

In 2020, the Republic of the Congo made moderate advancement in efforts to eliminate the worst forms of child labor. The government carried out prosecutions and achieved convictions of seven child traffickers and enacted standalone human trafficking legislation that defines the crime and provides for more stringent sentences. It also concluded a verbal agreement with the Democratic Republic of the Congo that prevents minors from entering the neighboring country without their parents or parental consent to help stop child trafficking between the two countries. However, children in the Republic of the Congo are subjected to the worst forms of child labor, including in commercial sexual exploitation and forced domestic work, each sometimes as a result of human trafficking. The government has yet to accede to the Palermo Protocol on Trafficking in Persons and existing programs are not sufficient to address the scope of child labor in all relevant sectors. In addition, information on children's work is extremely limited, as there has never been a national child labor survey or similar research conducted in the country.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in the Republic of the Congo (ROC) are subjected to the worst forms of child labor, including in commercial sexual exploitation and forced domestic work, each sometimes as a result of human trafficking. (1-5) Table 1 provides key indicators on children's work and education in the ROC. Data on some of these indicators are not available from the sources used in this report.

Table 1. Statistics on Children's Work and Education

| Children | Age | Percent |
|-------------------------------|---------|--------------------|
| Working (% and population) | 5 to 14 | 25.4 (Unavailable) |
| Attending School (%) | 5 to 14 | 92.9 |
| Combining Work and School (%) | 7 to 14 | 27.1 |
| Primary Completion Rate (%) | | 71.6 |

Source for primary completion rate: Data from 2012, published by UNESCO Institute for Statistics, 2021. (6)

Source for all other data: International Labor Organization's analysis of statistics from Multiple Indicator Cluster Survey 5 (MICS 5), 2014–2015. (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 sugarcane (2,5) |
| | Fishing (2) |
| Industry | Working in stone quarries,† including breaking stones (2,3) |
| Services | Domestic work (2-5) |
| | Market vending and carrying heavy loads† (2-5) |
| Categorical Worst Forms of Child Labor‡ | Commercial sexual exploitation, sometimes as a result of human trafficking (1,3-5,8) |
| | Forced labor in farming, including in the production of cocoa, and in domestic work and working in stone quarries, each sometimes as a result of human trafficking (1,2,5) |
| | Forced labor in market vending and working in bakeries (1,5) |
| | Forced labor of indigenous Baka, Aka, and Kola children in farming, including in the production of manioc, and in fishing, hunting, and domestic work (1,2,5,9) |

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

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

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In some rural areas, the majority ethnic Bantu population forces non-majority, indigenous children—such as from the Baka, Aka, and Kola groups—to perform agricultural work, including forced work, for low wages and under the threat of physical abuse. Within the ROC, internal child trafficking networks relocate children from rural areas to urban centers for forced labor in domestic work and market vending. (3,5) In urban environments, children from West Africa work in forced domestic servitude for West African families in the major cities of Pointe-Noire and Brazzaville. (4,5) A majority of foreign children subjected to forced domestic work or commercial sexual exploitation in the ROC originate from the Democratic Republic of the Congo (DRC), and other West African nations, including Benin. (1,3,5,9,10) However, information on children's work is limited because there has never been a national child labor survey or similar research conducted in the ROC. (2,11) During the reporting period, the ROC Government came to a verbal agreement with the DRC to prevent minors entering the ROC without their parents or parental consent, in order to help combat child trafficking; however, both sides agreed on the need to continue and formalize collaboration. The ROC Government also has a written agreement with the Beninese Government for the same purpose. (5,11)

The Constitution stipulates that education is free until age 16; in practice, however, some parents are required to pay for books, uniforms, and school fees, which may limit access to education for some children. (2,12,13) Prohibitive school fees, over-enrollment, the absence of sanitation facilities, a lack of teachers, and sexual abuse in schools also pose barriers to education for some children, particularly in refugee or IDP camps and non-urban areas. (2,3,5,12,14) Indigenous children throughout the country may experience discrimination, linguistic barriers, prohibitive school fees, and long distances to travel to schools. (3,5,13,15,16) The government offered an expenses subsidy—"tuition waiver"—for indigenous children, a program that provides money to families for students to buy uniforms, supplies, and procure health insurance, but research indicated that schools provided this waiver inconsistently during the reporting period. (5,11) The implementation of six ministerial decrees aimed at protecting indigenous peoples' rights resulted in an increase in the number of indigenous children enrolled in the school system, with one decree guaranteeing the right to a birth certificate, and another the right to access primary schooling. (17)

