

**Flygtningenævnets baggrundsmateriale**

|                                    |                                                                                        |
|------------------------------------|----------------------------------------------------------------------------------------|
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# Congo, Democratic Republic of the

MODERATE ADVANCEMENT

*In 2015, the Democratic Republic of the Congo made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government took steps to implement a UN-backed action plan to end the recruitment and use of child soldiers, including by arresting Force de Résistance Patriotique en Ituri leader Cobra Matata for use of child soldiers and launching the Reinsertion and Reintegration Project. The National Labor Council also approved the National Action Plan to Combat the Worst Forms of Child Labor, originally drafted in 2011, and submitted it to the Cabinet for approval and adoption. However, children in the Democratic Republic of the Congo continue to engage in the worst forms of child labor, including in the mining of gold, cassiterite (tin ore), coltan (tantalum ore), and wolframite (tungsten ore), and are used in armed conflict, sometimes as a result of forcible recruitment or abduction by non-state armed groups. The prescribed penalties for forced or compulsory labor remain low and do not serve as deterrents. Decentralization, a lack of resources, and poor coordination have hampered the Government's efforts to combat child labor, and laws mandating free primary education are not enforced.*



## I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in the Democratic Republic of the Congo (DRC) are engaged in the worst forms of child labor, including in the mining of gold, cassiterite (tin ore), coltan (tantalum ore), and wolframite (tungsten ore) and are used in armed conflict, sometimes as a result of forcible recruitment or abduction by non-state armed groups.(1-6) Table 1 provides key indicators on children's work and education in the DRC.

**Table 1. Statistics on Children's Work and Education**

| Children                      | Age       | Percent          |
|-------------------------------|-----------|------------------|
| Working (% and population)    | 5-14 yrs. | 16.9 (3,327,806) |
| Attending School (%)          | 5-14 yrs. | 67.1             |
| Combining Work and School (%) | 7-14 yrs. | 16.2             |
| Primary Completion Rate (%)   |           | 66.8             |

Source for primary completion rate: Data from 2013, published by UNESCO Institute for Statistics, 2015.(7)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Multiple Indicator Cluster Survey 4, 2010.(8)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

**Table 2. Overview of Children's Work by Sector and Activity**

| Sector/Industry | Activity                                                                                                                                                                                                                                                                                      |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agriculture     | Farming, including planting seeds,* watering crops,* carrying heavy loads,*† and use of chemical products* and machetes*in the production of coffee,* tea,* quinine,* eggplant,* manioc,* sweet potatoes,* leafy greens,* corn,* beans,* rice,* cassava leaves,* and other vegetables* (9-14) |
|                 | Fishing,* including the use of explosives* (10, 11)                                                                                                                                                                                                                                           |
|                 | Herding* and animal husbandry,* including chickens,* goats,* and pigs* (11, 14, 15)                                                                                                                                                                                                           |
|                 | Hunting* (10, 14)                                                                                                                                                                                                                                                                             |

# Congo, Democratic Republic of the

## MODERATE ADVANCEMENT

**Table 2. Overview of Children's Work by Sector and Activity (cont)**

| Sector/Industry                         | Activity                                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Industry                                | Mining,† including sifting, cleaning, sorting, working underground,*† transporting, carrying heavy loads,† use of mercury* and explosives,* and digging in the production of diamonds, copper, heterogenite (cobalt ore), gold, cassiterite (tin ore), coltan (tantalum ore), and wolframite (tungsten ore) (3, 9-11, 16-30) |
|                                         | Working as auto mechanics,* on construction sites,* and in carpentry workshops,* craft workshops,* and road construction* (10)                                                                                                                                                                                               |
|                                         | Working in quarries,*† breaking stone into gravel* (5, 19)                                                                                                                                                                                                                                                                   |
| Services                                | Domestic work (5, 10, 15, 31)                                                                                                                                                                                                                                                                                                |
|                                         | Driving motorcycle taxis* (12)                                                                                                                                                                                                                                                                                               |
|                                         | Street work, including vending, garbage scavenging,* carrying packages, unloading* or parking* vehicles, and washing cars* (5, 10, 11, 15, 28, 30, 32-35)                                                                                                                                                                    |
| Categorical Worst Forms of Child Labor‡ | Forced mining of gold, cassiterite, coltan, and wolframite, sometimes as a result of debt bondage (3, 36-38)                                                                                                                                                                                                                 |
|                                         | Commercial sexual exploitation, sometimes as a result of trafficking (3, 10, 11, 19, 21, 24, 29, 32, 34, 36, 37, 39-43)                                                                                                                                                                                                      |
|                                         | Forced domestic work* (37, 38)                                                                                                                                                                                                                                                                                               |
|                                         | Use in illicit activities, including for spying, stealing, carrying stolen goods, smuggling minerals,* and distributing drugs* (9, 24, 37, 44-46)                                                                                                                                                                            |
|                                         | Use as child soldiers, sometimes as a result of forced recruitment by armed groups (4, 6, 10, 11, 15, 45, 47-50)                                                                                                                                                                                                             |

\* Evidence of this activity is limited and/or the extent of the problem is unknown.

