

In 2016, the Republic of the Congo made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government continued to implement a social safety net program that provided cash transfers to 3,455 households and rescued 13 children from forced domestic work that resulted from human trafficking. However, children in the Republic of the Congo perform dangerous tasks in domestic work. Children also engage in the worst forms of child labor, including in commercial sexual exploitation. The Government has yet to ratify the Palermo Protocol on Trafficking in Persons and there is no mechanism to coordinate efforts to address child labor at the national level, including all its worst forms. The Government failed to allocate funding to the Ministry of Labor and Social Security or the Ministry of Social Affairs, Humanitarian Action and Solidarity to combat child labor and child trafficking. In addition, information on children's work is extremely limited because there has never been a national child labor survey or similar research conducted in the Republic of the Congo.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in the Republic of the Congo (ROC) perform dangerous tasks in domestic work. Children also engage in the worst forms of child labor, including in commercial sexual exploitation.(1-5) Table 1 provides key indicators on children's work and education in ROC.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	27.9 (286,137)
Attending School (%)	5 to 14	90.2
Combining Work and School (%)	7 to 14	29.9
Primary Completion Rate (%)		74.3

Source for primary completion rate: Data from 2012, published by UNESCO Institute for Statistics, 2016.(6)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Deuxième Enquête Démographique et de Santé du Congo (EDSC-II) Survey, 2011–2012.(7)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Farming, including in the production of manioc, peanuts, corn, plantains, potatoes, and sugar cane (2-4, 8-10) Catching and smoking fish (2)
Industry	Working in stone quarries, including breaking stones (2, 4, 8)
Services	Domestic work (4, 11) Working in transportation as bus touts (4, 8) Market vending and carrying heavy loads (2, 4, 8)

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Table 2. Overview of Children’s Work by Sector and Activity (cont)

Sector/Industry	Activity
Categorical Worst Forms of Child Labor [‡]	Commercial sexual exploitation, sometimes as a result of human trafficking (1, 3, 8, 12-14)
	Forced labor in farming, including in the production of cocoa, and in domestic work, working in stone quarries, fishing, and market vending, each sometimes as a result of human trafficking (1-3, 5, 8, 15)
	Forced labor of indigenous <i>Baka</i> children in farming, including in the production of sugar cane, and in fishing, hunting, and domestic work (8, 16)

[‡] Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

Children from West African countries, indigenous communities, and the Democratic Republic of the Congo are trafficked to larger cities within ROC such as Pointe-Noire and Brazzaville for forced labor and commercial sexual exploitation.(1, 3, 8, 17, 18) Indigenous children are particularly vulnerable to forced labor in agriculture.(1-3, 8, 19) Information on children’s work is limited because there has never been a national child labor survey or similar research conducted in ROC.(20)







The Constitution stipulates that education is free until age 16; however, some parents are required to pay for books, uniforms, and school fees, which may limit access to education for some children.(2, 19, 21) Over-enrollment, poor administration of the education sector, a lack of teachers, and sexual abuse in schools also pose barriers to education for some children.(2, 19, 21, 22) Indigenous children throughout the country experienced discrimination, linguistic barriers, prohibitive school fees, and long distances to schools.(2, 19, 23) Some children in the Pool region had difficulty accessing education during the reporting period due to political instability.(24-29) There was no evidence that the Government restricted access to post-primary education for refugees. The UNHCR provides the majority of education for refugee children but reduced its support during the reporting period due to budget constraints, resulting in a 21 percent decrease in enrollment rates.(19)

During the reporting period, the Government was preoccupied with the presidential election, the resulting unrest, and the change in administration, which may have impeded its efforts to combat child labor.(30-32)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

The Republic of the Congo has ratified most key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

Convention	Ratification
 ILO C. 138, Minimum Age	✓
 ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
 UN CRC Optional Protocol on Armed Conflict	✓
 UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	