II. LEGAL FRAMEWORK FOR CHILD LABOR

The ROC 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 (Table 4). However, gaps exist in the ROC's legal framework to adequately protect children from the worst forms of child labor, including the lack of a minimum age for voluntary recruitment into state armed forces.

Table 4. Laws and Regulations on Child Labor

| Standard | Meets International Standards | Age | Legislation |
|---|-------------------------------|-----|--|
| Minimum Age for Work | Yes | 16 | Article 116 of the Labor Code; Article 68 of the Child Protection Code (18,19) |
| Minimum Age for Hazardous Work | Yes | 18 | Article 68 of the Child Protection Code; Articles 4, 5, 8, and 9 of Order 2224 of 1953 (19,20) |
| Identification of Hazardous Occupations or Activities Prohibited for Children | Yes | | Articles 4, 5, 8, and 9 of Order 2224 of 1953 (20) |
| Prohibition of Forced Labor | Yes | | Article 4 of the Labor Code; Articles 68 and 122 of the Child Protection Code; Article 33 of the Constitution (18,19,21) |
| Prohibition of Child Trafficking | Yes | | Articles 2, 4, 5, and 6 of Law No. 22-2019 on Combating Trafficking in Persons (22) |
| Prohibition of Commercial Sexual Exploitation of Children | Yes | | Articles 60, 65–68, and 122 of the Child Protection Code; Articles 334 and 335 of the Penal Code (19,23) |
| Prohibition of Using Children in Illicit Activities | Yes | | Articles 68–70 and 122 of the Child Protection Code (19) |
| Minimum Age for Voluntary State Military Recruitment | No | | Article 49 of the Child Protection Code (19) |
| Prohibition of Compulsory Recruitment of Children by (State) Military | N/A* | | Article 49 of the Child Protection Code (19) |
| Prohibition of Military Recruitment by Non-state Armed Groups | Yes | | Articles 49 and 111 of the Child Protection Code (19) |
| Compulsory Education Age | Yes | 16 | Article 29 of the Constitution; Articles 1 and 3 of the Education Law (21,24) |
| Free Public Education | Yes | | Article 29 of the Constitution; Article 1 of the Education Law (21,24) |

* No conscription (25)

In 2019, the government enacted the country's first standalone human trafficking legislation, which entered into force in 2020, defines human trafficking crimes, and prescribes more stringent sentences for the most severe offenses. (5,11,17,29) National laws do not set a minimum age for voluntary recruitment into the armed forces. (16,19)

III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the operations of enforcement agencies that may hinder adequate enforcement of their child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

| Organization/Agency | Role |
|--|--|
| Ministry of Labor and Social Security | Enforces child labor laws. (13) Conducts initial inspections before referring cases to the Ministry of Justice and Human Rights (MOJ) for prosecution. (2) |
| Ministry of Justice and Human Rights (MOJ) | Enforces criminal laws against the worst forms of child labor. Dedicates two judges—one judge in Brazzaville and one in Pointe-Noire—to child protection cases. (2) Leads child labor law enforcement efforts. (3) |
| Ministry of the Interior's National Police | Enforce criminal laws against the worst forms of child labor and conduct initial investigations into cases of forced labor, human trafficking, and the use of children in illicit activities. (2,3) |

Labor Law Enforcement

In 2020, labor law enforcement agencies in the ROC took actions to combat child labor (Table 6). However, gaps exist within the operations of the Ministry of Labor and Social Security (MOL) that may hinder adequate labor law enforcement, including the limited scope of inspections.

