

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

The Democratic Republic of the Congo is an associated country of ILO-IPEC.¹⁰⁷⁰ The government is participating in a regional ILO-IPEC project funded by USDOL to reintegrate children involved and prevent children from involvement in armed conflicts in Central Africa.¹⁰⁷¹ The first phase of the project, which was completed in 2003,¹⁰⁷² produced a qualitative study on the use of children in conflicts in the region.¹⁰⁷³ In 2003, the second phase of the project was launched, in which direct action programs will be undertaken to remove children involved and prevent children from becoming involved in armed conflict.¹⁰⁷⁴

In 2001, President Joseph Kabila created the National Bureau for Demobilization and Reintegration (BUNADER) to work with UNICEF to implement a demobilization program for combatants with special needs, including children.¹⁰⁷⁵ The disarmament, demobilization, and reintegration of children¹⁰⁷⁶ involve government agencies such as the Ministries of Defense and Education, as well as international organizations and NGOs.¹⁰⁷⁷

In 2002, government officials participated in awareness-raising activities on child labor organized by ILO-IPEC in conjunction with the African Cup of Nations.¹⁰⁷⁸ In June 2003, the government launched a nation-wide birth registration campaign to provide children with official documentation of their age,¹⁰⁷⁹ a strategy intended to prevent early recruitment into armed groups and to protect children from trafficking.¹⁰⁸⁰

¹⁰⁷⁰ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited June 28, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

¹⁰⁷¹ This 5-year project was initially funded in 2001. See ILO-IPEC, *Regional Programme on the Prevention and Reintegration of Children Involved in Armed Conflicts in Central Africa (Phase I: Identification of a Strategy for Concerted Action)*, project document, Geneva, July 2001, 1, 11.

¹⁰⁷² ILO-IPEC, *Regional Programme on the Prevention and Reintegration of Children Involved in Armed Conflict in Central Africa (Phase I: Identification of a Strategy for Concerted Action)*, technical progress report, Geneva, March 25, 2003, 1.

¹⁰⁷³ See generally ILO-IPEC, *Wounded Childhood: The Use of Children in Armed Conflict in Central Africa*, Geneva, April 2003.

¹⁰⁷⁴ ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflicts: An Inter-Regional Programme*, project document, Geneva, September 17, 2003.

¹⁰⁷⁵ U.S. Embassy- Kinshasa, electronic communication to USDOL official, February 20, 2004. See also S.E. Mme Jeanne Ebamba Boboto, Minister of Social Affairs, Statement at the UN Special Session on Children, May 10, 2002; available from <http://www.un.org/ga/children/drcF.htm>. See also UNICEF, *A Humanitarian Appeal for Children and Women: January - December 2002, Democratic Republic of Congo (DRC)*, 2002; available from <http://www.unicef.org/emerg/Appeals/2002/drcongo2.pdf>.

¹⁰⁷⁶ The rebel group Congolese Rally for Democracy (RCD) also signed a plan of action with UNICEF for the demobilization of child soldiers. See UNICEF, *A Humanitarian Appeal for Children and Women*, 10. See also UNICEF, *Children Affected by Armed Conflict: UNICEF Actions*, New York, May 2002, 39. The rebel forces Movement for the Liberation of the Congo, RCD-Goma, and RCD-Kisangani/Movement for Liberation have also made agreements to demobilize child soldiers. See Integrated Regional Information Networks, "DRC: MONUC denounces recruitment of child soldiers by Lubanga's UPC/RP", IRINnews.org, February 7, 2003; available from <http://www.irinnews.org/print.asp?ReportID=32185>.

¹⁰⁷⁷ ILO-IPEC, *Wounded Childhood*, 60-61. UNICEF has more recently proposed a national demobilization and reintegration strategy for former child combatants. The government has also participated in discussions with the World Bank about the integration of all former child soldier projects in the country into a comprehensive national program. See World Bank Multi-Country Demobilization and Reintegration Program, *Country Profile: Democratic Republic of the Congo (DRC)*, July 31, 2003; available from http://www.mdrp.org/Countries/profile-drc_073103.pdf. See also World Bank Africa Region Office, *Greater Great Lakes Regional Strategy for Demobilization and Reintegration*, March 25, 2002, i, 58; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2002/04/19/000094946_0204100401206/Rendered/PDF/multi0page.pdf.

