



Child Labour Legislation in the Democratic Republic of Congo

An analysis of the legislative context and national policies in the Democratic Republic of Congo (DRC) relating to the protection of children against child labour.

July 2023



International
COCOA
Initiative

Protecting children and their families against child and forced labour

ICI is a non-profit foundation working to secure a better future for children in cocoa-producing communities. We are a multi-stakeholder partnership advancing the elimination of child labour and forced labour by uniting the forces of the cocoa and chocolate industry, civil society, farming communities, governments, international organizations and donors. We innovate, catalyse and support the development, implementation and scaling up of effective practices and policies which promote child rights and prevent and address child labour and forced labour in cocoa and other global supply chains.

Table of contents

1	Context.....	4
1.1	Objectives of this report.....	4
1.2	Child labour and cocoa farming in the DRC.....	4
1.3	Definition of the child under DRC legislation.....	5
1.4	Child protection under the legislative framework in the DRC.....	5
1.5	The rights and duties of the child in the DRC.....	6
2	Minimum working age according to ILO Convention 138 and DRC legislation.....	11
2.1	Minimum age for work in the DRC.....	11
2.2	Light or healthy work in the DRC.....	12
2.3	Child labour in the DRC.....	13
2.4	Worst forms of child labour in the DRC.....	13
2.5	Hazardous or unhealthy work for children in the DRC.....	14
3	DRC legislation on child labour.....	16
3.1.	The DRC Constitution.....	17
3.2.	The Labour Code of the RDC.....	17
3.3.	The DRC Family Code.....	18
4	Enforcement of child labour laws in the RDC.....	19
4.1	Institutional framework for tackling child labour in the DRC.....	19
4.2	Policies and programmes to tackle child labour in the DRC.....	22
4.3	Bodies coordinating action to tackle child labour in the DRC.....	25
4.4	International standards on child labour adopted in the DRC.....	27
5	Conclusion and recommendations.....	29
	References.....	30
	Specific documents on child labour in the DRC.....	30
	International legal conventions and standards.....	30
	National Legislative Framework.....	30

1 Context

According to the report *Child Labour: Global Estimates 2020, Trends and the road forward* by the International Labour Organization (ILO) and the United Nations Children's Fund (UNICEF), the number of children working in the agricultural sector is estimated at 160 million worldwide - 63 million girls and 97 million boys. Nearly half of these children perform hazardous work that directly threatens their health, safety and moral development. In rural areas, 123 million children are involved in child labour, compared with 37 million in urban areas. Most of the work carried out by these children takes place within the family unit, often to the detriment of their schooling.

Child labour includes work which children are too young to perform and/or work which, by its nature or circumstances, is likely to harm the health, safety or morals of children. Child labour robs children of their childhood, their potential and their dignity. It harms children mentally, physically, socially and morally. This type of work interferes with their schooling, preventing them from attending school or concentrating on their studies. In the most serious cases, children may be separated from their families, exposed to serious danger or reduced to slavery.

1.1 Objectives of this report

The aim of this analysis is to review current national legislation and policy on protection against child labour in the Democratic Republic of Congo (DRC), and the links with the relevant international legal standards ratified by the country. The report presents a series of recommendations on the hazardous activities associated with cocoa production and on the type of study that should be undertaken to identify the prevalence of child labour in the sector.

1.2 Child labour and cocoa farming in the DRC

The DRC is the second largest and third most populous country in Africa, with an area of 2.345 million km² and a population of over 99 million as of 2022.¹ The results of the 1984 Scientific Population Census show that the proportion of people under the age of 20 is estimated at 61% of the country's total population, 52% of whom are under the age of 15. In terms of distribution, around 70% of the Congolese population lives in rural areas, compared with approximately 30% in urban areas.²

Known for its exports of cobalt and copper, as well as its reserves of various minerals, the DRC is also a country with significant agricultural potential, in particular the production of cocoa, which is mainly grown in the east of the country, in North Kivu province. The country's cocoa tonnage is rising steadily, from 11,081 tons in 2015 to 32,505 tons in 2022, with a peak of 58,238 tons in 2021. During the colonial era and the early years of independence, plantations were run mainly by agro-industrialists. Today, production is largely carried out by small growers grouped together in cooperatives.

No specific data on the prevalence of child labour in cocoa farming in the DRC is available. However, MICS 2010 data (UNICEF) indicates a national prevalence rate of 60%, with a preponderance in the rural economy (64%, compared to 52% in the urban economy). Furthermore, six provinces, including cocoa-growing provinces, have proportions of child workers above the national average.

