

# Congo, Democratic Republic of the

## Incidence and Nature of Child Labor

UNICEF estimated that 23.5 percent of children ages 5 to 14 years in the Democratic Republic of the Congo (DRC) were working in 2001.<sup>1067</sup> Children work in the informal sector, which constitutes the largest part of the economy.<sup>1068</sup> Some children hunt or fish to support their families instead of attending school.<sup>1069</sup> In recent years, children have been reported to work in mining<sup>1070</sup> and stone crushing.<sup>1071</sup> Child prostitution is also reported to occur.<sup>1072</sup>

Children in the DRC have been negatively affected by continuing armed conflict.<sup>1073</sup> The number of orphans and street children is reported to be on the rise.<sup>1074</sup> In November 2003, the UN Special Rapporteur to the DRC reported that there were large numbers of child refugees and war orphans engaged in street work, including begging and prostitution.<sup>1075</sup>

While the Congolese Government is no longer recruiting child soldiers, the Armed Forces still have child soldiers in their ranks, and armed groups continue to recruit children.<sup>1076</sup> Girls, in particular, have been

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<sup>1067</sup> Government of the Democratic Republic of Congo, *Enquete Nationale sur la situation des enfants et des femmes, MICS2/2001*, UNICEF, Kinshasa, July 2002, Table 42; available from <http://www.childinfo.org/MICS2/newreports/drc/Rdctables.pdf>. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

<sup>1068</sup> U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Congo, Democratic Republic of the*, Washington, D.C., February 25, 2004, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27721.htm>.

<sup>1069</sup> *Ibid.*

<sup>1070</sup> 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.unhcr.ch/tbs/doc.nsf/\(Symbol\)/88d505dfd9d41bac1256bd50039279b?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/88d505dfd9d41bac1256bd50039279b?Opendocument).

<sup>1071</sup> 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](http://www.watchlist.org/reports/dr_congo.report.pdf).

<sup>1072</sup> U.S. Department of State, *Country Reports- 2003: DRC*, Section 5. See also Watchlist on Children and Armed Conflict, *The Impact of Armed Conflict on Children*, 20.

<sup>1073</sup> The fighting in the DRC is said to be the world's deadliest conflict since the Second World War. Within a 5-year period, 3.3 million people have been killed. The provision of basic necessities, including food, water, and shelter, has been cut off to children and families in war-affected areas. See UNICEF, *At a Glance: Congo, Democratic Republic of the*, [online] 2004 [cited May 25, 2004]; available from <http://www.unicef.org/infobycountry/drcongo.html>.

<sup>1074</sup> U.S. Department of State, *Country Reports- 2003: DRC*, Section 5.

<sup>1075</sup> UN News Service, *DR of Congo Presents Frightening Picture of Human Rights Abuses - UN Expert*, [online] 2003 [cited May 25, 2004]; available from <http://www.globalsecurity.org/military/library/news/2003/11/mil-031110-unnews04.htm>. The Rapporteur stated that numbers of street children ranged from 25,000 to 50,000. The report specifically noted that child refugees, war orphans, and "child sorcerers" roamed the streets. Child sorcerers are children accused of having mystical power, and have been subject to persecution. In some cases, their families abandon them. See U.S. Department of State, *Country Reports- 2003: DRC*, Section 5.

<sup>1076</sup> U.S. Department of State, *Country Reports- 2003: DRC*, Section 5. See also Human Rights Watch, *Child Soldier Use 2003: A Briefing for the UN Security Council Open Debate- DRC*, New York, 2004; available from <http://hrw.org/reports/2004/>

abducted by armed groups and forced into prostitution and domestic labor.<sup>1077</sup> Children also served as soldiers in a number of armed groups, including the Congolese Armed Forces, the Mai-Mai, various branches of the Congolese Rally for Democracy (RCD), the Movement for the Liberation of the Congo (MLC), and the Union of Congolese Patriots (UPC).<sup>1078</sup> Congolese children are also recruited to work as runners, bodyguards, porters, spies, and fighters on the frontlines.<sup>1079</sup>

Education in the Democratic Republic of the Congo is neither compulsory nor free.<sup>1080</sup> In 1998, the gross primary enrollment rate was 49.6 percent, and the net primary enrollment rate was 34.6 percent.<sup>1081</sup> Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2001, the net primary attendance rate was 51.7 percent.<sup>1082</sup> Twenty-five percent of children attending school complete 5 years of primary education.<sup>1083</sup> Barriers to attendance include parents' inability to pay school fees, dilapidated school facilities, and population displacement.<sup>1084</sup> School fees are reported to be particularly prohibitive. At an estimated annual cost of USD 70 to 150 per child, parents are often forced to choose which children will attend school and which will stay home.<sup>1085</sup> In areas of the country controlled by armed groups, girls were reported to drop out of school due to threats of rape or sexual violence.<sup>1086</sup>

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childsoldiers0104/6.htm. The total number of children associated with armed groups is unknown, but estimates vary from 20,000 to 40,000 children. See UNICEF, *UNICEF Humanitarian Action Donor Update: Democratic Republic of Congo*, [online] 2004 [cited May 25, 2004]; available from [http://unicef.org/emerg/Emergencies\\_DRC\\_Donor\\_Update\\_070504.pdf](http://unicef.org/emerg/Emergencies_DRC_Donor_Update_070504.pdf).