† 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.

In 2015, members of indigenous and foreign non-state armed groups—including the Lord's Resistance Army (LRA); *Forces Démocratiques de Libération du Rwanda* (FDLR); *Nduma Défense du Congo* (NDC/Cheka); *Force de Résistance Patriotique en Ituri* (FRPI); Mayi Mayi groups including Nyatura and Rayia Mutomboki; and other armed groups—continued to abduct and recruit children to be used in their units, primarily in North Kivu.(36, 47, 51) The Government estimates 3,663 children were associated with armed groups in 2015.(52) Children associated with armed groups serve as combatants and bodyguards for army commanders, as well as porters of ammunition, cooks, spies, miners, domestic workers, and sex slaves. Children also monitor military check points, cultivate crops, transmit messages, collect taxes in rebel-occupied territory, and loot villages after attacks.(4, 12, 37, 45, 46, 48-50, 53-56) The LRA continued to abduct Congolese children for use by the group within the country, as well as in the Central African Republic, Sudan, and South Sudan during the reporting period.(57) For the second year in a row, there have been no verified cases of children being recruited into the Armed Forces of the DRC (FARDC), and the FARDC has increased its efforts to demobilize child soldiers, including those from rebel military groups.(36, 47)

Article 43 of the Constitution establishes the right to free education in all public establishments; President Joseph Kabila's August 2010 declaration, and his Circular of September 2010, waives all direct costs of primary education.(9, 58-61) The fee waiver mandated by the 2010 declaration and by the Circular was implemented in stages, with all school fees to be eliminated by the 2014–2015 academic year.(58) However, in practice, implementation is uneven and some families are required to pay for school uniforms, tuition, and additional fees—including funds to cover teachers' salaries, which may be prohibitive.(9-11, 26-28, 30, 34, 47, 61-65) Children often engage in various kinds of work, such as artisanal mining, to pay their school fees.(17, 19, 21, 26) Many schools throughout the DRC are oversubscribed, under-resourced, poorly maintained, and require children to travel long distances.(10, 14, 63, 66-68) Additionally, armed conflict hinders children's access to education in the eastern region of the DRC. There are reports of some children being forcibly recruited or sexually abused at school; some children were subject to sexual violence or abduction on their way to and from school.(6, 39, 44, 47, 50, 69) Many schools in the eastern regions have been closed due to destruction, damage, or looting caused by the conflict; other schools are occupied by armed rebel groups as their barracks or army operation bases.(10, 12, 47, 51, 64, 69) There is a lack of qualified teachers throughout the country and research indicates some teachers require students to work in their fields or demand sexual favors from female students in exchange for good grades.(10, 17, 47, 60, 68, 70) Internally displaced children may also have difficulty accessing education, which puts them at increased risk of engaging in child labor. UNHCR estimates that approximately 2.7 million people were internally displaced in the Democratic Republic of the Congo in 2015.(67, 71)

# Congo, Democratic Republic of the

MODERATE ADVANCEMENT

Only an estimated 10 to 37 percent of all births are registered in the DRC, which may make some children more vulnerable to child labor.(11, 36, 67, 72, 73) A lack of identification documents makes age verification difficult during FARDC recruitment campaigns; it also hinders efforts to identify and separate children associated with armed groups.(74)

A comprehensive, standalone child labor survey has never been conducted in the DRC.(53)

## II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

The DRC has ratified all key international conventions concerning child labor (Table 3).

**Table 3. Ratification of International Conventions on Child Labor**

| Convention                                                                                                                   | Ratification |
|------------------------------------------------------------------------------------------------------------------------------|--------------|
|  ILO C. 138, Minimum Age                    | ✓            |
| ILO C. 182, Worst Forms of Child Labor                                                                                       | ✓            |
|  UN CRC                                     | ✓            |
| UN CRC Optional Protocol on Armed Conflict                                                                                   | ✓            |
| UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography                                   | ✓            |
|  Palermo Protocol on Trafficking in Persons | ✓            |

The Government has established laws and regulations related to child labor, including its worst forms (Table 4).

