

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 exploitive work in agriculture and mining. The problem of child soldiering is of particular concern. Armed rebel groups and some poorly newly 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 such exploitive child labor.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	39.8%
Attending School	10-14 yrs.	65.0%
Combining Work and School	7-14 yrs.	25.6%

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor,¹¹⁸⁹ many of them in exploitive work in agriculture.¹¹⁹⁰ Children's work in agriculture typically involves long hours, physically arduous tasks, dangerous tools, and a high risk of occupational injury.¹¹⁹¹

Children mine diamonds, copper, gold, cobalt, columbite-tantalite (coltan), wolframite (tungsten ore), and cassiterite (tin ore).¹¹⁹² In mining areas, children sift, clean, sort, transport heavy loads, and dig for minerals underground.¹¹⁹³ Nearby living conditions around the mines are extremely harsh. Children face heightened risks of disease, sleep in the open, and are subject to fatal accidents from the collapse of mineshafts.¹¹⁹⁴

Armed rebel groups continued to recruit and use

children.¹¹⁹⁵ Some former rebel groups, which have been poorly integrated into the Congolese National Army (FARDC), also continue to recruit and use children in their units.¹¹⁹⁶ Children associated with armed groups may be forced to serve as combatants, porters, spies, domestic servants, and sex slaves.¹¹⁹⁷ Some children who have been released suffered re-recruitment.¹¹⁹⁸ Some armed militia groups abducted and recruited children from Burundi, Rwanda, and Uganda for service in the Democratic Republic of the Congo.¹¹⁹⁹

Street children in the Democratic Republic of the Congo sell food, carry packages, unload buses, and distribute drugs and alcohol, which exposes them to physical abuse, intimidation, and theft.¹²⁰⁰ Some children also work as domestic servants.¹²⁰¹ Such children often work long hours, and their isolation in homes makes them susceptible to sexual abuse.¹²⁰² In mining areas, markets, and brothels, children are also compelled to engage in prostitution.¹²⁰³

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 18.¹²⁰⁴ The Labor Code prohibits the worst forms of child labor and defines penalties for employing children in hazardous work.¹²⁰⁵ Ministerial Order No. 68/13 of 1968 prohibits the use of children in the extraction of minerals and debris from mines, quarries, and earthworks.¹²⁰⁶ Ministerial Order No. 12 of 2008 contains a list of exploitive activities that are prohibited for children under 18, including work below ground, under water, at dangerous heights, or in illicit activities.¹²⁰⁷ Law No. 06/018 of 2006 criminalizes the trafficking and sexual exploitation of children.¹²⁰⁸ The Child Protection Code (Law 09/001) prohibits child slavery, child trafficking, child prostitution, and child pornography.¹²⁰⁹

	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	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

A number of 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.¹²¹⁰ 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 the age of 18 into the national armed forces.¹²¹¹ 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.¹²¹² According to the Coalition to Stop the Use of Child Soldiers, the "DRC is among a relatively small number of countries that have criminalized child recruitment and use in domestic law."¹²¹³

The Government of the Democratic Republic of the Congo has not established a law or policy ensuring free public education or a compulsory education age for children, increasing the vulnerability of children to entering the worst forms of child labor.

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 exploitive child labor.¹²¹⁴ However, the NCCL does not have a budget.¹²¹⁵

The Ministry of Labor is the primary agency responsible for investigating hazardous and forced child labor.¹²¹⁶ 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.¹²¹⁷ Each inspector prepares one annual inspection report, but this report does not separate information on child labor from other labor inspection issues.¹²¹⁸ In 2009, the Government did not complete any child labor investigations.¹²¹⁹

The Ministry of Social Affairs is charged with investigating child trafficking cases.¹²²⁰ 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.¹²²¹

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.¹²²² During the reporting period, the Government did not prosecute any military officers for conscripting or using children for armed conflict.¹²²³

Government Policies on the Worst Forms of Child Labor

During the reporting period, three provincial committees published action plans to combat the worst forms of child labor but no information could be obtained to assess their implementation.¹²²⁴

