

Congo, Democratic Republic of the

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

The Democratic Republic of the Congo (DRC) is an associated country of ILO-IPEC.⁸⁹⁵ The government is participating in a regional four-year, USDOL-funded ILO-IPEC program designed to prevent the involvement of children in armed conflicts in Central Africa. The first phase of the project gathered basic information on the needs of children involved in conflicts in the region and established mechanisms for regional information sharing and coordination.⁸⁹⁶ In 2002, government officials participated in awareness raising activities on child labor organized by ILO-IPEC in conjunction with the African Cup of Nations.⁸⁹⁷

The government has received support from various international organizations for projects to assist children involved or at risk of involvement in the armed conflict in the DRC. In 2000, DRC President Joseph Kabila established a demobilization program for children and other vulnerable groups involved in the nation's conflict, and created the National Bureau for Demobilization and Reintegration to head the effort in conjunction with UNICEF.⁸⁹⁸ The actual demobilization of children began in 2001.⁸⁹⁹ The demobilization program is providing support for family tracing services, medical assistance, psychological rehabilitation, and reintegration orientation for former child soldiers, as well as support for research and awareness raising with families in order to achieve acceptance of the returning children.⁹⁰⁰

The government is also receiving support from UNICEF, other UN agencies and NGOs on a project to improve the country's education system by providing displaced and other war-affected children

⁸⁹⁵ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited November 11, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁸⁹⁶ The first phase of the project ended in 2002. The second phase of the project is estimated to be completed in three years. 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. See also 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, September 15, 2002, Section 2.

⁸⁹⁷ 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/organization/public/french/region/afpro/yaounde/mdtyaounde/download/fk0502.htm>.

⁸⁹⁸ S.E. Mme Jeanne Ebamba Boboto, Minister of Social Affairs, Statement at the UN Special Session on Children, May 10, 2002, [cited December 26, 2002]; available from <http://www.un.org/ga/children/drcF.htm>.

⁸⁹⁹ The rebel group Rassemblement Congolais pour la Démocratie (RCD) has since signed a plan of action with UNICEF for the demobilization of child soldiers. See UNICEF, *A Humanitarian Appeal for Children and Women: January - December 2002, Democratic Republic of Congo (DRC)*, 2002, [cited August 26, 2002]; available from <http://www.unicef.org/emerg/Appeals/2002/drcongo2.pdf>. See also UNICEF, *Children Affected by Armed Conflict: UNICEF Actions*, New York, May 2002, 39.

⁹⁰⁰ UNICEF, *A Humanitarian Appeal for Children and Women*.

with basic education,⁹⁰¹ and on a project for girls to increase enrollment, reduce drop-out rate, and encourage transition to secondary education.⁹⁰² The World Bank is providing support to the government to address data, policy and capacity gaps in the DRC so as to enable the country to qualify for funding under the UN fast-track Education for All grant financing program.⁹⁰³

Incidence and Nature of Child Labor

In 2001, UNICEF estimated that 24.2 percent of children ages 5 to 14 years in the DRC were working.⁹⁰⁴ Children work in the informal sector and in subsistence agriculture, which constitute the largest sectors of the economy.⁹⁰⁵ Children work in mining,⁹⁰⁶ garbage collecting⁹⁰⁷ and drug trafficking,⁹⁰⁸ and as porters and errand boys.⁹⁰⁹ Girls as young as 8 years of age have reportedly been forced into prostitution,⁹¹⁰ while other children hunt or fish to support their families instead of

⁹⁰¹ Ibid.

⁹⁰² UNICEF, *Girls' Education in the Democratic Republic of Congo*, 2002, [cited September 3, 2002]; available from www.unicef.org/programme/girlseducation/action/ed_profiles/DRCfinal.pdf.

⁹⁰³ Integrated Regional Information Networks, "DRC: World Bank to Assist Education Sector", IRINnews.org, [online], June 13, 2002 [cited August 26, 2002]; available from <http://www.irinnews.org/print.asp?ReportID=28310>. USAID works 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/>.

