

Congo, Democratic Republic of the



The Government has several laws and regulations that address the worst forms of child labor. However, children continue to work in many worst forms, including as child soldiers and in agriculture and mining. Armed rebel groups and poorly integrated elements of the Congolese National Army continue to abduct and forcibly recruit children for armed conflict and sexual exploitation. There is no compulsory education requirement, and the Government does not have sufficient enforcement or social protection capacity to protect against exploitative child labor.

Statistics on Working Children and School Attendance

| Children | Age | Percent |
|---------------------------|-------------|---------|
| Working | 5 - 14 yrs. | 25.8* |
| Attending School | 5 - 14 yrs. | 59.8 |
| Combining Work and School | 7 - 14 yrs. | 21.7 |

* Population of working children: 4,692,293

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Democratic Republic of the Congo are engaged in the worst forms of child labor, including as child soldiers and in agriculture and mining.¹⁴³⁸ Children’s work in agriculture commonly involves long hours, physically arduous tasks, dangerous tools and a high risk of occupational injury.¹⁴³⁹

Children mine diamonds, copper, gold, cobalt and wolframite (tungsten ore). Children are also forced to mine cassiterite (tin ore) and columbite-tantalite (coltan).¹⁴⁴⁰ Although information is limited, there are reports that children working in quarries break stones into gravel.¹⁴⁴¹ In mining areas, children sift, clean, sort, transport heavy loads and dig underground.¹⁴⁴² Living conditions for children working around the mines are extremely harsh. Children face heightened risks

of disease, lack adequate shelter and are subject to fatal accidents from the collapse of mineshafts.¹⁴⁴³

In 2010, armed groups, including rebel groups and members of the Congolese National Army (FARDC), continued to recruit and use children in their units.¹⁴⁴⁴ Children associated with armed groups may be forced to serve as combatants, porters, spies, domestic servants and sex slaves.¹⁴⁴⁵ Some children who have been released suffered re-recruitment, and girls are reportedly less likely to be released by the armed groups.¹⁴⁴⁶ Armed militia groups abducted and recruited children from Burundi, Rwanda and Uganda for service in the Democratic Republic of the Congo.¹⁴⁴⁷

In the Democratic Republic of the Congo, children also work as domestic servants.¹⁴⁴⁸ Such children may work long hours, and their isolation in homes makes them susceptible to sexual abuse.¹⁴⁴⁹ Children living on the streets sell food, carry

packages, unload buses, engage in prostitution and distribute drugs and alcohol. These activities expose them to physical abuse, intimidation and theft. In Kinshasa, reports indicate that there were more than 500 new cases of children living and working on the streets each month.¹⁴⁵⁰ In mining areas, markets and brothels, children are compelled to engage in prostitution.¹⁴⁵¹ There are also reports that children of indigenous persons and pygmies may be born into slavery.¹⁴⁵²

Access to education is a critical component in helping to prevent the economic exploitation of children. In the Democratic Republic of the Congo, access to education is hindered by sexual violence and armed conflict, including the forced recruitment of child soldiers from schools.¹⁴⁵³ According to UNICEF, 85 percent of all schools in the conflict zone of North Kivu are closed.¹⁴⁵⁴

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code of 2002 sets the minimum age for employment at 15, and Ministerial Order No. 12 of 2008 establishes the minimum age for hazardous work at 18.¹⁴⁵⁵ The Labor Code prohibits forced labor and the worst forms of child labor and defines penalties for employing children in hazardous work.¹⁴⁵⁶ The Government does not provide protection to children working without a contract or outside public enterprises. This leaves many children working on the streets or in dangerous conditions in a family business unprotected.¹⁴⁵⁷

Ministerial Order No. 68/13 of 1968 prohibits the use of children in the extraction of minerals and debris from mines, quarries and earthworks.¹⁴⁵⁸ Ministerial Order No. 12 of 2008 contains a list of hazardous activities prohibited for children under age 18, including work below ground, under water, at dangerous heights or in illicit activities.¹⁴⁵⁹ Law No. 06/018 of 2006 criminalizes the trafficking and sexual exploitation of children.¹⁴⁶⁰ The Child Protection Code (Law 09/001) prohibits child slavery, child trafficking, child prostitution and

child pornography. This law also forbids the accusation of witchcraft. Such accusations force many children onto the streets.¹⁴⁶¹

| | | |
|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|-----|
|  | 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 | ✓ |
|  | Minimum Age for Work | 15 |
| | Minimum Age for Hazardous Work | 18 |
|  | Compulsory Education Age | No |
| | Free Public Education | Yes |

