

In 2013, the Democratic Republic of the Congo made no advancement in efforts to reduce the worst forms of child labor. The Government is receiving a “No Advancement” assessment because some elements of the Congolese National Army continue to abduct and forcibly recruit children for use in armed conflict, labor, and sexual exploitation. The Government released results from the National Survey on the Situation of Children and Adolescents Outside of School, issued two directives that provide protections to children affected by armed conflict, and launched a project to combat child labor in the mining sector. However, children in the Democratic Republic of the Congo also continue to engage in child labor in agriculture and in the worst forms of child labor in the forced mining of gold, cassiterite (tin ore), coltan (tantalum ore), and wolframite (tungsten ore).



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in the Democratic Republic of the Congo are engaged in child labor in agriculture and in the worst forms of child labor in the forced mining of gold, cassiterite (tin ore), coltan (tantalum ore), and wolframite (tungsten ore). Children are also abducted and forcibly recruited for use in armed conflict. (1-7) Table 1 provides key indicators on children’s work and education in the Democratic Republic of the Congo.

Table 1. Statistics on Children’s Work and Education

Children	Age	Percent
Working (% and population)	5-14 yrs.	16.9 (3,327,806)
Attending School (%)	5-14 yrs.	67.1
Combining Work and School (%)	7-14 yrs.	16.2
Primary Completion Rate (%)		72.8

Source for primary completion rate: Data from 2012, published by UNESCO Institute for Statistics, 2014.(8)

Source for all other data: Understanding Children’s Work Project’s analysis of statistics from Multiple Indicator Cluster Survey 4, 2010.(9)

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, activities unknown* (10, 11)
Industry	Mining† of diamonds, copper, heterogenite (cobalt ore), gold, cassiterite (tin ore), coltan (tantalum ore), and wolframite (tungsten ore) (10-24)
	Work in quarries,‡ breaking stone into gravel* (1, 11, 25)
Services	Domestic work (1, 2, 10, 26)
	Work in bars* and restaurants* (11)
	Street work, including vending, carrying packages, and unloading buses (10, 27, 28)
Categorical Worst Forms of Child Labor‡	Forced mining of gold, cassiterite, coltan, and wolframite (11-15, 18, 29)
	Commercial sexual exploitation (11, 27, 30-32)
	Hereditary servitude in forestry and agriculture (1, 32, 33)
	Use of children in illicit activities, such as spying and distributing drugs (10, 34)
	Use of child soldiers, sometimes as a result of forced recruitment and human trafficking (11, 32, 35-40)

* Evidence of this activity is limited and/or the extent of the problem is unknown.

† 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.

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In 2013, some members of the Congolese National Army (FARDC) and armed groups, including rebel groups, continued to abduct and recruit children to be used in their units.(11, 34, 40, 41) Children associated with armed groups may be forced to serve as combatants and bodyguards for army commanders, as well as porters, spies, miners, domestic servants, and sex slaves. Children also monitor military check points and are used during looting expeditions.(10, 11, 32, 34, 41-46) The Lord's Resistance Army also abducted children from the Democratic Republic of the Congo for service in Sudan, in South Sudan, and in the Central African Republic.(32, 45) In addition, children were recruited and abducted for service in the Democratic Republic of the Congo from Rwanda by the March 23 Movement (M23) rebel group, and from Uganda by the Allied Democratic Forces/National Army for the Liberation of Uganda.(32, 34, 36, 39, 40, 46) Children also engage in commercial sexual exploitation, many starting at age 12.(47)

Armed conflict hinders children's access to education in the eastern region of the Democratic Republic of the Congo. Children are forcibly recruited from schools to serve as child soldiers, and some are victims of sexual violence on their way to and from school.(28, 34, 48) Many schools have closed or have been destroyed because of armed conflict.(11, 40, 48) Some schools are also physically occupied by armed forces and used as barracks and operations bases, which places children in the vicinity at risk of engaging in the worst forms of child labor.(39, 40, 48) In addition, the lack of schools and the long travel distances to get to schools prevents children from receiving an education.(49)




Access to education is further constrained by the lack of birth registration. According to the Government's Multiple Indicator Cluster Survey in 2010, only 29 percent of children in rural areas and 24 percent in urban areas are registered at birth.(50) Unable to prove citizenship, nonregistered children may have difficulty accessing services such as education and are more vulnerable to being recruited into armed conflict and other forms of child labor.(32) Approximately 2.9 million people were internally displaced in the Democratic Republic of the Congo in 2013.(51) Internally displaced children may have difficulty accessing education, which puts them at increased risk of engaging in child labor.