In the DRC, the impoverishment of parents, growing urbanization, dropping out of school and mining are thought to be the main factors behind the explosion in child labour in recent years. In 2015, the ILO estimated

¹ https://data.worldbank.org/country/congo-dem-rep?_gl=1*1vg4wgg*_gcl_au*NDI4MDk2NTgyLjE3MjMzMzAxMDU.

² The population figures used to date are based on projections drawn up by the National Institute of Statistics (NIS) using data from the 1984 scientific population census.

that nearly one million children were working in mines,³ particularly in the two Kivu regions, the two Kasai regions, Province Orientale and Équateur.

1.3 Definition of the child under DRC legislation

The DRC laws which provide a definition of the child are in line with those of ratified international conventions. According to Ministerial Decree No. 12/CAB.MIN/TPSI/045/08 of 8 August 2008 specifying the conditions governing child labour, the term 'child' refers to any person under 18 years of age (article 2).

The Constitution of 18 February 2006, as amended by Law No. 11/002 of 20 January 2011, provides that a minor child is '*any person, regardless of sex, who is under 18 years of age*'. This definition, used in other laws and regulations, complies with international standards, in particular the Convention on the Rights of the Child.

Similarly, according to Law No.09/001 of 10 January 2009 on the Protection of Children: A child is '*any person below the age of eighteen years*'. Other provisions in the law protect children in a number of ways:

- All children are equal before the law and are entitled to equal protection. Any act of discrimination against children is prohibited. The best interests of the child shall be a primary consideration in all decisions and measures taken in his or her regard.
- The best interests of the child should be understood as a concern to safeguard and give priority to his or her rights at all costs. Alongside the child's moral, emotional and physical needs, the child's age, state of health, family environment and the various aspects of his or her situation are taken into account.
- No child may be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- The death penalty and life imprisonment may not be imposed for offences committed by a child.
- Every child has the right to life.
- The father and mother or one of them or the person exercising parental authority, as well as the State, have an obligation to ensure the child's survival, education, protection and development.
- The father and mother, or one of them, as well as the person exercising parental responsibility, have a duty to raise their child.
- Every child has the right to education.
- Parents have an obligation to send their children to school without discrimination.

1.4 Child protection under the legislative framework in the DRC

Child protection as defined in national legislation in the DRC aligns with the 1989 Convention on the Rights of the Child and the 1990 African Charter on the Rights and Welfare of the Child. Law No. 09/001 of 10 January 2009 on the Protection of Children sets out the procedures to be adopted in regard to child protection, the rights and duties of the child and the duties of parents as follows:

- All children are equal before the law and are entitled to equal protection. Any act of discrimination against children is prohibited.
- The best interests of the child must be a primary consideration in all decisions and measures taken in his or her regard. The best interests of the child should be understood as a concern to safeguard and give priority to his or her rights at all costs.
- Alongside the child's moral, emotional and physical needs, the child's age, state of health, family environment and the various aspects of his or her situation are taken into account.

³ https://www.ilo.org/africa/events-and-meetings/WCMS_645620/lang--fr/index.htm

1.5 The rights and duties of the child in the DRC

Rights of the child

- Every child who is capable of forming his or her own views has the right to express those views in all matters affecting the child, with the views of the child being given due weight in accordance with his or her age and maturity.
- No child may be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- The death penalty and life imprisonment may not be imposed for offences committed by a child.
- No child may be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child may be decided only in conformity with the law, as a measure of last resort and for the shortest appropriate period of time.
- Every child has the right to life.
- Every child has the right to education.
- The child has the right to a healthy environment conducive to their full development.
- The child has the right to protection against all forms of exploitation and violence, all forms of economic exploitation, i.e. abuse in terms of the burden of the work in relation to the child's age, the time and duration of the work, the inadequacy or absence of remuneration, the hindrance of work in relation to access to education, and the child's physical, mental, moral, spiritual and social development.
- Children are protected against all forms of sexual exploitation and abuse (encouragement or coercion to engage in sexual activity, procurement or offering of a child for paedophilia, distribution of pornography to children, exposure of a child to obscene songs and performances).
- Children in difficult circumstances benefit from special protection (children who are economically or sexually exploited, do not attend school or work, etc.).
- The recruitment and use of children in armed forces and groups and the police are prohibited.
- A child under 14 years of age may not be placed in a temporary care facility or in a state care, education or rehabilitation facility.

Children's rights: access to education

Access to education has improved considerably over the past two decades, particularly for girls and the younger population. Between 2000 and 2017, net primary school enrolment rose by 50%, from 52% to 78%. However, primary school completion remains low (75%), and the quality of education is extremely poor: it is estimated that 97% of ten-year-olds in the DRC are in a situation of learning poverty, which is to say they are unable to read and understand a simple text.