**Table 4. Laws and Regulations Related to Child Labor**

| Standard                                                        | Yes/No | Age             | Related Legislation                                                                                                                                                                                                                            |
|-----------------------------------------------------------------|--------|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Minimum Age for Work                                            | Yes    | 16              | Article 6 of the Labor Code; Article 50 of the Child Protection Code (75, 76)                                                                                                                                                                  |
| Minimum Age for Hazardous Work                                  | Yes    | 18              | Article 10 of the Ministerial Order Establishing the Conditions for Children's Work (77)                                                                                                                                                       |
| Prohibition of Hazardous Occupations or Activities for Children | Yes    |                 | Articles 28–35 of Ministerial Order on Working Conditions for Women and Children; Articles 10–15 of the Ministerial Order Establishing the Conditions for Children's Work; Article 26 of the Mining Code (77-79)                               |
| Prohibition of Forced Labor                                     | Yes    |                 | 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 Ministerial Order Establishing the Conditions for Children's Work (59, 75-77)                   |
| Prohibition of Child Trafficking                                | Yes    |                 | Article 3 of the Labor Code; Articles 53 and 162 of the Child Protection Code; Article 174j of the Penal Code; Article 8 of the Ministerial Order Establishing the Conditions for Children's Work (75-77, 80)                                  |
| Prohibition of Commercial Sexual Exploitation of Children       | Yes    |                 | Article 3 of the Labor Code; Articles 53, 61, 169, 173, 179-180, 182, 183, and 187 of the Child Protection Code; Article 174 of the Penal Code; Article 8 of the Ministerial Order Establishing the Conditions for Children's Work (75-77, 80) |
| Prohibition of Using Children in Illicit Activities             | Yes    |                 | Article 3 of the Labor Code; Article 8 of the Ministerial Order Establishing the Conditions for Children's Work; Articles 53 and 187 of the Child Protection Code (75-77)                                                                      |
| Minimum Age for Compulsory Military Recruitment                 | Yes    | 18              | Article 7 of the Defense and Armed Forces Act; Articles 53 and 187 of the Child Protection Code (75, 81)                                                                                                                                       |
| Minimum Age for Voluntary Military Service                      | Yes    | 18              | Articles 7 and 10 of the Defense and Armed Forces Act; Articles 53, 71, and 187 of the Child Protection Code (75, 81, 82)                                                                                                                      |
| Compulsory Education Age                                        | Yes    | 12 <sup>+</sup> | Articles 9, 20, and 21 of the Law on National Education; Article 43 of the Constitution (59, 83)                                                                                                                                               |

# Congo, Democratic Republic of the

## MODERATE ADVANCEMENT

**Table 4. Laws and Regulations Related to Child Labor (cont)**

| Standard              | Yes/No | Age | Related Legislation                                                                                                              |
|-----------------------|--------|-----|----------------------------------------------------------------------------------------------------------------------------------|
| Free Public Education | Yes    |     | Article 43 of the Constitution; Article 38 of the Child Protection Code; Article 9 of the Law on National Education (59, 75, 83) |

‡ Age calculated based on available information (58, 75, 77, 83)

In April 2014, the Council of Ministers approved a draft law to establish specialized mixed chambers to try war crimes and crimes against humanity, including the recruitment and the use of child soldiers; it presented the draft law to the National Assembly for adoption and enactment in May 2014. Citing technical concerns, the Parliament rejected the legislation; it now awaits the resubmission of corrected text.(84, 85)

Although the Law on National Education guarantees free and compulsory education through primary school, it does not establish a compulsory age for education.(58, 83) Children between ages 6 and 9 may enroll in primary education, which lasts for 6 years. This makes children who are graduating elementary school between ages 12 and 15 years old particularly vulnerable to the worst forms of child labor, as they are not required to be in school but are not legally permitted to work.(58, 75, 77, 83) In addition, the Child Protection Code establishes a penalty of 1 to 3 years of imprisonment and a fine of approximately \$171 to \$342 for offenses related to the forced labor of children, which may not be severe enough to deter offenders and is not commensurate with penalties imposed for other worst forms of child labor.(75) The Government has not passed the implementing decree for the Child Protection Code, which contains many relevant protections for children.(39, 85) The provisions of the Child Protection Code cannot be enforced until the implementing decree is passed. A draft Mining Code submitted by the Ministry of Mines includes a provision punishing forced child labor on mining sites with 5 to 10 years of penal servitude; it has yet to be considered by the National Assembly for adoption.(29, 86)

### III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

**Table 5. Agencies Responsible for Child Labor Law Enforcement**

| Organization/Agency                                                                | Role                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ministry of Employment, Labor, and Social Welfare (MOL)                            | Investigate cases related to child labor, including its worst forms.(4, 11) Refer cases of child labor to the Ministry of Justice and Human Rights (MOJ) for prosecution.(87)                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Ministry of Justice and Human Rights (MOJ)                                         | Enforce criminal laws related to forced labor, human trafficking, commercial sexual exploitation, and the use of children in illicit activities.(4, 11) Oversee four juvenile courts in Kinshasa convoked for cases involving children under age 16; the courts have heard no cases of child labor since their establishment in 2011. Assist the International Criminal Court in conducting investigations and prosecutions against individuals who allegedly used children in armed conflict.(87)                                                                                                       |
| Ministry of the Interior                                                           | In the case of the Congolese National Police, enforce laws related to the worst forms of child labor.(85, 88) In the case of the Police for Child Protection and Combating Sexual Violence (PEVS), combat sexual and gender-based violence against women and children, especially in eastern DRC.(54, 85, 89, 90) Units in North Kivu, South Kivu, and Orientale collect data, conduct preliminary investigations, refer cases to the MOJ for prosecution, and assist victims in seeking justice.(91) PEVS officials also accompany children who are in conflict with the law when they go to court.(92) |
| Ministry of Gender, Family, and Children (MOGFC)                                   | Oversee and investigate cases related to the commercial sexual exploitation of children.(11, 36)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Ministry of Social Affairs, Humanitarian Action, and National Solidarity (MINASAH) | Monitor humanitarian programs and coordinate with UNICEF, USAID, and NGOs to provide social services to vulnerable groups, including street children, trafficking victims, and child soldiers.(36, 93) A technical team within MINASAH's Secretary General's office is responsible for overseeing and investigating child trafficking cases.(4) Oversee the Street Children Project.(36, 94) In the case of the Department of Child Protection, operate a database to monitor and coordinate children's rights activities and implement programs targeting orphans and vulnerable children.(95, 96)      |
| Ministry of Defense                                                                | Investigate and use military courts to prosecute military officials suspected of recruitment and use of child soldiers or forced labor of civilians. Lead the implementation of the UN-backed action plan to end the recruitment and use of child soldiers.(36)                                                                                                                                                                                                                                                                                                                                          |

