year-old boy]

Recommendations:

41. Ensure that the budgets of health institutions allow for the free care proclaimed by law²⁵ and guarantee this free care for all children (including those with disabilities, in street situations or suffering from chronic illnesses) and put in place a policy to reduce disparities between urban and rural areas;
42. Identify children with disabilities, improve access to services and the quality of care through dedicated funding and the provision of trained technicians by the State;

E. Education

43. Following the 2018 UPR, the Congolese State accepted 6 recommendations to improve access to education for all children, especially girls²⁶. In 2014, the Committee on the Rights of the Child recommended that the State "*guarantee the right to free and compulsory education, without direct or hidden costs*"²⁷. Law n°32-65 of 1965 states that education and school supplies are free. In reality, education is not free and REIPER notes that no measures have been taken in this direction since the last UPR.

²² Belarus 130.167, Iran 130.122, Cuba 130.115, Mexico 130.177.

²³ Act n°04-2010. Article 26 paragraph 4.

²⁴ Act n° 04-2010. Article 104.

²⁵ Law n°04-2010. Article 26 paragraph 4.

²⁶ Belarus 130.167, Serbia 130.180, Cuba 130.134, Djibouti 130.135, Democratic People's Republic of Korea 130.130. Afghanistan 130.129.

²⁷ Committee on the Rights of the Child. Report on the implementation of the Convention on the Rights of the Child in Congo 2014-2019. Republic of Congo. P. 18

44. State school fees average 8,000 CFA francs a year. In addition, families and civil society organisations pay for uniforms and canteens. This situation particularly limits access to education for children from disadvantaged families.

"Sometimes there's a lack of resources, a lack of transport. Sometimes we have to share notebooks, bags...". [17-year-old girl]

45. REIPER deplores the lack of State investment in quality education. The Interministerial Technical Committee responsible for the education sector strategy reports an insufficient number of qualified teachers, a very high pupil/teacher ratio, a shortage of classrooms and a lack of teaching materials²⁸. During the consultations, children mentioned public classes with up to 142 pupils.

46. Faced with this situation, parents often invest themselves in the salaries of community teachers who have no pedagogical training, in building schools and equipping classrooms, through compulsory school fees.

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

47. REIPER deplores the lack of governmental investment in promoting gender equality. There are still major disparities between girls and boys in Congolese society, particularly in terms of access to education. According to the UNDP, in the Congo "there is a strong probability (...) that a woman will not be able to attend a normal schooling that could open up opportunities for decent employment". Many families with a girl and a boy reserve household chore for girls in preparation for marriage. Marriage and motherhood together account for 28.2% of the reasons why girls and women drop out of school²⁹.

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

Recommendation:

48. Ensure that the legal provisions on free education are applied and guarantee suitable teaching conditions and equal rights and access to education for girls and boys and particularly vulnerable children.

²⁸ Interministerial Technical Committee responsible for the education sector strategy. Education Sector Strategy (ESS) 2015-2025

²⁹ UNDP. Africa Human Development Report. "Accelerating progress towards gender equality and women's empowerment in Africa". 2016. P. 89.

F. Children in street situations and so-called “witch children”

49. At the last UPR in 2018, the Congolese government accepted a recommendation committing it to *"take measures to combat violations of children's rights, in particular street children (...) and end all discrimination against children"*³⁰. During its review, the Committee on the Rights of the Child encouraged the State to draw up a national strategy focusing on street children and an assistance programme to guarantee them *"access to adequate food, clothing, housing, health care and appropriate educational services"*³¹. REIPER notes that no measures have been taken to implement these recommendations.
50. There are no up-to-date national statistics on children in street situations in the Congo, despite the recent publication of a study on the issue by the Ministry of Social Affairs and Humanitarian Action (MASAH), with UNICEF support, which uses a census from 2003³². In 2022, the REIPER team, which carries out daily street patrols, counted 1,321 children in street situations in Brazzaville aged between 3 and 18, including 1,062 boys and 259 girls, compared with 1,156 in 2021. Field workers report a general increase in the number of these children in recent years, due to the health crisis at COVID-19 and the current economic situation.
51. Most of the rights of children in street situations are violated. REIPER members point to a total lack of protection for these children, who are subjected to insecurity, marginalisation, and abuse. These young people may be forcibly recruited into gangs engaged in theft, begging or prostitution. They are also victims of sexual abuse, violence, and police repression.

