



INFORMATION NOTE
COMMITTEE AGAINST TORTURE
Consideration of the 1st report of the Republic of Congo
Presentation of the report: 22 April 2015; Responses: 23 April 2015
First consideration
54th session of the CAT

Summary of child related issues

**Rapporteurs: M. Alessio Bruni (Italy) et M. Abdoulaye Gaye (Senegal),
Independent experts.**

I- Issues pertaining to juvenile justice and the rights of the child in general

1st report presented with a delay of 10 years.

1. Issue n°1: children deprived of liberty

CAT Experts	Questions / Remarks	Responses by [name of the country]
Mr. Alessio Bruni	Minors are detained in the same cells as adults and older bandits. What measures have been taken to change this situation? And what about the lack of food and access to medical care in detention centers?	
Ms. Essadia Belmir (Vice Chairperson)	The Child Rights Committee (CRC) has presented a very bleak picture of young detainees enlisted and detained by soldiers in deplorable conditions, with impunity regarding human rights violations. General abuse for arrested minors in conflict with the law or not. No fixed age of majority for detainees. Acts of violence in detention centers, Children in contact with the law are in distress. The rule of law must be strengthened.	
Ms. Sapana Pradhan-Malla	What is the number of new prisons? Where are they and is there any difference of treatment for women and children?	
Mr. Abdoulaye Gaye	Detention centers are overcrowded. Sexual violence against women and children is recurrent, committed by the security forces and prison staff.	



2. Issue n°2 : juvenile justice

CAT Experts	Questions / Remarks	Responses by [name of the country]
Mr. Tugushi (Vice Chairperson)	Systemic problem of prolonged custody and pending trial, exceeding the statutory period of 72 hours. Many children and women are concerned.	
Mr. Abdoulaye Gaye	Any person arrested should have a lawyer from the first hour of police custody. Worrying cases of children in custody who do not have access to a lawyer.	
Mr. Abdoulaye Gaye	Are there any mechanisms for rehabilitation / reinsertion? I feel that your report is silent.	

3. Issue n°3: Early marriage

CAT Experts	Questions / Remarks	Responses by [name of the country]
Ms. Sapan Pradhan-Malla	In theory, the marriage is legally possible from 18 years in the Congo. However when both spouses agree, this age can be lowered. How many early marriages could you identify?	

4. Issue n°4: Child trafficking

CAT Experts	Questions / Remarks	Responses by [name of the country]
Mr. Abdoulaye Gaye	Is there a law in the Congo against trafficking of women and children?	

II. Recurring problems raised by the experts of the CAT:

- Could you precise the current state of cooperation with NGOs? Which NGOs were consulted and what were their opinions?
- Surveillance and monitoring of CAT: very limited access of NGOs to detention centers. For now only the consuls can access it.
- What is the role of Commission on Human Rights? What is its status and independence decree? How are its members chosen? What is its budget?
- Concerning the law on the prevention of torture, how is torture defined in this text? Likewise for the

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revision of the Penal Code, how can you punish a crime if it is not defined?

- Overcrowding in the prison of Brazzaville with sometimes 65 people per cell (according to NGOs report).
- Allegations of corruption conducted by prison staff: Inmates must pay bribes in exchange for a larger cell, access to visits or not to suffer violence.
- Independence of the judiciary is very worrying. A certain number of judges act irresponsibly and are organized like a mafia network: payment of money against release.
- The victims of torture do not report their cases to justice because they do not trust the judges and because the system is not fair and not efficient. Including fear of reprisals.

III. Concluding observations:

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