The Government published a poverty alleviation strategy in 2006. This strategy promotes increased access to social services, including education, for vulnerable children and may provide benefits to working children.¹²²⁵

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

Through partnerships with foreign aid agencies and international organizations, the Government has supported programs to demobilize, disarm, and reintegrate children associated with armed groups.¹²²⁶ Since the launch of the Government's national disarmament, demobilization, and reintegration plan in 2004, child advocates have rescued approximately 36,000 from armed groups.¹²²⁷ From 2003 to 2007, the Government participated in a global USDOL-funded project to prevent the involvement of vulnerable children in armed conflict and support the economic rehabilitation of former child soldiers.¹²²⁸

In 2009, the Government of the Democratic Republic of the Congo continued to implement its national plan

to demobilize, disarm, and reintegrate (DDR) former combatants, including children.¹²²⁹ Under this plan, former child soldiers received temporary housing and vocational training from NGO-managed centers.¹²³⁰ 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.¹²³¹ Reports also indicate that girls do not complete the DDR process due to a fear of stigmatization and a lack of awareness about their rights and options.¹²³² The UN and other organizations have called on the Government to make the DDR process more accessible and effective for girls.¹²³³

During the reporting period, the Government participated in a USDOL-funded project that targets 8,000 children for withdrawal and 4,000 children for prevention from engaging in exploitive child labor in mining, mining-related services, and other sectors though the provision of educational services.¹²³⁴ Additionally, in collaboration with the Government, UNICEF provided educational assistance to children working in mining.¹²³⁵ Although these programs helped protect some children from exploitation in mining, they were not sufficient to address the scope of the problem.

The Government created a commission and designed programs in 2004, to reintegrate street children into their families and communities.¹²³⁶ 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.¹²³⁷

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

IN THE AREA OF LAWS AND REGULATIONS:

- Draft and enact legal provisions specifying a list of hazardous work activities in Comoros that are prohibited for children.
- Raise the compulsory education age to 15, the established minimum age for work.
- Enact a law to prohibit the use of children in illicit activities, along with appropriate penalties, in accordance with international standards.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the number of labor inspectors and provide them with training on the worst forms of child labor.
- Carry out inspections to enforce compliance with worst forms of child labor laws, and make available information on the outcome of inspections.

IN THE AREA OF POLICY:

- Take appropriate measures to institute free education.

IN THE AREA OF PROGRAMS:

- Design and implement social programs, besides awareness raising, targeting the worst forms of child labor, particularly in the agriculture and domestic service sectors.

¹¹⁸⁹ 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, 2005-2010*. Data provided is from 2000. 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, such as the use of children in the illegal drug trade and prostitution. 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 "Data Sources and Definitions" section.

¹¹⁹⁰ U.S. Department of State, "Democratic Republic of the Congo," in *Country Reports on Human Rights Practices-2009* Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135947.htm>.

¹¹⁹¹ ILO, *World Day Against Child Labor; 12 June 2007; An Overview of Child Labour in Agriculture*, June 12,

2007; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=4048>.

¹¹⁹² 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; available from <http://tb.ohchr.org/default.aspx>. See also Global Witness, *Digging in Corruption*, Washington DC, July 2006, 4, 32; available from http://www.globalwitness.org/media_library_detail.php/154/en/digging_in_corruption. 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 U.S. Department of State, "Country Reports- 2009: DRC," sections 1g and 7d. See also U.S. Department of State, "Country Reports- 2009: DRC," sections 1g, 7d.

¹¹⁹³ Save the Children UK and The 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 Global Witness, *Digging in Corruption*, 32, 33. See also U.S. Embassy- Kinshasa, *reporting*, February 1, 2010, para 4.

¹¹⁹⁴ UN Committee on the Rights of the Child, *States Reports: Democratic Republic of the Congo*, para 192, 194.

¹¹⁹⁵ 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, 321-322; 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, para 77, 80, 82, 83; available from <http://www.un.org/Docs/journal/asp/ws.asp?m=s/2009/253>. See also U.S. Department of State, “Country Reports- 2009: DRC,” section 1g.

