

In 2014, the Republic of the Congo made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government launched the National Action Plan to Fight Against Trafficking in Persons, which aims to improve enforcement activities related to child trafficking. The Government also began implementing a social safety net program to improve access to health and education services for poor families, and assumed a greater financial responsibility for a school feeding program that targeted 215,000 children. However, children in the Republic of the Congo are engaged in child labor, including in domestic work and the worst forms of child labor, including in commercial sexual exploitation.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in the Republic of the Congo are engaged in child labor, including in domestic work. Children are also engaged in the worst forms of child labor, including in commercial sexual exploitation.(1-7) Table 1 provides key indicators on children's work and education in the Republic of the Congo.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5-14 yrs.	27.9 (286,137)
Attending School (%)	5-14 yrs.	90.2
Combining Work and School (%)	7-14 yrs.	29.9
Primary Completion Rate (%)		73.0

Source for primary completion rate: Data from 2012, published by UNESCO Institute for Statistics, 2015.(8)

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.(9)

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	Production of cassava,* sugar cane,* white beans,* endives,* bananas,* and pineapples* (10)
	Catching and smoking fish* (3, 4, 11, 12)
	Raising livestock* (10)
Industry	Production of charcoal by burning wood* (10)
	Work in stone quarries, including breaking stones* (1, 3, 12)
Services	Domestic work (3, 4)
	Working in bakeries* (1, 3, 12)
	Market vending (3, 4, 12)

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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, 3-6, 13)
	Farming, including the production of cocoa, as a result of human trafficking* (1, 4, 13)
	Forced labor in domestic work, bakeries, fishing, and market vending each sometimes as a result of human trafficking* (1-4, 7, 13)

* Evidence of this activity is limited and/or the extent of the problem is unknown.

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

Many children are trafficked to the Republic of the Congo, mainly from West African countries such as Benin or the Democratic Republic of the Congo, for forced labor and commercial sexual exploitation.(1-3, 5, 14) Fewer victims were identified during the reporting period than in the previous year, especially from Benin. However, this could be due to the efficacy of public awareness campaigns and increased training for law enforcement officials, or it could be a result of human trafficking rings developing more sophisticated methods.(13) Children are also trafficked internally from rural areas to the cities of Brazzaville and Pointe-Noire for forced labor, with the expectation that they will receive an education and care.(1, 3, 13) Additionally, information on children’s work is limited as there has never been a national child labor survey or similar research conducted in the Republic of the Congo.(15)




Although the Constitution stipulates that free and compulsory education be provided until age 16, parents may be required to pay for books, uniforms, and school fees, which may limit children’s access to education.(3, 4, 16) During the reporting period, there were reports of sexual abuse in schools.(4) Education access was also a challenge for refugees and indigenous children, who were largely excluded from accessing public education due to long distances from established schools and a lack of means to pay for school-related fees.(4, 17, 18) Discrimination, linguistic barriers, lack of birth certificates, and academic calendars that conflict with seasonal patterns of hunting and gathering also presented challenges for indigenous children’s access to school.(18)

Additionally, *Mbata ya Bakolo*, a law enforcement operation launched in April 2014 to deport illegal immigrants, has been criticized for its use of physical violence and creating an environment that prevents nationals from the Democratic Republic of the Congo (DRC) living in Brazzaville from enjoying their rights, such as access to education.(19-21) Amnesty International documented allegations that police asked school personnel to refuse education to children from the DRC. Other parents from the DRC stopped sending their children to school out of fear of deportation.(19)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

The Republic of the Congo has ratified all 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).

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	16	Article 116 of the Labor Code (24)
Minimum Age for Hazardous Work	Yes	16	Order 2224 of 1953; Article 68 of the Child Protection Code (6, 25)

Table 4. Laws and Regulations Related to Child Labor (cont)