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Table 6. Labor Law Enforcement Efforts Related to Child Labor

| Overview of Labor Law Enforcement | 2019 | 2020 |
|--|--------------|-------------|
| Labor Inspectorate Funding | Unknown (4) | Unknown (5) |
| Number of Labor Inspectors | 253 (4) | 248 (5) |
| Inspectorate Authorized to Assess Penalties | Yes (18) | Yes (18) |
| Initial Training for New Labor Inspectors | No (4) | No (5) |
| Training on New Laws Related to Child Labor | No (4) | No (5) |
| Refresher Courses Provided | No (4) | No (5) |
| Number of Labor Inspections Conducted | Unknown (4) | Unknown (5) |
| Number Conducted at Worksite | Unknown (4) | Unknown (5) |
| Number of Child Labor Violations Found | Unknown (4) | Unknown (5) |
| Number of Child Labor Violations for Which Penalties Were Imposed | Unknown (4) | Unknown (5) |
| Number of Child Labor Penalties Imposed that Were Collected | Unknown (4) | Unknown (5) |
| Routine Inspections Conducted | Unknown (4) | Unknown |
| Routine Inspections Targeted | Unknown (4) | Unknown (5) |
| Unannounced Inspections Permitted | Unknown (18) | Yes (18) |
| Unannounced Inspections Conducted | Unknown (4) | Unknown (5) |
| Complaint Mechanism Exists | No (11) | No (5) |
| Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services | No (11) | No (5) |

Training opportunities for labor inspectors, particularly for lower-level staff, are very limited due to a lack of resources, including budget shortfalls, and a lack of Internet access. (9, 11) Although the government lacks a formal process for referring children found in situations of child labor to appropriate social services providers, individual labor inspectors may leverage personal connections with inter-ministerial counterparts to refer children found during inspections to social services. (3-5) The government did not provide comprehensive information about labor law enforcement operations, such as number of inspections, violations found, and penalties applied, for inclusion in this report. (5)

During the reporting period, labor inspections were suspended starting in May 2020 as a response to the COVID-19 pandemic, and were reinstated in March 2021. (5,26) In addition, inspectors do not have access to government vehicles and rely on the employers, whose businesses are being inspected, to provide transportation. (27)

Criminal Law Enforcement

In 2020, criminal law enforcement agencies in the ROC took actions to combat child labor (Table 7). However, gaps exist within the operations of the criminal enforcement agencies that may hinder adequate criminal law enforcement, including allocating human resources.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

| Overview of Criminal Law Enforcement | 2019 | 2020 |
|---|-------------|-------------|
| Initial Training for New Criminal Investigators | No (4) | Yes (11) |
| Training on New Laws Related to the Worst Forms of Child Labor | No (4) | Yes (11) |
| Refresher Courses Provided | No (4) | No (5) |
| Number of Investigations | Unknown (4) | Unknown (5) |
| Number of Violations Found | 8 (4) | Unknown (5) |
| Number of Prosecutions Initiated | 1 (4) | Unknown (5) |
| Number of Convictions | Unknown (4) | Unknown (5) |
| Imposed Penalties for Violations Related to the Worst Forms of Child Labor | Unknown (4) | Unknown (5) |
| Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services | No (4) | No (5) |

Authorities successfully prosecuted and convicted seven adults for child trafficking for the purposes of forced child labor. (11) Authorities removed eight Beninese children, who had been trafficked into the ROC, from situations of exploitation and forced child labor. The children were ultimately repatriated to Benin. (5)

The government provides funding for prosecution, investigation, and convictions of suspected traffickers in the context of broader judicial and law enforcement programs. (4) In general, the MOJ and the Ministry of Social Affairs, Humanitarian Action and Solidarity (MSA) experienced difficulties in prosecuting offenders due to a weak judicial system, poor recordkeeping, a large backlog of cases in the high court, courts that convene infrequently and irregularly, and criminal law enforcement officials' and judges' unequal knowledge of anti-trafficking legislation and the Child Protection Code. (1,9)

The MSA, MOL, MOJ, and the National Police work together to enforce criminal laws against child trafficking; however, their efforts are limited to Brazzaville and Pointe-Noire. In addition, the National Police sometimes require payments from NGOs and other stakeholders to assist in operations to rescue victims of child trafficking. (2,9) Research found that many police did not understand what constituted child labor, and that court and Ministry of Justice and Human Rights (MOJ) personnel did not fully understand or know how to handle child labor cases. (5)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8). However, gaps exist that hinder the effective coordination of efforts to address child labor, including the lack of adequate resources.