The Government has established laws and regulations related to child labor, including its worst forms (Table 4). However, gaps exist in ROC’s legal framework to adequately protect children from child labor.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	16	Article 116 of the Labor Code (33)
Minimum Age for Hazardous Work	Yes	18	Order 2224 of 1953; Article 68 of the Child Protection Code (12, 34)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Article 68 of the Child Protection Code; Order 2224 of 1953 (12, 34)

Table 4. Laws and Regulations on Child Labor (cont)

Standard	Meets International Standards: Yes/No	Age	Legislation
Prohibition of Forced Labor	Yes		Article 33 of the Constitution; Article 4 of the Labor Code; Articles 60, 68, and 122 of the Child Protection Code (33-35)
Prohibition of Child Trafficking	Yes		Articles 60, 68, and 122 of the Child Protection Code (34)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 65–68 and 122 of the Child Protection Code; Articles 334–335 of the Criminal Procedure Code (34, 36)
Prohibition of Using Children in Illicit Activities	Yes		Articles 68–70 and 122 of the Child Protection Code (34)
Minimum Age for Military Recruitment			
State Compulsory	Yes*	18	Article 49 of the Child Protection Code (34)
State Voluntary	Yes	18	Article 49 of the Child Protection Code (34)
Non-state Compulsory	Yes	18	Article 49 of the Child Protection Code (34)
Compulsory Education Age	Yes	16	Articles 1 and 3 of the Education Law; Article 29 of the Constitution (35, 37)
Free Public Education	Yes		Article 1 of the Education Law; Article 29 of the Constitution (35, 37)

* No conscription (20, 38, 39)

A draft revision to the Hazardous Work List of 1953 has been pending since 2012, and a draft anti-trafficking law that includes more severe penalties for offenders has been awaiting adoption by the Parliamentary Committee since 2013.(18, 28, 32, 40-42) Research indicates that existing laws regarding child trafficking may not be specific enough to facilitate enforcement, and existing laws allow children under age 18 to be voluntarily recruited into the state armed group with the child and parents’ consent.(8, 34) In addition, existing penalties for the worst forms of child labor may not be severe enough to serve as deterrents because they are not commensurate with penalties for other serious crimes.(1, 2, 34)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5). However, gaps in labor law and criminal law enforcement remain and some enforcement information is not available.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor and Social Security (MOL)	Enforce child labor laws and monitor officially registered businesses.(2, 3, 19)
Ministry of Justice and Human Rights (MOJ)	Enforce criminal laws against the worst forms of child labor.(2, 3) Dedicate two judges—one judge in Brazzaville and one in Pointe-Noire—to child protection cases.(11)
Ministry of the Interior’s National Police	Enforce criminal laws against the worst forms of child labor and conduct initial investigations in cases of forced labor, human trafficking, and the use of children in illicit activities.(2, 3)
Ministry of Social Affairs, Humanitarian Action and Solidarity (MSA)	Promote the rights of vulnerable groups and contribute to anti-trafficking efforts by identifying and providing social welfare assistance to victims.(2, 19) Through its Task Force, lead efforts to combat human trafficking in Pointe-Noire, designate foster families to receive victims, and assist in repatriating or reintegrating victims.(2, 3)
Ministry of Foreign Affairs and Cooperation	Coordinate with the MSA in repatriating victims of child trafficking and monitor bilateral and multilateral agreements with neighboring countries to combat human trafficking.(3)

Due to budget constraints, the Government has not disbursed funding to the MSA for human trafficking-related programming for more than two years, despite its inclusion in the budget.(2, 32)

Labor Law Enforcement

In 2016, labor law enforcement agencies in the Republic of the Congo took actions to combat child labor, including its worst forms (Table 6).

