

CONGO, REPUBLIC OF

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

The Government of the Republic of Congo is an associated country of ILO-IPEC.¹¹¹¹ The government is participating in a regional ILO-IPEC project funded by USDOL to reintegrate children involved and prevent children from involvement in armed conflicts in Central Africa.¹¹¹² The first phase of the project, which was completed in 2003,¹¹¹³ produced a qualitative study on the use of children in conflicts in the region.¹¹¹⁴ In 2003, the second phase of the project was launched, in which direct action programs will be undertaken to remove children involved and prevent children from becoming involved in armed conflict.¹¹¹⁵ The government has also established the High Commission for Reintegration of Ex-Combatants, which has maintained some projects regarding the demobilization of child soldiers and offers them financial support and technical training. With funding from UNICEF, the Department of Social Action established the Traumatized Children Project, which provides counselling for former child soldiers.¹¹¹⁶

In 2003, the government pledged to increase birth registration in the capital city of Brazzaville within the year, and to extend the campaign to the rest of the nation in 2004.¹¹¹⁷ Such efforts are intended to prevent early recruitment into armed groups and to protect children from trafficking.¹¹¹⁸

The Ministry of Territorial and Regional Development is jointly implementing a school reintegration project, funded by the European Union through UNESCO, for children displaced by the civil war in the late 1990s and natural disasters.¹¹¹⁹ In 2002, the World Bank provided funding for an emergency reconstruction project that includes financing for school rehabilitation in Brazzaville.¹¹²⁰ In 2003, the U.S. Department of Defense, through its Humanitarian Assistance Program, also funded the rehabilitation of schools destroyed during the country's civil conflicts.¹¹²¹

¹¹¹¹ ILO-IPEC, *All About IPEC: Programme Countries*, [cited June 28, 2003]; available from http://www.ilo.org/public/english/standards/ipe/about/countries/t_country.htm.

¹¹¹² This 5-year project was initially funded in 2001. ILO-IPEC, *Regional Programme on the Prevention and Reintegration of Children Involved in Armed Conflict in Central Africa (Phase I: Identification of a Strategy for Concerted Action)*, project document, Geneva, July 2001, 1, 11. The government has also participated in discussions with the World Bank about a possible regional demobilization and reintegration initiative, which would include special projects for child ex-combatants. Many former combatants in the Congo have already been demobilized. See World Bank Multi-Country Demobilization and Reintegration Program, *Program Overview: Scope*, World Bank, [online] 2003 [cited August 14, 2003]; available from <http://www.mdrp.org/overview/scope.htm>.

¹¹¹³ ILO-IPEC, *Regional Programme on the Prevention and Reintegration of Children Involved in Armed Conflicts in Central Africa (Phase I: Identification of a Strategy for Concerted Action)*, technical progress report, Geneva, March 25, 2003, 1.

¹¹¹⁴ See generally ILO-IPEC, *Wounded Childhood: The Use of Children in Armed Conflict in Central Africa*, Geneva, April 2003.

¹¹¹⁵ ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflicts: An Inter-Regional Programme*, project document, Geneva, September 17, 2003.

¹¹¹⁶ U.S. Department of State official, electronic communication to USDOL official, February 20, 2004. Funding for the High Commission's training programs is provided by the World Bank. See ILO-IPEC, *Wounded Childhood*, 61-62.

¹¹¹⁷ Integrated Regional Information Networks, "Congo: NGO calls for improved birth registration efforts", IRINnews.org, June 18, 2003; available from <http://www.irinnews.org/print.asp?ReportID=34826>.

¹¹¹⁸ Integrated Regional Information Networks, "Great Lakes: UNICEF calls for free registration of births", IRINnews.org, [online], June 6, 2002; available from <http://www.irinnews.org/print.asp?ReportID=28177>.

¹¹¹⁹ The project was funded in 2003. See Integrated Regional Information Networks, "Congo: EU grants US \$812,700 towards education, the fight against drug abuse", IRINnews.org, February 7, 2003; available from <http://www.irinnews.org/print.asp?ReportID=32184>.

¹¹²⁰ World Bank, *Emergency Infrastructure Rehabilitation and Living Conditions Improvement Project*, in Projects Database, [database online] August 8, 2003 [cited August 14, 2003]; 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.

¹¹²¹ U.S. Department of State official, electronic communication, February 20, 2004.

