

# Congo, Republic of

## Incidence and Nature of Child Labor

The ILO estimated that 25.2 percent of children ages 10 to 14 years in the Republic of Congo were working in 2002.<sup>1105</sup> However, more recent figures from the post-conflict period (2003 to the present) are not yet available. Some children work with their families on farms or in informal business activities.<sup>1106</sup> Growing numbers of street children, primarily from the Democratic Republic of Congo, engage in street vending, begging, and petty theft, and there were isolated cases of children involved in prostitution.<sup>1107</sup> There have been no reports of recruitment of child soldiers since the peace accords between the rebels and the government were signed in March 2003.<sup>1108</sup>

There were unconfirmed reports of children trafficked from West African countries by immigrant relatives from Benin and Togo. These children worked in fishing, street vending, domestic service, and retail.

The Constitution establishes free and compulsory education up to the age of 16 years. Families, however, must cover the expenses of uniforms, books, and school fees.<sup>1109</sup> In 2001, the gross primary enrollment rate was 85.5 percent.<sup>1110</sup> Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2001, UNICEF reported that approximately 40 percent of the Congo's primary school-age children did not attend school, largely as a result of the 1997-2001 conflicts.<sup>1111</sup> This situation has changed since 2002, with an increase in children attending school despite their poor conditions and lack of materials. However, attendance of girls at the secondary level has declined sharply.<sup>1112</sup> Many classroom buildings remain damaged from the country's 1997-2001 conflicts; schools have few educational materials and poor hygiene and sanitation systems; and many teachers lack training. These conditions, as well as others (such as girls needing to take care of family members and lack of school lunch programs) contribute to poor attendance records. A lack of resources has made it very difficult for the Ministry of Education to rehabilitate the facilities and rebuild the system.<sup>1113</sup> There are also some reports that teenage girls have been coerced by school officials into exchanging sex for better grades.<sup>1114</sup>

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<sup>1105</sup> World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

<sup>1106</sup> U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Congo*, Washington, D.C., February 25, 2004, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27722.htm>.

<sup>1107</sup> *Ibid.*, Section 5.

<sup>1108</sup> U.S. Department of State, *Country Reports- 2003: Congo*, Section 5. The security situation in the country, however, remains unstable, as armed groups, including children, have not fully disarmed. See U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 2004, 249; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/33200pf.htm>.

<sup>1109</sup> Right to Education, *Constitutional Guarantees: Congo*, [database online] [cited May 13, 2004]; available from <http://www.right-to-education.org/content/consguarant/congo.html>. See also U.S. Department of State, *Country Reports- 2003: Congo*, Section 5.

<sup>1110</sup> Net primary enrollment rates are unavailable for the Congo. See World Bank, *World Development Indicators 2004*.

<sup>1111</sup> See also UNICEF, *UNICEF Humanitarian Action: Republic of Congo Donor Update*, September 4, 2001; available from <http://www.reliefweb.int/w/Rwb.nsf/vID/2C45D0903EF3950D85256ABD005B3D8D?OpenDocument>.

<sup>1112</sup> U.S. Embassy- Kinshasa, email communication to USDOL official, June 3, 2005.

<sup>1113</sup> *Ibid.*

## Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment, including apprenticeships, at 16 years. Exceptions may be permitted by the Ministry of Education after an inspection of the place of employment.<sup>1115</sup> The code generally prohibits forced or compulsory labor.<sup>1116</sup> The minimum age of enlistment for service in the armed forces in the Republic of Congo is 18, and although children were recruited by government forces during the conflicts that occurred from 1997 to 2001, the government has a policy not to recruit or use child soldiers.<sup>1117</sup>

The Penal Code criminalizes procuring for the purpose of prostitution and establishes penalties of 10 years imprisonment and a fine of 10,000,000 CFA (USD 17,847.60) if such an act is committed with respect to a minor.<sup>1118</sup> While the law does not specifically prohibit trafficking in persons, the Penal Code applies these same penalties to those convicted of procuring a person who has been encouraged to travel to or from the country for the purpose of prostitution.<sup>1119</sup> Although trafficking could be prosecuted under current laws, the U.S. Department of State reports that there has been no evidence that the government has prosecuted traffickers.<sup>1120</sup> The Ministry of Labor is responsible for enforcing child labor laws and monitors businesses in the formal sector, but most child labor occurs in the informal sector or rural areas that lack effective government oversight, according to the U.S. Department of State.<sup>1121</sup>

## Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of the Republic of Congo is participating in a 3-year inter-regional ILO-IPEC project funded by USDOL in 2003 to reintegrate children involved and prevent children from involvement in armed conflicts.<sup>1122</sup> The government has also established the High Commission for Reintegration of Ex-Combatants, which has worked to reintegrate previous child soldiers and offers them financial support

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<sup>1114</sup> U.S. Department of State, *Country Reports- 2003: Congo*, Section 5.

<sup>1115</sup> The National Consultative Labor Commission is charged with establishing a list of prohibited occupations for adolescents, but there is no information that such a list exists. See *Loi no 45-75 instituant un Code du travail de la République populaire du Congo*, (1975), Articles 11 and 116; available from [http://portail.droit.francophonie.org/doc/html/cg/loi/1975dfcglg12.html#H\\_01](http://portail.droit.francophonie.org/doc/html/cg/loi/1975dfcglg12.html#H_01).