<sup>1077</sup> Human Rights Watch, *Democratic Republic of Congo: Briefing to the 60th Session of the UN Commission on Human Rights*, [online] 2004 [cited February 5, 2004]; available from <http://hrw.org/english/docs/2004/01/29/congo7128.htm>.

<sup>1078</sup> Human Rights Watch, *Child Soldier Use-DRC*.

<sup>1079</sup> U.S. Department of State, *Trafficking in Persons Report*, Washington, D.C., June 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/>, Coalition to Stop the Use of Child Soldiers, "Child Soldiers on Trial in the DRC," *Child Soldiers Newsletter* # 3 (March 2002), 8.

<sup>1080</sup> U.S. Department of State, *Country Reports- 2003: DRC*, Section 5.

<sup>1081</sup> More recent rates are not available. World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

<sup>1082</sup> Government of the Democratic Republic of Congo, *Enquete Nationale sur la situation des enfants et des femmes, MICS2/2001*, UNICEF, Kinshasa, July 2002, 1, 73; available from <http://www.childinfo.org/MICS2/newreports/drc/mics2%20rapport%20final%20.pdf>. Gross attendance rates are not available.

<sup>1083</sup> USAID, *USAID/Democratic Republic of the Congo Annual Report FY2003*, [online] 2003 [cited May 26, 2004], pg. 3; available from [http://www.dec.org/pdf\\_docs/PDABX829.pdf](http://www.dec.org/pdf_docs/PDABX829.pdf).

<sup>1084</sup> 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, [cited May 26, 2004]; available from [http://www.oxfam.org.uk/what\\_we\\_do/issues/conflict\\_disasters/noend\\_drc.htm](http://www.oxfam.org.uk/what_we_do/issues/conflict_disasters/noend_drc.htm).

<sup>1085</sup> Integrated Regional Information Networks, "DRC: UNICEF launches "All Girls to School" Campaign", IRINnews.org, [online], December 16, 2003 [cited February 12, 2004]; available from <http://www.irinnews.org/print.asp?ReportID=38451>.

<sup>1086</sup> U.S. Department of State, *Country Reports- 2003: DRC*, Section 5.

## Child Labor Laws and Enforcement

Article 6 of the Labor Code sets the minimum age for employment at 15 years.<sup>1087</sup> 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.<sup>1088</sup> Children under the age of 18 are prohibited from working at night in public or private establishments.<sup>1089</sup> The Labor Code defines and prohibits the worst forms of child labor and imposes a penalty of imprisonment for a maximum of six months and a fine of 30,000 CF (72 USD) for infractions.<sup>1090</sup> The Transitional Constitution and the Labor Code prohibit forced or bonded labor.<sup>1091</sup> Under the Juvenile Code, children under 14 are prohibited from engaging in prostitution.<sup>1092</sup> There are no specific laws that prohibit trafficking in persons.<sup>1093</sup> The Ministry of Labor is responsible for enforcing child labor laws, but, according to the U.S. Department of State, fails to do so effectively due to a lack of capacity and resources.<sup>1094</sup>

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

In December 2003, the Transitional Government established a national framework for Disarmament, Demobilization and Reintegration (DDR) of combatants (including children).<sup>1095</sup> In March 2004, President Kabila appointed a National Coordinator and a deputy to oversee the framework.<sup>1096</sup> In May 2004, the Multi-Country Demobilization and Reintegration Program, a regional DDR funding mechanism managed by the World Bank, released funds in the amount of USD 100 million for DDR programs in the DRC. These funds are complemented by an additional USD 100 million from the World Bank's International

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<sup>1087</sup> Ministry of Labor and Social Affairs, *Written communication from the Government of the Democratic Republic of Congo*, public comments submitted in response to FRN, Kinshasa, January 7, 2005.

<sup>1088</sup> U.S. Department of State, *Country Reports- 2003: DRC*, Section 6d.

<sup>1089</sup> *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*, Article 106; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

<sup>1090</sup> The definition of the worst forms of child labor in the DRC Labor Code is the same as the definition in the ILO Convention No. 182. Ministry of Labor and Social Affairs, *Public Comments, Ministry of Labor and Social Affairs*. See also currency conversion available at XE.com, <http://www.xe.com/ucc/convert.cgi>, January 12, 2005.

