

Congo, Republic of

In June 2010, the President of the Republic of the Congo signed the Child Protection Code, which contains provisions that prohibit child trafficking. The Government also made progress in identifying child trafficking victims and removing them from the worst forms of child labor. However, children continue to be engaged in agriculture and domestic service. In addition, significant gaps remain in coordination and enforcement of child labor laws.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	27.0
Attending School	5-14 yrs.	87.8
Combining Work and School	10-14 yrs.	4.3



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Republic of the Congo are engaged in the worst forms of child labor,¹⁵⁰¹ particularly in agriculture and domestic service.¹⁵⁰² Children's work in agriculture commonly involves using dangerous machinery and tools, carrying heavy loads and applying harmful pesticides. Children are also commonly employed as domestic servants. In urban areas, children from rural areas work as domestic servants for urban families with the expectation that proper education and care will be provided to them.¹⁵⁰³ Children who work in domestic service often work long hours and are vulnerable to physical and sexual abuse from their employers.

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 or no pay, exposure to physical dangers from vehicles and inclement weather and the risk of engaging in commercial sexual exploitation.¹⁵⁰⁴ Some of these children also beg on the streets.¹⁵⁰⁵

In the Republic of the Congo, children are engaged in stone breaking using dangerous tools and often carrying heavy loads.¹⁵⁰⁶ Children from the Baka ethnic group are also exploited as cheap labor, sometimes cutting grass with machetes, while children of predominantly Bantu ethnic groups are in school.¹⁵⁰⁷

Many children are trafficked to the Republic of the Congo from the neighboring countries of Benin, Cameroon, Democratic Republic of the Congo and Mali.¹⁵⁰⁸ Girls are trafficked internally from rural areas to the cities of Brazzaville and Point Noire. The majority of trafficked children are forced into prostitution.¹⁵⁰⁹

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 18.¹⁵¹⁰ The Ministry of Education can issue waivers allowing the employment of a child following consultation with a labor inspector and an examination of

the type of work.¹⁵¹¹ A list of hazardous work for children dates back to Order 2224 of 1953. However, such protections are not extended to children working on farms, on the street or in domestic service.¹⁵¹² ILO Convention 182 calls for periodic review and revision of the list of hazardous work for signatories. The Government of the Republic of the Congo submitted a document to ILO identifying hazardous forms of work prohibited to minors under ILO Convention 182 and 138 in 1999.¹⁵¹³ However, there is no evidence that this document has been given legal effect.

	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

Though the 2002 Constitution, as amended in 2005, stipulates 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.¹⁵¹⁴ These expenses lead to children dropping out of school.

During the reporting year, the Government of the Republic of the Congo passed new legislation that gives indigenous Congolese children legal access to education and health services.¹⁵¹⁵ The law aims to counter these children’s marginalization

from the education system and their high levels of illiteracy.¹⁵¹⁶

The Labor Code prohibits forced or compulsory labor except in cases of military service, natural disasters and certain civic duties.¹⁵¹⁷ The minimum age of enlistment in the armed forces in the Republic of the Congo is 18.¹⁵¹⁸

The Penal Code prohibits prostitution and the procurement of a person for prostitution and establishes appropriate penalties if the act is committed with a minor.¹⁵¹⁹ 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 15.¹⁵²⁰

The Child Protection Code, which includes provisions against child trafficking, prostitution, rape and other illegal activities, was signed into law by the President in June 2010.¹⁵²¹ The Child Protection Code also specifies a range of penalties high enough to serve as deterrent.¹⁵²² There is no law against trafficking, and there are no prescribed penalties for crimes of trafficking persons for sexual exploitation. However, there are penalties against the forcible or fraudulent abduction of persons younger than age 18, independent of trafficking.¹⁵²³

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. The committee also monitors the implementation of the 2009-2010 National Action Plan on Trafficking.¹⁵²⁴ Law enforcement officers coordinate with the Ministry of Social Affairs to provide assistance when victims of child trafficking are identified.¹⁵²⁵

The Ministry of Labor (MOL) is responsible for enforcing the child labor laws and monitoring businesses in the formal sector, but most child labor occurs in the informal sector.¹⁵²⁶ MOL employs 17 full-time and 11 part-time inspectors, who inspect for all types of violations.¹⁵²⁷ While child labor complaints can be made to MOL officials, inspection efforts are generally limited to urban areas and large establishments.¹⁵²⁸ Most children, however, work in rural areas and in small informal establishments.¹⁵²⁹ Investigations of alleged child labor violations typically take three to seven months to complete. MOL did not report any violations of child labor laws during the reporting period.¹⁵³⁰ Although labor inspectors discovered nine child labor violations from 2006-2009 in the city of Pointe Noire, no prosecutions or fines resulted from these cases.¹⁵³¹

The *Direction Departementale des Affaires Sociales* under the Ministry of Social Affairs leads the implementation of the national anti-trafficking action plan of the Republic of the Congo.¹⁵³² During the reporting period, 13 child trafficking victims were removed from trafficking situations, provided with foster homes and given repatriation assistance to their home countries.¹⁵³³ Eight child trafficking criminal cases have been pending for over two years, and none have been resolved during that period.¹⁵³⁴

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.¹⁵³⁵ Aside from child trafficking, no statistics have been identified with respect to investigations, prosecutions or convictions of such crimes.

