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CONGO DEMOCRATIC REPUBLIC OF THE

MINIMAL ADVANCEMENT – *Efforts Made but Continued Practice that Delayed Advancement*

In 2023, the Democratic Republic of the Congo made minimal advancement in efforts to eliminate the worst forms of child labor. The government piloted the Child Labor Monitoring and Remediation System in 10 artisanal cobalt mining sites, and as of December 2023, 5,346 children were registered in the database and are being assessed for services. However, despite new initiatives to address child labor, the Democratic Republic of the Congo is receiving an assessment of minimal advancement because the country’s armed forces coordinated with and supplied material support to armed groups known for recruiting children. In addition, the government did not publish labor or criminal law enforcement data. It also failed to take active measures to ensure that children are not inappropriately incarcerated, penalized, or physically harmed solely for unlawful acts committed as a direct result of their exploitation in the worst forms of child labor. Other gaps remain, including inadequate financial resources allocated to enforcement agencies.



PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Statistics on Children’s Work and Education

Children	Age	Percent of Population
Working	5 to 14	17.4% (Unavailable)
Hazardous Work by Children	15 to 17	Unavailable
Attending School	5 to 14	68.8%
Combining Work and School	7 to 14	16.3%

Children in the Democratic Republic of the Congo are subjected to the worst forms of child labor, including in the forced mining of gold, tin ore (cassiterite), tantalum ore (coltan), and tungsten ore (wolframite), and are used in armed conflict, sometimes as a result of forcible recruitment or abduction by non-state armed groups. Children also mine cobalt ore (heterogenite) in the Copperbelt region.

Overview of Children’s Work by Sector and Activity



Agriculture

Farming, including tilling fields, planting seeds, weeding, watering, and harvesting crops, carrying heavy loads,† and use of chemical products and machetes; fishing; and herding livestock.



Industry

Mining, including carrying heavy loads,† digging, sifting, sorting, transporting, using explosives, washing, and working underground† in the production of diamonds, copper, cobalt ore (heterogenite), gold, tin ore (cassiterite), tantalum ore (coltan), and tungsten ore (wolframite).



Services

Domestic work; vending; and garbage scavenging.



Categorical Worst Forms of Child Labor‡

Forced mining of gold, tantalum (coltan), tin (cassiterite), and tungsten (wolframite); forced labor in domestic work and agriculture; forced begging; commercial sexual exploitation; recruitment of children by non-state armed groups for use in armed conflict; use in illicit activities, including the smuggling of minerals.

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

‡ Child labor understood as the worst forms of child labor per se under Article 3(a)–(c) of ILO C. 182.

Members of the Armed Forces of the Democratic Republic of the Congo (French acronym FARDC) coordinated with non-state armed groups that recruited and used children in armed conflict in 2023, including the Democratic Forces for the Liberation of Rwanda (French acronym FDLR), Alliance of Patriots for a Free and Sovereign Congo (French acronym APCLS), and Nduma Défense du Congo-Rénové (NDC-Rénové). These non-state armed groups and actors largely identified under the name “Wazalendo” (Swahili for “patriots”) mobilized in support of the FARDC’s fight against the Rwanda-backed M23 armed group and the Rwanda Defence Force (RDF). Per UN reporting, a meeting was held in Goma in September 2023 between FARDC members and the “Wazalendo” – including U.S.-sanctioned armed groups like the FDLR and actors like the NDC-Rénové leader. This meeting was reportedly used to develop a FARDC-Wazalendo operational strategy to fight M23 and RDF and also created a coalition of combatants, Volunteers for the Defense of the Homeland (French acronym VDP), led by armed group leaders to serve as a proxy force of the FARDC. UN reporting also documented FARDC providing material support to these armed groups and others under the VDP and “Wazalendo” banners.



SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

The suggested government actions below would close gaps USDOL has identified in the Democratic Republic of the Congo's implementation of its international commitments to eliminate the worst forms of child labor.

Legal Framework

Establish by law free basic education, including lower secondary education.

Raise the compulsory education age from 12 years to 18 years to align with the minimum age for work.

Ensure that laws on child trafficking do not require force, fraud, or coercion for a child to have been considered trafficked.