# Congo, Democratic Republic of the

MODERATE ADVANCEMENT

The MOJ, which is responsible for investigating the use of children in illicit activities, should be the primary point of contact for human trafficking issues. However, it receives limited funds, which hampers its ability to investigate and prosecute cases, including those involving child trafficking.(4, 36) Additionally, the Ministry of Social Affairs, Humanitarian Action, and National Solidarity (MINASAH) reports that it receives limited funding to support reintegration services for street children and demobilized child soldiers.(36)

## Labor Law Enforcement

In 2015, labor law enforcement agencies in the DRC took actions to combat child labor, including its worst forms (Table 6).

**Table 6. Labor Law Enforcement Efforts Related to Child Labor**

| Overview of Labor Law Enforcement                                                  | 2014                 | 2015         |
|------------------------------------------------------------------------------------|----------------------|--------------|
| Labor Inspectorate Funding                                                         | Unknown* (15)        | Unknown* (9) |
| Number of Labor Inspectors                                                         | 200 (15)             | 243 (92)     |
| Inspectorate Authorized to Assess Penalties                                        | No (76)              | No (76)      |
| Training for Labor Inspectors                                                      |                      |              |
| ■ Initial Training for New Employees                                               | Unknown              | Unknown      |
| ■ Training on New Laws Related to Child Labor                                      | N/A                  | N/A          |
| ■ Refresher Courses Provided                                                       | No (97)              | No (36, 92)  |
| Number of Labor Inspections                                                        | Unknown (15, 97, 98) | Unknown      |
| ■ Number Conducted at Worksites                                                    | Unknown (15, 97, 98) | Unknown      |
| ■ Number Conducted by Desk Reviews                                                 | Unknown (15, 97, 98) | Unknown      |
| Number of Child Labor Violations Found                                             | Unknown (15, 97, 98) | Unknown (36) |
| Number of Child Labor Violations for Which Penalties Were Imposed                  | Unknown (15, 97, 98) | Unknown      |
| ■ Number of Penalties Imposed That Were Collected                                  | Unknown (99)         | Unknown      |
| Routine Inspections Conducted                                                      | Unknown (15)         | Unknown      |
| ■ Routine Inspections Targeted                                                     | Unknown (15)         | Unknown      |
| Unannounced Inspections Permitted                                                  | Yes (76)             | Yes (76)     |
| Unannounced Inspections Conducted                                                  | Unknown (15)         | Unknown      |
| Complaint Mechanism Exists                                                         | No (15)              | Unknown      |
| Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services | Yes (15, 41)         | Yes (92)     |

\*The Government does not make this information publicly available.

According to the ILO's recommendation of 1 inspector for every 40,000 workers in less developed economies, the DRC should employ roughly 690 inspectors in order to adequately enforce labor laws throughout the country.(100-102) Although only approximately 50 of the country's 243 inspectors are based in Kinshasa, officials from the MOL report that even more inspectors are needed in rural areas. The Government aims to employ at least 1,000 inspectors.(85, 92) The Government acknowledges that given the size and remoteness of the country, the inspectorate has insufficient capacity and resources, including transportation, facilities, and infrastructure, to conduct investigations throughout the country.(11, 30, 36, 42, 99) Inspectors at the MOL noted that it is difficult to recruit and retain new inspectors and they need additional training in gathering statistics, child labor, and other aspects of labor inspections.(11, 92) Inspectors are occasionally sent to Cameroon for regional trainings, but the last training inspectors received in-country was conducted in 2009.(92)

Inspectors are required to prepare at least 10 inspection reports each per month, but their focus is primarily on the formal economic sector, which is not the sector in which the majority of child labor incidences occur.(11) When victims of child labor are identified, the MOJ or the MOL refers them to NGOs or the MOGFC for social services.(87) When dealing with children in vulnerable situations, MINASAH refers to a guide it had published in 2014 that includes information for service providers and law enforcement.(85, 103)

## Criminal Law Enforcement

In 2015, criminal law enforcement agencies in the DRC took actions to combat the worst forms of child labor (Table 7).

