

In 2011, the Democratic Republic of the Congo made no advancement in efforts to reduce the worst forms of child labor. The Government has several laws and regulations that address the worst forms of child labor and adopted a National Action Plan to Combat the Worst Forms of Child Labor. However, poorly integrated elements of the Congolese National Army and armed units abducted and forcibly recruited children for armed conflict and sexual exploitation. In addition, the compulsory education requirement is both unclear and not enforced, which makes children vulnerable to the worst forms of child labor. Children continue to engage in the worst forms of child labor in dangerous agricultural activities and mining, including under conditions of forced labor in the mining of gold, cassiterite (tin ore) and coltan (tantalum ore).



Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	25.8 (4,692,293)
Attending School	5-14 yrs.	59.8
Combining Work and School	7-14 yrs.	21.7
Primary Completion Rate		58.7

Sources:

Primary completion rate: Data from 2010, published by UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis of statistics from DHS Survey, 2007.(2)

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.(3-5) Children's work in agriculture commonly involves long hours, physically arduous tasks, dangerous tools and a high risk of occupational injury.(6)

Children mine diamonds, copper, gold, heterogenite (cobalt ore) and wolframite (tungsten ore). Children are also forced to mine gold, cassiterite (tin ore) and coltan (tantalum ore).(5, 7-16) There are reports that children also are forced to work in quarries, breaking stones into gravel.(3, 5, 17, 18) In mining areas children sift, clean, sort, transport heavy loads and dig underground.(19-22) Children working in mines face heightened risks of disease, lack adequate shelter and are subject to fatal accidents from the collapse of mineshafts.(9)

In 2011, armed groups, including rebel groups and members of the Congolese National Army (FARDC), continued to recruit and use children in their units.(5, 18, 23-26) In 2009, children were recruited into armed units that provide security for government agencies, such as the Republican Guard. It is unclear if this practice continued in 2011.(5, 25) Children associated with armed groups may be forced to serve as combatants, porters, spies, miners, domestic servants and sex slaves.(3, 5, 7, 27-30) Some children who have been released suffered re-recruitment; girls are reportedly less likely to be released by the armed groups.(31, 32) Armed militia groups abducted and recruited children from Uganda, and possibly Burundi and Rwanda, for service in the Democratic Republic of the Congo.(25, 33, 34)

Children also work as domestic servants.(3-5) Such children may work long hours, and their isolation in homes makes them susceptible to sexual abuse.(35) Children living on the streets sell food and water, carry packages, unload buses, engage in prostitution and distribute drugs and alcohol.(18, 36-38) These activities expose them to various forms of exploitation, including physical abuse, intimidation and theft.(39) According to a 2010 World Bank study, there are reports of more than 500 new cases of children living and working on the streets of Kinshasa each month.(36) In mining areas, markets, and brothels, children are compelled to engage in prostitution.(5, 9, 40) There are also reports that children of indigenous persons and pygmies may be born into slavery.(3, 14, 41) The Ministry of Labor reports that many children accused of witchcraft are forced onto the streets and may work for religious authorities.(5)

Congo, Democratic Republic of the

In the Democratic Republic of the Congo, many children are compelled to engage in various kinds of work, such as artisanal mining and work on their teacher's farms to pay school fees and compensate underpaid teachers.(5, 8) In addition, access to education is hindered by sexual violence and armed conflict. Children are forcibly recruited from schools to serve as child soldiers and some are victims of sexual violence on school grounds.(18, 42, 43) Many schools have also closed due to armed conflict. For example, according to UNICEF in 2008, 85 percent of all schools in the conflict zone of North Kivu are closed.(14)

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.(44, 45) The Labor Code prohibits forced labor and the worst forms of child labor and defines penalties for employing children in hazardous work.(44) However, the Labor Code only applies to children working for an employer. This leaves many self-employed children unprotected and vulnerable to labor abuses.(44, 46)

	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	15
	Free Public Education	Yes

Ministerial Order No. 68/13 of 1968 prohibits the use of children in the extraction of minerals and debris from mines, quarries and earthworks.(47) Ministerial Order No. 12 of 2008 contains a list of hazardous activities prohibited for children under age 18; it includes transporting heavy loads, work below ground, under water and at dangerous heights, and in illicit

activities.(45, 47) Law No. 06/018 of 2006 criminalizes the trafficking and sexual exploitation of children.(9, 48) The Child Protection Code (Law 09/001) prohibits child slavery, child trafficking, child prostitution and child pornography; it also forbids the accusation of witchcraft. Such accusations force many children onto the streets.(14, 49)