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

| Coordinating Body | Role & Description |
|---|---|
| Ministry of Social Affairs, Humanitarian Action and Solidarity (MSA) | Promotes the rights of vulnerable groups and contributes to anti-trafficking efforts by providing social welfare assistance to victims. (2,13) May conduct initial inspections before referring cases to MOJ for prosecution. (2) Through its Director General of Social Affairs, oversees government strategy to combat human trafficking. (9) Through its Task Force, leads efforts to combat human trafficking in Pointe-Noire, designates foster families to receive victims, and assists in repatriating or reintegrating victims. (2) |
| Anti-Trafficking Coordinating Committee for Pointe-Noire (MSA Task Force) | With UNICEF support, coordinates all efforts to combat trafficking of West African children in Pointe-Noire. Chaired by MSA with representatives from other government agencies and civil society organizations. (1,2,4) Seeks to prevent and prosecutes cases of human trafficking and provides support to victims through placement with foster families. (28) During the reporting period, the committee provided funding for foster homes for child trafficking victims. (1) The Committee was active during the reporting year, meeting four times. (11) |
| National Commission to Fight Against Trafficking in Persons | Coordinates government efforts on trafficking in persons and forced labor as a federal-level, inter-ministerial committee. (4) Article 34 of the 2019 Law on Combating Trafficking in Persons provides a dedicated line item for funding. (29) Met four times during the reporting year in Brazzaville and in Pointe-Noire to discuss child labor issues and steps the government is taking to address violations of Congolese law. (4,11) |

The government has not provided the MSA Task Force with a specific operating budget since 2014, limiting the task force's activities due to lack of funds. In addition, a local NGO has indicated that it refers cases to the Beninese consulate rather than the MSA Task Force because the majority of victims are Beninese and the MSA Task Force is unable to provide the NGO with financial support. (1,9) Furthermore, there is no coordinating body to oversee efforts to combat child labor at the national level. (2,28) Although there is a line item in the MSA's budget for activities to combat human trafficking, funds are disbursed irregularly or not at all. (9)

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including the lack of a national child labor action plan.

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Table 9. Key Policies Related to Child Labor

| Policy | Description |
|---------------------------------------|--|
| Education Sector Strategy (2015–2025) | Developed as an update to the previous 2012–2020 strategy, focuses on the priorities of offering quality basic education for all, addressing the human resources needs for its developing economy, and creating mechanisms for the efficient management of an educational system. (30) |

‡ The government had other policies that may have addressed child labor issues or had an impact on child labor. (9,10)

During the reporting period, the government came to a verbal bilateral agreement with the DRC that prevents minors from entering the ROC without the accompaniment of their parents. (5,11) The government has not included child labor elimination and prevention strategies in the Education Sector Policy (2015–2025), and research found no evidence of a general policy on child labor. (30) Furthermore, research did not discover a national action plan that addresses trafficking in persons.

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2020, the government funded and participated in programs that may contribute to eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including the adequacy of programs to address the problem in all sectors.

Table 10. Key Social Programs to Address Child Labor

| Program | Description |
|--|--|
| Safety Net Program (LISUNGI) and Additional Financing (2014–2022) | World Bank-funded project that grants improved access to health and education services to poor families in Brazzaville, Cuvette, and Pointe-Noire. (11,32) Includes a cash transfer program for 127 households conditioned upon regular health visits and that all children maintained an 80 percent school attendance rate each month. (3,32) In response to the COVID-19 pandemic, the government reinforced its “Lisungi” social safety net program for approximately 200,000 households nationwide. Households received an additional \$85 from government COVID-19 Solidarity Fund. (5) |
| McGovern-Dole International Food for Education and Child Nutrition Program (2017–2022) | \$30 million United States Department of Agriculture-funded, 5-year project implemented by WFP in Bouenza, Cuvette, Lékoumou, Likouala, Plateaux, Pool, and Sangha. Aims to improve literacy of school-age children, increase healthy dietary practices, build capacity of government institutions, improve policy and regulatory framework, and increase government support and engagement of local organizations and community groups. (33) |
| Observe, Reflect, Act Schools | Ministry of Education program supported by UNICEF, the EU, and WFP to improve access to education for indigenous children through a two or three-year preparatory program. (15) 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. The schools continued to operate during the reporting period, but sources indicate that they are funded primarily by international organizations. (11,34,35) |

