

In 2012, the Democratic Republic of the Congo made no advancement in its efforts to reduce the worst forms of child labor. While the Government signed the UN-backed action plan to end the recruitment and use of child soldiers within its armed forces and security services, some elements of the Congolese National Army and armed rebel groups continued to abduct and forcibly recruit children for use in armed conflict, labor, and sexual exploitation. Children continue to engage in the worst forms of child labor in dangerous agricultural activities and mining, and forced labor in the mining of gold, cassiterite (tin ore), coltan (tantalum ore), and wolframite (tungsten ore).



Statistics on Working Children and Education

Children	Age	Percent
Working	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		58.7

Sources:

Primary completion rate: Data from 2010, published by UNESCO Institute for Statistics, 2013.(1)

All other data: Understanding Children's Work Project's analysis of statistics from MICS 4 Survey, 2010.(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.(3-8) Children working in agriculture may use dangerous tools, carry heavy loads, and apply harmful pesticides.(9, 10)

Children mine diamonds, copper, and heterogenite (cobalt ore). Children are also forced to mine gold, cassiterite (tin ore), coltan (tantalum ore), and wolframite (tungsten ore).(8, 11-23) Although information is limited, there are reports that children work in quarries, breaking stones into gravel.(3, 8, 24) In mining areas, children clean, sift, sort, transport heavy loads, and dig underground.(8, 25-28) Children working in mines face heightened risks of disease, lack adequate shelter, and are subject to fatal accidents from the collapse of mineshafts and explosions.(12, 20, 29)

In 2012, some members of the Congolese National Army (FARDC) and armed groups, including rebel groups, continued to abduct, recruit, and use children in their units.(8, 30-34) Children associated with armed groups

may be forced to serve as combatants, bodyguards for army commanders, porters, spies, miners, domestic servants, and sex slaves.(3, 8, 11, 17, 35-39)

The Lord's Resistance Army abducted children from the Democratic Republic of the Congo for service in Sudan, South Sudan, and the Central African Republic.(38) Children were also recruited and forcibly abducted for service in the Democratic Republic of the Congo from Rwanda by the M23 rebel group and from Uganda by the Allied Democratic Forces/National Army for the Liberation of Uganda.(31, 33, 34, 38, 40-44)

Children also work as domestic servants.(3, 4, 17) Such children may be required to work long hours, performing strenuous tasks, without sufficient food or shelter. They may also be isolated in private homes, making them susceptible to physical and sexual abuse.(45, 46) Children working on the streets engage in prostitution and distribute drugs.(47-49) In 2011, the last date for which information is available, UNICEF estimated that there were 30,000 children living on the streets, primarily in Kinshasa.(50) In mining areas, markets, and brothels, children are compelled to engage in prostitution.(5, 17, 38, 51) There are also reports that children of indigenous persons may be born into slavery and forced to work in timber or agriculture.(3, 38, 52, 53) In addition, children are reportedly transported to Angola to be placed into the sex trade and used for forced labor in diamond mines.(38)

Access to education in the eastern Democratic Republic of the Congo is hindered by armed conflict. Children are forcibly

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recruited from schools to serve as child soldiers and some are victims of sexual violence on school grounds.(50, 54-56) Many schools have also closed or been destroyed due to armed conflict. In 2012, UNICEF reported that 600 schools were damaged or looted in conflict areas.(8, 31, 57) In addition, schools are also physically occupied by armed forces and used as barracks and operations bases, which places children in the vicinity at risk of the worst forms of child labor.(8, 34, 58)

Access to education is further constrained by the lack of birth registration. Only 29 percent of children in rural areas are registered at birth and 24 percent in urban areas.(59-62) Unable to prove citizenship, nonregistered children may have difficulty accessing services such as education and are more vulnerable to being recruited into armed conflict. Children also engage in various kinds of work, including in artisanal mining and on their teachers' farms, to pay school fees and compensate underpaid teachers.(17, 22) The cost of books and uniforms also deters enrollment.(63, 64)

Approximately 2.2 million people, half of whom are under 18 years, are internally displaced in eastern DRC as of June 2012. Internally displaced children may have difficulty accessing education, which puts them at increased risk of engaging in child labor.(65)

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.(66, 67) The Labor Code prohibits forced labor and the worst forms of child labor and defines penalties for employing children in hazardous work.(66) However, the Labor Code only applies to children working for an employer. This leaves many self-employed children unprotected and vulnerable to labor abuses.(66, 68)

Ministerial Order No. 68/13 of 1968 prohibits the use of children in the extraction of minerals and debris from mines, quarries, and earthworks.(69) Ministerial Order No. 12 of 2008 contains a list of hazardous activities prohibited for children under age 18; it includes transporting heavy loads and working below ground, under water, at dangerous heights, and in illicit activities.(67, 69) It also permits light work such as herding small animals and selling of nonheavy goods, but it does not prescribe the conditions of employment or the number of hours in which light work may be undertaken.(70) Law No. 06/018 of 2006 criminalizes the trafficking and sexual exploitation of children.(12, 71) The Child Protection Code