Government Policies on the Worst Forms of Child Labor

Although the Republic of the Congo has a 2009-2010 National Action Plan on Trafficking, research

found no evidence of a policy on other forms of child labor.¹⁵³⁶

The Government and UNDP developed core strategies to set national priorities for poverty reduction and attainment of the Millennium Development Goals in the Republic of the Congo but did not incorporate child labor as an issue.¹⁵³⁷ The Government and other stakeholders incorporated these core strategies into the United Nations Development Assistance Framework (UNDAF) 2009-2013 Country Plan of Action. The plan includes provisions for vulnerable populations, such as children with HIV/AIDS, child ex-combatants and children from ethnic populations.¹⁵³⁸

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

In partnership with international organizations and local NGOs, the Government provided care for at-risk children at the *Espace Jarrot* care facility. The United Nations Population Fund worked with the Ministry of Justice to support six free judicial clinics that train local organizations assisting trafficking victims.¹⁵³⁹ Through its partnership with UNICEF, the Ministry of Social Affairs participated in sensitization outreach, trained investigators to identify trafficking victims and refer them for appropriate legal and social services and provided its own social assistance.¹⁵⁴⁰ For fiscal year 2011, the Ministry of Social Affairs has line item budget funds to fight child trafficking for the first time.¹⁵⁴¹

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.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Codify and publish the list of hazardous activities prohibited to children as presented to ILO in 1999.
- Revise the law to provide protections for all child laborers, including children working in domestic service, agriculture and other informal workplaces.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordinating mechanism to combat the worst forms of child labor.
- Ensure labor inspectors adequately monitor rural areas and small businesses for child labor.
- Consider shortening the length of the investigation process.
- In addition to child trafficking data, collect, analyze and report data on the enforcement of criminal laws against other worst forms of child labor.

IN THE AREA OF POLICIES:

- Assess the impact of the UNDAF 2009-2013 Country Plan of Action on reducing the worst forms of child labor and former child soldiers.

IN THE AREA OF PROGRAMS:

- Expand social protection programs for the prevention and elimination of exploitative child labor, especially for children working in street work, domestic service and agriculture and for increasing children's access to education.

¹⁵⁰¹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, 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.

¹⁵⁰² U.S. Embassy- Brazzaville, *reporting, February 17, 2010.*

¹⁵⁰³ U.S. Embassy- Brazzaville, *reporting, January 28, 2011.* para 3 (1)

¹⁵⁰⁴ *Ibid.*

¹⁵⁰⁵ U.S. Embassy- Brazzaville, *reporting, February 17, 2010,* para 4.

¹⁵⁰⁶ U.S. Embassy- Brazzaville, *reporting, January 28, 2011.* para 3 (1)

¹⁵⁰⁷ U.S. Department of State, “Republic of Congo,” in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/118998.htm>. See

also UNICEF, *Education provides a way out for indigenous children in Republic of Congo*, [online] 2009 [cited February 25, 2010]; available from http://www.unicef.org/infobycountry/congo_51350.html?q=printme.

¹⁵⁰⁸ Integrated Regional Information Networks, “Congo: Child trafficking on the rise”, IRINnews.org, [online], May 21, 2007 [cited January 22, 2009]; available from <http://www.irinnews.org/report.aspx?ReportId=72268>.

¹⁵⁰⁹ U.S. Embassy- Brazzaville, *reporting, February 17, 2010.* para 1 (B) page 2. See also Integrated Regional Information Networks, “Child trafficking on the rise”.

¹⁵¹⁰ Government of the Republic of Congo, *Loi N° 45-75, Code du travail de la République populaire du Congo*, (1975), articles 11, 116; available from <http://www.droit-afrique.com/images/textes/Congo/Congo%20-%20Code%20du%20travail.pdf>. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention. Initial reports of States parties due in 1999: Congo*, February 12, 2006, para 449; available from <http://tb.ohchr.org/default.aspx?country=cg>. See also ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Congo (ratification: 2002) Submitted: 2009*, February 25, 2010; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&docume>

nt=23494&chapter=9&query=Congo%40ref&highlight=&q
uerytype=bool&context=0.

¹⁵¹¹ Government of the Republic of Congo, *Loi no 45-75, Code du travail*, articles 11, 116.