In 2013, results were reported from the National Survey on the Situation of Children and Adolescents Outside of School in the Democratic Republic of the Congo.(52) The results showed that children residing in rural areas and in the Katanga province are more likely to work.(52) There has never been a comprehensive, stand-alone child labor survey conducted in the Democratic Republic of the Congo. In addition, the Government's efforts to collect data on children involved in armed conflict remains incomplete.(43)

II. LEGAL FRAMEWORK ON THE WORST FORMS OF CHILD LABOR

The Democratic Republic of the Congo has ratified all 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 relevant laws and regulations related to child labor (Table 4).

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	16	Article 6 of the Labor Code; Article 50 of the Child Protection Code (Law 09/001) (53, 54)
Minimum Age for Hazardous Work	Yes	18	Article 10 of Ministerial Order No. 12 (55)
List of Hazardous Occupations Prohibited for Children	Yes		Ministerial Order No. 68/13; Articles 10-16 of Ministerial Order No. 12 (55, 56)
Prohibition of Forced Labor	Yes		Article 2 of the Labor Code; Article 53 of the Child Protection Code (Law 09/001); Articles 16 and 61 of the Constitution; Article 8 of Ministerial Order No. 12 (53-55, 57)
Prohibition of Child Trafficking	Yes		Article 3 of the Labor Code; Articles 53 and 162 of the Child Protection Code (Law 09/001); Article 174 of the Penal Code (Law 06/018); Article 8 of Ministerial Order No. 12 (53-55, 58)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 3 of the Labor Code; Articles 53 and 61 of the Child Protection Code (Law 09/001); Article 174 of the Penal Code (Law 06/018); Article 8 of the Ministerial Order No. 12 (53-55, 58)
Prohibition of Using Children in Illicit Activities	Yes		Article 3 of the Labor Code; Article 8 of Ministerial Order No. 12; Article 53 of the Child Protection Code (Law 09/001) (53-55)
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Yes	18	Articles 7 and 10 of Act No. 04/23; Article 71 of the Child Protection Code (Law 09/001) (53, 59, 60)
Compulsory Education Age	Yes	15	Act No. 86/005 (61, 62)
Free Public Education	Yes		Article 43 of the Constitution (57)

* No conscription or no standing military.

The laws of the Democratic Republic of the Congo are not completely consistent with international standards regarding child labor. Penalties in the Labor Code outlined for the use of forced or compulsory labor are low and do not deter violations. Article 326 of the Labor Code provides for a maximum penalty for the use of forced or compulsory labor of up to 6 months' imprisonment and/or a fine.(44)

Children are required to attend school only until age 15. This standard makes children age 15 particularly vulnerable to the worst forms of child labor, as they are not required to be in school but are not legally permitted to work either.(53, 62) Although the Constitution establishes the right to free education, school fees are still required in Kinshasa and Lubumbashi. It is also unclear whether President Kabila's 2009 declaration—that primary school fees would no longer be required outside of Kinshasa and Lubumbashi—is being implemented and why school fees would be required in those provinces.(29, 49, 57) Children engage in various kinds of work to pay school fees and compensate underpaid teachers, including in work in artisanal mining and on their teachers' farms.(20, 29) The cost of uniforms may also deter children's enrollment.(63) In addition, because the compulsory education law is not systematically enforced, children may enter the work force and may engage in worst forms of child labor activities.(61) Enacted laws in the Democratic Republic of the Congo are usually not followed by the issuance of implementing decrees, and the Government does not promote awareness of its laws. As a result, many enacted laws are not implemented effectively.(28)

In 2013, the Government issued two directives that protect children affected by armed conflict. The first directive, NVPM/MDNAC/CAB/0909/2013, prohibits the recruitment of children for armed conflict and the use of schools for military purposes.(40, 41) The second directive, N05/00/CAG/ANR/195/2013, requires that all children in detention for their association with armed groups be transferred to UN child protection agencies for reintegration.(40, 41)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

