# Congo, Republic of

*In August 2009, the Republic of the Congo's Parliament approved the Child Protection Code, containing provisions that prohibit child trafficking, which must be signed into law by the President. The Government also supports some social programs to combat child trafficking; however, services for children in other worst forms of child labor are lacking. Children continue to be engaged in domestic service and street vending. In addition, significant gaps remain in the enforcement of child labor laws.*

**Statistics on Working Children and School Attendance**

| Children | Percent |
|---|---|
| Working | Unavailable |
| Attending School | Unavailable |
| Combining Work and School | Unavailable |

## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Republic of the Congo are exploited in the worst forms of child labor,[1238] particularly in domestic service and street vending, and as a result of trafficking.[1239] Children are sent by their families to work as domestic servants for relatives in urban areas, with the expectation that proper education and care will be provided to them. Some of these children end up begging on the streets.[1240] Children who work in domestic service often endure long hours of work and physical and sexual abuse by their employers. Like other children who work on the streets, beggars are exposed to physical dangers from vehicles and inclement weather and are at risk of commercial sexual exploitation.[1241]

Girls are trafficked internally from rural areas to the cities of Brazzaville and Point Noire, and to the Republic of the Congo from the Democratic Republic of the Congo, Benin, Mali, and Cameroon. The majority of trafficked children engage in street vending, with children trafficked to work on the streets or in domestic service receiving little or no pay.[1242] Young girls from the Democratic Republic of the Congo, on the promise of jobs, are also trafficked to the Republic of the Congo for prostitution.[1243] Children also work in agriculture.[1244] Such work may involve the use of dangerous machinery and tools, carrying of heavy loads, and the applications of harmful pesticides.

Children from the Baka ethnic group are exploited as cheap labor, sometimes cutting grass, while children of predominantly Bantu ethnic groups are in school.[1245] Children cut grass with machetes and are at risk of injuries; they also work long hours andface dangers such as snakebites.

## Laws and Regulations on the Worst Forms of Child Labor

The Labor Code (Loi Nº 45-75) sets the minimum age for employment and apprenticeships at 16, and the minimum age for hazardous work at 18.[1246] 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 the work.[1247] A list of hazardous work for children dates back to Order 2224 of 1953, but the law currently does not include provisions for the

informal sector, including on farms, in informal businesses, and domestic service, where the majority of children working in the Republic of the Congo are found.[1248] While ILO Convention 182 calls for periodic review and revision of the list of hazardous work for signatories, there is no evidence that the Government has revised the list of hazardous occupations since 1953.[1249]

The Labor Code prohibits forced or compulsory labor except in the case of military service, natural disasters, and certain civic duties.[1250]

The Penal Code prohibits prostitution and the procurement of a girl for prostitution.[1251] 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 under age 15.[1252]

| | | |
|---|---|---|
| | 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 | 15 |
| | Minimum Age for Hazardous Work | 18 |
| | Compulsory Education Age | None |
| | Free Public Education | No |

There is no law in force against human trafficking *per se*.[1253] Traffickers can be prosecuted for abduction, child abuse, forced labor, illegal immigration, prostitution, rape, extortion, slavery, and kidnapping.[1254] In August 2009, the Child Protection Code, which includes provisions against child trafficking, was approved by Parliament. The Code awaits the President's signature.[1255]

The minimum age of enlistment for service in the armed forces in the epublic of the Congo is 18.[1256]

## Institutional Mechanisms for Coordination and Enforcement

Research found no evidence of a coordinating mechanism to combat the worst forms of child labor. However, the Government, UNICEF, local NGOs, Muslim community leaders, and local police created a country coordination committee which reviews and improves communication strategy between various agencies involved in trafficking issues. The committee also monitors the implementation of the 2009-2010 National Action Plan on Trafficking.[1257]

The Ministry of Labor (MOL) is responsible for enforcing the Labor Code. MOL employs 17 full-time and 11 part-time inspectors, each of whom inspect for all types of violations.[1258] While child labor complaints can be made to MOL officials,[1259] inspection efforts focus on urban areas and large establishments, whereas most children work in rural areas and in small informal establishments.[1260] Investigations of alleged child labor violations typically take three to seven months to complete. There were no convictions for violations during the reporting period.[1261] Information on new inspections and investigations was not obtained.