¹¹⁹⁶ U.S. Embassy- Kinshasa official, E-mail communication to USDOL official, November 4, 2010. See also UN Security Council, *Final Report UN Group of Experts - DRC*, para 315-317.

¹¹⁹⁷ 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 U.S. Department of State, “Country Reports- 2009: DRC,” sections 1g and 7c. 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>.

¹¹⁹⁸ UN Security Council, *Final Report UN Group of Experts - DRC*, para 317.

¹¹⁹⁹ UN Security Council, *Interim Report UN Group of Experts - DRC*, para 79. See also U.S. Department of State, “Country Reports- 2009: DRC,” section 1g. 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>.

¹²⁰⁰ Human Rights Watch, *What Future? Street Children in the Democratic Republic of the Congo*, Volume 18, No. 2 (A), New York, April 2006, 28, 29, 30, and 33; available from <http://www.hrw.org/sites/default/files/reports/drc0406webwcover.pdf>.

¹²⁰¹ *Ibid.*, 28, 33. See also U.S. Department of State, “Country Reports- 2009: DRC,” section 7d. See also U.S. Embassy- Kinshasa, *reporting*, February 1, 2010, para 4.

¹²⁰² 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>.

¹²⁰³ U.S. Department of State, “Democratic Republic of the Congo (Tier 2 Watch List),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>. See also UN Committee on the Rights of the Child, *States Reports: Democratic Republic of the Congo*, para 189, 196.

¹²⁰⁴ Government of the Democratic Republic of the Congo, *Loi no. 015/2002 du 16 Octobre 2002 portant Code du Travail*, article 133; available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/62645/52447/F1638018233/COD-62645.pdf>. See also Government of the Democratic Republic of the Congo, *Arrêté Ministériel No. 12/CAB.MIN/TPSI/045/08 du 08 Aout 2008*, articles 2, 8(d), 13(13).

¹²⁰⁵ Government of the Democratic Republic of the Congo, *Code du Travail*, article 326.

¹²⁰⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, *Individual Observation Concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Democratic Republic of the Congo (ratification 2001)*, [online] 2009 [cited December 6, 2010], 4; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

¹²⁰⁷ Government of the Democratic Republic of the Congo, *Arrêté Ministériel No. 12*, articles 8 and 10, article 13(3) and article 8(c). See also ILO Committee of Experts on the Application of Conventions and Recommendations, *Individual Observation Concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Democratic Republic of the Congo (ratification 2001)*, 4.

¹²⁰⁸ Government of the Democratic Republic of the Congo, *Loi no. 06/018 du 12 Juillet 2006 modifiant et completant le Decret du 30 janvier 1940 portant Code penal congolais*, article 174(j); available from http://www.droitcongolais.info/iii_droit_penal__proc_congo.html. See also U.S. Department of State, “Democratic Republic of the Congo (Tier 2 Watch List),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/123135.htm>. See also UN Committee on the Rights of the Child, *States Reports: Democratic Republic of the Congo*, para 199.

¹²⁰⁹ Government of the Democratic Republic of the Congo, *Loi no. 09/001 du Janvier 2009 portant Protection de L’Enfant*, article 53, 61; available from <http://www.leganet.cd/Legislation/JO/2009/L.09.001.10.01.09.htm>.

¹²¹⁰ Government of the Democratic Republic of the Congo, *Code du Travail*, article 3(a).

¹²¹¹ Government of the Democratic Republic of the Congo, *Constitution de la Republique Democratique du Congo*, article 190; available from <http://www.presidentrdrdc.cd/constitution.html>. See also Government of the Democratic Republic of the Congo, *Loi no. 04/023 du 12 Novembre*

2004; *Portant Organisation Generale de La Defense et Des Forces Armees*, article 7; available from http://www.droitcongolais.info/iv_securite.html

¹²¹² Coalition to Stop the Use of Child Soldiers, *Mai Mai Child Soldier Recruitment and Use: Entrenched and Unending*, London, February 2009, 11-12; available from <http://www.child-soldiers.org/regions/country?id=50>. See also Government of the Democratic Republic of the Congo, *Loi no. 09/001: Protection de L'Enfant*, article 71.