"When children live on the streets, they lose everything. They take on other names, they don't go to school, they are cut off from their families, they are beaten, abused and abandoned. They receive no special attention or protection from the police, who, on the contrary, think very badly of them." [Boy]

52. REIPER deplores the lack of reception and guidance centres for children in street situations and the lack of funding for the operation of existing centres run by civil society. Most of these children have dropped out of school. Social isolation and the inadequacy of the child protection system make school enrolment and follow-up almost impossible³³.
53. The members of REIPER note that many of the young people in street situations they take in in their centers have been accused of witchcraft by Revivalist churches. These churches are proliferating in the Congo and designate certain children as the "bad luck charm" of a family in great difficulty. Such accusations lead to stigmatisation, physical violence, rejection and sometimes the death of the child. Many of these children end up on the streets, often traumatised and without any therapeutic or psychological support.

³⁰ Spain 130.174.

³¹ Committee on the Rights of the Child. Report on the implementation of the Convention on the Rights of the Child in Congo 2014-2019. Republic of Congo. P. 20.

³² UNICEF. Rapport d'analyse: Enfants en situation de rue et de mobilité, y compris les enfants victimes de traite en République du Congo. 2021.

³³ UNICEF. Enfants en situation de rue et de mobilité, y compris les enfants victimes de traite en République du Congo. 2021. p. 169-170

Recommendations:

54. Develop and fund a programme for the care, reintegration, education and vocational training of children in street situations, involving families and child protection organisations.
55. Enact a law to protect so-called "witch children" and define penalties for those who abuse them; raise awareness and involve families and local communities, including the Revivalist churches, in tackling this problem.

G. Children belonging to indigenous groups

56. Congo accepted a recommendation in 2018 to guarantee inclusive access to education for indigenous children³⁴. Unfortunately, without action on the part of the State, indigenous children continue to be excluded from schools. They are particularly affected by dropping out of school and illiteracy, as highlighted by the Special Rapporteur on the Rights of Indigenous Peoples in 2020³⁵. It is currently estimated that 65% of indigenous children of primary school age do not attend school³⁶.
57. REIPER welcomes the adoption of decrees by the State in 2019 to implement Act 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, among other things. It also welcomes the adoption of a Planning Framework for Indigenous Peoples (CPPA)³⁷ in 2018. However, neither the decrees nor the CPPA have been implemented to date.

"Indigenous children are rejected by others" [Young girl].

58. Generally speaking, the indigenous community finds itself in a situation of social and economic discrimination, often living off subsistence farming and working as labourers for *Bantus*. As a result, indigenous children are particularly stigmatised and have reduced access to healthcare and other basic services, as well as to inclusive quality education and vocational training.
59. In many cases, these children are excluded from school for failing to pay school fees, in violation of the laws³⁸ guaranteeing access to education without discrimination. Furthermore, the school system is not adapted to indigenous children. According to the Special Rapporteur on the rights of indigenous peoples, *"the cultural adaptation of school systems to indigenous children could also play an important role"*.
60. To solve these problems, the "Observe Reflect Act" (ORA) schools have been created, offering a school curriculum adapted to indigenous children. These schools exist in three of the eight departments where the indigenous population lives. REIPER deplores the lack of involvement

³⁴ Afghanistan 130.129.

³⁵ Report of the Special Rapporteur on the rights of indigenous peoples - Visit to the Republic of Congo. A/HRC/45/34/Add.1. 2020.

³⁶ Joint SGD Fund. Towards a more inclusive education. 2022.

³⁷ Ministry of Forest Economy, Sustainable Development and the Environment. Framework for Planning in Favour of Indigenous Peoples (CPPA). November 2018.

³⁸ Law n°25-95. Articles 1, 2 and 3. 17 November 1995, law n°5-2011. Title IV. Article 17. 5 February 2011.

and investment in these schools by the State, despite the major role they play in improving access and equity in education and the commitments they have made.

61. These schools are informal because they are not recognised by the national education system, which has serious consequences for the establishments. They only operate with the support of projects run and funded by civil society organisations and their partners, and often have only makeshift premises and insufficient funds to pay teachers.