The Ministry of Social Affairs employs 10 inspectors responsible for identifying child trafficking victims, as well as other child protection issues.[1262] During the reporting period, eight child trafficking victims in Pointe Noire were held in foster homes, awaiting repatriation to their home countries.[1263] Eight child trafficking criminal cases have been pending for over 2 years, and none have been resolved during that period.[1264]

## 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 wors forms of child labor.[1265]

The Government of the Republic of the Congo together with UNDP developed core strategies to set national priorities for poverty reduction and

attainment of the Millennium Development Goals (MDG) in Congo. The Government and other stakeholders incorporated part of that strategy into the United Nations Development Assistance Framework (UNDAF) 2009-2013 Country Plan of Action to include provisions for vulnerable populations such as children with HIV/AIDS, ex-combatants, and children from ethnic populations.[1266] Although the plan includes a focus on children formerly involved in armed conflict, the question of whether this plan may impact children involved in other worst forms of child labor in the Republic of the Congo does not appear to have been addressed.

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

During the reporting period, the Government of the Republic of Congo contributed $60,500 for child trafficking investigations in partnership with UNICEF.[1267] In 2006, the Government began a National Program for Disarmament, Demobilization, and Reintegration, and, during the reporting period, it established the High Commission for Reintegration of Ex-Combatants that provides demobilized child soldiers, who were involved in the conflict that occurred in the country during 1993 to 2002, with training and financial support.[1268]

The Government offers minimal protection services to victims of trafficking. These services include legal and care services, such as the Espace Jarrot care facility for at-risk children and are offered in partnership with international organizations, such as UNICEF, United Nations Population Fund (UNFPA), and local NGOs.[1269]

UNFPA also works with the Ministry of Justice to support six free judicial clinics that train local organizations assisting victims of trafficking.[1270] The Ministry of Social Affairs has partnered with UNICEF and local organizations to train investigators to identify trafficking victims and refer them for appropriate legal and social services.[1271]

To support free primary education and to promote primary health care, the Government of Japan donated $4 million to be administered by UNICEF for the rehabilitation of schools and health centers.[1272] UNICEF has announced $500,000 in additional support for health, nutrition, and education programs to help mitigate the effects of the global economic crisis on the most vulnerable.[1273]

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 the Republic of the Congo:**

IN THE AREA OF LAWS AND REGULATIONS:

- Sign the Child Protection Code into law.
- Revise and publish its list of hazardous activities prohibited to children, in accordance with article 3, paragraph 4 of ILO Convention 182.
- 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.
- Consider targeting more inspection efforts to rural areas and small businesses and shortening the length of the investigation process.

IN THE AREA OF POLICIES:

- Assess the impact of the 2009-2013 National Plan of Action on reducing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Develop social protection programs for the prevention and elimination of exploitive child labor, especially for children working in street work, domestic service, and agriculture.

[1238] Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. 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.

[1239] U.S. Embassy- Brazzaville, *reporting*, February 17, 2010.

[1240] Ibid., para 4.

[1241] U.S. Embassy- Brazzaville, *reporting*, February 12, 2010, para 6.

[1242] U.S. Embassy- Brazzaville, *reporting, February 17, 2010*, para 10c. See also UN Committee on the Rights of the Child, *Written Replies by the Government of the Republic of the Congo Concerning the List of Issues Related to the Consideration of the Initial Report of the Republic of the Congo (CRC/C/COG/1)**, CRC/C/COG/1*, August 14, 2006; available from http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/6791904b0bf12e8ec12571d3003578ca/$FILE/G0643855.pdf. See also 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 Integrated Regional Information Networks, "Congo: Tackling child trafficking", IRINnews.org, [online], July 16, 2008 [cited March 2, 2010]; available from http://www.irinnews.org/Report.aspx?ReportId=79284.

