

In 2017, the Republic of the Congo made a minimal advancement in efforts to eliminate the worst forms of child labor. In May 2017, a court in Pointe-Noire sentenced a Beninese woman in absentia to 30 years of forced labor and a \$25,000 fine for transporting a 10-year-old boy from Benin to the Republic of the Congo with falsified documents for the purpose of forced labor in domestic work. This is the country's first conviction for a trafficking-related offense. However, children in the Republic of the Congo engage in the worst forms of child labor, including in commercial sexual exploitation. Children also perform dangerous tasks in domestic work. The government has yet to accede to the Palermo Protocol on Trafficking in Persons and there is no mechanism to coordinate efforts to address child labor at the national level, including all its worst forms. The government failed to allocate funding to the National Action Plan to Fight Against Trafficking in Persons (2014–2017) and did not fund any social services during the reporting period to address trafficking in persons. In addition, information on children's work is extremely limited because there has never been a national child labor survey or similar research conducted in the Republic of the Congo.



I, PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in the Republic of the Congo (ROC) engage in the worst forms of child labor, including in commercial sexual exploitation. Children also perform dangerous tasks in domestic work. (1; 2; 3; 4) Table 1 provides key indicators on children's work and education in ROC.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	27.9 (286,137)
Attending School (%)	5 to 14	90.2
Combining Work and School (%)	7 to 14	29.9
Primary Completion Rate (%)		70.3

Source for primary completion rate: Data from 2012, published by UNESCO Institute for Statistics, 2018. (5)

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*. (6)

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 sugar cane (1; 2; 7; 8; 4)
	Catching and smoking fish (4)
Industry	Working in stone quarries,† including breaking stones (2; 7; 4)
Services	Domestic work (2; 4)
	Working in transportation as bus touts (2; 7)
	Market vending and carrying heavy loads† (2; 7; 4)

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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; 7; 9; 10; 11; 3)
	Forced labor in farming, including in the production of cocoa, and in domestic work, working in stone quarries, fishing, and market vending, each sometimes as a result of human trafficking (1; 12; 3; 7; 4)
	Forced labor of indigenous Baka children in farming, including in the production of manioc, and in fishing, hunting, and domestic work (7; 4; 13)

[†] 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.




Within ROC, internal child trafficking brings children from rural areas to urban centers for forced labor in domestic work. The majority of foreign children subject to forced domestic work or commercial sexual exploitation in ROC originate from Benin and the Democratic Republic of the Congo, as well as other West African nations. (1; 14; 15; 16; 3; 13) A 2015 report funded by the UN Office on Drugs and Crime found that most victims of commercial sexual exploitation as a result of child trafficking were between the ages of 9 and 11 years old. (13) However, information on children’s work is limited because there has never been a national child labor survey or similar research conducted in ROC. (4)

The Constitution stipulates that education is free until age 16; however, some parents are required to pay for books, uniforms, and school fees, which may limit access to education for some children. (17; 4; 18) Over-enrollment, the absence of sanitation facilities, poor administration of the education sector, a lack of teachers, and sexual abuse in schools also pose barriers to education for some children, particularly in refugee or internally displaced persons camps and non-urban areas. (17; 19; 20; 4) Indigenous children throughout the country may experience discrimination, linguistic barriers, prohibitive school fees, and long distances to schools. (21; 18; 22) In November 2017, 37 indigenous children were prohibited from attending school due to their inability to pay a monthly school fee. (4)

II. LEGAL FRAMEWORK FOR CHILD LABOR

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 ROC’s legal framework to adequately protect children from the worst forms of child labor, including the minimum age for voluntary recruitment into the state’s armed forces.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	16	Article 116 of the Labor Code; Article 68 of the Child Protection Code (23; 24)
Minimum Age for Hazardous Work	Yes	18	Articles 4, 5, 8, and 9 of Order 2224 of 1953; Article 68 of the Child Protection Code (24; 25)

Table 4. Laws and Regulations on Child Labor (cont)

