

Congo, Democratic Republic of the

Selected Statistics and Indicators on Child Labor⁹²⁸

Population, children, 10-14 years, 2000:	7,098,056
Working children, 10-14 years (%), 2000:	39.8
Working boys, 10-14 years (%), 2000:	39.9
Working girls, 10-14 years (%), 2000:	39.8
Working children by sector, 10-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	15
Compulsory education age:	Not compulsory
Free public education:	No
Gross primary enrollment rate (%), 2003:	60.9
Net primary enrollment rate (%):	-
School attendance, children 10-14 years (%), 2000:	65.0
Survival rate to grade 5 (%):	-
ILO Convention 138:	6/20/2001
ILO Convention 182:	6/20/2001
CRC:	9/27/1990
CRCOPAC:	11/11/2001
CRCOPSC:	11/11/2001*
Palermo:	10/28/2005*
ILO-IPEC participating country:	Associated

*Accession

Incidence and Nature of Child Labor

Children in the Democratic Republic of the Congo (DRC) work in subsistence agriculture and artisanal mining.⁹²⁹ In mining areas, children sift, clean, sort, transport, and dig for minerals under hazardous conditions.⁹³⁰ Children are used to extract copper, cobalt, diamonds, and gold.⁹³¹ In the eastern DRC, Congolese and foreign armed groups force children to mine coltan, tungsten ore, and cassiterite.⁹³² In urban centers and other parts of the country, Congolese children sell food, carry packages, unload buses, work in restaurants, and break stones into gravel for a small wage.⁹³³ Some children also market drugs

and alcohol, serve as security guards, dig graves, and engage in prostitution.⁹³⁴

Armed groups outside of Government control continue to forcibly recruit and use children in armed conflict.⁹³⁵ Throughout 2008, intense fighting between rebel groups and the Congolese Armed Forces (FARDC) in the eastern DRC, particularly in North Kivu Province, reportedly led to an increase in child recruitment.⁹³⁶ Children associated with armed groups were sexually exploited and forced to work as combatants, porters, guards, spies, and domestic servants.⁹³⁷ Some of these children were released and subsequently re-recruited for armed conflict.⁹³⁸ Amnesty International notes that for every two children demobilized in the DRC, five more are re-recruited by armed groups.⁹³⁹ According to the UN Group of Experts on the DRC, FARDC did not make a systematic effort to recruit children. Some brigades, however, continued to maintain children in their ranks.⁹⁴⁰

Children are abducted within the DRC for forced labor, child soldiering, and sexual exploitation.⁹⁴¹ Foreign armed groups, including the Uganda-linked Lord's Resistance Army, abduct children from Rwanda and Uganda for domestic service, hauling, forced labor, child soldiering, and sexual exploitation in the DRC.⁹⁴² Children are also reportedly trafficked from the DRC to South Africa for sexual exploitation.⁹⁴³

Child Labor Laws and Enforcement

The law sets the minimum age for employment at 15 years.⁹⁴⁴ Children between 15 and 18 years may be employed with the permission of a parent or guardian. Children under 16 years, however, may work no more than 4 hours per day.⁹⁴⁵ According to a Ministry of Labor decree signed in August 2008, children between 16 and 18 years may not work more than 8 hours per day, at night or on weekends, or under hazardous conditions.⁹⁴⁶ The August 2008 decree defines the worst forms of child labor as the following: all forms of slavery, trafficking, debt bondage, forced labor, and forced recruitment by armed groups; use and

recruitment of children for prostitution, obscene dancing, and pornography; use and recruitment of children for drug trafficking; and any form of employment that may be detrimental to a child's health and well-being.⁹⁴⁷ The penalty for violating child labor provisions in the law is imprisonment for 6 months and a fine.⁹⁴⁸ The law bans forced or bonded labor, the recruitment of anyone under 18 years into the Armed Forces, and the use of children in hostilities.⁹⁴⁹ The law also makes illegal the use of children as a means for trafficking drugs or engaging in other illicit activities such as prostitution or the production of pornographic materials.⁹⁵⁰ The law prohibits trafficking in persons for sexual exploitation, forced prostitution, and pimping. The prescribed penalty for these crimes is 10 to 20 years in prison.⁹⁵¹