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Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor (MOL)	Investigate cases related to the worst forms of child labor.(10, 41)
Ministry of Social Affairs, Humanitarian Action, and National Solidarity (MINAS)	Investigate child trafficking cases and receive referrals of child workers found during inspections and reunite these children with their families.(5, 10)
MINAS' Department of Child Protection	Operate a database to monitor and coordinate children's rights activities and implement programs targeting orphans and vulnerable children.(30, 64)
Ministry of Gender, Family, and Children (MoGFC)	Investigate cases related to the commercial sexual exploitation of children.(29, 41)
Ministry of Justice (MOJ)	Enforce criminal laws related to forced labor, trafficking, commercial sexual exploitation, and the use of children in illicit activities.(10, 41)
National Police	Enforce laws related to the worst forms of child labor.(5)

Criminal law enforcement agencies in the Democratic Republic of the Congo took actions to combat child labor, including its worst forms. However, research found no evidence that labor law enforcement agencies took such actions.

Labor Law Enforcement

In 2013, the Government employed 200 labor inspectors; 75 percent of these were women posted in Kinshasa.(10) There are also 20 labor controllers in the Katanga mining region.(5) According to the Government, the number of labor inspectors is not sufficient given the size of the country.(5) Labor inspectors often do not have adequate staff, facilities, and means of transportation to conduct inspections.(5, 41, 65) Labor inspectors did not receive training on the worst forms of child labor during 2013.(10) The Ministry of Labor (MOL) also does not have a system to track child labor complaints. Each inspector is required to prepare one annual inspection report, but this report does not necessarily include information on child labor.(29) Information on the number of complaints, inspections, citations, and prosecutions is not publicly available.(10) The Government does not facilitate cooperation between the inspection services and the justice system, resulting in a lack of information on whether penalties were applied to labor violations.(66) In 2012, the last date for which information is available, the Ministry of Social Affairs, Humanitarian Action, and National Solidarity (MINAS) Department of Child Protection (DISPE) employed 57 people at the national level and 8 at the provincial level.(64)

Criminal Law Enforcement

Research found no information on whether MINAS investigated cases of child trafficking, or whether there were any trafficking prosecutions or convictions during the year.(10, 64) Research was also unable to uncover whether MINAS employees had received training. A source indicates that the MINAS staff have limited professional experience and high turnover.(30)

The Ministry of Justice (MOJ) and the Ministry of Gender, Family, and Children (MoGFC) have not investigated cases involving the worst forms of child labor.(10) Investigators in the MoGFC and the MOJ were not trained on the worst forms of child labor during the reporting period.(10) In 2012, the last date for which information is available, the MOJ was allocated a budget of less than 2 percent of the national budget, an increase of 1 percent from 2011.(64, 67) The Government lacks procedures for identifying victims of the worst forms of child labor and referring them to social services.(32)

In 2013, the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), with support from the IOM and police, held two workshops in Kisangani to raise awareness among 300 female police officers on how to combat commercial sexual exploitation.(45) MONUSCO also established four police commissariats of special police to protect women and children in Kisangani. The commissariats were provided with vehicles, motorbikes, and computer equipment.(45) In addition, MONUSCO trained approximately 49 police officers and 1,182 FARDC personnel in child protection and children's rights during the year.(45)

During the reporting period, Bosco Ntaganda, the former leader of the M23 rebel group, was transferred to the International Criminal Court for crimes against humanity, including the recruitment of child soldiers.(11, 41) As a

result of the military defeat of the M23 rebel group and actions against the Mayi Mayi Cheka armed group in North Kivu, 268 children were released to the FARDC; they were later transferred to the UN's Country Task Force on Monitoring and Reporting.(68) However, the FARDC's lack of control over some of its commanders has led to the continued recruitment of child soldiers in 2013.(41) In addition, some children association with armed groups were detained, interrogated, and beaten, despite the passing of Directive N05/00/CAG/ANR/195/2013, which requires that all children in detention for their association with armed groups be transferred to the UN.(40, 41)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 6).