¹⁰⁷⁸ F. Keita, *La Campagne 'Carton Rouge au Travail des Enfants' au Cameroun et en Republique Democratique du Congo (RDC), A L'occasion de la coupe d'Afrique des Nations*, ILO-IPEC, [online] June 11, 2002 [cited August 29, 2002]; available from <http://www.ilo.org/region/public/french/region/afpro/yaounde/mdtyaounde/download/fk0502.htm>. No longer available online, available on file.

¹⁰⁷⁹ Integrated Regional Information Networks, "DRC: Kabila launches national birth registration campaign", IRINnews.org, June 17, 2003; available from <http://www.irinnews.org/print.asp?ReportID=34791>.

¹⁰⁸⁰ UN Office for the Coordination of Humanitarian Affairs, *Great Lakes: UNICEF calls for free registration of births*, IRIN, [online] August 26, 2002 [cited June 28, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=28177>. USAID is supporting NGO efforts to promote child rights. See U.S. Embassy- Kinshasa, *unclassified telegram no. 436*, February 21, 2003.

The government has worked with UNICEF on a girls' education project aimed at increasing enrollment, reducing the drop-out rate, and encouraging transition to secondary education.¹⁰⁸¹ The Ministry of Primary, Secondary and Professional Education, the Ministry of Social Affairs, and the Ministry of Recreation and Youth are providing qualified professionals to implement UNICEF-supported formal and non-formal education projects.¹⁰⁸² In 2003, UNICEF granted the government additional funding for children's programs, including the promotion of girls' education.¹⁰⁸³ USAID has also provided financing for awareness raising activities to promote girls' education.¹⁰⁸⁴ Furthermore, due to the critical needs in the country's education system, the Government of the Democratic Republic of the Congo is receiving intensified support from the World Bank to address data, policy, and capacity gaps to enable the country to qualify for Education for All Fast-Track grant financing from the World Bank and other donors.¹⁰⁸⁵ The Education for All Fast Track Initiative, which is funded by the World Bank and other donors, aims to provide all children with a primary school education by the year 2015.

Incidence and Nature of Child Labor

In 2001, UNICEF estimated that 24.2 percent of children ages 5 to 14 years in the Democratic Republic of Congo were working.¹⁰⁸⁶ Children work in the informal sector and in subsistence agriculture, which constitute the largest sectors of the economy.¹⁰⁸⁷ Some children hunt or fish to support their families instead of attending school.¹⁰⁸⁸ Children work in mining,¹⁰⁸⁹ stone crushing,¹⁰⁹⁰ garbage collecting and as porters and errand boys.¹⁰⁹¹

¹⁰⁸¹ UNICEF, *Girls' Education in the Democratic Republic of Congo*, previously online, 2002; available from www.unicef.org/programme/girlseducation/action/ed_profiles/DRCfinal.pdf [hard copy on file].

¹⁰⁸² UNICEF, *A Humanitarian Appeal for Children and Women*.

¹⁰⁸³ Integrated Regional Information Networks, "DRC: UNICEF gives \$40.5 million for children's programme", IRINnews.org, April 1, 2003; available from <http://www.irinnews.org/print.asp?ReportID=33188>.

¹⁰⁸⁴ USAID, *Investment in Education by Country and Donor*, Washington, DC, 2003. See also USAID, *Democratic Republic of the Congo: Data Sheet*, Submitted as part of the 2004 Congressional Budget Justification, Washington, DC, no date; available from http://www.usaid.gov/policy/budget/cbj2004/sub-saharan_africa/dr_congo.pdf. USAID has worked with international NGOs and citizens' groups on projects that address girls' education and the reintegration of demobilized child soldiers, street children, and child prostitutes into society. See USAID, *Democratic Republic of the Congo (DRC)*, 2002 [cited 26 August 2002]; available from <http://www.usaid.gov/country/afr/cd/> [hard copy on file].