¹⁵¹² U.S. Embassy- Brazzaville, *reporting, February 12, 2010*. See also 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; available from <http://www.icftu.org/www/PDF/CongofinalE.pdf>.

¹⁵¹³ ILO Committee of Experts, *Individual Direct Request C182: Congo (2009)*.

¹⁵¹⁴ Government of the Republic of Congo, *Constitution de la Republique du Congo du 20 janvier 2002*, (January 20, 2002), article 37; available from http://www.droitsdelhomme-france.org/IMG/Constitution_de_la_Republique_du_Congo_du_20_janvier_2002.pdf. See also Right to Education Project, *National law and policies on fee or for free – Congo (Republic)*, 2008; available from <http://www.right-to-education.org/country-node/415/country-fee>. See also U.S. Department of State, “Republic of the Congo,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135948.htm>.

¹⁵¹⁵ UNICEF, *Congo: Law for indigenous populations welcome milestone*, Brazzaville, December 31, 2010; available from http://www.unicef.org/80/media/media_57330.html?q=printme. Article 37

¹⁵¹⁶ allAfrica.com, “Congo-Brazzaville: New Law to Protect Rights of Indigenous Peoples,” allAfrica.com, [online], January 7, 2011 [cited January, 2011]; available from <http://allafrica.com/stories/printable/201101070774.html>.

¹⁵¹⁷ Government of the Republic of Congo, *Loi no 45-75, Code du travail*, article 4. See also International Confederation of Free Trade Unions, *Internationally Recognized Core Labour Standards*.

¹⁵¹⁸ U.S. Embassy- Brazzaville, *reporting, February 12, 2010*.

¹⁵¹⁹ Government of the Republic of Congo, *Penal Code*, articles 225-227; available from <http://www.protectionproject.org/main1.htm> [previously online, hard copy on file]. See also U.S. Embassy- Brazzaville, *reporting, January 28, 2011*, para 4 (4)

¹⁵²⁰ Government of the Republic of Congo, *Penal Code (The Protection Project)*.

¹⁵²¹ U.S. Embassy- Brazzaville, *reporting, January 28, 2011*, para 4. (1)

¹⁵²² *Ibid.*, para 5.

¹⁵²³ ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention*,

1999 (No. 182) Congo (ratification: 2002) Published: 2009, February 25, 2010; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11112&chapter=6&query=Congo%40ref&highlight=&qrytype=bool&context=0>. See also U.S. Embassy- Brazzaville, *reporting, February 17, 2010*, para 4(A).

¹⁵²⁴ U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

¹⁵²⁵ U.S. Embassy- Brazzaville, *reporting, January 28, 2011*, para 7 (2)

¹⁵²⁶ *Ibid.* para 7

¹⁵²⁷ U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

¹⁵²⁸ U.S. Embassy- Brazzaville, *reporting, February 12, 2010*, para 12. See also U.S. Embassy- Brazzaville, *reporting, January 28, 2011*, para 6 (2)

¹⁵²⁹ International Confederation of Free Trade Unions, *Internationally Recognized Core Labour Standards*, section III, para 3. See also U.S. Department of State, “Country Reports- 2009: Republic of the Congo,” section 7d.

¹⁵³⁰ U.S. Embassy- Brazzaville, *reporting, January 28, 2011*, para 6.7.

¹⁵³¹ *Ibid.*, para 6.3.

¹⁵³² U.S. Embassy- Brazzaville, *reporting, March 3, 2011*, para 3b.

¹⁵³³ U.S. Embassy- Brazzaville, *reporting, January 28, 2011*, para 3.1.

¹⁵³⁴ U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

¹⁵³⁵ U.S. Embassy- Brazzaville, *reporting, January 28, 2011*, para 7.1.

¹⁵³⁶ U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

¹⁵³⁷ U.S. Embassy- Brazzaville, *reporting, January 28, 2011*, paras 8.2-8.5.

¹⁵³⁸ UNDP, *Assessment of Development Results Evaluation of UNDP Contribution Republic of Congo*, [online] 2008 [cited March 1, 2010]; available from http://www.undp.org/evaluation/documents/ADR/ADR_Reports/congo/CongoADR-English.pdf. See also UNDP, *Plan d'action fu programme de pays 2009-2013 entre le Gouvernement de la Republique du Congo et le Programme des Nations Unies pour le Developpement (PNUD)*, [online] 2008 [cited March 1, 2010]; available from http://www.cg.undp.org/downloads/CONGO_BRAZZA_CPD___2009_2013.doc.

¹⁵³⁹ U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

¹⁵⁴⁰ *Ibid.* See also U.S. Embassy- Brazzaville, *reporting, January 28, 2011*, para 9.1.

¹⁵⁴¹ U.S. Embassy- Brazzaville, *reporting, January 28, 2011*, para 9.6.