# Congo, Democratic Republic of the

## MODERATE ADVANCEMENT

**Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor**

| Overview of Criminal Law Enforcement                                                  | 2014            | 2015                     |
|---------------------------------------------------------------------------------------|-----------------|--------------------------|
| Training for Investigators                                                            |                 |                          |
| ■ Initial Training for New Employees                                                  | Unknown (15)    | Unknown (36)             |
| ■ Training on New Laws Related to the Worst Forms of Child Labor                      | N/A (15)        | N/A                      |
| ■ Refresher Courses Provided                                                          | Yes (4)         | Yes (36)                 |
| Number of Investigations                                                              | Unknown (4, 97) | 7 (36, 49, 85, 104, 105) |
| Number of Violations Found                                                            | Unknown (15)    | 2,549 (51)               |
| Number of Prosecutions Initiated                                                      | 4 (6, 106, 107) | 1 (36)                   |
| Number of Convictions                                                                 | 0 (74)          | 1 (36)                   |
| Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services | No (37)         | Yes (36)                 |

The justice system lacks independence, funding, capacity, and legitimacy, which weakens its ability to deal with crimes committed in the country.(4, 36, 48, 49) In 2015, USDOS provided training on human rights to the National Police, which included some training on trafficking issues.(36) The UN trained 11 Congolese lawyers and magistrates, 5,067 members of the FARDC, and 127 members of the Congolese National Police on child protection issues during 2015. Additionally, 251 members of the FARDC received training from the USDOS on conducting investigations, prosecutions, and trial procedures for military justice issues, including human trafficking.(36) There has also been increased collaboration at the local level between Government officials and NGOs to strengthen the referral mechanism that identifies vulnerable children and refers them to social services providers.(36, 37, 85)

The Government was unable to enforce laws adequately throughout the country, including to all the areas where child trafficking occurs. Additionally, research indicates some judges, prosecutors, and investigators lack the knowledge, capacity, or resources to investigate and prosecute cases of child trafficking effectively. However, the Government has taken some steps to address impunity for crimes against humanity and continues to work through the military court system.(36) Since his arrest in January 2015, FRPI Leader Cobra Matata has been held in pretrial detention for war crimes, including the recruitment of children.(49, 51, 104, 105) Additionally, the judiciary worked with the UN to issue additional arrest warrants for the recruitment and use of children in armed conflict.(51, 105) In August, a FARDC officer was arrested for allegedly recruiting children into armed conflict.(51)

In 2015, the National Intelligence Service intercepted four children who were being trafficked to Tanzania for forced domestic labor and referred them to a shelter where they received legal support and protection.(36) As part of a new trend, six Burundian child soldiers who were recruited from refugee camps in Rwanda transited through the DRC to join opposition groups in Burundi at the end of 2015. The Government intercepted the child soldiers in the DRC and referred them to NGOs for care and support.(36, 51) There were also reports that some children associated with armed groups were detained, interrogated, and beaten, despite the enactment of a directive that requires that all children detained for their association with armed groups be immediately transferred to the UN.(4, 6, 51, 108)

## IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 8).

**Table 8. Mechanisms to Coordinate Government Efforts on Child Labor**

| Coordinating Body                                                  | Role & Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| National Committee to Combat the Worst Forms of Child Labor (NCCL) | Develop, coordinate, implement, monitor, and evaluate a National Action Plan to Combat the Worst Forms of Child Labor (NAP) and build the capacity of partner organizations.(97, 109-111) Led by the MOL and composed of members from the MOGFC, MOJ, local NGOs, and civil society.(93, 97, 110, 111) In the case of Provincial Committees, combat the worst forms of child labor at the provincial level in Kasai Orientale, Katanga, and Orientale provinces.(60, 96, 111) Two new provincial committees were established in South Kivu and Katanga during the reporting period.(9) In 2015, with the support of the ILO under the Global Action Program on Child Labor Issues Project, the Permanent Secretariat organized a National Workshop on Child Labor in Agriculture from May 12–14 for 30 participants from government ministries, social partners, and farmers' organizations, to raise awareness about child labor in agriculture and identify opportunities to address these issues.(9, 112) As a result, the MOL and the Ministry of Agriculture created a partnership to combat child labor and relevant ministries clarified their policies to better implement sectoral programs to combat child labor.(9) |

**Table 8. Mechanisms to Coordinate Government Efforts on Child Labor**

| Coordinating Body                                                                          | Role & Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ministry of Defense's Disarmament, Demobilization, and Reintegration Commission (UEPN-DDR) | Coordinate the identification, verification, and release of child soldiers by collaborating with the UN Organization Stabilization Mission in the DRC (MONUSCO), UNICEF, and NGOs.(36, 113, 114) In the case of the Children Associated with Armed Forces and Armed Groups unit, ensure identified children are referred to these partners for family reunification and assistance with socioeconomic reinsertion.(36, 114) Provide a signed "attestation" stating the demobilized children have completed a reintegration program.(36)                                                                                                                                                                                                                                                                        |
| Joint Technical Working Group (JTWG) on the Implementation of the UN-Backed Action Plan    | Coordinate implementation of the UN-backed action plan to end the recruitment and use of child soldiers. Led by the MOGFC and includes representatives from the Ministry of the Interior, the MOJ, the MOL, and the Ministry of Defense, as well as the UN.(36) In the case of Provincial JTWGs, coordinate implementation at the provincial level in North Kivu, South Kivu, and Orientale provinces.(36, 48) In 2015, established two additional Provincial Working Groups in Ituri and Katanga, and a second Provincial Working Group in North Kivu due to the size of the province.(36, 85) Met multiple times during the reporting period and drafted a roadmap identifying eight priority areas to expedite the full implementation of the Action Plan and eliminate the use of child soldiers.(36, 105) |