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
National Committee to Combat the Worst Forms of Child Labor (NCCL)	Coordinate activities 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.(29, 64) Led by the MOL and composed of members from MINAS, MOJ, local NGOs, and civil society.(10)
Executive Committee of the National Program to Demobilize, Disarm, and Reintegrate (DDR)	Coordinate the identification, verification, and release of child soldiers, with assistance from MONUSCO, UNICEF, and partner NGOs.(69)
Provincial Worst Forms of Child Labor Committees in Kasai Oriental province, Kolwezi, and Mongbwalu	Coordinate activities to combat child labor at the provincial level.(13, 64, 70)

During the reporting period, the National Committee to Combat the Worst Forms of Child Labor (NCCL) did not receive funding from the Government.(10) In 2010, the MOL issued a decree nominating members for the NCCL's permanent secretariat. However, research found no evidence demonstrating that this decree had been implemented or whether the NCCL met in 2013.(29, 64, 71) In October 2013, the Government published a decree authorizing the creation of committees to combat child labor at the provincial level.(10) However, the Government has not funded the three existing provincial committees.(13, 64)

In 2011, the Government, representatives of artisanal miners, mineral buyers and traders, and civil society groups signed a code of conduct to increase transparency and prohibit the employment of children in mines. Research did not uncover whether the code of conduct was implemented in 2013.(64, 72)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of the Democratic Republic of the Congo has established policies related to child labor, including its worst forms (Table 7).

Table 7. Policies Related to Child Labor

Policy	Description
National Action Plan to Combat the Worst Forms of Child Labor (2011)	Aims to eliminate the worst forms of child labor in the Democratic Republic of the Congo by 2020. Promotes the enforcement of legislation on the worst forms of child labor, awareness raising, education, prevention and reintegration services, and monitoring and evaluation efforts.(29, 35)
UN-Backed Action Plan to End the Recruitment and Use of Child Soldiers (2012–2020)	Seeks to end the recruitment and use of child soldiers within the Government's armed forces and security services. Implemented by the Ministry of Defense, the four components of this action plan include identifying children serving in the armed forces, providing reintegration services to those children, establishing accountability measures against the perpetrators, and creating a partnership framework for the UN and the Government.(10, 39, 41, 73, 74)
National Action Plan for Orphans and Vulnerable Children (2010–2014)*	Aims to provide orphans and vulnerable children with improved access to education and psychosocial, medical, and nutritional support.(30, 75, 76)
Growth and Poverty Reduction Strategy Paper (2011–2015)*	Seeks to improve living conditions and access to social services for vulnerable groups, including children, by 2015.(49)

*The impact of this policy on child labor does not appear to have been studied.

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The National Action Plan to Combat the Worst Forms of Child Labor has not been financed by the Government. As a result, implementation is dependent on external support, which has not been received.(10, 64) In addition, although three provincial committees have action plans to combat the worst forms of child labor, no information could be obtained to assess the implementation of those plans.(29, 64)

Although the Government continued to make efforts to release child soldiers from its armed units, certain elements of the FARDC continued to recruit children into the armed forces, which diminished the impact of government policies to combat the worst forms of child labor.(10, 40, 41) The UN documented 1,023 cases of children who were both recruited and separated from armed groups in 2013; 113 of these children were from the FARDC.(41)

VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, the Government of the Democratic Republic of the Congo funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

Program	Description and Objectives
Program to Demobilize, Disarm, and Reintegrate	2-year Government program receiving support from USAID, the World Bank, Sweden, and Japan; aims to reintegrate children associated with armed groups in North and South Kivu.(29) By mid-September, 2,234 children had received support.(5, 45) Approximately 30 children formerly associated with armed groups were also released from government detention centers during the reporting period.(45) In December 2013, the Government adopted the third national DDR program referred to as the PNDDR III.(68)
Program to Assist Children Formerly Associated with Armed Groups	UNICEF-implemented program that assisted vulnerable children and children formerly associated with armed groups with economic strengthening interventions through November 2013.(77)
Global Action Program on Child Labor Issues Project	USDOL-funded project implemented by the ILO in approximately 40 countries, to support the priorities of the Roadmap for Achieving the Elimination of the Worst Forms of Child Labor by 2016 established by the Hague Global Child Labor Conference in 2010. Aims to build the capacity of the national government and develop strategic policies to address the elimination of child labor in the Democratic Republic of the Congo.(78)
Growth with Governance in the Mineral Sector Project†‡	Government implemented project that aims to eliminate child labor and the presence of children from mines in Kolwezi by raising awareness of child labor among parents and by providing children with extracurricular activities, income-generating activities, school catch-up classes, and school clubs.(79)
Rights Initiative to Enhance Worker Rights in the Kivus	\$692,988 USDOS-funded program collected information on forced labor, supported the identification and remediation of labor law violations in the mining sector, and provided livelihood opportunities to exploited workers, including child laborers. Implemented from October 2011 to September 2013.(80)
Street Children Project	\$10 million World Bank- funded, 5-year project to prevent children from engaging in street work and provide support services for street children.(30)
School Rehabilitation Project*†‡	Government project that provided \$100 million to rehabilitate 1,000 schools across the country.(81)