(Law 09/001) prohibits child slavery, child trafficking, child prostitution, and child pornography; it also forbids accusing children of witchcraft.(53, 72)

International Conventions and Selected Laws on Child Labor and Education

	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

Several laws prohibit the use of children in armed conflict. The Labor Code defines the forced recruitment of children for use in armed conflict as a worst form of child labor.(66) The 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.(73-75) The Child Protection Code (Law 09/001) also prohibits the recruitment and use of children in armed groups and defines government responsibility for demobilizing and reintegrating child soldiers.(72, 76)

The Constitution establishes the right to free education.(73) However, school fees are still required in Kinshasa and Lubumbashi and it is unclear if President Kabila's 2009 declaration that primary school fees would no longer be required outside of Kinshasa and Lubumbashi is being implemented. It is also unclear why the effort to drop school fees would only apply outside those provinces.(8, 17) 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 increasingly enter the work force and may engage in the worst forms of child labor.(8, 54, 68, 77) In addition, the ILO Committee of Experts notes that 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.(50)

Institutional Mechanisms for Coordination and Enforcement

The National Committee to Combat the Worst Forms of Child Labor (NCCL) is charged 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.(12, 17, 78) 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 2012.(17, 78, 79) The NCCL's approved work plan was financed by the Government in 2012. However, it is unclear whether the amount of funding is sufficient.(78)

The Executive Committee 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.(80) 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.(47)

The Government has also authorized the establishment of a Provincial Worst Forms of Child Labor Committee in Kasai Oriental province. Provisional committees also exist in Kolwezi and Mongbwalu.(13, 78, 81) The Government has not provided the committees with financial support.(13, 78) From 2010 to 2012, these committees have enrolled 2,866 children in school.(21)

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. However, the code of conduct was not implemented in 2012 and child labor in the mining sector continued to be a problem.(78, 82) In Katanga Province, local authorities and miners' associations post signs indicating that children are prohibited from entering the mines.(22) 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 (MOL) is the primary agency responsible for investigating the worst forms of child labor.(17) In 2012, the Government increased the number of labor inspectors from 150 to 200 across the country, which includes 20 labor controllers in the Katanga mining region.(7) According to the Government, the number of labor inspectors is not sufficient given the size of the country.(7) Labor inspectors often do not have adequate staff, facilities, and means of transportation to conduct inspections.(7, 17, 83) Labor inspectors did not receive training on the worst forms of child labor in 2012.(7) The 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.(17) The MOL conducted unannounced labor investigations in mining areas in 2012. However, records on the number or type of investigations are not publically available.(7) The Inspector General at MOL reported that there were no child labor violations in 2012.(7) The ILO Committee of Experts notes that the Government does not facilitate cooperation between the inspection services and the justice system, resulting in the lack of information on whether penalties were applied to labor violations.(84)

The Ministry of Social Affairs, Humanitarian Action, and National Solidarity (MINAS) is charged with investigating child trafficking cases. Research found no information on the number of child trafficking inspections or convictions.(7, 78) 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.(17, 78) In 2012, the Ministry of Justice was allocated a budget of less than 2 percent of the national budget, an increase of 1 percent from 2011.(38, 78, 85) In addition, investigators in the Ministry of Gender, Family, and Children and the Ministry of Justice were not provided with training on the worst forms of child labor during the reporting period.(78)

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's rights activities. In 2012, the DISPE employed 57 people at the national level and eight at the provincial level.(47, 78) Reports indicate that the MINAS staff have limited professional experience and high turnover.(47)

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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 some senior FARDC officers have obstructed UN efforts to oversee the release of child soldiers.(38, 81, 86) Although the Government made efforts to release child soldiers from its armed units in 2012, it is unclear whether this effort has helped reduce the use of child soldiers.(7) In addition, during the reporting period, the Government did not prosecute any military officers for conscripting or using children for armed conflict.(17, 30, 38, 78)

Government Policies on the Worst Forms of Child Labor

The National Action Plan to Combat the Worst Forms of Child Labor aims to eliminate the worst forms of child labor in the Democratic Republic of the Congo by 2020.(17, 30) 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.(17, 78) 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.(17, 78)

In 2012, the Government of the Democratic Republic of the Congo signed the UN-backed action plan to end the recruitment and use of child soldiers within its armed forces and security services. The action plan has four components, which include the identification of children serving in the armed forces, reintegration services for these children, the establishment of accountability measures for perpetrators, and the creation of a partnership framework for the UN and the Government.(7, 8, 34, 87, 88) The Government also established a working group to help with the implementation of the action plan and launched an awareness campaign for FARDC personnel.(8, 89)

In 2012, the Government of the Democratic Republic of the Congo continued to implement its DDR for former combatants, including children.(7, 90, 91) 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. In addition, the UN Committee on the Rights of the Child

(CRC) noted that the DDR's efforts to collect data on children involved in armed conflict remains incomplete and inaccurate and relies entirely on donor funding.(31, 39)