Recommendation:

- Implement Law n°5-2011 and the Planning Framework for the Promotion and Protection of the Rights of Indigenous Peoples, promote them to combat discrimination against indigenous children, and re-establish inclusive and appropriate schools, with an earmarked budget, with a view to the socio-educational integration of indigenous children.

VI. LIST OF RECOMMENDATIONS TO THE CONGOLESE GOVERNMENT

- ✓ To sign and publish the decrees and orders implementing Law n°04-2010 on child protection, and to ensure that it is applied by allocating the necessary budgets and disseminating it to civil servants and the general public in the appropriate languages;
- ✓ Formalise collaboration between the State and civil society on child protection by subsidising care facilities for children in care and setting up an intersectoral coordination framework;
- ✓ Raise awareness and work with families, communities and schools on children's rights, the elimination of corporal punishment, gender-based violence and harmful practices affecting children (excision, forced marriage, trafficking, infanticide, accusations of witchcraft, etc.) and ensure the care and protection of child victims of violence, particularly young girls, children with disabilities and in street situations, indigenous children, etc.
- ✓ Train magistrates and police forces in children's rights, provide juvenile courts with additional resources, create specific police brigades and separate cells and wards adapted to minors in detention, finance their legal defence and support them in their reintegration.
- ✓ To ensure that the penalties laid down by law are applied to the perpetrators of violence against children, including breaches of rights with regard to police custody and preventive detention of minors by the forces of law and order.
- ✓ Ensure that the budgets of health institutions allow for the free care proclaimed by law and guarantee this free care for all children (including those with disabilities, in street situations or suffering from chronic illnesses) and put in place a policy to reduce disparities between urban and rural areas;
- ✓ Identify children with disabilities, improve access to services and the quality of care through dedicated funding and the provision of trained technicians by the State;
- ✓ Ensure that the legal provisions on free education are applied and guarantee suitable teaching conditions and equal rights and access to education for girls and boys and particularly vulnerable children.
- ✓ Develop and fund a programme for the care, reintegration, education and vocational training of children in street situations, involving families and child protection organisations.
- ✓ Enact a law to protect so-called "witch children" and define penalties for those who abuse them; raise awareness and involve families and local communities, including the Revivalist churches, in tackling this problem.
- ✓ Implement Law n°5-2011 and the Planning Framework for the Promotion and Protection of the Rights of Indigenous Peoples, promote them to combat discrimination against indigenous children, and re-establish inclusive and appropriate schools, with an earmarked budget, with a view to the socio-educational integration of indigenous children.

APPENDIX I. LIST OF REIPER MEMBER ORGANISATIONS

- 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 d'Insertion et de Réinsertion des Enfants Vulnérables (CIREV) ;
- The Way of the Cross and Resurrection Community (3CR) ;
- Communauté Notre Dame du Perpétuel Secours (CNDPS) ;
- Compagnon Artisan Don Bosco (CADB) ;
- Education in the Open Environment (EMO) ;
- Enfance créatrice de développement (ENCREDE) ;
- Espace Jarrot ;
- Foyer Père Anton ;
- Orphelinat Notre Dame de la Divine Miséricorde (ONDDM) ;
- Orphelinat Saint Joseph de Gaston Céleste (OSJGC) ;
- Orphanage of the Immaculate Heart of Mary (OCIM) ;
- Samu Social Pointe-Noire (SSPN) ;
- Secours International du Mouvement Chrétien pour la Solidarité (SIMCS).

APPENDIX II. RESULTS OF CONSULTATIONS WITH CHILDREN

As part of the preparation of the alternative reports to the Committee on the Rights of the Child, and subsequently to the Universal Periodic Review of the Congo, REIPER members carried out various consultations with children in their care, involving 198 children and young adults (53% of them girls) aged between 5 and 22³⁹. They were carried out 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 dealt with children's rights, in particular the right to education, health, food, family, leisure, protection against violence, 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, girl mothers, etc.

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


What children said about the right to protection from violence		
WHAT THIS RIGHT REPRESENTS	What makes access to this right easier	Obstacles to access to this right
"Living in peace"	<ul style="list-style-type: none"> • Sometimes "leaving home to live more comfortably". • "Family solidarity" • Care structures • SAMU Social 	<ul style="list-style-type: none"> • Violence in the street; provocation, incitement to fight, insults • Sexual harassment, abuse "by the greatest and the greatest men". • Speech deprivation • Abandonment by parents • Police violence and shootings • "Children living on the streets are forced to follow the orders of the elders and sell drugs". • Difficult family conditions (housing, nutrition, clothing, etc.) • Humiliation from the family • Forced prostitution to support the family

³⁹ The oldest were young people being monitored by REIPER member organisations and who had spoken out about their former status as children.

