

Congo, Democratic Republic of the

Incidence and Nature of Child Labor

An estimated 39.8 percent of children ages 10 to 14 years were counted as working in the Democratic Republic of the Congo in 2000. Approximately 39.9 percent of all boys 10 to 14 were working compared to 39.8 percent of all girls in the same age group.¹²⁰⁸ Children work in the informal sector and in subsistence agriculture, which constitutes the largest part of the economy.¹²⁰⁹ Some parents made their children hunt, fish, engage in prostitution, or beg in the streets to support their families instead of attending school.¹²¹⁰ Children have also been used as forced laborers in the illegal exploitation of natural resources.¹²¹¹

Children in the Democratic Republic of Congo have been negatively affected by continuing armed conflict.¹²¹² In November 2003, the UN Special Rapporteur to the Democratic Republic of Congo reported that there were large numbers of child refugees and war orphans engaged in street work, including begging and prostitution. The Rapporteur estimated that there were 25,000 to 50,000 street children.¹²¹³ Armed groups recruited children into forced labor, sexual exploitation, and armed conflict.¹²¹⁴

Girls were often assaulted, raped, and infected with HIV/AIDS. Combatants also forced girls to provide sexual services and domestic labor for extended periods of time.¹²¹⁵ In 2004, the Congolese Government demobilized approximately 3,080 children; it is no longer recruiting child soldiers. However, there were reports that the Government provided support to militia groups which continued to recruit and use children as soldiers. The total number of children associated with armed groups is unknown, but estimates vary from 20,000 to 40,000 children.¹²¹⁶

¹²⁰⁸ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled "Data Sources and Definitions."

¹²⁰⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Congo, Democratic Republic of the*, Washington, DC, February 28, 2005, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41597.htm>.

¹²¹⁰ Ibid.

¹²¹¹ Ibid. See also Watchlist on Children and Armed Conflict, *The Impact of Armed Conflict on Children in the Democratic Republic of Congo (DRC)*, New York, June 2003, Page 7; available from http://www.watchlist.org/reports/dr_congo.report.pdf.

¹²¹² The fighting in the Democratic Republic of Congo 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 and many others have died from starvation or disease. Families trying to escape the fighting found themselves far from water, shelter and other basic services. See UNICEF, *At a glance: Congo, Democratic Republic of the*, UNICEF, [online] n.d. [cited June 30, 2005]; available from <http://www.unicef.org/infobycountry/drcongo.html>.

¹²¹³ 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 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- 2004: DRC*, Section 5.

¹²¹⁴ U.S. Department of State, *Country Reports- 2004: DRC*, Section 5.

¹²¹⁵ Ibid. See also Human Rights Watch, *Democratic Republic of Congo: Briefing to the 60th Session of the UN Commission on Human Rights*, [online] 2004 [cited June 28, 2005]; available from <http://hrw.org/english/docs/2004/01/29/congo7128.htm>. See also Watchlist on Children and Armed Conflict, *The Impact of Armed Conflict on Children*, 19.

¹²¹⁶ U.S. Department of State, *Country Reports- 2004: 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/childsoldiers0104/6.htm>. See UNICEF, *UNICEF Humanitarian Action Donor Update: Democratic*

Primary school education in the Democratic Republic of the Congo is neither compulsory, free nor universal, and many children were not able to go to school because parents were unable to pay the enrollment fees. Parents were customarily expected to pay teachers' salaries.¹²¹⁷ In 1998, the most recent year for which data are available, the gross primary enrollment rate was 50 percent.¹²¹⁸ Gross enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 65 percent of children ages 10 to 14 years were attending school.¹²¹⁹ As a result of the 6-year civil war, over 5.2 million children in the country receive no education.¹²²⁰

Child Labor Laws and Enforcement

Article 6 of the Labor Code sets the minimum age for employment at 15 years.¹²²¹ Children between the ages of 15 and 18 may work with the consent of a parent or guardian. Children under 16 may work up to 4 hours per day.¹²²² Children under the age of 18 are prohibited from working at night.¹²²³ The Labor Code defines and prohibits the worst forms of child labor under penalty of imprisonment for a maximum of six months and a fine of 30,000 CF (72 USD).¹²²⁴ Some statutes allow prosecution of the worst forms of child labor. The Transitional Constitution and the Labor Code prohibit forced or bonded labor. The Labor Code also bans the recruitment of anyone under the age of 18 into the armed forces or their use in hostilities.¹²²⁵ The Labor Code prohibits the use of children as a means for trafficking drugs or other illicit activities such as prostitution or the production of pornographic materials.¹²²⁶ Since 1999, the government has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.¹²²⁷ The Ministry of Labor is responsible for enforcing child labor laws, but, according to the U.S. Department of State, has not effectively enforced them.¹²²⁸

Republic of Congo, [online] 2004 [cited May 25, 2005]; available from http://unicef.org/emerg/Emergencies_DRC_Donor_Update_070504.pdf.