Standard	Meets International Standards: Yes/No	Age	Legislation
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Article 4, 5, 8, and 9 of Order 2224 of 1953 (25)
Prohibition of Forced Labor	Yes		Article 33 of the Constitution; Article 4 of the Labor Code; Articles 60, 68, 115, and 122 of the Child Protection Code (23; 24; 26)
Prohibition of Child Trafficking	Yes		Articles 60 and 115 of the Child Protection Code (24)
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 Criminal Procedure Code (24; 27)
Prohibition of Using Children in Illicit Activities	Yes		Articles 68–70 and 122 of the Child Protection Code (24)
Prohibition of Military Recruitment			
State Compulsory	Yes*	18	Article 49 of the Child Protection Code (24)
State Voluntary	No		Article 49 of the Child Protection Code (24)
Non-state	Yes	18	Article 49 of the Child Protection Code (24)
Compulsory Education Age	Yes	16	Articles 1 and 3 of the Education Law; Article 29 of the Constitution (26; 28)
Free Public Education	Yes		Article 1 of the Education Law; Article 29 of the Constitution (26; 28)

* No conscription (29)

A draft revision to the Hazardous Work List of 1953 has been pending since 2012, and a draft anti-trafficking law that includes more severe penalties for offenders has been awaiting adoption by the Parliamentary Committee since 2013. (15; 30; 31; 4; 13) In addition, the law does not set a minimum age for voluntary recruitment into the armed forces. (22; 24; 3)

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 the Ministry of Labor and Social Security (MOL) 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 (MOL)	Enforce child labor laws. (1; 18) Conduct initial inspections before referring cases to the MOJ for prosecution. (4)
Ministry of Justice and Human Rights (MOJ)	Enforce criminal laws against the worst forms of child labor. (1; 4) Dedicate two judges—one judge in Brazzaville and one in Pointe-Noire—to child protection cases. (4)
Ministry of the Interior's National Police	Enforce criminal laws against the worst forms of child labor and conduct initial investigations in cases of forced labor, human trafficking, and the use of children in illicit activities. (1; 4)
Ministry of Social Affairs, Humanitarian Action and Solidarity (MSA)	Promote the rights of vulnerable groups and contribute to anti-trafficking efforts by providing social welfare assistance to victims. (4; 18) May conduct initial inspections before referring cases to the MOJ for prosecution. (4) Through its Director General of Social Affairs, oversee government strategy to combat human trafficking. (13) Through its Task Force, lead efforts to combat human trafficking in Pointe-Noire, designate foster families to receive victims, and assist in repatriating or reintegrating victims. (1; 4)
Ministry of Foreign Affairs and Cooperation	Coordinate with the MSA in repatriating victims of child trafficking and monitor bilateral and multilateral agreements with neighboring countries to combat human trafficking. (1)

Although there is a line item in the Ministry of Social Affairs, Humanitarian Action and Solidarity's (MSA) budget for activities to combat human trafficking, it is disbursed irregularly or not at all. (13)

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Labor Law Enforcement

In 2017, labor law enforcement agencies in ROC took actions to combat child labor (Table 6). However, gaps exist within the operations of the MOL that may hinder adequate labor law enforcement, including a functional complaint mechanism.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2016	2017
Labor Inspectorate Funding	Unknown* (22)	Unknown* (4)
Number of Labor Inspectors	12 (22)	12 (4)
Inspectorate Authorized to Assess Penalties	Yes (22)	Yes (4)
Training for Labor Inspectors		
Initial Training for New Employees	Unknown	No (4)
Training on New Laws Related to Child Labor	N/A	N/A
Refresher Courses Provided	No (22)	No (4)
Number of Labor Inspections Conducted	Unknown* (22)	Unknown* (4)
Number Conducted at Worksites	Unknown* (22)	Unknown* (4)
Number of Child Labor Violations Found	Unknown* (22)	Unknown* (4)
Number of Child Labor Violations for Which Penalties were Imposed	Unknown* (22)	Unknown* (4)
Number of Child Labor Penalties Imposed that were Collected	Unknown* (22)	Unknown* (4)
Routine Inspections Conducted	No (22)	No (4)
Routine Inspections Targeted	N/A (32)	N/A (4)
Unannounced Inspections Permitted	Yes (22)	Yes (4)
Unannounced Inspections Conducted	No (22)	Yes (4)
Complaint Mechanism Exists	Unknown (22)	No (4)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Unknown (22)	No (4)

* The government does not publish this information.