[1243] U.S. Department of State, "Congo, Republic of the (Tier 2 Watchlist)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from http://www.state.gov/documents/organization/123357.pdf.

[1244] International Confederation of Free Trade Unions, *Report for the WTO General Council Review of the Trade Policies of the Republic of Congo*, Geneva, September 2006, 5.

[1245] U.S. Department of State, "Country Reports- 2008: Republic of Congo." 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.

[1246] Government of the Republic of Congo, *Loi N° 45-75, Code du travail de la République populaire du Congo*, (1975), articles 11 and 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*, CRC/C/COG/1*, February 12, 2006, para 449; available from http://

www.unhchr.ch/tbs/doc.nsf/c12563e7005d936d412561 1e00445ea9/052528a29a9722d0c125716c003552e7/$FI LE/G0641204.pdf. See also, ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Congo (ratification: 2002),* [online] 2009 [cited February 25, 2010]; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status 01&textbase=iloeng&document=23494&chapter=9&query= Congo%40ref&highlight=&querytype=bool&context=0.

[1247] Government of the Republic of Congo, *Loi no 45-75, Code du travail*, articles 11 and 116.

[1248] U.S. Embassy- Brazzaville, *reporting, February 12, 2010*. See also International Confederation of Free Trade Unions, *Report for the WTO General Council Review*.

[1249] ILO Committee of Experts, *Individual Direct Request C182: Congo (2009)*.

[1250] 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 in Congo: Report for the WTO General Council Review of the Trade Policies of Congo*, Geneva, September 27 and 29, 2006; available from http://www.icftu.org/www/PDF/CongofinalE.pdf.

[1251] 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 ILO Committee of Experts, *Individual Direct Request C182: Congo (2009)*.

[1252] Government of the Republic of Congo, *Penal Code (The Protection Project)*.

[1253] U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

[1254] ILO Committee of Experts, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Congo (ratification: 2002)* [online] 2009 [cited 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=&querytype=bool&context=0. See also U.S. Embassy-Brazzaville, *reporting, February 17, 2010*.

[1255] U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

[1256] U.S. Embassy- Brazzaville, *reporting, February 12, 2010*.

[1257] U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

[1258] Ibid.

[1259] U.S. Embassy- Brazzaville, *reporting, February 12, 2010*, para 12.

[1260] International Confederation of Free Trade Unions, *Report for the WTO General Council Review*, section III, para 3. See also U.S. Department of State, "Republic of Congo," in *Country Reports on Human Rights Practices-2009*, Washington, DC, 2010, section 4d; available from.

[1261] U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

[1262] Ibid., para 14. See also UN Committee on the Rights of the Child, *Initial reports of States parties due in 1999: The Republic of the Congo*.

[1263] U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

[1264] Ibid.

[1265] Ibid.

[1266] 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 Developement (PNUD),* [online] 2008 [cited March 1, 2010]; available from http://www.cg.undp.org/downloads/CONGO_BRAZZA_CPD___2009_2013.doc.

[1267] U.S. Embassy- Brazzaville, *reporting, February 12, 2010*, para 15.

[1268] ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict: An Inter-Regional Programme*, Final Performance Report, Geneva, September 2007.

[1269] U.S. Embassy- Brazzaville, *reporting, February 17, 2010*.

[1270] U.S. Embassy- Brazzaville, *reporting*, February 17,2010.

[1271] U.S. Embassy- Brazzaville, *reporting, February 17, 2010*, para 2B, 3F.

[1272] UNICEF, *The Government of Japan donates US$4 million to support the rehabilitation of schools and health centres in the Republic of the Congo*, Press Release, Brazzaville, March 24, 2008; available from http://www.unicef.org/media/media_43354.html?q=printme.

[1273] UNICEF, *UNICEF Executive Director announces $500,000 for social protection programs in The Republic of the Congo (Brazzaville)*, Press Release, Brazzaville, August 24, 2009; available from http://www.unicef.org/media/media_50948.html?q=printme.