Increase penalties for child labor crimes so that they are sufficiently stringent to serve as a deterrent.

Enforcement

Ensure that the labor inspectorate is fully funded, including by providing vehicles and government-issued computers to allow inspectors to carry out their mandated duties.

Collect and publish complete data on labor law enforcement efforts, including labor inspectorate funding, the number of worksite inspections conducted, and the number of violations found, penalties imposed, and fines collected.

Establish a mechanism to receive child labor complaints.

Ensure that inspectors and criminal law enforcement agencies receive adequate training to carry out their duties.

Collect and publish complete data related to criminal law enforcement efforts, including the number of investigations conducted, prosecutions initiated, convictions achieved, and penalties imposed related to worst forms of child labor crimes.

End Armed Forces of the Democratic Republic of the Congo support for non-state armed groups that recruit children; ensure children are not detained in dangerous conditions; and hold perpetrators of child labor crimes, including child soldiering, accountable.

Ensure the criminal justice system has sufficient resources to investigate and prosecute child labor violations.

Improve coordination among relevant criminal law enforcement agencies in conducting investigations, collecting data, and providing services to survivors.

Ensure that security forces do not subject children to human rights violations, including extortion and physical abuse, in artisanal small-scale mining operations.

Coordination

Ensure that the National Committee to Fight the Worst Forms of Child Labor has sufficient funds and participation from relevant ministries to carry out its mandate.

Government Policies

Ensure all relevant policies, national action plans, and sectoral strategies to address the worst forms of child labor are funded and implemented as intended.

Social Programs

Conduct a stand-alone child labor survey to better inform child labor policies and practices along with a prevalence survey focused on mining.

Improve access to education by enhancing services and programs for children with disabilities and LGBTQI+ children, eliminating informal fees, and making additional efforts to prevent schools from being attacked and occupied by armed groups.

Expand efforts to address the needs of demobilized children and prevent re-recruitment.

Expand access to shelters and social services for survivors of child labor and child trafficking.

Establish or expand social programs designed to assist children engaged in forced labor in agriculture, mining, street work, domestic work, and commercial sexual exploitation, and implement programs to protect children at higher risk, including internally displaced children, LGBTQIA+ children, and street children.



CHILDREN AT HIGHER RISK

In the Democratic Republic of the Congo (DRC), economically disadvantaged children, children with disabilities, ethnic minorities, and children in conflict zones are more vulnerable to the worst forms of child labor. In Kinshasa, the capital city, there are up to 35,000 homeless and displaced street children who are at higher risk of labor exploitation, commercial sexual exploitation, and use in illicit activities. In addition, some ethnic groups—including Bayakhas, Pygmies, and Bakete—are at higher risk of child labor and child trafficking. Escalating conflict in the east rendered children increasingly vulnerable to recruitment by non-state armed groups, forced labor in artisanal mining, and child sex trafficking. Due to a dramatic uptick in violence, more than 2.78 million people in the DRC had to leave their homes during the reporting year. In 2023, the DRC had 6.9 million internally displaced people. The Rwanda-backed non-state armed group March 23 Movement (M23) recruited children in the DRC with false promises of employment, transported them to Rwanda and Uganda for military training, and then redeployed them into combat after returning them to the DRC. M23 also forced children to work in fields and carry out chores. Former child soldiers separated from armed groups often remain vulnerable to re-recruitment due to insufficient rehabilitation services.



BARRIERS TO EDUCATION ACCESS

While Congolese law provides for free, compulsory primary education, parents are sometimes asked to pay informal school fees, which were often prohibitively high, to support teacher salaries. Across multiple provinces, 2.7 million children faced severe disruptions to their education due to conflict and natural disasters, and 848 schools were closed, impacting the education of over 320,000 children. In addition, children with disabilities faced barriers, including inaccessible infrastructure and lack of awareness among teachers and school staff. LGBTQIA+ children also often leave school due to discrimination. Children unable to access education may be more vulnerable to the worst forms of child labor.



LEGAL FRAMEWORK FOR CHILD LABOR

The Democratic Republic of the Congo has ratified all key international conventions concerning child labor. However, its laws related to compulsory education do not meet international standards because children over age 12 are not required to attend school.