Several laws prohibit the use of children in armed conflict. The Labor Code of 2002 defines the forced recruitment of children for use in armed conflict as a worst form of child labor.¹⁴⁶² The Constitution of 2006 bans the use of children in hostilities, and Act No. 04/23 of December 2004 prohibits the recruitment of anyone under age 18 into the national armed forces.¹⁴⁶³ The Child Protection Code of January 2009 prohibits the recruitment and use of children in armed groups and defines the Government’s responsibility for demobilizing and reintegrating child soldiers.¹⁴⁶⁴

The Constitution establishes the right to free education. However, in practice, teachers in rural areas often charge fees for attendance, and the costs of books and uniforms are prohibitive for many families.¹⁴⁶⁵ Act No. 86/005 of 1986, making school compulsory for children until the age of 15, has not entered into force. Having no minimum compulsory education age may increase the

likelihood of children entering the worst forms of child labor.¹⁴⁶⁶

Institutional Mechanisms for Coordination and Enforcement

In 2006, the Government created the National Committee to Combat the Worst Forms of Child Labor (NCCL) and charged it with coordinating responsibilities that include compiling data on the nature and extent of child labor; preventing and withdrawing children from engaging in the worst forms of child labor; conducting public awareness campaigns; and building the capacity of government officials and civil society to combat exploitative child labor.¹⁴⁶⁷ In 2010, the Minister of Labor issued a decree suggesting members for the NCCL's permanent secretariat. While this is a step forward, the NCCL's approved work plan has not been financed by the Government.¹⁴⁶⁸

The Government body responsible for disarmament, demobilization and reintegration, *Unité d'exécution du programme national de désarmement, démobilisation et réinsertion*, coordinates the identification, verification and release of child soldiers with assistance from the United Nations Mission in the Democratic Republic of Congo, UNICEF and partner NGOs.¹⁴⁶⁹ The Government also established a joint commission to coordinate child protection interventions targeting orphans and vulnerable children, which is comprised of government ministries, NGOS and donors.¹⁴⁷⁰

In 2010, the Government authorized the establishment of the Provincial Worst Forms of Child Labor Committee in Mbuji Mayi. Provisional committees also exist in Kolwezi, Mongbwalu and Katanga provinces. Although these committees have created a 3-year work plan and budget, the Government has not provided them with financial support.¹⁴⁷¹

The Ministry of Labor is the primary agency responsible for investigating the worst forms of

child labor.¹⁴⁷² The Government employs 150 labor inspectors across the country, including 10 inspectors in the Katanga mining region and 9 labor controllers. Labor inspectors often lack the transport to conduct their inspections and no system to track child labor complaints.¹⁴⁷³ Each inspector prepares one annual inspection report, but this report does not separate information on child labor from other labor inspection issues.¹⁴⁷⁴ In 2010, the Government did not complete any child labor investigations.¹⁴⁷⁵

The Ministry of Social Affairs, Humanitarian Action and National Solidarity (MINAS) is charged with investigating child trafficking cases.¹⁴⁷⁶ The Ministry of Gender, Family and Children is responsible for investigating the commercial sexual exploitation of children and the Ministry of Justice is charged with combating the use of children in illicit activities.¹⁴⁷⁷ In 2010, the Government identified 51 trafficking victims, arrested two traffickers and expanded the portfolios of 1,000 new magistrates to include sex and labor trafficking.¹⁴⁷⁸ It is unknown how many of the 51 trafficking victims were children.