* The impact of this program on child labor does not appear to have been studied.

† Program was launched during the reporting period.

‡ Program is funded by the Government of the Democratic Republic of the Congo.

The Democratic Republic of the Congo's programs to assist child soldiers are not sufficient to fully address the extent of the problem. The Program to Demobilize, Disarm, and Reintegrate (DDR) does not provide sufficient resources to support reintegration services.(65, 82) More than half of the child soldiers returning from armed conflict do not have access to reintegration services, and the programs available do not respond to the medical, psychological, and economic needs of former child soldiers.(43) Limited evidence also suggests that girls do not enter the DDR because they fear being stigmatized and they lack awareness about their rights and options.(34, 46) The UN and other organizations have called on the Government to make the DDR more accessible and effective for girls.(43, 83)

Despite the Katanga Provincial Ministry of Interior's effort to manage a center for street children in Lubumbashi, children continued to live and work on the streets. There is a need for the Government to strengthen its efforts to provide street children with food, shelter, and health care.(27, 28, 64, 82)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in the Democratic Republic of the Congo (Table 9).

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Laws	Raise penalties for the use of forced or compulsory labor to deter violations.	2013
	Raise the compulsory education age to 16 to be equivalent to the minimum age for work.	2013
	Issue decrees to ensure that enacted laws are implemented.	2013
Enforcement	Implement provisions that establish free and compulsory education.	2009 – 2013
	Cease the forcible recruitment, abduction, and use of children by elements of the FARDC.	2009 – 2013
	Implement the code of conduct that prohibits the employment of children in mines.	2012 – 2013
	Systematically collect, monitor, and make available information on complaints, inspections, citations, prosecutions, and application of penalties.	2009 – 2013
	Ensure that personnel within the MOJ, MoGFC, MOL, and MINAS receive sufficient funding to carry out their mandates and are trained on the worst forms of child labor.	2011 – 2013
	Establish procedures for identifying victims of the worst forms of child labor and for referring them to social services.	2013
	Implement directive N05/00/CAG/ANR/195/2013, which requires that children in detention for their association with armed groups be handed over to UN child protection actors for reintegration.	2013
Coordination	Implement the 2010 decree to nominate members of the NCCL's permanent secretariat and ensure the NCCL meets on a regular basis.	2013
	Establish committees to combat the worst forms of child labor in all provinces and ensure that they and the NCCL are funded.	2012 – 2013
Government Policies	Ensure the continued implementation of the action plan to end the recruitment and use of child soldiers by releasing all children associated with the FARDC and ensuring their release by other armed groups.	2009 – 2013
	Provide funds for the implementation of local and national plans to combat the worst forms of child labor.	2011 – 2013
	Assess the potential impact of existing policies on addressing the worst forms of child labor.	2009 – 2013
Social Programs	Conduct a standalone child labor survey.	2013
	Provide resources to support efforts to collect data on children involved in armed conflict.	2012 – 2013
	Integrate gender concerns into programs to demobilize and reintegrate children associated with armed groups.	2009 – 2013
	Raise awareness of relevant child labor laws to increase the likelihood of compliance.	2012 – 2013
	Provide sufficient resources to existing programs and expand efforts to address the needs of former child soldiers and children working on the streets.	2009 – 2013
	Improve access to education by registering all children at birth, developing programs that assist internally displaced children, building additional schools, and ensuring that schools are safe.	2012 – 2013
	Assess the potential impact of existing social on addressing the worst forms of child labor.	2013

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