Child Labor Laws and Regulations	Meets International Standards	Legislation
Minimum Age for Work, 18 Years	✓	Prelude and Articles 6 and 7 of the Labor Code; Articles 2, 50, and 55 of the Child Protection Code
Minimum Age for Hazardous Work, 18 Years	✓	Article 10 of the Decree Establishing the Conditions for Children's Work
Identification of Hazardous Occupations or Activities Prohibited for Children	✓	Articles 8–15 of the Decree Establishing the Conditions for Children's Work; Articles 26 and 299 of the Mining Code; Article 8b of the Decree on Validation Procedures for Artisanal Mines; Article 125 of the Labor Code
Prohibition of Slavery, Debt Bondage, and Forced Labor	✓	Articles 2 and 3 of the Labor Code; Articles 53 and 187 of the Child Protection Code; Articles 16 and 61 of the Constitution; Article 8 of the Decree Establishing the Conditions for Children's Work; Article 68 of the Law on the Prevention and Repression of Trafficking in Persons
Prohibition of Child Trafficking	✗	Articles 3, 321, 326, and 328 of the Labor Code; Article 68 of the law on the Prevention and Repression of Trafficking in Persons; Articles 53, 162, and 187 of the Child Protection Code; Article 174j of the Penal Code; Articles 8 and 20 of the Decree Establishing the Conditions for Children's Work
Prohibition of Commercial Sexual Exploitation of Children	✓	Article 3 of the Labor Code; Articles 53, 61, 169, 173, 179–180, 182–183, and 187 of the Child Protection Code; Articles 174b, 174j, 174m, and 174n of the Penal Code; Article 8 of the Decree Establishing the Conditions for Children's Work
Prohibition of Using Children in Illicit Activities	✓	Article 3 of the Labor Code; Article 8 of the Decree Establishing the Conditions for Children's Work; Articles 53, 187–188, and 194 of the Child Protection Code

Legal Framework for Child Labor (Cont.)

Child Labor Laws and Regulations	Meets International Standards	Legislation
Minimum Age for Voluntary State Military Recruitment, 18 Years		Article 27 of the Law on the Military Status of the Congolese Armed Forces; Articles 2, 53, 71, and 187 of the Child Protection Code
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A	Articles 2 and 7 of the Law on Armed Forces; Article 27 of the Law on the Military Status of the Congolese Armed Forces; Articles 53, 71, and 187 of the Child Protection Code
Prohibition of Military Recruitment by Non-state Armed Groups		Articles 53, 71, and 187 of the Child Protection Code; Article 190 of the Constitution
Compulsory Education Age, 12 Years†		Article 38 of the Child Protection Code; Articles 7.21, 12, and 72 of the Law on National Education; Article 43 of the Constitution
Free Public Education		Article 38 of the Child Protection Code; Article 43 of the Constitution; Articles 12 and 72 of the Law on National Education

* Country has no conscription

† Age calculated based on available information

Law No° 22/067 for the Prevention and Fight Against Trafficking in Persons continues to require a threat, use of force, coercion, fraud, deception, or abuse of power for a child to have been considered trafficked. In addition, children are required to attend school only up to approximately age 12, based on available information. This standard makes children ages 12 to 18 vulnerable to child labor as they are not required to attend school but are not legally permitted to work. In addition, the law provides for free schooling for 6 years, although basic education is a total of 9 years. The failure to provide for complete free basic education may increase the risk of children's involvement in the worst forms of child labor.



ENFORCEMENT OF LAWS ON CHILD LABOR

In 2023, labor and criminal law enforcement agencies in the Democratic Republic of the Congo took actions to address child labor. However, these entities lacked resources and capacity to fully carry out their mandates, and the government failed to collect data on both its labor and criminal enforcement actions.

Agencies Responsible for Child Labor Law Enforcement

Ministry of Employment, Labor, and Social Welfare (MELSS): Investigates cases related to child labor, including its worst forms, and refers cases to the Ministry of Justice for prosecution. MELSS currently lacks the capacity to conduct inspections in the mining sector. In 2023, it hired over 2,000 new labor inspectors, controllers, and administrative staff. However, subsequent reports indicate that the new employees have not received their salaries since their hiring.