MINAS's Department of Child Protection (DISPE) is responsible for orphans and vulnerable children interventions and operates a database to monitor and coordinate children rights activities. In 2009, DISPE employed 57 people at the national level and eight at the provincial level. Reports indicate that MINAS's staff have limited professional experience and high turnover.¹⁴⁷⁹

According to the UN Group of Experts on the Democratic Republic of the Congo, known child soldier recruiters continue to hold positions in the FARDC and senior FARDC officers have obstructed UN efforts to oversee the release of child soldiers.¹⁴⁸⁰ During the reporting period, the Government provided training to some police and military personnel on preventing child soldiering but it did not prosecute any military officers for conscripting or using children for armed conflict.¹⁴⁸¹

Government Policies on the Worst Forms of Child Labor

Three provincial committees published action plans to combat the worst forms of child labor, but no information could be obtained to assess their implementation.¹⁴⁸²

MINAS developed a national action plan for orphans and vulnerable children; however, no information indicates whether this plan is being implemented.¹⁴⁸³ The Government's Poverty Reduction Strategy Paper and Five Pillars program promotes increased access to social services, including education, for vulnerable children. The question of whether these policies have an impact on child labor does not appear to have been addressed.¹⁴⁸⁴

In 2010, the Government continued to implement its national plan to demobilize, disarm and reintegrate (DDR) former combatants, including children.¹⁴⁸⁵ However, the FARDC's continued recruitment of children into the armed forces and limited action to seek the release of all children associated with armed groups diminishes the impact of the Government's policies to combat the worst forms of child labor.

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

The Government of the Democratic Republic of the Congo participated in a program to assist survivors of sexual and gender based violence, victims of trafficking and children associated with armed groups.¹⁴⁸⁶ In addition, the Government collaborated with the EU to implement an army census program that will create a standardized database of Congolese soldiers with identification cards; it is intended that the program will allow the Government to demobilize child soldiers as they are identified.¹⁴⁸⁷ The UN Committee on the Rights of the Child and the ILO Committee of Experts note that the Government's strategy does not provide sufficient resources to ensure the full recovery and economic reintegration of

children associated with armed forces.¹⁴⁸⁸ Reports also indicate that girls do not enter the DDR process due to a fear of stigmatization and a lack of awareness about their rights and options.¹⁴⁸⁹ The UN and other organizations have called on the Government to make the DDR process more accessible and effective for girls.¹⁴⁹⁰

The Government participated in a USDOL-funded project through September 2010 that withdrew and prevented 13,474 children from exploitative child labor in mining, mining-related services and other sectors through the provision of educational services.¹⁴⁹¹ Additionally, in collaboration with the Government, UNICEF provided educational assistance to children working in mining.¹⁴⁹²

During the reporting period, the Government published the preliminary findings of its Multiple Indicators Children Survey (MICS) to determine the extent of the child labor problem in the country.¹⁴⁹³ The Government also participated in a regional project, which was funded by the Government of Italy at \$1 million from January 2008 to June 2011, to support research on child labor and develop a national action plan on the worst forms of child labor.¹⁴⁹⁴ The Katanga Provincial Committee to Combat the Worst Forms of Child Labor also conducted awareness-raising to combat child labor.¹⁴⁹⁵ In addition, the prime minister signed in 2010 a by-law creating juvenile courts for children in conflict with the law and suffering from abuse, including the worst forms of child labor. The first such court was opened in Lubumbashi and had 190 cases between March and September.¹⁴⁹⁶

In 2010, the Government in partnership with the World Bank, launched a project to prevent and provide support services for street children.¹⁴⁹⁷ Likewise, the Katanga Provincial Ministry of Interior continued to support and manage a center for street children in Lubumbashi.¹⁴⁹⁸ The Government also participated in a USAID-funded project to raise awareness about of the situation of vulnerable children and support

family reunification for separated and abandoned children.¹⁴⁹⁹ Despite these efforts, a significant number of children continued to live and work on the streets. The UN Committee on the Rights

of the Child noted the need for the Government to strengthen its efforts to provide street children with food, shelter and healthcare.¹⁵⁰⁰

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Democratic Republic of the Congo:

IN THE AREA OF LAWS AND REGULATIONS:

- Provide legal protection to children working without a contract or outside public enterprises.
- Implement the Constitutional provision which establishes free education.
- Implement Act No. 86/005 of 1986, making school compulsory for children until age 15.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Provide funding for the National Committee to Combat the Worst Forms of Child Labor and provincial worst forms of child labor committees.
- Develop a system to track child labor complaints.
- Improve the labor inspection process to complete child labor investigations by evaluating organizational and budgetary priorities.
- Cease the forcible recruitment and use of children by elements of the FARDC. Apprehend military commanders responsible for the abduction and recruitment of children.