¹⁰⁸⁵ Integrated Regional Information Networks, "DRC: World Bank to Assist Education Sector", IRINnews.org, [online], June 13, 2002 [cited July 4, 2003]; available from <http://www.irinnews.org/print.asp?ReportID=28310>. See also World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, press release, Washington, D.C., June 12, 2002; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html>.

¹⁰⁸⁶ Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed four or more hours of housekeeping chores in the household, or who have performed other family work. See Government of the Democratic Republic of Congo, *Enquete Nationale sur la situation des enfants et des femmes, MICS2/2001*, UNICEF, Kinshasa, July 2002, 177; available from <http://www.childinfo.org/MICS2/newreports/drc/mics2%20rapport%20final%20.pdf>.

¹⁰⁸⁷ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Democratic Republic of the Congo*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18177pf.htm>.

¹⁰⁸⁸ *Ibid.*, Section 5.

¹⁰⁸⁹ UN Committee on the Rights of the Child, *Consideration of Reports of State Parties: Initial report of the Democratic Republic of the Congo (continued)*, CRC/C/SR.706, United Nations, Geneva, June 3, 2002, Paragraph 15; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/88d505fd9d41bac1256bd50039279b?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/88d505fd9d41bac1256bd50039279b?Opendocument).

¹⁰⁹⁰ Children are involved in the crushing of coltan, which may pose special health hazards. See Watchlist on Children and Armed Conflict, *The Impact of Armed Conflict on Children in the Democratic Republic of Congo (DRC)*, New York, June 2003, 21; available from http://www.watchlist.org/reports/dr_congo.report.pdf.

¹⁰⁹¹ Save the Children (UK), *Children's Lives: Surviving the Streets*, [online] 2002 [cited August 13, 2003]; available from http://www.savethechildren.org.uk/functions/indx_wedo.html. Some NGOs allege that children are engaged in drug trafficking. See NGO Working Group for the Rights of the Child, *Rapport Alternatif et évaluatif des ONGs sur l'application de la convention relative aux droits de l'enfant par la République Démocratique du Congo*, Kinshasa, October 2000, 20; available from <http://www.hrlawgroup.org/resources/content/ChildRightsShadow.pdf>.

Child prostitution is common.¹⁰⁹² In 2002, there were reports that the military and police sexually exploited homeless girls.¹⁰⁹³ Children are trafficked by various armed groups in Eastern Congo's North and South Kivu provinces and Ituri district for sexual exploitation and forced labor.¹⁰⁹⁴

Despite efforts at demobilization, in 2003, there were reports that up to one third of all children in the Democratic Republic of the Congo were engaged in some form of soldiering.¹⁰⁹⁵ Children serve as soldiers in a number of armed groups, including the Congolese Armed Forces, the Movement for the Liberation of the Congo, and branches of the Congolese Rally for Democracy.¹⁰⁹⁶ Congolese child soldiers serve as runners, bodyguards, porters, spies, and fighters on the frontlines.¹⁰⁹⁷

Education in the Democratic Republic of the Congo is neither compulsory nor free.¹⁰⁹⁸ In 1998, the gross primary enrollment rate was 46.8 percent, and the net primary enrollment rate was 32.6 percent.¹⁰⁹⁹ In 2001, the net primary attendance rate was 51.7 percent.¹¹⁰⁰ Barriers to attendance include parents' inability to pay school fees, dilapidated school facilities and population displacement.¹¹⁰¹ In high-conflict zones, girls drop out of school for fear of sexual violence by combatants targeting schools.¹¹⁰²

Child Labor Laws and Enforcement

Article 115 of the Labor Law sets the minimum age for employment in businesses, including as an apprentice, at 14 years.¹¹⁰³ 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.¹¹⁰⁴ Children under the age of 18 are prohibited from working at night in

¹⁰⁹² U.S. Department of State, *Country Reports- 2002: Democratic Republic of the Congo*, Section 6f. See also Watchlist on Children and Armed Conflict, *The Impact of Armed Conflict on Children*, 20.

¹⁰⁹³ U.S. Department of State, *Country Reports- 2002: Democratic Republic of the Congo*, Section 1c.

¹⁰⁹⁴ U.S. Embassy- Kinshasa, electronic communication. See also U.S. Department of State, *Trafficking in Persons Report*, Washington, D.C., June 2003, 49; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/>.