In July 2015, the Government began decentralization efforts, which were mandated by the 2006 Constitution. This divided 11 provinces into 26, disrupting the functions of many ministries and resulting in officials assuming new and unfamiliar duties.(11, 36, 115) Decentralization, poor coordination among relevant ministries, a lack of resources, and competing priorities have impeded the Government's efforts to combat the worst forms of child labor.(36) The formation of a proposed interministerial TIP committee has been stalled for 2 years, despite recognition from relevant ministries that it would enable the Government to better coordinate efforts against human trafficking and enable the formulation of a comprehensive anti-trafficking law.(36) Although the UEPN-DDR is intended to coordinate the Government's disarmament, demobilization, and reintegration program, research indicates that, in practice, coordination occurs between international and local partners in the field.(36) Additionally, the NCCL only meets when there is funding or a specific activity; it did not formally meet in 2015, since it did not receive a dedicated budget.(9, 13, 93)

In October 2013, the Government published a decree authorizing the creation of committees to combat child labor at the provincial level and extending applicable MOL activities to the provinces.(4, 85, 97) However, the Government has not funded the three existing provincial committees and did not establish additional committees during the reporting period; research found no evidence that the existing committees were operational in 2014.(85, 96, 98)

## V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of the DRC has established policies related to child labor, including its worst forms (Table 9).

**Table 9. Policies Related to Child Labor**

| Policy                                                                             | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| National Action Plan to Combat the Worst Forms of Child Labor (NAP) (2012–2020)†   | Developed by the NCCL in consultation with UNICEF; aims to eliminate the worst forms of child labor in the DRC by 2020.(4, 10, 116) Promotes the enforcement of legislation on the worst forms of child labor; awareness raising and empowering communities to stop engaging in child labor practices; provision of quality universal primary education; provision of prevention and reintegration services; improved monitoring and evaluation efforts; and improved coordination of stakeholders.(10, 109, 116, 117) In 2015, the National Labor Council, comprising representatives from the MOL, labor unions, and employers' unions, approved the NAP, which is now before the Cabinet for approval and adoption.(9, 118) During the reporting period, it began implementing limited awareness-raising activities about child labor in agriculture in the Kongo Central Province.(85, 119) |
| Katanga Regional Action Plan to Combat the Worst Forms of Child Labor (2015–2017)† | In support of the NAP, aims to eliminate child labor by 2020 by improving the legal and institutional framework, raising awareness, providing protection and support to victims, and improving coordination of local actors combating child labor. Led by the Provincial Committee under the supervision of MINASAH's Provincial Division of Social Welfare.(24, 60)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| UN-Backed Action Plan to End the Recruitment and Use of Child Soldiers             | Seeks to end the recruitment and use of child soldiers within the Government's security services, including the armed forces. Implemented by the JTWG, UNICEF, and MONUSCO, aims to identify and separate children from armed forces, provide support and reintegration services, pursue accountability for perpetrators, and creating a partnership framework for the UN and the Government.(12, 51, 89, 108, 120, 121)                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

# Congo, Democratic Republic of the

## MODERATE ADVANCEMENT

**Table 9. Policies Related to Child Labor**

| Policy                                                                        | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| National Disarmament, Demobilization, and Reintegration Plan (PNDDR) DDR III† | Aims to significantly improve the security situation in Eastern Congo by eradicating the existence of armed groups in the East and providing rehabilitation and reintegration services to 12,205 combatants demobilized from all armed groups.(122, 123) Implemented by UEPN-DDR with the support of MONUSCO, USAID, the World Bank, Sweden, and Japan, DDR III is the third phase of PNDDR which supports the 2013 Framework Agreement for Peace, Security and Cooperation for the DRC and the Great Lakes Region (52, 109, 113, 123, 124) A directive issued in 2013 and amended in 2014 requires the immediate transfer to humanitarian organizations of all children who escape from armed groups, are in the custody of the FARDC, or have been detained.(36) By the end of 2015, the Government and MONUSCO had provided support to 2,055 children who were separated or escaped from non-state armed groups as part of DDR III.(85) |
| Human Rights Due Diligence in Mineral Supply Chains                           | Code of conduct signed by the Government, representatives of artisanal miners, mineral buyers and traders, and civil society groups in 2011 to increase transparency and prohibit the employment of children in mines.(125) Supported by the Ministry of Mines' Ministerial Order N° 0058 and accompanying Manual of Principles, Guidelines, and Standards, which establishes a multistakeholder validation process to certify artisanal sites as being free of illegal taxation by armed groups or criminal FARDC elements, dangerous work conditions, and child labor.(37, 126, 127) In cooperation with the IOM and USAID, validated 81 artisanal mining sites in eastern Congo as free of conflict and child labor between October 2014 and November 2015, for a total of 215 certified mines.(36) Initiative does not include protocols for assisting child victims of forced labor on the inspected sites.(37, 85)                   |
| Growth and PRSP (2011–2015)*                                                  | Seeks to improve living conditions and access to social services for vulnerable groups, including children, by 2015.(63)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

\* Child labor elimination and prevention strategies do not appear to have been integrated into this policy.

