

Congo, Democratic Republic of the (Kinshasa)

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The DRC is participating in a regional program to prevent children from becoming involved in armed conflicts in Central Africa. The program is sponsored by ILO-IPEC and funded by USDOL.⁶²¹ In June 2001, the government created institutions and mechanisms to oversee the disarmament, demobilization, and reintegration of child soldiers into society⁶²² and initiated a series of workshops and seminars as part of a national campaign to sensitize both civilians and soldiers on the demobilization and re-integration of child soldiers into the social mainstream.⁶²³ USAID works with and through NGOs that address girls' education; demobilizing child soldiers; training and reintegrating child soldiers into their home communities; and protecting vulnerable and street children, orphans and victims of torture.⁶²⁴

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 28.8 percent of children between the ages of 10 and 14 were working in the Democratic Republic of the Congo (DRC).⁶²⁵ Children work in the informal sector and in subsistence agriculture, which constitute the larger part of the economy.⁶²⁶ Thousands of street children in the DRC's major towns and cities often work in extremely hazardous conditions and are at risk of sexual exploitation or recruitment into the armed forces.⁶²⁷ In November

⁶²¹ ILO, *Phase I: Regional Programme on the Prevention and Reintegration of Children Involved in Armed Conflicts in Central Africa*, project document (Geneva, 2001) [on-file].

⁶²² Human Rights Watch, *World Report 2001, Children's Rights: The Use of Children as Soldiers*, at <http://www.hrw.org/wr2k1/children/child2.html> on 10/22/01.

⁶²³ "Minister Condemns Utilization of Child Soldiers," *Panapress*, June 13, 2001, at <http://www.panapress.com/newslat.asp?code'eng005723&dte'13/06/2001> on 10/26/01. The civil war, corruption, and the government's inability to control much of the country have combined to make education and the reduction of child labor a low priority. An estimated 30 percent of children under age 5 suffer from severe malnutrition, and many children suffer from measles, whooping cough, bubonic plague, malaria, and HIV/AIDS. See "No End in Sight: The Human Tragedy of the Conflict in the Democratic Republic of Congo - August 2001," Christian Aid, Oxfam GB, and Save the Children UK, Oxfam, June 8, 2001 [hereinafter "Human Tragedy of the Conflict"], at <http://www.oxfam.org.uk/policy/papers/drc2.htm> on 10/26/01.

⁶²⁴ USAID, Democratic Republic of the Congo, Budget Justification for FY 2002 [hereinafter FY 2002 Budget Justification], at <http://www.usaid.gov/country/afr/cd/> on 10/23/01.

⁶²⁵ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM] [hereinafter *World Development Indicators 2001*].

⁶²⁶ *Country Reports on Human Rights Practices for 2000—Democratic Republic of the Congo (DRC) (Kinshasa)* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid'753>.

⁶²⁷ "Human Tragedy of the Conflict."

2001, more than 10,000 children were reportedly serving in armies or in armed opposition militias.⁶²⁸ Children as young as 10 years of age reportedly have enlisted as soldiers in the Congolese Armed Forces (FAC).⁶²⁹ The FAC has targeted homeless children, forcing young boys into the army and sexually exploiting girls.⁶³⁰ Many children are forced by their parents to leave school and beg in the streets, or work to provide income to their families.⁶³¹ Girls as young as 8 years of age have reportedly been forced into prostitution,⁶³² while other children hunt or fish to support their families instead of attending school.⁶³³

Primary education is not compulsory or free.⁶³⁴ In 1994, the gross primary school enrollment rate was 72.2 percent, and the net primary school enrollment rate was 60.8 percent.⁶³⁵ Less than half of school-age children between ages 6 and 15 attended school in 1999.⁶³⁶ Approximately three-quarters of children drop out before completing their primary education.⁶³⁷ The main barriers to attendance are parents' inability to pay school fees, dilapidated school facilities, and population displacement.⁶³⁸ From 1990 to 1995, only 64 percent of children who enrolled in the first year of primary education reached the fifth year.⁶³⁹ The DRC spent approximately 1 percent of its budget

⁶²⁸ Ibid.

⁶²⁹ *Country Reports 2000* at Section 5. The UN Committee on the Rights of the Child states that "in some cases, the age of a child was falsified and children as young as 13 were recruited as soldiers." See UN, "CRC Starts Consideration of Report of Democratic Republic of the Congo: Delegation Asked to Clarify the Fate of Children Sentenced to Capital Punishment, Child-Soldiers," press release, 27th session, May 28, 2001 [hereinafter UN press release on rights of child], at <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/D33F9C5FC1976910C1256A5B0057D64A?opendocument>.

⁶³⁰ *Country Reports 2000* at Sections 1c, 5.

⁶³¹ Ibid. at Section 6d. Much of this can be attributed to the country's faltering economy, which has seen per capita income fall from USD 361 in 1960 to below USD 100 in 2000. Over 80 percent of the DRC's population lives in absolute poverty. See also FY 2002 Budget Justification.

⁶³² *Country Reports 2000* at Section 6d.

⁶³³ Ibid. at Section 5.

⁶³⁴ Ibid.

⁶³⁵ *World Development Indicators 2001*.

⁶³⁶ UN, "Committee on Rights of Child Starts Consideration of Report of Democratic Republic of the Congo," press release, May 28, 2001, at <http://www.unhcrh.ch/hurricane/hurricane.nsf/view01> on 11/19/01 [hard copy on file].

⁶³⁷ UN press release on rights of child.

on education in 1999.⁶⁴⁰ Catholic and Protestant churches support over 60 percent of the educational services in the country.⁶⁴¹

Child Labor Laws and Enforcement

Article 115 of the Labor Law sets the minimum age for employment at 14 years.⁶⁴² Children between the ages of 14 and 18 may work with the consent of a parent or guardian; those under 16 may work up to 4 hours per day; those 16 to 18 years may work up to 8 hours per day.⁶⁴³ Children under the age of 18 are prohibited from working at night in public or private establishments.⁶⁴⁴ Article 15 of the Constitution prohibits forced labor.⁶⁴⁵ Under the Juvenile Code, children under 14 are prohibited from engaging in prostitution, although child prostitution is common.⁶⁴⁶ The Ministry of Labor is responsible for enforcing the labor laws, but does not make an effort to enforce child labor laws.⁶⁴⁷ The DRC ratified ILO Convention 138 and ILO Convention 182 on June 20, 2001.⁶⁴⁸

⁶³⁸ “Human Tragedy of the Conflict.”

⁶³⁹ UN press release on rights of child.

⁶⁴⁰ Ibid.

⁶⁴¹ FY 2002 Budget Justification.

⁶⁴² Republique Democratique du Congo, Article 106, Code du Travail, Ordonnance-Loi no. 67/310 du 9 Août 1967 constituent le Code du Travail, dans sa teneur modifiée au 31 décembre 1996 [hereinafter Code du Travail], NATLEX database, at <http://natlex.ilo.org/scripts/natlexcgi.exe?lang'E> on 12/10/10.

⁶⁴³ *Country Reports 2000* at Section 6d.

⁶⁴⁴ Code du Travail.

⁶⁴⁵ Ebauche de la Constitution de la Republique Democratique du Congo at <http://confinder.richmond.edu/congo-k.htm> on 12/10/01.

⁶⁴⁶ *Country Reports 2000* at Section 5.

⁶⁴⁷ Ibid. at Section 6d.

⁶⁴⁸ ILO, List of Ratifications of International Labour Conventions, Democratic Republic of the Congo, at <http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang'EN> on 10/22/01.

NOTE: Hard copies of all Web citations are on file.