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Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2015	2016
Labor Inspectorate Funding	Unknown* (11)	Unknown* (2)
Number of Labor Inspectors	12 (11)	12 (2)
Inspectorate Authorized to Assess Penalties	Yes (33)	Yes (2)
Training for Labor Inspectors		
Initial Training for New Employees	Unknown	Unknown
Training on New Laws Related to Child Labor	N/A	N/A
Refresher Courses Provided	No (11)	No (2)
Number of Labor Inspections	Unknown (11)	Unknown* (2)
Number Conducted at Worksite	Unknown (11)	Unknown* (2)
Number Conducted by Desk Reviews	Unknown (11)	Unknown* (2)
Number of Child Labor Violations Found	0 (11)	Unknown* (2)
Number of Child Labor Violations for Which Penalties Were Imposed	N/A (11)	Unknown* (2)
Number of Penalties Imposed That Were Collected	N/A (11)	Unknown* (2)
Routine Inspections Conducted	No (11)	No (2)
Routine Inspections Targeted	N/A	N/A (28)
Unannounced Inspections Permitted	Yes (33)	Yes (2)
Unannounced Inspections Conducted	No (11)	No (2)
Complaint Mechanism Exists	No (43)	Yes (2)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	No (10)	Yes (2)

* The Government does not publish this information.

The number of labor inspectors is insufficient for the size of the Republic of the Congo's workforce, which includes more than 1.8 million workers. According to the ILO's recommendation of 1 inspector for every 15,000 workers in industrializing economies, ROC should employ roughly 120 labor inspectors. (44-46) Training opportunities for labor inspectors are very limited, and the Government did not allocate any funding to the Ministry of Labor and Social Security (MOL) in 2016 for inspections targeting child labor.(2, 9) Due to a lack of staff, labor inspections are typically limited to the formal sector, leaving children in the informal sector without legal protection. Penalties were also rarely applied for violations of the Labor Code.(2, 47) In addition, inspectors do not have access to government vehicles and rely on the employers being inspected to provide transportation.(2, 8, 47) Research was unable to find information on the complaint mechanism or the reciprocal referral mechanism.(28)

Criminal Law Enforcement

In 2016, criminal law enforcement agencies in the Republic of the Congo took actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2015	2016
Training for Investigators		
Initial Training for New Employees	No (11)	No (2)
Training on New Laws Related to the Worst Forms of Child Labor	N/A	N/A (2)
Refresher Courses Provided	No (11, 48)	No (2)
Number of Investigations	4 (1, 11)	5 (28, 32)
Number of Violations Found	7 (11)	13 (28)
Number of Prosecutions Initiated	0 (11, 16)	5 (32)
Number of Convictions	0 (11)	0 (2)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (11)	Yes (2)

The MSA, the MOL, the Ministry of Justice and Human Rights (MOJ), and the National Police work together to enforce criminal laws against child trafficking; however, their efforts were limited to Brazzaville and Pointe-Noire, and the number of investigations conducted was insufficient given the scope of the problem.(2, 32) In 2016, only an NGO identified victims of child trafficking, which paid a fee of \$16 to the local police for assistance in rescuing each victim.(32) The MSA and the MOJ reported difficulties in prosecuting offenders due to a weak judicial system and criminal law enforcement officials’ and judges’ unequal knowledge of anti-trafficking legislation and the Child Protection Code.(1, 3, 8, 32) In addition, the two judges dedicated to child protection have not tried any cases since their appointments in 2013.(2, 32) The Police Commander in Pointe-Noire noted that additional training is needed, particularly for lower-level police officers who may be illiterate or have received minimal training.(32)

To comply with the standards of the Palermo Protocol, the Government mandates that all human trafficking cases be prosecuted as felonies, rather than as *delicts*, which is a more severe violation than a misdemeanor but less severe than a felony. Felony courts meet infrequently and irregularly, due to a lack of resources, a large backlog of cases dating over five years, and complex prosecution requirements.(1, 32) Rather than prosecuting child trafficking cases, the MSA Task Force may summon those accused of child trafficking.(2, 8, 28, 32) Although these summons often resulted in the accused trafficker paying for the victim’s repatriation and reintegration kit, they did not deter the perpetrators from trafficking.(1, 2, 16)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

Although the Government has established a Task Force to combat child trafficking in Pointe-Noire, research found no evidence of mechanisms to coordinate its efforts to address child labor, including all its worst forms (Table 8).

