**ONG BON PASTEUR**

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**C/DILALA, VILLE DE KOLWEZI**

**PROVINCE DE LUALABA, D.R CONGO**

**UNACCOMPANIED MIGRANT CHILDREN AND ADOLESCENT AND HUMAN RIGHTS**

1. **General situation**
   1. In Kolwezi, Kanina area which is our place of the research, 44 unaccompanied children are supervised by NGOs and private organization. Partners of the Good Shepherd NGO, following the partnership framed by the Government’s urban ministry of Gender, Woman, Family and Children. However, most of children in this category have not been counted and spend nights in markets. All this is notwithstanding the constitutional provision Chapter 2 of the 2009 law stipulates for the special protection of the child. The unaccompanied child is named among the children in difficult circumstances. The local organizations that take care of these children have no financial or any form of resources sponsorship provided by the government.
   2. **Structural causes**: Lack of managerial structures State children in trouble and the police charged with this responsibility often just arrests these children and jail them in adult prisons as there are no juvenile prisons.
   3. **Immediate causes**: poverty, cultural beliefs (some consider children as witches, especially orphaned children who are branded by most cultures and local ‘religious’ sects/pastors and ‘prophets’) lack of transparency in the management of financial and natural (minerals mainly) resources.
   4. Invisible mining-contracts vis-a-vis the NGOs that frame the children in need.  
      -Death of some parents has being exploited in the mining (Underground).
   5. In the borders, these children spend nights under costars in the markets. Many children are also involved in artisanal mines. Others are used as traps to rob passengers during the night and others are exploited economically by adults in the provision of sex and cheap or totally unpaid labour.
   6. Economic exploitation. Children afford heavy works for little money. They collect minerals in artisanal mining. Collecting one kg of row minerals is a three hours work and is worth of 0.21 US dollars, the equivalent of 2 loaves of bread of 20 grams each. These children are not attending school neither have they any access to medical care. In our most recent research carried on by our organization in Kolwezi, on the 5th of February 2016 and 390 children were found working in the artisanal mines in only two artisanal mining sites and being abused by adults. Some of these were as young as five.

NB: UNICEF estimates that there are approximately 40,000 children working in mines across southern DRC. Most of them do not go underground; instead, they perform a variety of tasks on the surface, including scavenging for ore and sorting extracted minerals.

**2. Cross-cutting issues**

**2.1** We have no specific steps proceedings for children who fly. About the road and river borders, most children take this route out irregularly and clandestinely.

We can read on this links: [www.yavassociates.com/Adoption-International-congo.html](http://www.yavassociates.com/Adoption-International-congo.html) : “Interested in adopting a child from the Democratic Republic of Congo or know someone who is?

Consult the Congo Expert Adoption Law Firm, “YAV & ASSOCIATES” … for knowledgeable and caring service.”

YAV & ASSOCIATES, the Congo Expert Adoption Law Firm specializes in domestic and international adoptions.

It has been our privilege for over a decade to represent adopting families, agencies, and adopted children.  We have represented adopting families from throughout the world.

We have handled adoption cases at all levels, and have been successful in helping to make Congo adoption law more child-friendly. Dr. Joseph Yav Katshung, is an adoption expert, author, and Professor of University.

The Democratic Republic of Congo [DRC] is a Non-Hague country.

The process for adopting a child that lives in a Non-Hague Convention Country is governed by that country’s laws.    
As you approach adopting from a Non-Hague Convention Country, it is important to have an experienced and competent guide who can walk you through the various and unforeseen challenges unique to each of these countries.

[www.cabemery.org/fr/domaines-de-pratique/droit-civil/adoption-internationale/#Vtp5PkB3hwI](http://www.cabemery.org/fr/domaines-de-pratique/droit-civil/adoption-internationale/#Vtp5PkB3hwI) :

The cabinet of Emery Mukendi Wafwana & Associates assists families who wish to adopt a child in the Democratic Republic of Congo (DRC).

With the tightening of adoption conditions in several African countries, the DRC remains one of the few countries still relatively well placed vis-à-vis the prospective adoptive families.

With the increasing number of requests for assistance in this area, Emery Mukendi Wafwana & Associates has gradually expanded its business areas to international adoption.

Our assistance includes both research of a child in different shelters, according to the criteria provided by the adoptive parents, the legal procedures and administrative procedures with the various entities competent in matters of adoption, such as the Administration General Migration and Foreign embassies issue visas once the adoption process is completed.

As a civil society organization we can say that this is a strategy maintained to just enrich lawyer’s societies (who in turn must be enriching key people in government, and who are not in any way interested neither in children’s rights nor their wellbeing.

**2.2** The answer is negative because law firms are covered by professional secrecy and the majority of children who leave the country are among the children reported missing: By what means do they arrive to destination countries? What are the transit countries? All these questions have no traceable answer.

**2.3** Everything depends on the people who adopt; we have no precision about the destination of these children.

**3. Laws, Policies, and coordination mechanisms.**

**3.1** News available demonstrate that the law on the status of the unaccompanied child is not yet adopted and promulgated. For now, only the interests of adopting, the interest of the child has no legal basis. The only basis is the special protection of the child in the 2009 law that does not benefit from practical measures on the ground.

**3.2** The departure to Europe or the United States of America is the travel that nourish the dream of many Congolese. Many Congolese desire the adoption or a job offer abroad. Cultural barriers that include a very strong believe in witchcraft; compounded with historical political unrests create mistrust among many people, which makes it impossible to create supportive structures within the community. At the same time, the government is not in a position to develop a program to fight against poverty. Poor management of resources, corruption and impunity; and general bad governance continue to keep the poor in the extreme while the rich get richer.

**3.3** The process is ongoing. But the instability and unpredictability in governing authorities do not guarantee the durability of genuine and sustainable partnership.

**3.4** This cooperation does not exist because nothing is made public, all the movements of unaccompanied children is in hiding.

**4. OTHERS**

**4.1** Reduce damage to women and children through prevention and the fight against violence, exploitation and abuse inflicted children including sexual exploitation for commercial purposes, trafficking and child labor, and traditional prejudicial practices, female genital mutilation and child marriage.

**4.2** The creation of a cross-border partnership of NGOs and finally public services to monitor child movement. The government should carry out a census of the Congolese people for the verification of the actual population. The government has never carried out any census of the population, a fact that makes it difficult to determine the real population of the Congo, let alone that of the children. The government needs to set up a strategy of monitoring the movement of its people especially that of children