The DRC was 1 of 24 countries to adopt the Multilateral Cooperation Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.⁹⁵² As part of the Multilateral Cooperation Agreement, the Government of the DRC agreed to investigate and prosecute trafficking offenders; to rehabilitate and reintegrate trafficking victims; and to assist fellow signatory countries to implement these measures under the Agreement.⁹⁵³

The Ministry of Labor in the DRC is responsible for investigating child labor violations and has deployed 10 inspectors to the mining areas of the Katanga province. According to USDOS, the Government does not have the resources to enforce child labor laws and combat human trafficking.⁹⁵⁴ In 2008, the Government did not complete any child labor investigations.⁹⁵⁵

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

In 2008, the Government continued to implement a national disarmament, demobilization, and reintegration plan for combatants, including children.⁹⁵⁶ Under this plan, former child soldiers received temporary housing and vocational training from NGO-managed centers.⁹⁵⁷ With the support of UNICEF and the UN Mission in the

DRC, the Government conducted a national public awareness campaign to promote the release of all children under the control of armed groups.⁹⁵⁸ The Government continues to participate in a USDOL-funded 4-year USD 5.5 million project implemented by Save the Children UK and the American Center for International Labor Solidarity. The project targets 8,000 children for withdrawal and 4,000 children for prevention from entering exploitive child labor through the provision of educational services.⁹⁵⁹ The Government also participated in a USD 1.3 million project implemented by ILO-IPEC and funded by the Government of Norway to prevent the involvement of children in armed conflict and support the rehabilitation of former child soldiers in the DRC and Burundi.⁹⁶⁰

⁹²⁸ For statistical data not cited here, see the Data Sources and Definitions section. For ratifications and ILO-IPEC membership, see the Introduction. For minimum age for admission to work, see Government of the Democratic Republic of the Congo, *Loi no. 015/2002 du 16 Octobre 2002 portant Code du Travail*, article 133; available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/62645/52447/F1638018233/COD-62645.pdf>. See also U.S. Department of State, "Democratic Republic of the Congo," in *Country Reports on Human Rights Practices-2008*, Washington, DC, February 25, 2009, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/af/118995.htm>. For age to which education is compulsory and free public education, see U.S. Department of State, "Country Reports- 2008: DRC," section 5.

⁹²⁹ U.S. Department of State, "Country Reports- 2008: DRC," section 6d. See also U.S. Embassy- Kinshasa, *reporting*, January 20, 2009, para 9.

⁹³⁰ Save the Children UK and The American Center for International Labor Solidarity, *Summary Report: Nature and Scope of the "child labor in mines, DRC" Phenomenon*, Baseline Study for the Reducing the Exploitation of Working Children Through Education Project, Kinshasa, July, 2008, 12,17. See also U.S. Embassy-Kinshasa, *reporting*, August 4, 2008, para 2. See also Global Witness, *Digging in Corruption*, Washington DC, July 2006, 32 and 33; available from http://www.globalwitness.org/media_library_detail.php/154/en/digging_in_corruption.

⁹³¹ U.S. Embassy- Kinshasa, *reporting*, August 4, 2008, para 2. See also ILO-IPEC, *Child Labour in Gold Mining: The Problem*, Geneva, June 2006; available from <http://74.125.47.132/search?q=cache:RXNL3DHpBWg>

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⁹³² U.S. Embassy- Kinshasa, *reporting, August 4, 2008*, para 2. See also U.S. Department of State, "Country Reports- 2008: DRC," section 6d.

⁹³³ Human Rights Watch, *What Future? Street Children in the Democratic Republic of the Congo*, Volume 18, No. 2 (A), New York, April 2006, 28, 29, 33; available from <http://www.hrw.org/sites/default/files/reports/drc0406webwcover.pdf>. See also U.S. Department of State, "Country Reports- 2008: DRC," section 6d.

⁹³⁴ Human Rights Watch, *What Future? Street Children in the DRC*, 28, 33. See also U.S. Department of State, "Country Reports- 2008: DRC," sections 5 and 6d.