† Policy was approved during the reporting period.

Although the National Action Plan to Combat the Worst Forms of Child Labor was approved during the reporting period, it has not been comprehensively implemented, largely due to the Government's failure to allocate adequate funding.(11, 15) Research was unable to obtain any information to assess the implementation of the three provincial committees' action plans to combat the worst forms of child labor.(85, 96, 109)

UN sources reported that the Government cooperated fully and collaborated closely with the UN to identify and remove children from the FARDC, allowing frequent and often unfettered access to its bases. During the reporting period, FARDC commanders proactively requested that UN agencies and partners screen for children in certain locations.(36)

## VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2015, the Government of the DRC funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

**Table 10. Social Programs to Address Child Labor**

| Program                                             | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Global Action Program on Child Labor Issues Project | USDOL-funded project implemented by the ILO in approximately 40 countries to support the priorities of the Roadmap for Achieving the Elimination of the Worst Forms of Child Labor by 2016, established by the Hague Global Child Labor Conference in 2010. Aims to build the capacity of the national government and develop strategic policies to address the elimination of child labor and forced labor in the DRC.(112) In 2015, as part of the effort to revise the hazardous work list for children, conducted an occupational safety and health risk assessment in agriculture from November 4–19.(112) Also presented the NAP to the National Labor Council for adoption.(9, 112) |
| Reinsertion and Reintegration Project (2015–2019)*  | \$21 million World Bank-funded project seeking to provide socioeconomic reintegration support for the 4,700 combatants identified as part of DDR III. Provides cultural and sport activities for former child combatants to assist with social reintegration.(124)                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Program to Support Vulnerable Children*             | \$4 million Government of Japan-funded program aiming to provide education and school feeding programs to 13,000 children and construct a training center for youth in North Kivu Province. UNICEF will coordinate primary education interventions; the National Institute of Professional Preparation will provide vocational training; WFP will implement school lunch programs; UNDP will provide reintegration kits and support households with the reintegration of former child soldiers; and the Presidential Adviser on Sexual Violence will help identify participants who were victims of sexual violence.(128)                                                                  |

**Table 10. Social Programs to Address Child Labor**

| Program                                                                      | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Growth with Governance in the Mineral Sector Project (PROMINES) (2010–2015)† | \$90 million project co-funded by the Government, the World Bank, the International Development Association (IDA), and the UK's Department for International Development (DFID) that aimed to promote better governance in the mining sector and eliminate child labor and the presence of children in mines. In Kolwezi, located in Katanga Province, included raising awareness of child labor among parents and provided children with extracurricular activities, school catchup classes, school clubs, and income-generating activities for families.(30, 129-131)                                     |
| Street Children Project (2010–2015)                                          | \$10 million World Bank-funded, 5-year project to prevent children from engaging in street work, provided support services for street children, and built the capacity of service providers to better coordinate and implement interventions.(43, 94, 95) Benefitted 15,586 street children by the time it ended in 2015.(43)                                                                                                                                                                                                                                                                               |
| Decent Work Country Program (2013–2016)                                      | \$44.5 million ILO-implemented program to contribute to the consolidation of peace and reconstruction in the DRC by promoting social dialogue, social protection, and decent work for girls and boys in a post-conflict context of sustainable development. Aims to ensure that child protection agencies use the NAP.(132)                                                                                                                                                                                                                                                                                 |
| School Rehabilitation Project                                                | \$100 million World Bank-funded project implemented by the Ministry of Primary, Secondary, and Vocational Education, which aims to strengthen institutional capacity, increase access to education, and improve learning conditions, including through the distribution of 15 million textbooks and the rehabilitation of 1,000 schools across the country.(67, 133-136) The World Bank will rehabilitate 900 schools and the Government will rehabilitate 100 schools.(85, 135) By February 2016, had rehabilitated 728 classrooms and distributed 20 million textbooks on French, math, and science.(135) |

\* Program was launched during the reporting period.

† Program is funded by the Government of the DRC.