The number of labor inspectors is likely insufficient for the size of the ROC's workforce, which includes more than 2 million workers. According to the ILO's technical advice of a ratio approaching 1 inspector for every 15,000 workers in industrializing economies, ROC should employ roughly 137 labor inspectors. (33; 34; 35) Training opportunities for labor inspectors are very limited due to a lack of resources, particularly for lower level staff. (13) Due to a lack of staff, labor inspections were not conducted in some parts of the country. (36; 4) In addition, inspectors do not have access to government vehicles and rely on the employers being inspected to provide transportation. (36) Furthermore, existing penalties for the worst forms of child labor may not be severe enough to serve as deterrents because they are not commensurate with penalties for other serious crimes. (24)

Criminal Law Enforcement

In 2017, criminal law enforcement agencies in 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 human resources.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2016	2017
Training for Investigators		
Initial Training for New Employees	No (22)	No (4)
Training on New Laws Related to the Worst Forms of Child Labor	N/A (22)	N/A (4)
Refresher Courses Provided	No (22)	Yes (13)
Number of Investigations	5 (32; 37)	1 (13)
Number of Violations Found	13 (32)	8 (4; 38)
Number of Prosecutions Initiated	5 (37)	1 (4)
Number of Convictions	0 (22)	1 (39; 40)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (22)	Yes (4)

In May 2017, a court in Pointe-Noire sentenced a Beninese woman in absentia to 30 years of forced labor and a \$25,000 fine for trafficking a 10-year-old boy from Benin to ROC with falsified documents for the forced labor in domestic work. (39; 40) The MSA Task Force reported investigating 1 case of human trafficking during the reporting period, although a local NGO reported 21 cases of trafficking, which resulted in 3 investigations by local authorities. (13; 38) In general, the MSA and the Ministry of Justice and Human Rights (MOJ) experienced difficulties in prosecuting offenders due to a weak judicial system, poor record keeping, 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; 3; 13) Rather than prosecuting child trafficking cases, the MSA Task Force may summon the accused, often resulting in restitution for the victims, but failing to deter the perpetrators from trafficking. (22) Of the 21 cases reported by the local NGO, 18 were resolved outside of court. (13)

The MSA, the MOL, and the MOJ, and the National Police work together to enforce criminal laws against child trafficking; however, their efforts were limited to Brazzaville and Pointe-Noire, and the National Police require payment to assist in operations to rescue victims of child trafficking. (4; 13) In addition, a senior government official within the MSA, tasked with combatting child trafficking, was accused of complicity in a child trafficking ring that allegedly sold infants to adults outside of ROC; the investigation is ongoing as of March 2018. (13)

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 inclusion of all relevant agencies.

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

Coordinating Body	Role and Description
Anti-Trafficking Coordinating Committee for Pointe-Noire (MSA Task Force)	Coordinate all efforts to combat West African child trafficking in Pointe-Noire with UNICEF's support. Composed of government representatives and civil society organizations. (1; 3; 4) Prevent and prosecute cases of human trafficking and provide support to victims through placement with foster families. (41) The MSA Task Force convened twice in 2017 to conduct internal meetings with the Director General of Social Affairs and other officials from the MSA. (13; 41)

An absence of funding has limited the MSA Task Force's activities since 2016, and it owes a total of approximately \$805 to foster families for victim care provided in prior years. In addition, a local NGO that initiates investigations has started referring 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 for its work. (3; 13) Furthermore, the MSA Task Force has three vacant seats on the committee, and there is no coordinating body to oversee efforts to combat child trafficking or child labor at the national level. (3; 4; 41)

Although ministries should work together to address cases of child labor, budget constraints and weak inter-ministerial coordination continue to challenge the government's ability to coordinate its efforts to address human trafficking. (1; 3; 4) In addition, the cabinet has been reshuffled twice since 2016, resulting in staff shifting throughout the government and leaving some high-ranking officials without in-depth knowledge of human trafficking issues within the country. (13)

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 funding.

