

Congo, Republic of the

In 2011, the Republic of the Congo made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government allocated funds to anti-child trafficking activities and began supporting a school feeding program that was formerly funded by external donors. However, significant gaps remain in coordination and enforcement of child labor laws. Children in the Republic of the Congo may be engaged in the worst forms of child labor, including in dangerous activities in agriculture and domestic service.

Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	27.0 (256,993)
Attending School	5-14 yrs.	87.8
Combining Work and School	7-14 yrs.	27.1
Primary Completion Rate		70.8

Sources:

Primary completion rate: Data from 2010, published by UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis of statistics from DHS Survey, 2005.(2)

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Republic of the Congo may be engaged in the worst forms of child labor, particularly in dangerous activities in agriculture and domestic service. Although the extent of the problem is unknown, children in rural areas burn trees for charcoal, raise livestock and fish.(3) Children's work in agriculture commonly involves using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides.(4) Children may also be employed as domestic servants. In urban areas, children from rural areas reportedly work as domestic servants for urban families with the expectation that they will be provided proper education and.(3) Children who work in domestic service often work long hours and are vulnerable to physical and sexual abuse from their employers.(5)

Many children work as market vendors in the urban centers of Brazzaville and Pointe Noire. These children endure long hours of hard work for little pay and face exposure to physical dangers from vehicles and inclement weather as well as the risk of engaging in commercial sexual exploitation.(3, 6)

In the Republic of the Congo, children may also be engaged in stone breaking using dangerous tools and carrying heavy



loads.(3) Baka children are also reportedly exploited as cheap labor, sometimes cutting grass at school while children of other ethnic groups attend class.(7)

Many children are trafficked to the Republic of the Congo from the neighboring countries of Benin, Cameroon, Democratic Republic of the Congo and Mali.(8, 9) Girls are trafficked internally from rural areas to the cities of Brazzaville and Point Noire. Many trafficked children are forced into prostitution.(3, 10)

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code (Loi N° 45-75) sets the minimum age for employment and apprenticeships at 16 and the minimum age for hazardous work at 18.(11, 12) The Ministry of Education can issue waivers allowing the employment of a child under age 16 following consultation with a labor inspector and an examination of the type of work.(11) A list of hazardous work for children dates back to Order 2224 of 1953.(13) However, ILO Convention 182 calls for periodic review and revision of the list of hazardous work for signatory countries. The Government of the Republic of the Congo submitted a document to the ILO in 1999 identifying hazardous forms of work prohibited for minors under ILO Convention 182 and 138.(13, 14) However, there is no evidence that this document has been given legal effect.

Though both the Constitution and the Education Law stipulate that free and compulsory education be provided until age 16, parents are compelled to buy school supplies and pay for private tutoring and transportation to and from school.(15, 16) These expenses lead to children dropping out of school.

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

In 2010, the Government of the Republic of the Congo passed legislation that gives indigenous Congolese children legal access to education and health services. Traditionally, indigenous children have had trouble accessing social services because their parents did not register their births.(17, 18).

The Labor Code prohibits forced or compulsory labor except in cases of military service, natural disasters and certain civic duties.(11) The minimum age of enlistment in the armed forces in the Republic of the Congo is 18.(3)

The Penal Code prohibits prostitution and the procurement of a person for prostitution and establishes appropriate penalties if the act is committed with a child under age 15.(19, 20)

The Penal Code and the Criminal Procedure and Evidence Act punish persons for any sexual abuse, defined as an attack committed with violence, coercion, threat or surprise. This includes rape and indecent exposure to a minor younger than age 15.(19)

The Child Protection Code prohibits child trafficking, prostitution, rape, and other unspecified illegal activities.(3, 20) The Child Protection Code also specifies a range of penalties believed to be severe enough to serve as deterrent.(3) There are penalties against the forcible or fraudulent abduction of persons younger than age 18 independent of trafficking, but no penalties specifically prescribed for trafficking persons for sexual exploitation.(14)

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence of a coordinating mechanism to combat the worst forms of child labor. The Government, UNICEF, local NGOs, Muslim community leaders and local police created a country coordination committee, which reviews and improves communication strategies between various agencies involved in trafficking issues. There was no information on whether a new National Plan of Action on Trafficking has been drafted to replace the 2009-2010 plan which has expired.(3)

The Ministry of Labor (MOL) is the agency responsible for enforcing the child labor laws and monitoring officially registered businesses.(3) MOL employs 17 full-time and 11 part-time inspectors, who inspect for all types of labor law violations.(3) While child labor complaints can be made to MOL officials, inspection efforts are generally limited to urban areas and large establishments.(3, 20, 21) However, most children work in rural areas and in small informal establishments.(22) Investigations of alleged child labor violations typically take 3 to 7 months to complete. MOL did not provide any information as to whether inspections were carried out nor report any violations of child labor laws during the reporting period.(3)