What children formerly in a street situation said about their rights

ILLUSTRATING THE RIGHTS OF THESE CHILDREN	Protecting the rights of these children	What hinders these children's rights
	<ul style="list-style-type: none"> ● Consideration ● Listen to ● Social assistance ● "Special protection for the police" ● State facilitation of access to education ● Creating care centres 	<ul style="list-style-type: none"> ● Difficult access to nationality ● Stigma and injustice ● Parental abandonment ● Lack of reception, care and specialist assistance facilities ● Sexual harassment, abuse, rape ● "Children forced to sell drugs" ● Violence ● Financial difficulties ● Limiting the time limit for declaring births ● "Parents who deliberately lead others astray". ● Rejection in blended families

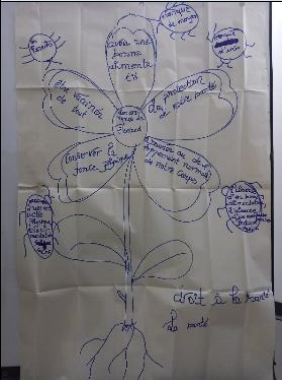
What children said about children accused of witchcraft

Illustration of the rights of these children	Protecting the rights of these children	What hinders these children's rights
	<ul style="list-style-type: none"> ● "To be treated like children, not poisons". ● Support through "good education" ● Support for the "life project" ● "The State can make parents aware of how to live with their children". 	<ul style="list-style-type: none"> ● Family rejection for disobedience ● Abuse ● Rape ● Attacks ● Insults

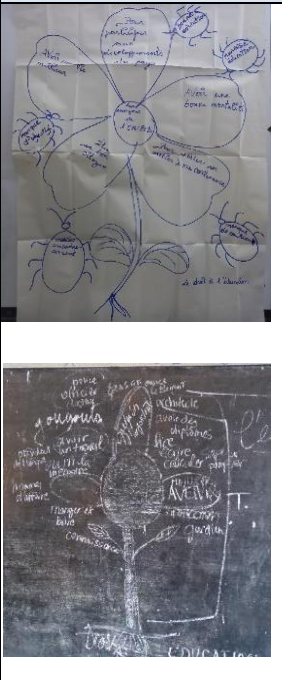
What indigenous children have said about their rights

Facilitating access to rights for indigenous children	Obstacles to the rights of indigenous children
<ul style="list-style-type: none"> ● Application of Decree no. 2019-199 of 12 July 2019 by 2024 ● Creation of a reception and training centre for indigenous children in every department of the Congo 	<ul style="list-style-type: none"> ● Rejection "by others" ● No school ● No birth certificate

What children said about the right to health

ILLUSTRATION	What this right represents	What makes access to this right easier	Obstacles to access to this right
	<p>"Ensuring the normal development of our body".</p> <p>"Keeping the strength physical "</p>	<ul style="list-style-type: none"> • Physical activity • Healthy eating • "Being vaccinated against everything • Protecting our health • Accessible structures 	<ul style="list-style-type: none"> • Abandoning the sick • Lack of particular attention from the public, either a person • Children living on the streets 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

What the children said about the right to education

ILLUSTRATIONS OF THIS RIGHT	What this right represents	What makes access to this right easier	Obstacles to 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>"A better life"</p> <p>"Participating in the country's development"</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 memory"⁴⁰</p>	<ul style="list-style-type: none"> • Care provided by a facility or host family • "Having good friends" • "Enduring hunger" • "Sharing money with friends" • "State facilitation of access to education". 	<ul style="list-style-type: none"> • No legal guardian • Lack of reception and school education centres • "Lack of funding from parents" • "Prevented by parents" • "Teacher abuse" • "Bad friends" • "Lack of focus" • "Poor supervision" • Lack of support • Poor education.

⁴⁰ This is a Congolese idiomatic expression meaning that someone has been enabled to acquire knowledge and discernment.