IN THE AREA OF POLICIES:

- Adopt a policy that addresses all relevant worst forms of child labor such as children working in agriculture and domestic service.
- Implement the national demobilization plan, releasing all children associated with the FARDC and seeking the release of all children associated with armed groups.
- Assess the impact that existing policies may have on addressing the worst forms of child labor such as the National Action Plan for Orphans and Vulnerable Children.

IN THE AREA OF PROGRAMS:

- Integrate gender concerns into programs to demobilize and reintegrate children associated with armed groups.
- Expand programs to provide post-rescue housing and vocational training to children who were associated with armed groups, to protect children from work in mining and mining related services and to provide street children with access to adequate food, shelter and medical care.

¹⁴³⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data on working children and school attendance are from 2007. Data on children combining working and schooling are from 2007. 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. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, 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 of this report. See also International Trade Union Confederation, *Internationally Recognized Core Labour Standards in the Democratic Republic of Congo*, Geneva, 2010, 6; available from http://www.ituc-csi.org/IMG/pdf/final_DR_Congo.pdf. See also Save the Children and Solidarity Center, *Enquete Socio Economique sur les Sites de Mongbwalu: Abelkoko, Mongbwalu Centre, Saio, Nzebi, Pluto, Pilipili et Lodjo District de l'Ituri*, February 2010, 23, 25.

¹⁴³⁹ ILO, *World Day Against Child Labor: An Overview of Child Labour in Agriculture*, June 12, 2007, 3-4; available from <http://www.ilo.org/ippecinfo/product/viewProduct.do?productId=4048>.

¹⁴⁴⁰ U.S. Embassy- Kinshasa, *reporting, January 27, 2011*, para 2, 4. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Second periodic reports of States parties due in 1997: Democratic Republic of the Congo*, CRC/C/COD/2, Geneva, July 24, 2008, para 189-190; available from <http://tb.ohchr.org/default.aspx>. See also Save the Children and Solidarity Center, *Combating Exploitative Child Labor through Education in the Democratic Republic of the Congo (REETE)*, Technical Progress Report, Geneva, September 15, 2010, 4. See also Global Witness, *Faced With A Gun, What Can you Do? War and the Militarisation of Mining in Eastern Congo*, London, July 2009, 20-21, 24, 26; available from http://www.globalwitness.org/media_library_detail.php/786/en/global_witness_report_faced_with_a_gun_what_can_you. See also Sasha Lezhnev and John Prendergast, *From Mine to Mobile Phone: The Conflict Minerals Supply Chain, Enough Project*, Washington, DC, November 2009, 2; available from <http://www.enoughproject.org/files/publications/minetomobile.pdf>. See also Free the Slaves, *Findings of Slavery Linked with Mineral Extraction in Eastern DRC*, Washington, DC, July 2010, 1, 2, 4; available from http://www.endingslavery.com/celworx/DRC/docs/FTS_DRC_Findings--July_2010.pdf.

¹⁴⁴¹ International Trade Union Confederation, *Internationally Recognized Core Labour Standards*, 6. See also Shantha Bloemen, "Le travail des enfants en RDC: Casser des pierres et briser tout potentiel", [unicef.org](http://www.unicef.org/french/infobycountry/drcongo_49979.html), [online], June 12, 2009 [cited January 10, 2011]; available from http://www.unicef.org/french/infobycountry/drcongo_49979.html.