Law enforcement officers coordinate with the Ministry of Social Affairs to provide assistance when victims of child trafficking are identified.(3, 20) During the reporting period, 57 child trafficking victims were removed from trafficking situations; of these children, four were also provided with foster homes, six were given repatriation assistance to their home countries, and eight more began the process for repatriation to Benin with help from the Ministry of Social Affairs.(3, 23)

The Ministry of Justice and the National Police are responsible for the enforcement of criminal laws against child labor, forced labor, human trafficking, commercial sexual exploitation and the use of children in illicit activities.(3) Aside from child trafficking, no statistics have been identified with respect to investigations, prosecutions or convictions of such crimes.

The Republic of the Congo signed a mutual cooperation agreement with Benin, a major source country for child trafficking victims, to help identify and assist victims and also to prosecute traffickers.(3)

Government Policies on the Worst Forms of Child Labor

The Government and the UNDP developed core strategies to set national priorities for poverty reduction and attainment

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of the Millennium Development Goals in the Republic of the Congo.(3, 24) Although child labor is not incorporated into the strategies, increased access to education, including providing school meals for children, was included in the country's Poverty Reduction Strategy Paper. The Government and other stakeholders incorporated provisions for vulnerable populations, such as children with HIV/AIDS, child ex-combatants and children from ethnic populations, into the United Nations Development Assistance Framework (UNDAF) 2009-2013 Country Plan of Action.(25, 26) The impact of the UNDAF Country Plan of Action on the worst forms of child labor does not appear to have been assessed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of the Republic of the Congo has some social protection programs designed to reduce the worst forms of child labor and protect vulnerable children. However, these programs are too limited to address the scope of child labor in the Republic of the Congo, particularly among children working in domestic service, street work and agriculture.

The country has been a participant in the U.S. Government McGovern–Dole feeding program, which aims to reduce the prevalence of poverty-related school dropouts in the

country.(3) The Ministry of Education, in partnership with an American NGO, pledged an additional \$9 million dollars to begin transitioning from the U.S.-funded program McGovern–Dole school feeding program to a Government-supported program.(3)

The Government supports a number of efforts to combat child trafficking. Through its partnership with UNICEF, the Ministry of Social Affairs participated in sensitization outreach, trained investigators to identify trafficking victims, referred them for appropriate legal and social services and provided its own social assistance.(3, 6) The Government of the Republic of the Congo funded a 3-day “train-the-trainer” course on Protection of Children’s Rights organized by the Canadian NGO International Bureau for Children’s Rights (IBCR) at the National Police Academy and the National Gendarmerie Academy. The curriculum developed at the course will be used to train 34 police instructors in Brazzaville and 10 police instructors in the economic capital of Pointe Noire, where the majority of the Republic of the Congo’s trafficking is known to occur, with the intended goal being to train as many as one-third of the national police force in 2012, amounting to 5,000 officers.(27)

For fiscal year 2011 and for the first time, the Ministry of Social Affairs allocated \$100,000 to fight child trafficking.(3, 27)

Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in the Republic of the Congo:

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Codify and publish the list of hazardous work prohibited for children as presented to the ILO in 1999.	2009, 2010, 2011
Coordination and Enforcement	Establish a coordinating mechanism to combat the worst forms of child labor.	2009, 2010, 2011
	Ensure labor inspectors adequately monitor rural areas and small businesses for child labor.	2010, 2011
	Ensure that child labor violations are penalized in accordance with the law.	2011
	In addition to child trafficking data, collect, analyze and report data on the enforcement of labor and criminal laws against other worst forms of child labor.	2010, 2011
Policies	Assess the impact of the UNDAF 2009-2013 Country Plan of Action on reducing the worst forms of child labor.	2009, 2010, 2011
Social Programs	Expand social protection programs for the prevention and elimination of exploitive child labor, especially for children working in agriculture, domestic service, street work and prostitution.	2009, 2010, 2011