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
MSA Task Force	Function as the Anti-Trafficking Coordinating Committee for Pointe-Noire to coordinate all efforts to combat child trafficking in Pointe-Noire with UNICEF’s support. Composed of government representatives and civil society organizations.(3, 11, 16) Prevent, identify, and rescue children of West African origin from situations of child trafficking, including by raising public awareness and by repatriating or reintegrating victims of child trafficking.(11, 16)

The MSA Task Force met three times in 2016 to facilitate reparation payments from alleged traffickers to victims but did not carry out any other activities due to a lack of funding.(32) The Task Force continues to rely heavily on a local NGO to initiate investigations, sometimes with police assistance in exchange for a fee paid by the NGO. In addition, the MOJ and the MSA have expressed concern that the MSA Task Force does not include a representative from the MOJ.(16) Weak inter-ministerial coordination, reduced funding, and poor recordkeeping continue to challenge the Government’s ability to coordinate its efforts to address human trafficking.(1-3)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government has established policies related to child labor, including its worst forms (Table 9).

Table 9. Key Policies Related to Child Labor

Policy	Description
National Action Plan to Fight Against Trafficking in Persons (2014–2017)	Aims to establish a National Commission to Fight Against Trafficking in Persons, develop systems for monitoring and evaluation, strengthen the legal framework, and provide social services to victims of human trafficking.(49) Includes public awareness campaigns, training for law enforcement officials, and improvement of enforcement activities related to child trafficking.(43)

Although the Government has adopted the National Action Plan to Fight Against Trafficking in Persons, the Government failed to allocate resources to the National Action Plan, and research was unable to determine whether activities were undertaken to implement this policy during the reporting period.(1, 16) Research found no evidence of a policy on other worst forms of child labor.(3, 50) The Government has not included child labor elimination and prevention strategies in the National Development Plan (2012–2016), the Education Sector Policy (2015–2025), and the Cost Free Identity Document Policy.

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VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

Table 10. Key Social Programs to Address Child Labor[†]

Program	Description
Safety Net Program (LISUNGI) (2014–2018) [†]	\$17 million Government and World Bank-funded project that grants improved access to health and education services to poor families in Brazzaville, Cuvette, and Pointe-Noire.(2, 8, 51) Includes a pilot cash transfer program to cover 5,000 households, and an evaluation system to measure the change in project participants' situations.(8, 51-53) In 2016, provided regular cash transfers to 3,455 households.(54) By the end of 2016, funding commitment from the Government was not met.(2)
School Feeding Programs [†]	Programs throughout the country that aim to reduce dropout rates and encourage school attendance.(2) The Government and U.S. Government's McGovern-Dole International's Food for Education and Child Nutrition Program, implemented by the International Partnership for Human Development, provides school lunches to approximately 150,000 students.(2, 9) The WFP's program targets about 100,000 students annually. In 2016, these two programs provided assistance to 246,000 students.(11, 55)
Observe, Reflect, Act (ORA) Schools [†]	Ministry of Education program supported by UNICEF, the EU, and the WFP to improve access to education for indigenous children through a 2- or 3-year preparatory program.(18, 23, 56) Identifies children who should be added to the civil register, provides school supplies to students, and raises awareness among indigenous families about the importance of education.(18, 57)

[†] Program is funded by the Government of the Republic of the Congo.