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.(44) The 2006 Constitution bans the use of children in military activities, and Act No. 04/23 of December 2004 prohibits the recruitment of anyone under age 18 into the national armed forces.(50-52) The Child Protection Code of January 2009 also prohibits the recruitment and use of children in armed groups, and defines government responsibility for demobilizing and reintegrating child soldiers.(49, 53)

The Constitution also establishes the right to free education and in September 2010, President Kabila declared that primary school fees would no longer be required outside of Kinshasa, Katanga and Bas Congo Provinces.(5, 18, 50) However, it is unclear if this declaration is being implemented and why the effort to drop school fees would only apply outside those provinces. The Government has reported to the UNESCO Institute of Statistics that school is compulsory for children until age 11; however, other sources report that school is compulsory for children until the age of 15 by Act No. 86/005 of 1986. As this law is not systematically enforced, children are more likely to enter the worst forms of child labor.(18, 42, 46, 54) The costs of books and uniforms also continue to deter enrollment.(55)

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.(5, 9) In 2010, the Minister of Labor issued a decree nominating members for the NCCL's permanent secretariat. However, research found no evidence as to whether this decree was implemented in 2011. In addition, the NCCL's approved work plan has not been financed by the Government.(5, 56)

The Executive Unit of the National Program to Demobilize, Disarm and Reintegrate (DDR) 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.(57) The Government of the Democratic Republic of Congo also established a joint commission to coordinate child protection interventions targeting orphans and vulnerable children. The commission comprises government ministries, NGOs and donors.(36)

The Government has also 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.(10, 30) The Government has not provided the committees with financial support.(10)

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.(58) In Katanga Province, local authorities and miners' associations post signs indicating that children are prohibited from entering the mines.(8) It is still too early to assess whether these strategies are effective in reducing the number of children engaged in mining.

The Ministry of Labor is the primary agency responsible for investigating the worst forms of child labor.(5) The Government of the Democratic Republic of Congo employs 150 labor inspectors across the country, including 10 inspectors and 9 labor controllers in the Katanga mining region. Labor inspectors often do not have adequate staff and lack the transport to conduct inspections.(5, 57, 59) The Ministry of Labor 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.(5) Research found no evidence that the Government of the Democratic Republic of Congo had completed labor investigations in 2011.(5)

The Ministry of Social Affairs, Humanitarian Action and National Solidarity (MINAS) is charged with investigating child trafficking cases.(5) 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. However, the Ministry of Gender, Family and Children and the Ministry of Justice have not investigated cases involving the commercial sexual exploitation of children or the use of children in illicit activities.(5) In addition, research found no evidence that the Government provided personnel within these Ministries with training on the worst forms of child labor.

The MINAS's Department of Child Protection (DISPE) is responsible for programs for orphans and vulnerable children.

The DISPE also operates a database to monitor and coordinate children rights activities. In 2009, the last date for which information is available, the DISPE employed 57 people at the national level and eight at the provincial level.(36) Reports indicate that the MINAS staff have limited professional experience and high turnover.(36)

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.(30, 60) During the reporting period, the Government of the Democratic Republic of the Congo provided training to some police and military personnel on preventing the use of child soldiers, but it did not prosecute any military officers for conscripting or using children for armed conflict.(5, 26)

Government Policies on the Worst Forms of Child Labor

During the reporting period, the NCCL approved the National Action Plan to Combat the Worst Forms of Child Labor, which aims to eliminate the worst forms of child labor in the Democratic Republic of the Congo by 2020.(5, 26) The Plan promotes the enforcement of legislation on the worst forms of child labor, awareness raising, education, prevention and reintegration services, and monitoring and evaluation efforts to combat the worst forms of child labor. However, as the NCCL's approved work plan has not been financed by the Government, implementation is dependent on external support, which has not been received.(5) In addition, although three provincial committees have annual work plans to combat the worst forms of child labor, no information could be obtained to assess their implementation.(30, 57)

The MINAS developed a National Action Plan for Orphans and Vulnerable Children.(36) The Government's Poverty Reduction Strategy Paper and Five Pillars Program promote 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.(5, 61, 62)

In 2011, the Government of the Democratic Republic of the Congo continued to implement its National Program to Demobilize, Disarm and Reintegrate former combatants, including children.(5, 63, 64) However, certain elements of the FARDC, many of whom were integrated units outside of government control, continued to recruit children into the armed forces, which diminished the impact of the Government's policies to combat the worst forms of child labor.