¹⁴⁴² Martina Savio, *Dynamics of oppression and state failure: Cases of child labour in artisanal and small-scale mines - Democratic Republic of Congo*, University of Tromsø, 2010, 45, 51-52; available from <http://www.ub.uit.no/munin/bitstream/10037/2479/2/thesis.pdf>. See also Save the Children UK and American Center for International Labor Solidarity, *Summary Report: Nature and Scope of the "child labor in mines, DRC" Phenomenon, Baseline Study for the Reducing the Exploitation of Working Children through Education Project*, Kinshasa, July 2008, 17. See also AFP, "RDC: au Katanga, des enfants quittent l'école pour travailler dans les mines", [udpsmedia.com](http://udpsmedia.com/spip.php?article48), [online], July 17, 2010 [cited January 10, 2011]; available from <http://udpsmedia.com/spip.php?article48>. See also World Bank, *Democratic Republic of the Congo; Growth with Governance in the Mining Sector*, May 2008, 58-59; available from <http://go.worldbank.org/ICB0VQBWM0>.

¹⁴⁴³ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Second periodic reports of States parties due in 1997: Democratic Republic of the Congo*, para 192, 194.

¹⁴⁴⁴ Human Rights Watch, *DR Congo: Rogue Leaders, Rebels Forcibly Recruit Youth*, December 20, 2010; available from <http://www.hrw.org/en/news/2010/12/20/dr-congo-rogue-leaders-rebels-forcibly-recruit-youth>. See also U.S. Embassy-Kinshasa official, E-mail communication to USDOL official, November 4, 2010. See also UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, S/2009/603, New York, November 23, 2009, para 315-317; available from <http://www.un.org/Docs/journal/asp/ws.asp?m=s/2009/603>. See also UN Security Council, *Interim Report of the Group of Experts on the Democratic Republic of the Congo*, S/2009/253, New York, May 18, 2009, 77, 80, 82, 83; available from <http://www.un.org/Docs/journal/asp/ws.asp?m=s/2009/253>. See also U.S. Embassy-Kinshasa, *reporting, January 27, 2011*, para 6.

¹⁴⁴⁵ International Trade Union Confederation, *Internationally Recognized Core Labour Standards*, 8. See also Human Rights Watch, *Killings in Kiwanja: The UN's Inability to Protect Civilians*, New York, December 2008, 12; available from <http://www.hrw.org/sites/default/files/reports/drc1208web.pdf>. See also Martin Bell, *Child Alert: Democratic Republic of the Congo; Martin Bell Reports on Children Caught in War*, UNICEF, July 2006, 4; available from <http://www.unicef.org/childalert/drc/childsoldiers.php>.

¹⁴⁴⁶ UN News Centre, "Girls less likely than boys to be freed from DR Congo's ranks of child soldiers", [hrea.org](http://www.hrea.org), [online], February 15, 2010 [cited December 27, 2010]; available

from http://www.hrea.org/lists2/display.php?language_id=1&id=16287. See also UN Security Council, *Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo*, S/2008/693, New York, November 10, 2008, para 90, 105; available from <http://www.un.org/Docs/sc/sgrep08.htm>.

¹⁴⁴⁷ UN Security Council, *Interim Report of the Group of Experts on the Democratic Republic of the Congo*, para 79. See also UN Security Council, *Report of the Secretary-General on children and armed conflict in Uganda*, S/2009/462, New York, September 15, 2009, para 16; available from <http://www.un.org/Docs/sc/sgrep09.htm>.

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¹⁴⁴⁹ ILO-IPEC, *Hazardous child domestic work: A briefing sheet*, Geneva, 2007, 13; available from <http://www.ilo.org/ipecc/areas/Childdomesticlabour/Keydocuments/lang--en/index.htm>.

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¹⁴⁶⁸ Save the Children and Solidarity Center, *Combating Exploitative Child Labor through Education in the Democratic Republic of the Congo (REETE)*, 13. See also U.S. Embassy-Kinshasa, *reporting, January 27, 2011*, para 8.

¹⁴⁶⁹ U.S. Embassy- Kinshasa, *reporting, February 23, 2011*, para 3.b.

¹⁴⁷⁰ World Bank, *Project Appraisal Document*, 10.

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¹⁴⁷² U.S. Embassy- Kinshasa, *reporting, January 27, 2011*, para 13.

¹⁴⁷³ *Ibid.*, para 13. See also U.S. Embassy- Kinshasa, *reporting, February 23, 2011*, para 3.d.

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¹⁴⁷⁵ *Ibid.*, para 14.

¹⁴⁷⁶ *Ibid.*, para 16.

¹⁴⁷⁷ *Ibid.*, para 16.

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