¹²¹³ Coalition to Stop the Use of Child Soldiers, *Mai Mai Child Soldier Recruitment*.

¹²¹⁴ UN Committee on the Rights of the Child, *States Reports: Democratic Republic of the Congo*, para 188.

¹²¹⁵ U.S. Embassy- Kinshasa, *reporting, February 1, 2010*, paras 10 and 16.

¹²¹⁶ *Ibid.*, para 9.

¹²¹⁷ *Ibid.*

¹²¹⁸ *Ibid.*

¹²¹⁹ *Ibid.*, para 19.

¹²²⁰ *Ibid.*, para 11.

¹²²¹ *Ibid.*, para 12 and 13.

¹²²² UN Security Council, *Final Report UN Group of Experts - DRC*, paras 321-322.

¹²²³ U.S. Department of State, "Trafficking in Persons Report- 2010: Democratic Republic of the Congo". See also U.S. Department of State, "Country Reports- 2009: DRC," section 6.

¹²²⁴ U.S. Department of State, "Trafficking in Persons Report- 2010: Democratic Republic of the Congo".

¹²²⁵ IMF and International Development Association, *Democratic Republic of the Congo; Joint IDA-IMF Staff Advisory Note on the Poverty Reduction Strategy Paper*, World Bank, April 17, 2007, para 1, 3, 361, 363; available from <http://go.worldbank.org/B5SDFTKLV0>. See also International Development Association, *Country Assistance Strategy for the Democratic Republic of the Congo for the Period FY 07- FY 11; Volume 2 - Technical Annexes*, World Bank, November 16, 2007, para 7, 36; available from <http://go.worldbank.org/7BFEJ1PP60>.

¹²²⁶ Multi-Country Demobilization and Reintegration Program, *MDRP Joint Partner Mission Report 2007*, October 30, 2007, paras 2 and 28-30; available from http://www.mdrp.org/doc_rep.htm. See also UNICEF, *UNICEF - Forced Recruitment of Child Soldiers in the DRC*, [online]

2010 [cited July 20, 2010]; available from http://www.unicef.org/infobycountry/media_52762.html.

¹²²⁷ UNICEF, *UNICEF DRC - Forced Recruitment*. See also Coalition to Stop the Use of Child Soldiers, *Democratic Republic of the Congo: Priorities for Children Associated with Armed Forces and Groups*, London, July, 2007, 3; available from <http://www.child-soldiers.org/search?query=congo>.

¹²²⁸ ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflict: An Inter Regional Program*, Technical Progress Report, Geneva, March 2007, 10-11, 46.

¹²²⁹ U.S. Department of State, "Country Reports- 2009: DRC," section 6.

¹²³⁰ *Ibid.*

¹²³¹ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Democratic Republic of the Congo*, CRC/C/CO/2, Geneva, February 10, 2009, paras 68 and 72; available from <http://tb.ohchr.org/default.aspx>. See also ILO Committee of Experts on the Application of Conventions and Recommendations, *Individual Observation Concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Democratic Republic of the Congo (ratification 2001)*, 5-6.

¹²³² 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; available from <http://www.un.org/Docs/sc/sgrep08.htm>. See also Coalition to Stop the Use of Child Soldiers, *Priorities for Children*, 6-7.

¹²³³ UN Security Council, *Report of the Secretary-General on children and armed conflict - S/2008/693*, para 105. See also Coalition to Stop the Use of Child Soldiers, *Priorities for Children*, 13.

¹²³⁴ USDOL, *Technical Cooperation Summary: Reducing the Exploitation of working Children through Education*, 2010; available from http://www.dol.gov/ilab/projects/sub-saharan_africa/DRC_CECL.htm#.

¹²³⁵ UNICEF, *UNICEF - Congo, Democratic Republic of the - Background*, [online] 2010 [cited September 7, 2010]; available from http://www.unicef.org/infobycountry/drcongo_636.html.

¹²³⁶ UN Committee on the Rights of the Child, *Concluding Observations: Democratic Republic of the Congo*, para 76.

¹²³⁷ *Ibid.*, para 77.