⁹³⁵ UN Security Council, *Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo*, S/2008/693, New York, November 10, 2008, paras 19, 20, 21, 32; available from <http://www.un.org/Docs/sc/sgrep08.htm>. See also UN Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, S/2008/773, New York, December 12, 2008, paras 182-183; available from <http://daccessdds.un.org/doc/UNDOC/GEN/N08/618/77/PDF/N0861877.pdf?OpenElement>.

⁹³⁶ UN Security Council, *Final Report UN Group of Experts - DRC*, paras 14 and 169. See also Amnesty International, *North Kivu: No End to War on Women and Children*, September 29, 2008, 15; available from http://www.amnestyusa.org/pdf/women_kivucongo.pdf.

⁹³⁷ Human Rights Watch, *Killings in Kiwanja: The UN's Inability to Protect Civilians*, New York, December 2008, 12; available from <http://www.hrw.org/sites/default/files/reports/drc1208web.pdf>. See also U.S. Department of State, "Country Reports- 2008: DRC," sections 1g and 6d.

⁹³⁸ UN Security Council, *Final Report UN Group of Experts - DRC*, para 171.

⁹³⁹ Amnesty International, *North Kivu: No End to War on Women and Children*, 15.

⁹⁴⁰ UN Security Council, *Final Report UN Group of Experts - DRC*, paras 184-186. See also U.S. Department of State, "Country Reports- 2008: DRC," section 1g.

⁹⁴¹ UN Security Council, *Report of the Secretary-General on children and armed conflict, 2008*, para 32.

⁹⁴² U.S. Department of State, "Country Reports- 2008: DRC," section 5.

⁹⁴³ U.S. Department of State, "Democratic Republic of the Congo (Tier 2 Watch List)," in *Trafficking in Persons*

Report- 2008, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105656.pdf>.

⁹⁴⁴ Government of the Democratic Republic of the Congo, *Code du Travail*, article 133.

⁹⁴⁵ U.S. Department of State, "Country Reports- 2008: DRC," section 6d.

⁹⁴⁶ U.S. Embassy- Kinshasa, *reporting, January 20, 2009*, para 2.

⁹⁴⁷ *Ibid.*, para 3.

⁹⁴⁸ Government of the Democratic Republic of the Congo, *Public Comments based on response to Federal Register Notice*, Kinshasa, January 7, 2005, 3.

⁹⁴⁹ *Ibid.*, 1, 2, 4. See also U.S. Embassy- Kinshasa, *reporting, January 20, 2009*, para 3. See also U.S. Department of State, "Country Reports- 2008: DRC," sections 6c and 6d.

⁹⁵⁰ Government of the Democratic Republic of the Congo, *Public Comments, January 7, 2005*, 2 and 4.

⁹⁵¹ U.S. Department of State, "Trafficking in Persons Report- 2008: DRC."

⁹⁵² Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (LUTRENA)*, Technical Progress Report, Washington, DC, September 1, 2006, 2.

⁹⁵³ ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 5-7.

⁹⁵⁴ U.S. Embassy- Kinshasa, *reporting, January 20, 2009*, para 5. See also U.S. Department of State, "Trafficking in Persons Report- 2008: DRC."

⁹⁵⁵ U.S. Embassy- Kinshasa, *reporting, January 20, 2009*, para 6.

⁹⁵⁶ UN Security Council, *Report of the Secretary-General on children and armed conflict, 2008*, para 58.

⁹⁵⁷ U.S. Department of State, "Trafficking in Persons Report- 2008: DRC."

⁹⁵⁸ UN Security Council, *Report of the Secretary-General on children and armed conflict, 2008*, para 62.

⁹⁵⁹ U.S. Department of Labor, *Notice of Award: Cooperative Agreement*, Washington, DC, September 27, 2007. See also USDOL-ILAB, *U.S. Department of Labor awards more than \$54 million to eliminate exploitive child labor around the world*, Press Release, October 1, 2007; available from <http://www.dol.gov/opa/media/press/ilab/ILAB20071498.htm>.

⁹⁶⁰ ILO-IPEC, E-mail communication to USDOL official, December 18, 2008.