Standard	Yes/No	Age	Related Legislation
Prohibition of Hazardous Occupations and/or Activities for Children	Yes		Article 68 of the Child Protection Code; Order 2224 of 1953 (6, 25)
Prohibition of Forced Labor	Yes		Article 4 of the Labor Code; Article 68 of the Child Protection Code (24, 25)
Prohibition of Child Trafficking	Yes		Article 60 of the Child Protection Code (25)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 334 of the Penal Code; Articles 65-68 of the Child Protection Code (25, 26)
Prohibition of Using Children in Illicit Activities	Yes		Articles 68-70 of the Child Protection Code (25)
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Yes	18	Legislation title unknown (15, 27)
Compulsory Education Age	Yes	16	Article 23 of the Constitution of 2002 (16)
Free Public Education	Yes		Article 23 of the Constitution of 2002 (16)

* No conscription (15, 27, 28)

The Labor Code allows the Ministry of Education to issue waivers allowing the employment of a child under age 16 after consulting with a labor inspector and examining the type of work.(15, 24) Although ILO C. 182 requires signatory countries to periodically review and revise their list of hazardous work for children, the Republic of the Congo's list of hazardous work dates back to Order 2224 of 1953. Research did not find a publicly available version of this law.(6, 25) Additionally, Article 68 of the Child Protection Code only prohibits hazardous work for children under age 16. This means that children ages 17 to 18 may be legally employed in work that is likely to jeopardize their physical, mental, or moral health.(25)

The Government drafted a comprehensive anti-trafficking law in 2013 that is being considered by the Parliamentary Committee.(3) Article 60 of the Child Protection Code currently prohibits the recruitment, harboring, transportation, transfer, and receipt of victims of child trafficking. It also criminalizes child trafficking for the purposes of sexual exploitation and forced labor.(25)

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).

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor and Social Security	Enforce child labor laws and monitor officially registered businesses.(3)
National Police	Enforce criminal laws against child labor, forced labor, human trafficking, and the use of children in illicit activities.(3)
Ministry of Social Affairs, Humanitarian Action and Solidarity (MSA)	Enforce laws related to child trafficking, and identify and provide social welfare assistance victims.(3) In the case of the MSA's Departmental Directorate of Social Affairs (DDAS), lead efforts to combat human trafficking in Pointe-Noire, including trafficking in persons for the purposes of commercial sexual exploitation and forced labor.(13)
Ministry of Justice and Human Rights	Enforce criminal laws against the worst forms of child labor.(3)

Law enforcement agencies in the Republic of the Congo took actions to combat child labor, including its worst forms.

Labor Law Enforcement

In 2014, the Ministry of Labor and Social Security (MOL) employed 12 full-time inspectors and an unknown number of part-time inspectors, a decrease from the 17 full-time and 11 part-time inspectors employed in 2013, which is insufficient to adequately enforce labor laws throughout the country.(3, 10) The inspectors did not receive any training in 2014, nor have they received any

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recent training specifically focused on child labor. The MOL received less funding in 2014 than in prior years, although the exact amount is not known.⁽³⁾ Resources were limited and inspectors were not routinely reimbursed for travel-related expenses.^(3, 29) Article 155 of the Labor Code permits unannounced visits, but inspections occurred infrequently, were typically carried out only in response to complaints, and were limited to the formal sector in urban areas—although the Labor Code extends to the informal sector.^(3, 4, 24) Inspectors have the ability to assess penalties according to Article 154 of the Labor Code, but it is not known how many penalties were assessed in 2014.^(3, 24) There is no official referral mechanism between labor enforcement agencies and social welfare services. The Government also did not provide any information about the number of inspections carried out or the number of violations of child labor laws.⁽³⁾

Criminal Law Enforcement

The Ministry of Social Affairs, Humanitarian Action and Solidarity (MSA), MOL, the Ministry of Justice and Human Rights, and the National Police work together to enforce criminal laws against child labor. The MSA did not provide information regarding the number of investigators or its funding in 2014, although it noted that its funding had been significantly decreased since 2013 and was insufficient to adequately address the scope of the child labor problem.⁽³⁾ Local police and National Police academies provide training for officers on identifying victims and perpetrators of human trafficking, as well as the arrest and prosecution of violators, using a procedures manual created by the MSA and UNICEF in 2011. In November, UNODC provided training to more than three dozen law enforcement, judicial personnel, and government officials on the draft anti-trafficking law.⁽¹³⁾ However, the MOL noted that additional training is needed, since a limited understanding of the Child Protection Code among criminal law enforcement officials and judges continues to hinder enforcement.^(1, 13)