⁹⁰⁴ 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 more than four 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, Volume II, 177 [cited December 26, 2002]; available from <http://www.childinfo.org/MICS2/newreports/drc/mics2%20rapport%20final%20.pdf>. The births of many children in the DRC are not registered, which facilitates the exploitation of such children by child traffickers and increases their risk of early military recruitment and child labor. UNICEF has called on the government to promote the free registration of children at birth. See UN Office for the Coordination of Humanitarian Affairs, *Great Lakes: UNICEF calls for free registration of births*, [online] August 26, 2002 [cited August 26, 2002]; available from <http://www.irinnews.org/print.asp?ReportID=28177>.

⁹⁰⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Democratic Republic of the Congo*, Washington, D.C., March 4, 2002, 168-70, Section 6d [cited December 10, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/af/8322pf.htm>.

⁹⁰⁶ 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, 4 [cited December 26, 2002]; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/88d505fd9d41bac1256bd50039279b?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/88d505fd9d41bac1256bd50039279b?Opendocument).

⁹⁰⁷ Save the Children (UK), *Children's Lives: Surviving the Streets*, [online] 2002 [cited August 26, 2002]; available from http://www.savethechildren.org.uk/functions/indx_search.html.

⁹⁰⁸ 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, [cited December 10, 2002]; available from <http://www.hrlawgroup.org/resources/content/ChildRightsShadow.pdf>.

⁹⁰⁹ Save the Children (UK), *Children's Lives: Surviving the Streets*.

⁹¹⁰ U.S. Department of State, *Country Reports- 2001: Democratic Republic of the Congo*, 168-70, Section 6d.

attending school.⁹¹¹ Many street children in the DRC's major towns and cities work in extremely hazardous conditions, and are at risk of sexual exploitation or recruitment into the armed forces.⁹¹²

In 2002, UNICEF estimated that 15,000 child soldiers were engaged in the conflict in the DRC.⁹¹³ In 2001, there were reports that children as young as 13 years were recruited as soldiers in the Congolese Armed Forces (FAC).⁹¹⁴ Children as young as 8 years old have been recruited into local militias.⁹¹⁵ During 2001, the government stopped encouraging the enlistment of children in paramilitary organizations.⁹¹⁶ To date, there is no information available on the recruitment of children by the armed forces in 2002. Congolese child soldiers serve as runners, bodyguards, porters, spies, and fighters on the frontlines.⁹¹⁷ There have been reports that the FAC sexually exploits homeless girls.⁹¹⁸ Children from the DRC have been trafficked to Europe for purposes of commercial sexual exploitation.⁹¹⁹ Children from other African countries are trafficked to the DRC and forcibly recruited into rebel militias.⁹²⁰

⁹¹¹ Ibid., 165-68, Section 5.

⁹¹² 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 September 3, 2002]; available from <http://www.oxfam.org.uk/policy/papers/drc2.htm>.

⁹¹³ The number of child soldiers fighting in the DRC is estimated to be higher than the number of child soldiers fighting in any other conflict in the region, including Angola, Uganda, Sudan and Rwanda, as well as Sierra Leone in West Africa. See UN Wire, *Great Lakes: UNICEF Works to Reintegrate 35,000 Child Soldiers*, United Nations Foundation, [online] October 7, 2002 [cited October 8, 2002]; available from http://www.unfoundation.com/unwire/util/display_stories.asp?objid=29441.

⁹¹⁴ 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/hurricane.nsf/view01/D33F9C5FC1976910C1256A5B0057D64A?opendocument>.

⁹¹⁵ Coalition to End the Use of Child Soldiers, "Child Soldiers on Trial in the DRC," *Child Soldiers Newsletter* # 3 (March 2002), 8.

⁹¹⁶ U.S. Department of State, *Country Reports- 2001: Democratic Republic of the Congo*, 146-58, Section 1f.

⁹¹⁷ Coalition to End the Use of Child Soldiers, "Child Soldiers on Trial in the DRC," 8.