Congo, Democratic Republic of the

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

In 2011, the Government, with support from USAID, the World Bank, Sweden and Japan, initiated a 2-year DDR Program, which aims to reintegrate 1,556 children associated with armed groups in North and South Kivu. The Government collaborated with the EU to implement an army census program that created a standardized database of Congolese soldiers using identification cards. The program allowed the Government to demobilize child soldiers as they are identified.(5) The Government also concluded a program in 2011 that assisted survivors of sexual and gender based violence, victims of trafficking and children associated with armed groups.(65) In 2011, UNICEF placed 2,855 children associated with armed groups in foster families and enrolled 5,403 in reintegration programs.(5, 66)

The UN Committee on the Rights of the Child and the ILO Committee of Experts note that the Government's DDR strategy does not provide sufficient resources to ensure the full recovery and economic reintegration of children associated with armed forces.(59, 67) Reports also indicate that girls do not enter the DDR process because of a fear of stigmatization and a lack of awareness about their rights and options.(25, 32, 68) The UN and other organizations have called on the Government to make the DDR process more accessible and effective for girls.(68, 69)

The Democratic Republic of the Congo participated in a regional project, funded by the Government of Italy at \$1 million from January 2008 to June 2011, which supported research on child labor and the development of the National Action Plan to Combat the Worst Forms of Child Labor.(70)

The Katanga Provincial Committee to Combat the Worst Forms of Child Labor also conducted awareness raising to combat child labor during the reporting period.(5)

From October 2010 to September 2011, the Government of the Democratic Republic of the Congo participated in a project implemented by UNICEF to withdraw and prevent 3,000 children from mining activities by improving access to basic social services.(5) The Government and UNICEF also raised public awareness on child labor in mining.(5)

In 2011, the Democratic Republic of the Congo began participating in the USDOL-funded, 4-year Global Action Program on Child Labor Issues. This \$15 million multi-region project aims to build the capacity of national governments and develop strategic policies to address the elimination of child labor and forced labor, support data collection and research, and strengthen legal protections and social service delivery for child domestic workers.(71)

The Democratic Republic of the Congo participated in several initiatives to assist children working and living on the streets. The Government participated in a 5-year, \$10 million project funded by the World Bank to prevent and provide support services for street children.(36) The Government also participated in a USAID-funded \$6.6 million project, which ran from 2006 to 2011, to raise awareness about the situation of vulnerable children and support family reunification for separated and abandoned children.(5) In addition, the Katanga Provincial Ministry of Interior continued to support and manage a center for street children in Lubumbashi.(30, 57) Despite these efforts, 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 health care.(38, 67)

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

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Provide legal protection to self-employed children.	2010, 2011
	Implement the constitutional provision, which establishes free education.	2009, 2010, 2011
	Ensure that the higher compulsory education age provided for in Act No. 86/005 is both recognized as the law and implemented in practice.	2009, 2010, 2011
Coordination and Enforcement	Establish committees to combat the worst forms of child labor in all provinces and provide funding for the National Committee to Combat the Worst Forms of Child Labor and provincial committees.	2009, 2010, 2011

Congo, Democratic Republic of the

Area	Suggested Actions	Year(s) Action Recommended
Coordination and Enforcement	Develop a system to track child labor complaints.	2009, 2010, 2011
	Take the steps needed to complete child labor investigations and to record information on child labor violations.	2009, 2010, 2011
	Provide personnel in the MINAS, the Ministry of Justice, and the Ministry of Gender, Family and Children with training on the worst forms of child labor.	2011
	Ensure that the Ministry of Justice and the Ministry of Gender, Family and Children investigate cases involving the commercial sexual exploitation of children and the use of children in illicit activities.	2009, 2010, 2011
	Cease the forcible recruitment and use of children by elements of the FARDC.	2009, 2010, 2011
	Prosecute military commanders responsible for the abduction and recruitment of children.	2009, 2010, 2011
Policies	Increase implementation of the national demobilization plan, releasing all children associated with the FARDC and seeking the release of children associated with armed groups.	2009, 2010, 2011
	Provide funds for the implementation of local and national plans to combat the worst forms of child labor.	2011
	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.	2009, 2010, 2011
Social Programs	Integrate gender concerns into programs to demobilize and reintegrate children associated with armed groups.	2009, 2010, 2011
	Expand programs to provide post-rescue housing and vocational training to children who were associated with armed groups, to protect children from work in the mining sector and to provide street children with access to adequate food, shelter and medical care.	2009, 2010, 2011

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Congo, Democratic Republic of the

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