<sup>1116</sup> There are some exceptions for military service and other civic duties. See *Ibid.*, Article 4.

<sup>1117</sup> Coalition to Stop the Use of Child Soldiers, "Congo," in *Global Report 2001*; available from <http://childdsoldiers.amnesty.it/cs/childdsoldiers.nsf/index/english?OpenDocument>. See also U.S. Department of State, *Trafficking in Persons Report*, 249.

<sup>1118</sup> Article 222-24 define a minor as a person less than 15 years of age. See Government of the Republic of Congo, *Penal Code*, (n.d.), Articles 222-24 and 25-7; available from <http://www.protectionproject.org/main1.htm>. For currency conversion, see *FXConverter*, oanda.com, [online] 2004 [cited September 5, 2004]; available from <http://www.oanda.com/convert/classic>.

<sup>1119</sup> If such an act is committed by an organized gang, the punishments increase. See *Penal Code*, Article 225-7.

<sup>1120</sup> U.S. Embassy- Kinshasa, email communication June 3, 2005.

<sup>1121</sup> U.S. Department of State, *Country Reports- 2003: Congo*, Section 6d.

<sup>1122</sup> USDOL is providing USD 7 million to the 7-country project. See ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflicts: An Inter-Regional Programme*, project document, Geneva, September 17, 2003.

and technical training. With funding from UNICEF, the Department of Social Action established the Traumatized Children Project, which provides counseling for former child soldiers.<sup>1123</sup>

The Ministry of Social Affairs supports local NGO efforts to combat trafficking in persons.<sup>1124</sup> In June, the Ministry began a project to reduce the number of Democratic Republic of Congo street children in the country. The project pairs 500 street children from Congo's largest cities, Brazzaville and Pointe-Noire, with families for short-term visits aimed at encouraging eventual adoption of the children.<sup>1125</sup>

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 11/26/1999	✓
Ratified Convention 182 8/23/2002	✓
ILO-IPEC Associated Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

The government is implementing a National Plan of Action for Education for All that, among other goals, aims to improve quality of and access to preschool, primary, non-formal, and vocational technical education by the year 2015. The plan also includes specific goals for increasing girls' school attendance.<sup>1126</sup> The World Bank is providing funding for an emergency reconstruction project from 2004 until 2007 that includes financing for school rehabilitation in the country.<sup>1127</sup> During the year, the Ministry of Territorial and Regional Development worked with the European Union and UNESCO to implement a school reintegration project for children displaced by natural disasters and the civil war. The project aims to promote non-formal literacy, HIV-AIDS, and civics education to youths as well as rehabilitate schools.<sup>1128</sup> The UN World Food Program also announced in 2004 that it would continue providing school meals for the next 2 years in regions of the country affected by past conflicts.<sup>1129</sup> The U.S. Department of Agriculture is likewise working with the government as part of a global effort to provide meals for schoolchildren.<sup>1130</sup>

<sup>1123</sup> Funding for the High Commission's programs is provided by the World Bank. See ILO-IPEC, *Wounded Childhood: The Use of Children in Armed Conflict in Central Africa*, Geneva, April 2003, 61-62.

<sup>1124</sup> U.S. Department of State, *Country Reports- 2003: Congo*, Section 6f.

<sup>1125</sup> Integrated Regional Information Networks, "Government Aims to Reduce the Number of Street Children", IRINnews.org, [online], June 21, 2004 [cited September 5, 2004]; available from <http://www.irinnews.org/print.asp?ReportID=41789>. Street children are vulnerable to involvement in child labor. See the first section of this country report, "Incidence and Nature of Child Labor," for more information.

<sup>1126</sup> Ministry of Primary and Secondary Education, *Plan National d'action de l'education pour tous*, Brazzaville, November 2002, 40-75; available from [http://portal.unesco.org/education/en/ev.php-URL\\_ID=20941&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=20941&URL_DO=DO_TOPIC&URL_SECTION=201.html).

<sup>1127</sup> World Bank, *Emergency Infrastructure Rehabilitation and Living Conditions Improvement Project*, in Projects Database, [database online] August 8, 2003 [cited June 2, 2004]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P074006>. See also World Bank, *Congo, Republic of: Emergency Reconstruction, Rehabilitation, and Living Conditions Improvement Project*, Washington, D.C., January 2002, 4-5; available from [http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/07/28/000094946\\_01072006081859/Rendered/PDF/multi0page.pdf](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/07/28/000094946_01072006081859/Rendered/PDF/multi0page.pdf).

<sup>1128</sup> The 18-month project was funded in 2003 by the European Union through UNESCO. See Integrated Regional Information Networks, "Congo: EU grants US \$812,700 towards education, the fight against drug abuse", IRINnews.org, February 7, 2003 [cited June 1, 2004]; available from <http://www.irinnews.org/print.asp?ReportID=32184>.

<sup>1129</sup> Integrated Regional Information Networks, "WFP extends operations by two years", [online], April 30, 2004 [cited June 2, 2004]; available from <http://www.irinnews.org/print.asp?ReportID=40854>.

<sup>1130</sup> Washington File, *U.S. Funds Will Provide School Meals in Latin America, Caribbean*, August 17, 2004; available from <http://usinfo.state.gov/gi/Archive/2004/Aug/18-23606.html>.