<sup>1091</sup> *Ibid.*

<sup>1092</sup> U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Democratic Republic of the Congo*, Washington, D.C., March 31, 2003, 165-68, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18177pf.htm>. 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 par la République Démocratique du Congo*, Kinshasa, October 2000, 20; available from <http://www.hrlawgroup.org/resources/content/ChildRightsShadow.pdf>.

<sup>1093</sup> U.S. Department of State, *Country Reports- 2003: DRC*, Section 6f.

<sup>1094</sup> *Ibid.*, Section 6d.

<sup>1095</sup> The national framework consists of the following three entities: a) an inter-ministerial policy body, b) a national commission for DDR (CONADER), and c) a Financial Management Unit. See Multi-Country Demobilization and Reintegration Program, *Country Profile: Democratic Republic of Congo (DRC)*, May 11, 2004, [cited May 25, 2004]; available from [http://www.mdrp.org/countries/mdrp\\_drc.htm](http://www.mdrp.org/countries/mdrp_drc.htm).

<sup>1096</sup> *Ibid.*

Development Agency and a commitment by the Congolese Government to contribute land, office space, security, and other in-kind support.<sup>1097</sup> World Bank programs include two directed specifically at child soldiers.<sup>1098</sup> The government is also participating in a regional ILO-IPEC project funded by USDOL to demobilize and rehabilitate children involved in armed conflict,<sup>1099</sup> and working with UNICEF to issue demobilization certificates for former child soldiers.<sup>1100</sup>

Selected Child Labor Measures Adopted by Governments	
Ratified ILO Convention 138 6/20/2001	✓
Ratified ILO Convention 182 6/20/2001	✓
ILO-IPEC Associated Member	✓
National Plan for Children	
National Child Labor Action Plan	
Sector Action Plan	

The Ministry of Family Affairs and Labor began to implement an action plan against sexual exploitation of persons, and the Government has attended regional meetings on trafficking and sought to coordinate with neighboring governments to address the problem.<sup>1101</sup>

The Congolese Government and UNICEF are implementing a national campaign to promote girls' education. UNICEF is providing basic school supplies to 1.5 million students and teaching materials to 17,000 teachers throughout the 2004-2005 school year.<sup>1102</sup> In June 2004, UNICEF re-opened schools for 1,000 children in two regions in the DRC, and is providing equipment to keep the schools open.<sup>1103</sup> Also in 2004, the African Development Bank approved a USD 7.7 million education grant aimed at strengthening institutional capacities through training, and through the provision of equipment, tools and teaching materials.<sup>1104</sup>

<sup>1097</sup> Ibid. See also World Bank, *Demobilization and Reintegration*, [online] [cited August 20, 2004]; available from <http://lnweb18.worldbank.org/ESSD/sdvext.nsf/67ByDocName/ThemesDemobilizationandReintegration>.

<sup>1098</sup> These programs are the Support for the Reunification and Reintegration of Former Child Soldiers in the DRC, implemented by Save the Children; and Situation Assessment and Pilot Projects for Demobilization and Reintegration of Child Soldiers in Orientale, Northern Katanga and Maniema Provinces, implemented by the IRC, the International Foundation for Education and Self-Help (IFESH), and CARE International. See Multi-Country Demobilization and Reintegration Program, *Special Projects: Democratic Republic of Congo*, 2004, [cited May 25, 2004]; available from [http://www.mdrp.org/countries/sp\\_drc.htm](http://www.mdrp.org/countries/sp_drc.htm).

<sup>1099</sup> The program began in 2003 and is scheduled to end in 2006. See ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflicts: An Inter-Regional Programme*, project document, Geneva, September 17, 2003.

<sup>1100</sup> Integrated Regional Information Networks, "DRC: Gov't, UNICEF introduce child demobilisation certificates", IRINnews.org, [online], December 30, 2003 [cited February 6, 2004]; available from <http://www.irinnews.org>.

<sup>1101</sup> Resources are limited for anti-trafficking efforts, and the process is hindered because much of the reported trafficking occurs in areas of the country controlled by rebel groups. See U.S. Department of State, *Country Reports- 2003: DRC*, Section 6f.

<sup>1102</sup> The education program was launched in December 2003. Integrated Regional Information Networks, "UNICEF launches "All Girls to School" Campaign".

<sup>1103</sup> UNICEF, *At a Glance: DRC*.

<sup>1104</sup> Integrated Regional Information Networks, "DRC: Kinshasa gets US \$7.74 million Education Grant", IRINnews.org, [online], March 18, 2004 [cited March 24, 2004]; available from <http://www.irinnews.org/print.asp?ReportID=40116>. In 2002 the World Bank announced that the Government of the DRC would be receiving intensified support 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. The status of this support is currently unknown. Integrated Regional Information Networks, "DRC: World Bank to Assist Education Sector", IRINnews.org, [online], June 13, 2002 [cited hard-copy on file]; 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>.