There were no prosecutions during the reporting period, although investigators conducted at least four investigations related to child trafficking.^(3, 10, 13) The MSA reported that five children had been rescued from child trafficking in 2014, at least three of whom had been repatriated or reunited with their families.⁽¹³⁾ There were 10 cases pending against child traffickers in early 2014, but they were all released without prosecution and there were no convictions during the reporting period.⁽³⁾ It is difficult to prosecute offenders because the high court that hears all child trafficking cases did not meet regularly during the reporting period. Thus, penalties for violating child labor laws may not serve as a sufficient deterrent to child labor.^(1, 3) Moreover, falling oil prices have decreased the Government's budget, which depends greatly on oil revenue; so budgets for ministries responsible for child labor issues were diminished in 2014.^(3, 13)

Although there was no formal referral mechanism, the National Police and the MSA coordinated with local NGOs when victims of child trafficking were identified. After victims were rescued, the Magistrate of Pointe-Noire worked with the Anti-Trafficking Coordinating Committee for Pointe-Noire to assign the victim to a foster family or to a children's shelter for care.^(1, 13)

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

Although the Government has established a Task Force and Anti-Trafficking Coordinating Committee, research found no evidence of mechanisms to coordinate its efforts to address child labor, including all its worst forms (Table 6).

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
MSA Task Force	Coordinate efforts to combat child trafficking, including training law enforcement, raising public awareness, and repatriating and reintegrating victims of child trafficking. Composed of the representatives of the MSA, other government agencies, the National Police, border patrol agents, and NGOs. ^(3, 10)
Anti-Trafficking Coordinating Committee for Pointe-Noire	Coordinate all anti-trafficking efforts in Pointe-Noire; comprising government representatives and civil society organizations. ⁽³⁰⁾ In 2014, comprised representatives from the DDAS; the Social and Cultural Advisor to the mayor of Pointe-Noire; an Imam; and a representative from a local NGO that combats human trafficking. ⁽¹³⁾

Although the MSA continues to maintain its Task Force to combat child trafficking, it is in danger of being disbanded due to funding issues.⁽³⁾ The Anti-Trafficking Coordinating Committee for Pointe-Noire received approximately \$14,000 to fund its prevention and protection efforts, which is significantly less than the \$69,000 it had received in 2013.⁽¹³⁾ Weak interministerial coordination, reduced funding, and poor recordkeeping continue to challenge the Government's efforts to reduce child labor,

including human trafficking.(10, 13) Research found no evidence of other mechanisms to coordinate the Government's efforts to address child labor, including its worst forms.

Research discovered that several members of the DDAS, who are members of the Anti-Trafficking Coordinating Committee for Pointe-Noire, were allegedly complicit in a child trafficking ring involving officials at the Consulate of Benin in Pointe-Noire and Government officials in Cotonou, Benin.(13) In at least four cases, DDAS officials were accused of conspiring with the Secretary General of the Consulate of Benin to place children rescued from situations of child trafficking with host families who are part of the original human trafficking network. In at least one instance, DDAS officials allegedly conspired to obtain a falsified passport from Cotonou for one of the children in order to disguise the victim as an adult and therefore deem the victim unprotected by the provisions of the Child Protection Law.(13)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of the Republic of the Congo has established policies related to child labor, including its worst forms (Table 7).

Table 7. 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.(31) Includes public awareness campaigns, training law enforcement officials, and improving enforcement activities related to child trafficking.(3)
National Development Plan (2012-2016)*	Develops core strategies to set national priorities for poverty reduction and attainment of the Millennium Development Goals. As part of the strategy, aims to expand employment opportunities for youth; attain universal primary education by 2015; and reduce child mortality.(32, 33)

* Child labor elimination and prevention strategies do not appear to have been integrated into this policy.

† Policy was approved during the reporting period.

Although the Government has adopted the National Action Plan to Fight Against Trafficking in Persons, research found no evidence of a policy on other worst forms of child labor.