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 25.3 percent of children ages 10 to 14 years in the Republic of the Congo were working.¹¹²² Children work for their families on farms or in informal business activities.¹¹²³ Growing numbers of street children in Brazzaville engage in street vending and petty theft. Some of these children are also involved in prostitution.¹¹²⁴ Children joined and were recruited by both the government and opposition forces involved in the civil conflict from 1997 to 2000,¹¹²⁵ and there have been anecdotal reports that children were recruited into military service during the May 2002 violence in the country.¹¹²⁶ The 2003 ILO-IPEC study showed that children have performed a variety of tasks for armed groups, including front line combat, patrolling, and spying.¹¹²⁷ There have been reports of trafficking of children among the Congo and other countries in West and Central Africa, including Benin, Cameroon, Central African Republic, Chad, Niger, Nigeria, and Togo.¹¹²⁸

The Constitution establishes free and compulsory education up to the age of 16 years.¹¹²⁹ In 2000, the gross primary enrollment rate was 96.9 percent.¹¹³⁰ In 2001, however, UNICEF reported that approximately 40 percent of the Congo's primary school-age children did not attend school, largely as a result of the 1997-2000 conflicts.¹¹³¹ Many classroom buildings were damaged during this period; schools have few educational materials and poor hygiene and sanitation systems,¹¹³² and teachers lack training.¹¹³³ High drop-out rates in urban and rural areas are reportedly due to poverty, lack of facilities, teacher absenteeism, and poor learning conditions. The lack of resources has made it very difficult for the Ministry of Education to rehabilitate the facilities and rebuild the system.¹¹³⁴

¹¹²² World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

¹¹²³ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Congo*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18178pf.htm>. In the past, there have been reports that ethnic Pygmies, possibly including children, have worked as indentured servants for ethnic Bantus in remote northern areas of the country. There were no reports of the problem, however, in 2001. Little reliable information exists on the issue. See U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Congo*, Washington, D.C., March 4, 2002, Section 6c; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8335.htm>. See also U.S. Department of State, *Country Reports- 2002: Congo*, Section 6c. The government argues that what may appear to be slavery is in fact an arrangement whereby the Pygmies, who are hunters, work for monetary or in-kind compensation on farms owned by the Bantus. See Embassy of the Republic of Congo, diplomatic note 2267/MAECF-CAB/CAJ, letter to USDOL official, October 25, 2001.

¹¹²⁴ U.S. Department of State, *Country Reports- 2002: Congo*, Section 5.

¹¹²⁵ ILO-IPEC, *Wounded Childhood*, 29, 32. See also Coalition to Stop the Use of Child Soldiers, "Congo," in *Global Report 2001*; available from <http://childsoldiers.amnesty.it/cs/childsoldiers.nsf/index/english?OpenDocument>.

¹¹²⁶ The Government states that recruitment of children is not authorized. Unofficial sources report that the children were enticed, rather than forced, to join the military. See U.S. Department of State, *Country Reports- 2002: Congo*, Section 6d.

¹¹²⁷ ILO-IPEC, *Wounded Childhood*, 43.

¹¹²⁸ U.S. Department of State, *Country Reports- 2002: Congo*, Section 6f.

¹¹²⁹ Right to Education, *Constitutional Guarantees: Congo*, [database online] [cited June 28, 2003]; available from <http://www.right-to-education.org/content/consguarant/congo.html>. See also U.S. Department of State, *Country Reports- 2002: Congo*, Section 5.

¹¹³⁰ Net primary enrollment rates are unavailable for the Congo. See World Bank, *World Development Indicators 2003*.

¹¹³¹ Integrated Regional Information Networks, *UNICEF to Build and Rehabilitate Schools*, allAfrica.com, [online] September 7, 2001 [cited July 4, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=11240>. 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>. See also U.S. Department of State official, electronic communication, February 20, 2004.

¹¹³² UNICEF, *UNICEF Humanitarian Action*, [cited September 3, 2002].

¹¹³³ Integrated Regional Information Networks, *UNICEF to Build and Rehabilitate Schools*.

¹¹³⁴ UNICEF, *UNICEF Humanitarian Action*.

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment, including apprenticeships, at 16 years, unless otherwise permitted by the Ministry of Education.¹¹³⁵ The law prohibits forced or compulsory labor.¹¹³⁶ Procuring any person for the purposes of prostitution is illegal, with increased punishment if the crime is committed with a minor.¹¹³⁷ The law does not specifically prohibit trafficking in persons.¹¹³⁸ 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 government oversight.¹¹³⁹

The Government of the Republic of the Congo ratified ILO Convention 138 on November 26, 1999, and ratified ILO Convention 182 on August 23, 2002.¹¹⁴⁰

¹¹³⁵ *Labor Code*, Article 116; available from <http://droit.francophonie.org/BJ/TexteHTM/CG0/CG0E0007.htm>. See also Embassy of the Republic of Congo, letter, October 25, 2001.

¹¹³⁶ *Labor Code*, Article 4. See also Embassy of the Republic of Congo, letter, October 25, 2001.

¹¹³⁷ Government of the Republic of Congo, *Criminal Code*, as cited in The Protection Project Legal Library, [database online] [cited August 31, 2002], Articles 225-27; available from <http://www.protectionproject.org/main1.htm>.

¹¹³⁸ U.S. Department of State, *Country Reports- 2002: Congo*, Section 6f.

¹¹³⁹ *Ibid.*, Section 6d.

¹¹⁴⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 28, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.