Table 9. Key Policies Related to Child Labor‡

Policy	Description
National Action Plan to Fight Against Trafficking in Persons (2014–2017)	Aimed 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. (42) Included public awareness campaigns, training for law enforcement officials, and improvement of enforcement activities related to child trafficking. (4)

‡ The government had other policies that may have addressed child labor issues or had an impact on child labor. (16; 13)

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The government failed to allocate resources to the National Action Plan, thus the Plan was not implemented during the reporting period. (13) 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. (43)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2017, 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 (2014–2019)	\$27 million World Bank-funded project that grants improved access to health and education services to poor families in Brazzaville, Cuvette, and Pointe-Noire. (44; 45) Includes a cash transfer program for households conditioned upon regular health visits and that all children maintain an 80 percent school attendance rate each month. (45) In 2017, the government ceased funding for LISUNGI, but the World Bank supported 17,652 project participants and 90 percent of the children participating in the program met the attendance requirement. (46; 4)
School Feeding Programs	Programs throughout the country that aim to reduce dropout rates and encourage school attendance. (22) WFP and the International Partnership for Human Development provide school meals with the support of the U.S. Government’s McGovern-Dole International Food for Education and Child Nutrition Program. (22; 47)
Observe, Reflect, Act Schools†	Ministry of Education program supported by UNICEF, the EU, and the WFP to improve access to education for indigenous children through a 2- or 3-year preparatory program. (15; 21; 48) 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. (15; 49)

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

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (50)

The government was unable to disburse funding to agencies that provide social services during the reporting period due to resource constraints resulting from an economic crisis. (4; 13) In addition, existing government programs are not sufficient to address the scope of child labor or all relevant sectors, such as domestic work or commercial sexual exploitation, in ROC. (4)

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 ROC (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify the Palermo Protocol on Trafficking in Persons.	2015 – 2017
	Ensure that the minimum age for voluntary military service is no lower than age 16, and that safeguards exist to protect children ages 16 and 17 in the armed forces.	2015 – 2017
Enforcement	Publish information related to enforcement statistics, including the funding level for the Labor Inspectorate, the number and type of labor inspections conducted, violations found, and penalties imposed and collected for child labor violations.	2014 – 2017
	Institutionalize training for labor inspectors, investigators, and law enforcement, including at the beginning of their employment and through periodic refresher courses.	2014 – 2017
	Strengthen the Labor Inspectorate by ensuring that inspectors have adequate resources to conduct routine inspections throughout the country, and ensure that penalties are applied in accordance with the law.	2015 – 2017
	Establish a complaint mechanism and reciprocal referral mechanism between labor authorities and social services.	2017
	Significantly increase the number of labor inspectors to meet the ILO’s technical advice and ensure that they receive adequate resources to adequately enforce labor laws throughout the country.	2010 – 2017
Enforcement	Remove barriers to enforcement and prosecution by strengthening the judicial system, conducting an adequate number of investigations to protect victims throughout the country, training prosecutors on existing laws, ensuring that police participation in rescue operations do not require additional payment, and allocating resources to enforcement agencies and the judges responsible for child protection cases.	2014 – 2017
	Ensure that no ROC officials are complicit in perpetuating the worst forms of child labor.	2014 – 2017

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

Area	Suggested Action	Year(s) Suggested
Coordination	Ensure that coordinating bodies include all relevant ministries and receive adequate resources to function as intended.	2014 – 2017
	Establish a coordinating mechanism to combat child labor at the national level, including all its worst forms.	2009 – 2017
	Improve inter-ministerial coordination to effectively combat child labor and human trafficking issues.	2014 – 2017
Government Policies	Ensure that all policies receive adequate funding to carry out activities as intended.	2016 – 2017
	Integrate child labor elimination and prevention strategies into existing policies.	2009 – 2017
	Adopt a policy that addresses all relevant forms of child labor, such as domestic work, and the worst forms of child labor, such as commercial sexual exploitation.	2013 – 2017
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 – 2017
	Improve access to education for all children, regardless of status or ethnicity, by eliminating all school-related fees, regulating classroom size, building additional schools, training additional teachers, and ensuring that students are not subject to sexual abuse.	2009 – 2017
	Allocate funding to social programs that address child labor, including its worst forms.	2012 – 2017
	Ensure that social programs are implemented as intended and institute programs to address all relevant sectors of child labor, including forced labor in domestic work and commercial sexual exploitation.	2009 – 2017

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