



Oral statement
Pre-session 45, Universal Periodic Review of the Congo
Geneva, 30 November 2023

1- Introduction and presentation of the organisation

Ladies and Gentlemen,

My name is Joseph BIKIE LIKIBI and I represent the Réseau des Intervenants sur le Phénomène des Enfants en Rupture (REIPER). Made up of 22 associations, the network aims to provide a concerted and effective response to the problems of children who have broken away from home.

2- Consultations for the preparation of this declaration and the report

Our report, co-written with Apprentis d'Auteuil and the Fondation Apprentis d'Auteuil International, was prepared with all REIPER members and the children they support. In total, 198 children were consulted.

3- Declaration plan

My speech will cover the child protection system, violence against children, the administration of juvenile justice, the right to health and education, and the rights of indigenous children, children with disabilities and in street situations.

I. COMBATING VIOLENCE AGAINST CHILDREN AND IMPROVING THE ADMINISTRATION OF JUVENILE JUSTICE

A. Follow-up to previous UPR cycles

At the previous UPR, Congo accepted **16 recommendations** to combat violence, corporal punishment, trafficking and harmful practices, and **one** recommendation to improve access to justice.

B. Developments since the last review

Act No. 04-2010 of 14 June 2010 on child protection was a major step forward in setting up a child protection system in the country. However, more than 10 years after its promulgation, the law's implementing decrees have still not been signed.

Corporal punishment and ill-treatment continue to occur in family homes, schools and police stations. According to UNICEF¹, 8 out of 10 children in the country suffer at least one form of physical, sexual or emotional violence.

REIPER has observed an increase in violence by State agents against children, especially children in street situations, who are victims of raids and arbitrary arrests without judicial proceedings.

In addition, minors are treated at the same level as adults in police stations and prisons, where they are victims of violence, left without adequate medical care and with no prospect of reintegration. Our teams

¹ Study on gender-based violence and online violence in schools, Republic of Congo, 2019

regularly observe police stations failing to comply with the 24-hour time limit for police custody, abusive preventive detention in prisons, and a lack of legal assistance for children.

The absence of a permanent body responsible for coordinating the implementation and effective application of policies, programmes and measures in favour of children and the inadequate number of juvenile judges and the resources allocated to them are a major problem.

C. We therefore recommend that the Republic of Congo :

- ✓ 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;
- ✓ 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;
- ✓ 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.

II. EDUCATION, HEALTH AND DISABILITY

A) Follow-up to previous UPR cycles

In 2018, Congo accepted **6 recommendations** to improve access to education, particularly for girls, **4 recommendations** on **access to health for children** and **6 recommendations** for the implementation of the rights of children with disabilities.

B) New developments since the last review

The consequent lack of State investment means that neither the free education announced nor the quality of education can be guaranteed. Indeed, 53% of teachers are unqualified². The student/teacher ratio is very high, and the number of classrooms is insufficient.³ Without support from civil society, children from disadvantaged families have no access to education.

Public health services often lack the human, technical and financial resources to make childcare accessible and free of charge.

Children with disabilities are often victims of discrimination and violence. Social pressure on families leads to exclusion, confinement of children and sometimes infanticide. As specialised medical care is too expensive for families, access to care is often the responsibility of civil society, with no support from the State.

C) We therefore recommend :

² Biometric census of teachers to be carried out in 2022 and 2023, counting 10,883 volunteer teachers compared with 6084 civil servants and 6084 finalist teachers.

³ Education Sector Strategy (ESS) 2021-2030

- ✓ 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.
- ✓ 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;

III. RIGHTS OF INDIGENOUS CHILDREN AND CHILDREN IN STREET SITUATIONS

In 2018, Congo accepted a recommendation to ensure inclusive access to education for indigenous children and another committing it to "take measures to combat violations of children's rights, in particular street children".

In recent years, the government has adopted a Planning Framework for Indigenous Peoples⁴ and decrees implementing the law on the promotion and protection of the rights of indigenous peoples. To date, neither the Framework nor the law has been implemented.

There is a lack of investment by the State to ensure access to adequate education for indigenous children: 65% of indigenous children of primary school age do not attend school. Until now, the so-called ORA schools⁵ adapted to indigenous children have not been officially included in the school map or funded by the State.

No concrete measures have been taken recently by the government to deal with street children. However, since the COVID-19 crisis, REIPER has observed a constant and widespread increase in the number of street children in Brazzaville.

A) We recommend :

- ✓ 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.
- ✓ Develop and fund a programme for the care, reintegration, education and vocational training of children in street situations, involving families and child protection organisations.

Thank you for your attention.

⁴ In 2018

⁵ Observe, Reflect, Act