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (12)

Existing government programs are not sufficient to address the scope of child labor in all relevant sectors, such as domestic work or commercial sexual exploitation. (2)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in the ROC (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor

| Area | Suggested Action | Year(s) Suggested |
|-----------------|---|-------------------|
| Legal Framework | Accede to the Palermo Protocol on Trafficking in Persons. | 2015 – 2020 |
| | Ensure that the minimum age for voluntary state military recruitment is no lower than age 16. | 2015 – 2020 |
| Enforcement | Ensure that the government has a formal process for referring children to the appropriate social services when they are found in situations of child labor. | 2020 |

Table 11. Suggested Government Actions to Eliminate Child Labor (Cont.)

| Area | Suggested Action | Year(s) Suggested |
|---------------------|---|-------------------|
| Enforcement | Publish information related to labor and criminal law enforcement statistics, including the funding level for the labor inspectorate, the number and type of labor inspections conducted, violations found, penalties imposed and collected for child labor violations, number of criminal investigations conducted, and convictions secured. | 2014 – 2020 |
| | Ensure that all criminal law enforcement personnel, including from the police forces, courts and the Ministry of Justice and Human Rights, are properly trained to know how to identify, recognize, prosecute, and handle worst forms of child labor cases. | 2020 |
| | Institutionalize training for all labor inspectors, investigators, and law enforcement officers, including offering periodic refresher courses. | 2014 – 2020 |
| | Strengthen the labor inspectorate by ensuring that inspectors have adequate resources to carry out their mandated inspection duties. | 2015 – 2020 |
| | Remove barriers to enforcement and prosecution by strengthening the judicial system through improved recordkeeping, decreased court backlogs, more frequent hearings, and improved training for criminal law enforcement officials and judges on trafficking in persons legislation. | 2014 – 2020 |
| | Expand criminal enforcement efforts beyond large cities. | 2014 – 2020 |
| | Ensure that criminal enforcement agencies such as the National Police are properly funded and do not seek payment from stakeholders to conduct investigations and operations. | 2014 – 2020 |
| Coordination | Ensure that coordinating bodies receive adequate resources to function as intended. | 2014 – 2020 |
| | Establish a coordinating mechanism to combat child labor, including its worst forms, at the national level. | 2009 – 2020 |
| | Ensure that Ministry of Social Affairs, Humanitarian Action and Solidarity funds are budgeted to combat human trafficking are regularly dispersed. | 2019 – 2020 |
| Government Policies | Adopt a plan that addresses all relevant forms of trafficking in persons. | 2020 |
| | Integrate child labor elimination and prevention strategies into existing relevant policies. | 2009 – 2020 |
| | Adopt a policy that addresses all relevant forms of child labor and the worst forms of child labor. | 2013 – 2020 |
| 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 – 2020 |
| | Improve access to education for all children, including those in non-urban areas, regardless of refugee status or ethnicity, by eliminating all school-related fees, regulating classroom size, removing linguistic barriers, providing sanitation facilities, building additional schools, training additional teachers, and ensuring that students are not subject to sexual abuse. | 2009 – 2020 |
| | Fund and implement social programs to address the worst forms of child labor, including programs to expand access to free education, and to address child domestic work and commercial sexual exploitation. | 2018 – 2020 |
| | Ensure indigenous children do not experience discrimination or barriers to education. | 2020 |
| | Ensure that the "tuition waiver program" for indigenous children is consistently applied. | 2020 |

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