REFERENCES

- UNESCO Institute for Statistics. *Gross intake ration to the last grade of primary. Total.*; accessed June 22, 2012; <http://www.uis.unesco.org/Pages/default.aspx?SPSLanguage=EN>. Data provided is the gross intake ratio to the last grade of primary school. This measure is a proxy measure for primary completion. For more information, please see the “Children’s Work and Education Statistics: Sources and Definitions” section of this report.
- UCW. *Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys*. February 2, 2012. Reliable statistical data on the worst forms of child labor are especially difficult to collect, given the often hidden or illegal nature of the worst forms. As a result, statistics on children’s work in general are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section of this report.
- U.S. Embassy- Brazzaville. *reporting, January 20, 2012*.
- International Labour Office. *Children in hazardous work: What we know, What we need to do*. Geneva, International Labour Organization; 2011. http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_155428.pdf. While country-specific information on the dangers children face in agriculture is not available, research studies and other reports have documented the dangerous nature of tasks in agriculture and their accompanying occupational exposures, injuries and potential health consequences to children working in the sector.
- International Labour Office. *Children in hazardous work: What we know, What we need to do*. Geneva, International Labour Organization; 2011. http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_155428.pdf. While country-specific information on the dangers children face in domestic work is not available, research studies and other reports have documented the dangerous nature of tasks in domestic work and their accompanying occupational exposures, injuries and potential health consequences to children working in the sector.
- U.S. Embassy- Brazzaville. *reporting, February 17, 2010*.
- UNICEF. “Education provides a way out for indigenous children in Republic of Congo.” [unicef.org](http://www.unicef.org/infobycountry/congo_51350.html?q=printme) February 25, 2009 [cited April 25, 2012]; http://www.unicef.org/infobycountry/congo_51350.html?q=printme.
- Integrated Regional Information Networks. “Congo: Child trafficking on the rise” [online] May 21, 2007 [cited May 7, 2012]; <http://www.irinnews.org/report.aspx?ReportId=72268>.
- Integrated Regional Information Networks. “BENIN-CONGO: Deal to stem child trafficking.” September 21, 2011 [cited January 25, 2012]; <http://www.irinnews.org/report.aspx?reportid=93784>.
- U.S. Embassy- Brazzaville. *reporting, March 3, 2011*.
- Government of the Republic of Congo. *Loi N° 45-75, Code du travail de la République populaire du Congo*, enacted 1975. <http://www.droit-afrique.com/images/textes/Congo/Congo%20-%20Code%20du%20travail.pdf>.
- UN Committee on the Rights of the Child. *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention. Concluding Observations: The Republic of the Congo*. Geneva; October 20, 2006. [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f31/2a3dc64e60de1887c125722700438d40/\\$FILE/G0644909.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f31/2a3dc64e60de1887c125722700438d40/$FILE/G0644909.pdf).
- ILO Committee of Experts. *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Congo (ratification: 2002) Published: 2011* accessed December 3, 2011; <http://www.ilo.org/ilolex/english/iloquery.htm>.
- ILO Committee of Experts. *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Congo (ratification: 2002) Submitted: 2011*; accessed February 25, 2012; <http://www.ilo.org/ilolex/english/iloquery.htm>.
- Government of the Republic of Congo. *Constitution de la République du Congo du 20 janvier 2002*, enacted January 20, 2002. http://www.droitsdelhomme-france.org/IMG/Constitution_de_la_Republique_du_Congo_du_20_janvier_2002.pdf.
- Right to Education Project. *National law and policies on fee or for free – Congo (Republic)*. London; 2008. <http://www.right-to-education.org/country-node/415/country-fee>.
- UNICEF. *Congo: Law for indigenous populations welcome milestone*. News note. Brazzaville; December 31, 2010. http://www.unicef.org/80/media/media_57330.html?q=printme.
- U.S. Department of State. “Republic of the Congo,” in *Country Reports on Human Rights Practices- 2010*. Washington, DC; April 8, 2011; <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>.
- Government of the Republic of Congo. *Penal Code*, enacted <http://www.protectionproject.org/main1.htm> [source on file].
- U.S. Embassy- Brazzaville. *reporting, January 28, 2011*.
- U.S. Embassy- Brazzaville. *reporting, February 12, 2010*.
- International Confederation of Free Trade Unions. *Internationally Recognized Core Labour Standards in Congo: Report for the WTO General Council Review of the Trade Policies of Congo*. Geneva; 2006. <http://www.icftu.org/www/PDF/CongofinalE.pdf>.
- U.S. Embassy- Brazzaville official. E-mail communication to USDOL official. June 22, 2012.
- IMF. *Republic of Congo: Poverty Reduction Strategy-Annual Progress Report*. Washington, DC; March 2010. <http://www.imf.org/external/pubs/ft/scr/2010/cr1069.pdf>.
- UNDP. *Assessment of Development Results Evaluation of UNDP Contribution Republic of Congo*, [online] [cited March 1, 2010]; http://www.undp.org/evaluation/documents/ADR/ADR_Reports/congo/CongoADR-English.pdf.
- UNDP. *Plan d’action fu programme de pays 2009-2013 entre le Gouvernement de la République du Congo et le Programme des Nations Unies pour le Développement (PNUD)*, [online] [cited March 1, 2010]; http://www.cg.undp.org/downloads/CONGO_BRAZZA_CPD_2009_2013.doc.
- U.S. Embassy- Brazzaville. *reporting, January 30, 2012*.