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2014, the Government of the Republic of the Congo funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms. The Government has other programs that may have an impact on child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

Program	Description
Foster Families Program‡	MSA- and UNICEF-funded program that provides small stipends to foster families of child trafficking victims, with an annual budget of \$100,000. Victims, regardless of national origin, are provided with medical care, shelter, and residency status while the Government tries to locate their relatives.(10, 13)
Awareness-Raising Activities‡	MSA program that provides training to community members and social workers on child trafficking issues and offers social assistance to victims of child trafficking. Also conducts anti-trafficking awareness-raising activities through television, banners, and public events.(3, 13)
Safety Net Program (LISUNGI)†‡	Government national safety net program that, in partnership with the World Bank, provides poor families with improved access to health and education services.(3) Includes a pilot cash transfer program to cover 5,000 households and an evaluation system to measure the change in situation for beneficiaries.(34, 35) Will receive a \$15 million contribution from the Government.(36)
Government School Feeding Program*‡	Funded by the Government of the Republic of the Congo and the U.S. Government's McGovern-Dole International Food for Education and Child Nutrition Program, and implemented by the International Partnership for Human Development to provide school lunches and reduce poverty-related dropouts. Will receive \$9 million from the Government of the Republic of the Congo between 2012 and 2014, and will target approximately 215,000 students.(3, 10)
Cost Free Identity Document Policy*‡	Government-funded program that issues free birth certificates, citizenship, and nationality documents.(13)

* The impact of this program on child labor does not appear to have been studied.

† Program was launched during the reporting period.

‡ Program is funded by the Government of the Republic of the Congo.

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Although the Government has implemented programs to assist victims of child trafficking, research found no evidence that it has carried out programs to assist children engaged in forced labor in bakeries, domestic work, and commercial sexual exploitation. Additionally, current funding levels are not sufficient to address the scope of child labor, including its worst forms, in the Republic of the Congo; existing social programs will only be sustainable if the Government is able to maintain its funding commitments with its partners.(3, 10)

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 9).

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Make the list of hazardous work prohibited to children publicly available and ensure that all children under age 18 are prohibited from engaging in hazardous occupations or activities.	2009 – 2014
Enforcement	Strengthen enforcement of child labor laws by: <ul style="list-style-type: none"> ■ Increasing the number of labor inspectors responsible for enforcing laws related to child labor in order to provide adequate coverage of the workforce; ■ Providing additional training on child labor issues, including the Child Protection Code; ■ Providing adequate resources for inspectors to conduct investigations; ■ Conducting unannounced inspections and inspections in all sectors, including in rural areas; and ■ Ensuring that courts meet regularly and prosecute child labor law violations. 	2010 – 2014
	Make information publicly available about the number of investigators employed, investigations conducted, violations found, and penalties assessed.	2010 – 2014
	Establish a formal referral mechanism between labor law enforcement agencies and social welfare services.	2014
Coordination	Ensure coordinating bodies such as the MSA's Task Force and the Anti-Trafficking Coordinating Committee for Pointe-Noire have enough resources to function adequately.	2014
	Establish a coordinating mechanism to combat all forms of child labor.	2009 – 2014
	Investigate allegations of government officials who are involved in a child trafficking ring with officials at the Consulate of Benin in Pointe-Noire and ensure no Republic of the Congo officials are complicit in perpetuating the worst forms of child labor.	2014
Government Policies	Integrate child labor elimination and prevention strategies into the National Development Plan.	2009 – 2014
	Adopt a policy that addresses all relevant worst forms of child labor, such as forced labor in bakeries, domestic work, and commercial sexual exploitation.	2013 – 2014
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 – 2014
	Ensure all children have access to education by ensuring that: <ul style="list-style-type: none"> ■ Education is free, by eliminating school-related expenses; ■ All children living in the Republic of the Congo can attend school regardless of country of origin; ■ Schools are free from sexual abuse and discrimination; ■ All children have access to birth registrations; and ■ Schools take linguistic barriers and cultural traditions into account. 	2013 – 2014
	Assess the impact that existing programs may have on child labor.	2013 – 2014
	Institute programs to address the worst forms of child labor such as forced labor in bakeries, domestic work, and commercial sexual exploitation.	2009 – 2014
	Ensure budgetary resources are adequate to address the scope of child labor and child trafficking in the Republic of the Congo.	2012 – 2014

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