The Government works with international partners to assist and support demobilized child soldiers, but the programs are not sufficient to fully address the extent of the problem, and the process is slow.(55, 67) Additionally, cumbersome bureaucracy and a lack of funding hampers effective collaboration between MONUSCO and the Government in fully implementing DDR III.(137) Reintegrated child soldiers remain vulnerable to re-recruitment, as stigmatization, threats from former colleagues, and lack of adequate rehabilitation services may lead them to rejoin their old unit or to be recruited by other armed groups.(36, 45, 108, 137) More than half of the child soldiers returning from armed conflict do not have access to reintegration services; the programs available do not adequately respond to the medical, psychological, and economic needs of former child soldiers.(53) Limited evidence also suggests that shame and fear of stigmatization prevents girls from entering Disarmament, Demobilization, and Reintegration (DDR) programs because they do not identify as child soldiers and lack awareness of their rights and options. (44, 55, 108, 138) The UN and other organizations have called on the Government to make DDR more accessible and effective for girls.(53, 139)

Despite the efforts of the Katanga Provincial Ministry of the Interior to manage a center for street children in Lubumbashi, children continued to live and work on the streets in Katanga and throughout the country. The Government needs to strengthen its efforts to provide street children with food, shelter, and health care.(39, 43, 96, 98) Child labor in artisanal mining is prevalent in the provinces of Katanga, Eastern and Western Kasai, North and South Kivu, and Orientale.(15, 37) Although the Government pledged \$3 million to fund PROMINES, it did not allocate these funds.(85) Additionally, research did not find evidence of any social programs to protect these children.

## VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in the DRC (Table 11).

**Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms**

| Area | Suggested Action                                                                              | Year(s) Suggested |
|------|-----------------------------------------------------------------------------------------------|-------------------|
| Laws | Raise the compulsory education age to 16 so it can be equivalent to the minimum age for work. | 2013 – 2015       |
|      | Issue appropriate decrees to ensure that enacted laws are implemented.                        | 2013 – 2015       |
|      | Raise penalties for the use of forced or compulsory labor to deter violations.                | 2013 – 2015       |

# Congo, Democratic Republic of the

## MODERATE ADVANCEMENT

**Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms**

| Area                | Suggested Action                                                                                                                                                                                                                                                                                                                         | Year(s) Suggested |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| Enforcement         | Implement President Kabila's August 2010 declaration and Circular No. MINEPSP/CABMIN/008/2010, which provide for free and compulsory education.                                                                                                                                                                                          | 2009 – 2015       |
|                     | Ensure that the MOJ and MINASAH have sufficient funding and resources to carry out their mandates and address the worst forms of child labor.                                                                                                                                                                                            | 2011 – 2015       |
|                     | Strengthen the labor inspectorate by authorizing inspectors to assess penalties, conducting routine and unannounced inspections, establishing a complaint mechanism, and conducting inspections in the informal sector.                                                                                                                  | 2015              |
|                     | Systematically collect, monitor, and make publicly available information related to enforcement statistics, including funding level for the labor inspectorate, the number and types of inspections conducted and violations found, and the number of child labor violations for which penalties were imposed and collected.             | 2009 – 2015       |
|                     | Significantly increase the number of labor inspectors in accordance with the ILO recommendation and ensure that they receive adequate resources and training to effectively carry out their duties throughout the country.                                                                                                               | 2011 – 2015       |
|                     | Ensure that judges, prosecutors, and investigators know about child labor issues and can investigate and prosecute violations effectively.                                                                                                                                                                                               | 2011 – 2015       |
|                     | Implement directive 05/00/CAG/ANR/195/2013, which requires that children in detention for being associated with armed groups be handed over to UN child protection actors for reintegration.                                                                                                                                             | 2013 – 2015       |
| Coordination        | Improve coordination among relevant ministries and ensure that they receive adequate resources to combat the worst forms of child labor, including child trafficking.                                                                                                                                                                    | 2015              |
|                     | Ensure that UEPN-DDR is able to coordinate the Government's DDR III program as intended.                                                                                                                                                                                                                                                 | 2015              |
|                     | Ensure that the NCCL receives a dedicated budget and meets on a regular basis.                                                                                                                                                                                                                                                           | 2014 – 2015       |
| Government Policies | Integrate child labor elimination and prevention strategies into existing policies.                                                                                                                                                                                                                                                      | 2014 – 2015       |
|                     | Ensure local and national plans to combat the worst forms of child labor are fully implemented.                                                                                                                                                                                                                                          | 2011 – 2015       |
| Social Programs     | Improve access to education for all children, including those who are internally displaced, by eliminating all school-related fees; regulating classroom size; training additional teachers; ensuring that schools are safe and that students are not required to work in teachers' fields or subjected to sexual abuse while at school. | 2012 – 2015       |
|                     | Ensure that all children are registered at birth or have identification documents.                                                                                                                                                                                                                                                       | 2012 – 2015       |
|                     | Conduct a standalone child labor survey.                                                                                                                                                                                                                                                                                                 | 2013 – 2015       |
| Social Programs     | Ensure adequate medical, psychological, economic, and other support services for children demobilizing from armed groups and integrate stigmatization, gender, and re-recruitment concerns into programs to reintegrate such children.                                                                                                   | 2009 – 2015       |
|                     | Expand efforts to address the needs of former child soldiers, children working in artisanal mining, and children working on the streets and in other informal settings.                                                                                                                                                                  | 2009 – 2015       |

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- entrants to last grade (regardless of age), the ratio can exceed 100 percent, due to over-aged and under-aged children who enter primary school late/early and/or repeat grades. For more information, please see the “Children’s Work and Education Statistics: Sources and Definitions” section of this report.
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# Congo, Democratic Republic of the

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