⁹¹⁸ U.S. Department of State, *Country Reports- 2001: Democratic Republic of the Congo*, 146-58, Section 1c.

⁹¹⁹ Protection Project, "Democratic Republic of the Congo," in *Human Rights Report on Trafficking of Persons, Especially Women and Children* Washington, D.C., March 2002, [cited August 29, 2002]; available from <http://www.protectionproject.org/main1.htm>. See also U.S. Department of State, *Country Reports- 2001: Democratic Republic of the Congo*, 168-70, Section 6f.

⁹²⁰ Coalition to End the Use of Child Soldiers, "Child Soldiers on Trial in the DRC."

Education in the DRC is neither compulsory nor free.⁹²¹ In 1998, the gross primary enrollment rate was 46 percent, and the net primary enrollment rate was 32.1 percent.⁹²² In 2001, the net primary attendance rate was 51.7 percent.⁹²³ Barriers to attendance include parents' inability to pay school fees, dilapidated school facilities and population displacement.⁹²⁴

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.⁹²⁵ 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 four hours per day; those 16 to 18 years may work up to eight hours per day.⁹²⁶ Children under the age of 18 are prohibited from working at night in public or private establishments.⁹²⁷ The draft Constitution contains prohibitions against forced labor,⁹²⁸ the recruitment of children in national defense forces or children's participation in hostilities.⁹²⁹ The Constitution has not been officially adopted, however.⁹³⁰ Under the Juvenile Code, children under 14 are prohibited from engaging in prostitution.⁹³¹ There are no specific laws that prohibit trafficking.⁹³²

⁹²¹ U.S. Department of State, *Country Reports- 2001: Democratic Republic of the Congo*, 165-68, Section 5. See also Right to Education, *International Obligations and Access to Remedies: Congo (Democratic Republic of the, formerly Zaire)*, [online] 2002 [cited November 13, 2002]; available from http://www.right-to-education.org/content/index_4.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*, 7.

⁹²² World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

⁹²³ Government of the Democratic Republic of Congo, *Enquete Nationale sur la situation des enfants*, 1, 73. Gross attendance rates for DRC are not available.

⁹²⁴ ChristianAid, Oxfam, and Save the Children UK, *No End in Sight*.

⁹²⁵ 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*, Article 115 [cited August 31, 2002]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

⁹²⁶ U.S. Department of State, *Country Reports- 2001: Democratic Republic of the Congo*, 168-70, Section 6d.

⁹²⁷ *Code du Travail*, Article 106.

⁹²⁸ *Ebauche de la Constitution de la Republique Democratique du Congo*, Article 15 [cited February 2, 2002]; available from <http://confinder.richmond.edu/congo?k.htm>.

⁹²⁹ *Ibid.*, Article 43.

⁹³⁰ U.S. Department of State, *Country Reports- 2001: Democratic Republic of the Congo*, 143-46, Introduction. See also Right to Education, *International Obligations and Access to Remedies: Congo (Democratic Republic of the, formerly Zaire)*.

⁹³¹ U.S. Department of State, *Country Reports- 2001: 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, including for commercial purposes. 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*.

⁹³² U.S. Department of State, *Country Reports- 2001: Democratic Republic of the Congo*, 168-70, Section 6f.

Although responsible for enforcing child labor laws, the Ministry of Labor makes little effort to do so.⁹³³ The Government of the DRC, and particularly its military court, fails to provide basic protections to children. Some former child soldiers as young as 11 years have been imprisoned and, although very little information is available in regard to these children, human rights groups say some children have been tortured and at least one was forced to execute another.⁹³⁴

The Government of the Democratic Republic of the Congo ratified both ILO Convention 138 and ILO Convention 182 on June 20, 2001.⁹³⁵

⁹³³ Ibid., 168-70, Section 6d.

⁹³⁴ Coalition to End 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: Delegation Asked to Clarify the Fate of Children*.

⁹³⁵ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 3, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.