The MINAS implements the National Action Plan for Orphans and Vulnerable Children (2010-2014), which aims to provide orphans and vulnerable children with improved access to education and psychosocial, medical, and nutrition support.(47, 92-94) The Government's Poverty Reduction Strategy Paper and Five Pillars Program also 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.(17, 78, 95)

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

In 2012, the Government, with support from USAID, the World Bank, Sweden and Japan, continued the 2-year DDR Program, which aims to reintegrate 1,556 children associated with armed groups in North and South Kivu.(17) In 2012, UNICEF implemented two projects that include activities to reintegrate child soldiers in the Democratic Republic of the Congo.(96, 97) This project assisted 797 children, including 29 girls, through the provision of medical care, educational opportunities, and family reunification.(7) During the reporting period, over 600 FARDC military magistrates and commanders participated in training by the Defense Institute for International Legal Studies on child soldiers issues. As a result, the FARDC prevented 240 children from entering into its ranks through better screening of new recruits.(78) However, in 2012, 32 cases of child soldiers were attributed to the FARDC. Likewise, child soldiers remained within the ranks of the M23 rebel group and the Allied Democratic Forces/National Army for the Liberation of Uganda during the year.(8, 88)

The UN CRC notes that over half of child soldiers returning from armed conflict do not have access to reintegration services and that when such programs exist, they do not respond to the medical, psychological, and economic needs of former child soldiers.(39) In addition, the UN CRC and the ILO Committee of Experts note that the Government's DDR does not provide sufficient resources to support reintegration services.(83, 98) Reports also indicate that girls do not enter the DDR because of a fear of stigmatization and a lack of awareness about their rights and options.(40, 99, 100) The UN and other organizations have called on the Government to make the DDR more accessible and effective for girls.(39, 100, 101)

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In 2012, the Democratic Republic of the Congo participated in the USDOL-funded, 4-year Global Action Program on Child Labor Issues Project which is active in approximately 40 countries. In the Democratic Republic of the Congo, the project aims to build the capacity of the national government and develop strategic policies to address the elimination of child labor and forced labor.(102, 103) The Government also sustained its participation in a 2-year project funded by USDOS and implemented by the Heartland Alliance for Human Needs and Human Rights at \$692,988 to collect information on forced labor and support the identification and remediation of labor law violations in the mining sector. This

project also supports livelihood opportunities for exploited workers, which may include child laborers.(104)

In 2012, the Government participated in a 5-year, \$10 million project funded by the World Bank to prevent and provide support services for street children.(47) The Katanga Provincial Ministry of Interior also continued to support and manage a center for street children in Lubumbashi.(78) Despite this effort, children continued to live and work on the streets. The ILO Committee of Experts and the UN CRC noted the need for the Government to strengthen its efforts to provide street children with food, shelter, and health care.(48, 50, 98)

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, 2012
	Amend Ministerial No. 12 to prescribe the conditions and hours of light work.	2012
	Prohibit school fees and implement the constitutional provision that establishes free education.	2009, 2010, 2011, 2012
	Ensure that Act No. 86/005 on compulsory education is implemented in practice.	2009, 2010, 2011, 2012
Coordination and Enforcement	Cease the forcible recruitment and use of children by elements of the FARDC.	2009, 2010, 2011, 2012
	Establish committees to combat the worst forms of child labor in all provinces and ensure that they are provided with funding.	2009, 2010, 2011, 2012
	Implement the code of conduct that prohibits the employment of children in mines.	2012
	Systematically collect, monitor, and make available information on complaints, labor inspections, child labor violations, and whether penalties were applied, and the number of investigators in the Ministry of Justice and the Ministry of Gender, Family, and Children.	2009, 2010, 2011, 2012
	Ensure that personnel within the Ministry of Justice, Ministry of Gender, Family, and Children, MOL, and MINAS, are provided with sufficient funding to carry out their mandates and training on the worst forms of child labor.	2011, 2012
	Prosecute individuals responsible for the abduction and recruitment of children.	2009, 2010, 2011, 2012
Policies	Ensure the continued implementation of the action plan to end the recruitment and use of child soldiers within its armed forces by releasing all children associated with the FARDC and other armed groups.	2009, 2010, 2011, 2012
	Provide funds for the implementation of local and national plans to combat the worst forms of child labor.	2011, 2012

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Area	Suggested Actions	Year(s) Action Recommended
Policies	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, Poverty Reduction Strategy Paper, and Five Pillars Program.	2009, 2010, 2011, 2012
	Provide resources to support the DDR's efforts to collect data on children involved in armed conflict.	2012
Social Programs	Integrate gender concerns into programs to demobilize and reintegrate children associated with armed groups.	2009, 2010, 2011, 2012
	Raise awareness on laws to increase the likelihood of them being applied and enforced.	2012
	Expand programs to provide post-rescue housing and address the medical, psychological, and economic needs of former child soldiers.	2009, 2010, 2011, 2012
	Expand programs to protect children from work in the mining sector.	2012
	Improve access to education by registering all children at birth, developing programs that assist internally displaced children, and ensuring that schools are safe and child friendly.	2012
	Conduct research on children engaged in street work, including specific activities and associated hazards, in order to inform policy and program design.	2012

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