[‡] The Government had other social programs that may have included the goal of eliminating or preventing child labor, including its worst forms.(2, 3, 8, 11, 14, 16)

Although the Government has implemented programs to assist victims of child trafficking, these efforts are focused on West African victims. Research found no evidence that the Government has carried out programs to assist children engaged in other worst forms of child labor, such as forced labor in domestic work and commercial sexual exploitation.(2, 32) However, the Government had other social programs that may have included the goal of eliminating or preventing child labor, including its worst forms. Research was unable to determine whether activities were undertaken to implement existing programs during the reporting period, and current funding levels are not sufficient to address the scope of child labor, including its worst forms, in the Republic of the Congo.(11, 43)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in the Republic of the Congo (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify the Palermo Protocol on Trafficking in Persons.	2015 – 2016
	Ensure that the minimum age for voluntary military service is no lower than age 16, and that safeguards exist to protect children ages 16 and 17 in the armed forces.	2015 – 2016
	Ensure that legislation is specific enough to facilitate enforcement and that penalties for violating laws regarding the worst forms of child labor are severe enough to serve as deterrents.	2015 – 2016
Enforcement	Significantly increase the number of labor inspectors and investigators to meet the ILO recommendation and ensure that they receive adequate resources to effectively enforce labor laws throughout the country.	2010 – 2016
	Publish information related to enforcement statistics, including the funding level for the labor inspectorate, the number and type of labor inspections conducted, violations found, and penalties imposed and collected for child labor violations.	2014 – 2016
	Institutionalize training for labor inspectors, investigators, and law enforcement, including at the beginning of their employment and through periodic refresher courses.	2014 – 2016

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms (cont)

Area	Suggested Action	Year(s) Suggested
Enforcement	Strengthen the labor inspectorate by conducting a sufficient number of routine and unannounced inspections to enforce labor laws throughout the country, including in the informal sector, and ensure that penalties are applied in accordance with the law.	2015 – 2016
	Remove barriers to enforcement and prosecution by strengthening the judicial system, conducting an adequate number of investigations to protect victims throughout the country, training prosecutors on existing laws, and allocating resources to the judges responsible for child protection cases.	2014 – 2016
Coordination	Establish coordinating mechanisms to combat child labor, including all its worst forms.	2009 – 2016
	Ensure that coordinating bodies include all relevant ministries and receive adequate resources to function as intended.	2014 – 2016
	Improve inter-ministerial coordination and recordkeeping to effectively combat human trafficking issues.	2014 – 2016
Government Policies	Ensure that policies receive adequate funding to carry out activities as intended.	2016
	Adopt a policy that addresses all relevant forms of child labor, such as domestic work and the worst forms of child labor in commercial sexual exploitation.	2013 – 2016
	Integrate child labor elimination and prevention strategies into existing policies.	2009 – 2016
Social Programs	Conduct a national child labor survey or similar research to determine the activities carried out by working children to inform policies and programs.	2013 – 2016
	Improve access to education for all children regardless of status or ethnicity by eliminating all school-related fees, regulating classroom size, building additional schools, training additional teachers, and ensuring that students are not subject to sexual abuse.	2009 – 2016
	Institute programs to address the worst forms of child labor in domestic work and commercial sexual exploitation.	2009 – 2016
	Ensure that social programs are implemented as intended.	2016
	Increase funding levels to address the full scope of child labor, including its worst forms, and ensure the sustainability of social programs.	2012 – 2016

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44. ILO. *Strategies and Practice for Labour Inspection*. Geneva, Committee on Employment and Social Policy; November 2006. <http://www.ilo.org/public/english/standards/relm/gb/docs/gb297/pdf/esp-3.pdf>. Article 10 of ILO Convention No. 81 calls for a "sufficient number" of inspectors to do the work required. As each country assigns different priorities of enforcement to its inspectors, there is no official definition for a "sufficient" number of inspectors. Amongst the factors that need to be taken into account are the number and size of establishments and the total size of the workforce. No single measure is sufficient but in many countries the available data sources are weak. The number of inspectors per worker is currently the only internationally comparable indicator available. In its policy and technical advisory services, the ILO has taken as reasonable benchmarks that the number of labor inspectors in relation to workers should approach: 1/10,000 in industrial market economies; 1/15,000 in industrializing economies; 1/20,000 in transition economies; and 1/40,000 in less developed countries.
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