¹²¹⁷ U.S. Department of State, *Country Reports- 2004: DRC*, Section 5.

¹²¹⁸ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

¹²¹⁹ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

¹²²⁰ UNICEF, *Donor Update: DRC*.

¹²²¹ 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.

¹²²² Sources did not indicate the number of hours that children ages 16 to 18 were permitted to work. See U.S. Department of State, *Country Reports- 2004: DRC*, Section 6d.

¹²²³ Government of the Democratic Republic of the Congo, *Code du Travail, Ordonnance-Loi no. 67/310 du 9 Août 1967 constituant le Code du Travail, dans sa teneur modifiée au 31 décembre 1996*; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

¹²²⁴ According to the government, 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, January 7, 2005*.

¹²²⁵ *Ibid.* See also Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report*, [online] 2004 [cited September 29, 2005]; available from http://www.child-soldiers.org/document_get.php?id=767.

¹²²⁶ Ministry of Labor and Social Affairs, *Public Comments, January 7, 2005*.

¹²²⁷ ILO-IPEC Geneva official, to USDOL official, email communication, November 14, 2005.

¹²²⁸ U.S. Department of State, *Country Reports- 2004: DRC*, Section 6d.

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

The government is implementing a national plan for Disarmament, Demobilization and Reintegration (DDR) of combatants including children, supported by the World Bank.¹²²⁹ World Bank programs include two directed specifically at child soldiers. These 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.¹²³⁰ The government participates in a regional ILO-IPEC project funded by USDOL to demobilize and rehabilitate children involved in armed conflict,¹²³¹ and working with UNICEF to issue demobilization certificates for former child soldiers. The certificates are intended to guarantee that any child under the age of 18 is protected from military recruitment.¹²³²

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 Plans (Commercial Sexual Exploitation and Child Soldiers)		✓

The Ministry of Family Affairs and Labor began to implement an action plan against sexual exploitation in conjunction with an international organization, and the Government has attended regional meetings on trafficking and sought to coordinate with neighboring governments to address the problem of trafficking in the region.

The Congolese Government and UNICEF are implementing a national campaign to promote girls' education. UNICEF provided basic school supplies to 1.5 million students and teaching materials to 17,000 teachers throughout the 2004-2005 school year.¹²³³ In June 2004, UNICEF re-opened schools for 1,000 children in two regions in the Democratic Republic of Congo, and is providing equipment to keep the schools open.¹²³⁴ 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.¹²³⁵ In 2005 UNICEF provided USD 3.3 million to provide 3.25

¹²²⁹ Multi-Country Demobilization and Reintegration Program, *National Program: Democratic Republic of Congo*, Multi-Country Demobilization and Reintegration Program, [online] n.d. [cited December 15, 2005]; available from http://www.mdrp.org/drc_main.htm. See also Government of the Democratic Republic of Congo, *Creation du Comite Interministeriel Charge de la Conception et de l'Orientation en Matiere de Desarmement, Demobilisation et Reinsertion*, Decret N. 03/041, (December 18, 2003).

¹²³⁰ Government of the Democratic Republic of Congo, *Creation du Comite Interministeriel Charge de la Conception et de l'Orientation en Matiere de Desarmement, Demobilisation et Reinsertion*.

¹²³¹ The program began in 2003 and is scheduled to end in 2006. See 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.

¹²³² Integrated Regional Information Networks, "DRC: Gov't, UNICEF introduce child demobilisation certificates", IRINnews.org, [online], December 30, 2003 [cited December 16, 2005]; available from http://www.irinnews.org/report.asp?ReportID=38642&SelectRegion=Grea_Lakes&SelectCountry.

¹²³³ Integrated Regional Information Networks, "DRC: UNICEF launches "All Girls to School" Campaign", IRINnews.org, [online], December 16, 2003 [cited December 16, 2005]; available from <http://www.irinnews.org/print.asp?ReportID=38451>.

¹²³⁴ UNICEF, *At a Glance: Congo, Democratic Republic of the*, [online] 2005 [cited September 29, 2005]; available from <http://www.unicef.org/infobycountry/drcongo.html>.

¹²³⁵ Integrated Regional Information Networks, "DRC: Kinshasa gets US \$7.74 million Education Grant", IRINnews.org, [online], 2004 [cited June 30, 2005]; available from <http://www.irinnews.org/print.asp?ReportID=40116>.

million school children with notebooks, pens and educational equipment, to repair schools, and to provide teaching materials and training for up to 22,000 teachers.¹²³⁶

¹²³⁶ Integrated Regional Information Networks, *DRC: Interview of the administrator of UNICEF's education program, Mohamed Fall*, IRINnews.org, [online] 2005 [cited September 28, 2005]; available from http://www.irinnews.org/report.asp?ReportID=48980&SelectRegion=Great_Lakes.