¹⁰⁹⁵ UNICEF, *At a glance: Congo, Democratic Republic of the*, [online] [cited November 24, 2003]; available from <http://www.unicef.org/infobycountry/drcongo.html>.

¹⁰⁹⁶ UN Secretary-General, *Report of the Secretary-General on children and armed conflict*, New York, November 26, 2002, 14. There were no reports in 2002 that the government forcibly recruited child soldiers. See U.S. Department of State, *Country Reports- 2002: Democratic Republic of the Congo*, Section 6c.

¹⁰⁹⁷ U.S. Department of State, *Trafficking in Persons Report*, Coalition to Stop the Use of Child Soldiers, "Child Soldiers on Trial in the DRC," *Child Soldiers Newsletter # 3* (March 2002), 8. See also ILO-IPEC, *Wounded Childhood*, 44.

¹⁰⁹⁸ The government is currently operating without a constitution, hence, there are no constitutional protections in regard to education. See U.S. Department of State, *Country Reports- 2002: Democratic Republic of the Congo*, Introduction and Section 5. See also Right to Education, *Constitutional Guarantees: Congo (Democratic Republic of the, formerly Zaire)*, [online] 2002 [cited July 4, 2003]; available from http://www.right-to-education.org/content/consguarant/congo_zaire.html. A 1986 law that would have required children to attend school until age 15 never entered into force. See UN Committee on the Rights of the Child, *Consideration of Reports of State Parties: Democratic Republic of the Congo*, para. 43.

¹⁰⁹⁹ More recent rates are not available. World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

¹¹⁰⁰ Government of the Democratic Republic of Congo, *Enquete Nationale sur la situation des enfants*, 1, 73. Gross attendance rates are not available.

¹¹⁰¹ ChristianAid, Oxfam, and Save the Children UK, *No End in Sight: The human tragedy of the conflict in the Democratic Republic of Congo*, OXFAM, August 2001; available from <http://www.oxfam.org.uk/policy/papers/drc2.htm>.

¹¹⁰² U.S. Department of State, *Country Reports- 2002: Democratic Republic of the Congo*, Section 5.

¹¹⁰³ *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*; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

¹¹⁰⁴ U.S. Department of State, *Country Reports- 2002: Democratic Republic of the Congo*, 168-70, Section 6d.

public or private establishments.¹¹⁰⁵ Under the Juvenile Code, children under 14 are prohibited from engaging in prostitution.¹¹⁰⁶ There are no specific laws that prohibit trafficking.¹¹⁰⁷

The Ministry of Labor is responsible for enforcing child labor laws, but fails to do so effectively.¹¹⁰⁸ In the past, there were reports that former child soldiers had been imprisoned, with some reportedly on death row.¹¹⁰⁹

The Government of the Democratic Republic of the Congo ratified ILO Convention 138 and ILO Convention 182 on June 20, 2001.¹¹¹⁰

¹¹⁰⁵ *Code du Travail*, Article 106.

¹¹⁰⁶ U.S. Department of State, *Country Reports- 2002: Democratic Republic of the Congo*, 165-68, Section 5. Area NGOs, however, have stated that the country lacks legal protections against sexual exploitation of children. See NGO Working Group for the Rights of the Child, *Rapport Alternatif et évaluatif des ONGs sur l'application de la convention relative aux droits de l'enfant*, 20.

¹¹⁰⁷ U.S. Department of State, *Country Reports- 2002: Democratic Republic of the Congo*, Section 6f.

¹¹⁰⁸ *Ibid.*, Section 6d.

¹¹⁰⁹ Coalition to Stop the Use of Child Soldiers, "Child Soldiers on Trial in the DRC," 8-9. See also UN Committee on the Rights of the Child, *Committee on the Rights of the Child Starts Consideration of Report of Democratic Republic of the Congo: Delegation Asked to Clarify the Fate of Children Sentenced to Capital Punishment, Child-Soldiers*, [online] May 28, 2001 [cited September 3, 2002]; available from <http://www.unhchr.ch/hurricane/nsf/view01/D33F9C5FC1976910C1256A5B0057D64A?opendocument>.

¹¹¹⁰ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 28, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.