Ministry of Justice: Enforces criminal laws related to child labor and oversees five juvenile courts in Kinshasa. During the reporting year, the Ministry of Justice prosecuted several cases of child trafficking. However, poor coordination in conducting investigations, collecting data, and providing services to survivors continued to hinder the government's efforts.

Enforcement Mechanisms and Efforts

Has a Labor Inspectorate	Yes	Has a Complaint Mechanism	No
Able to Assess Civil Penalties	Yes	Imposed Penalties for Child Labor Violations	No
Routinely Conducted Worksite Inspections	Yes	Conducted Criminal Investigations for Worst Forms of Child Labor Crimes	Yes
Unannounced Inspections Permitted	Yes	Imposed Penalties for Worst Forms of Child Labor Crimes	Yes

In 2023, **1,117** labor inspectors conducted an **unknown** number of worksite inspections. The government conducted an **unknown** number of investigations into suspected cases of the worst forms of child labor, and the number of prosecutions initiated and perpetrators convicted is **unknown**.



COORDINATION, POLICIES, AND PROGRAMS

Key Mechanism to Coordinate Government Efforts on Child Labor The Democratic Republic of the Congo established a mechanism to coordinate its efforts to address child labor. However, the National Committee to Combat the Worst Forms of Child Labor lacks funding to fully carry out its mandated duties.	National Committee to Combat the Worst Forms of Child Labor: Led by the MELSS and includes representatives from 12 other ministries, local NGOs, and civil society. Oversees the implementation of the National Action Plan to Combat the Worst Forms of Child Labor. During the reporting year, the committee's activities were impeded by lack of funding.
Key Policies Related to Child Labor The Democratic Republic of the Congo established policies related to child labor. However, these policies lack sufficient funding for implementation.	National Action Plan to Combat the Worst Forms of Child Labor (2012–2025): Promotes the enforcement of laws prohibiting the worst forms of child labor; awareness raising; prevention and reintegration services; universal primary education; monitoring and evaluation efforts; and improved coordination of stakeholders. During the reporting year, the MELSS began implementing the ministerial decree of 2022 related to the creation, organization, and functioning of the coordination committee of Alliance 8.7. National Sectoral Strategy to Combat Child Labor in Artisanal Mines and Artisanal Mining Sites (2017–2025): Aims to strengthen relevant laws, improve data collection on the prevalence of child labor in the mining sector, promote responsible sourcing regulations, improve child protection measures, and build stakeholder capacity. During the reporting year, the government launched a child labor monitoring and remediation system for artisanal cobalt. National Action Plan on Trafficking in Persons (2020–2024): Aims to prevent human trafficking through national awareness raising and government training programs, survivor identification and care, and law enforcement cooperation and coordination. In January 2023, President Tshisekedi replaced the Agency for the Prevention and Fight Against Trafficking in Persons with a new structure called the Coordination for Youth and the Fight Against Sexual Violence and Trafficking in Persons, tasking it with a leading role in guiding front-line actors involved in combating human trafficking and offering them an institutional space for meetings and data collection. In its first year of existence, Coordination collaborated with relevant ministries to collect data on human trafficking.
Key Social Programs to Address Child Labor The Democratic Republic of the Congo funded and participated in programs that may contribute to preventing child labor. However, social programs are inadequate because they do not address the full scope of the problem in all relevant sectors. <i>* Program was launched during the reporting period.</i>	Child Labor Monitoring and Remediation System:* Aims to identify and provide remediation services for child laborers in the artisanal cobalt sector. Managed by the MELSS with support from the ILO. It was launched at 10 pilot sites in 2023, and as of December, 5,346 children were registered in the database pilot program and are being assessed for services and case management. Free Primary Education Program: A Ministry of Primary, Secondary, and Technical Education program that provides free primary education for children up to the age of 12 with support from the World Bank and Global Partnership for Education. During the 2022–2023 academic year, 4 million more children attended primary school compared to the 2017–2018 academic year.

For information about USDOL's projects to address child labor around the world, visit dol.gov/ILABprojects

For references, please visit dol.gov/ChildLaborReports