According to Framework Law No.141004 of 11 February 2014 on National Education:

- Nursery education caters for children from the age of 3 to the age of 6.
- Primary education is compulsory and free (textbooks and school supplies). Its duration is 6 years.
- The first year of primary school is for children who have reached the age of 6 by the start of the school year or 3 months after that date.

The aims of non-formal education are:

1. To enable school-age children who are not enrolled in school or have dropped out to return to formal education.
2. To enable illiterate young people and adults to acquire basic literacy and numeracy and knowledge about the environment.
3. To provide adults with continuing education.

Out-of-school children at primary or secondary level are directed towards vocational training schools where they receive personalized and/or specific training in specialized establishments.

In terms of education, although the government has enshrined free education in the Constitution, the education system is still mainly funded by parents. This situation makes it difficult for children to attend school because of the relatively high cost of schooling.

If parents or guardians fail to fulfil their schooling obligations, the public authorities are informed through their appropriate structures.

Duties of the parents

- The father and mother, or one of them, or the person exercising parental authority, as well as the State, have an obligation to ensure the child's survival, education, protection and development.
- The father and mother, or one of them, as well as the person exercising parental responsibility, have a duty to raise their child.
- Parents have an obligation to send their children to school without discrimination.
- It is the duty of parents to see that family discipline is administered in such a way that the child is treated humanely.

Duties of the State

- The State ensures that discipline in schools and approved private and public childcare institutions is administered in such a way that children are treated humanely.
- The State ensures that children recruited or used by armed forces and groups and by the police are released and reintegrated into their families or communities.
- The State guarantees the necessary protection, education and care to children affected by armed conflict, civil strife or unrest, especially to those found and whose families could not be identified. This provision also applies to children displaced by natural disasters or deteriorating socioeconomic conditions.
- The State ensures the rehabilitation and reintegration of children in difficult and/or exceptional situations.

Following are the child welfare bodies set up by the State:

1. The National Council for Children
2. The Social Workers Panel
3. The Special Child Protection Brigade
4. The Council of Primary, Secondary and Vocational Education Inspectors
5. The Educational and Vocational Guidance Council
6. The Labour Inspectorate
7. The National Committee to Combat the Worst Forms of Child Labour
8. The approved agencies and institutions of civil society in the children's sector
9. The Children's Parliament and Committees

Table 1: Tasks of the child welfare bodies set up by the State in the DRC

Child welfare bodies	Task
National Council for Children	A Government Council body reporting to the Ministry is responsible for children and the family. It is responsible for implementing government policy on the promotion and protection of the rights of the child. A decree of the Prime Minister, approved by the Council of Ministers, specifies the organization and operation of the National Council for Children.
Social Workers Panel	Technical structure under the authority of the Ministry responsible for social affairs. It is responsible for social surveys, psychosocial guidance and family reunification where children are concerned. An order of the Minister responsible for Social Affairs specifies the organization and operation of the Social Workers Panel.
Special Child Protection Brigade	Structure under the authority of the Ministry responsible for the Police. It is tasked with monitoring children and is responsible for general prevention. An order of the Minister responsible for Home Affairs specifies the organization of the Special Child Protection Brigade.
The Council of Primary, Secondary and Vocational Education Inspectors	Technical structure under the authority of the Ministry responsible for primary, secondary and vocational education. In particular, it is responsible for monitoring the quality of education.
The Educational and Vocational Guidance Council	Technical structure under the authority of the Ministry responsible for primary, secondary and vocational education. It advises and guides children in their choice of options and careers in line with their intellectual abilities.
The Labour Inspectorate	Under the authority of the Ministry responsible for labour. In particular, it ensures compliance with child labour standards. It is organized in accordance with the Labour Code and its implementing measures.
The National Committee to Combat the Worst Forms of Child Labour	It is organized in accordance with the provisions of the Labour Code. Its role is to: <ul style="list-style-type: none"> • Develop the national strategy for the eradication of the worst forms of child labour; • Monitor the implementation of the strategy and assess the extent to which the recommended measures are being applied.
Approved agencies and institutions of civil society in the children's sector	Assisting the State in its mission to protect children and promote their rights. They are established and organized in accordance with the Law on Non-profit Associations.
The Children's Parliament and Committees	Allows children to exercise their freedom of association. They have the role of ensuring the effective participation of children in the initiatives of the national community in matters that concern them. An interministerial decree of the ministers responsible for the family and children and for primary, secondary and vocational education specifies the organization and operation of the Children's Parliament and Committees.

Special protection for children in difficult situations

According to the Law on Child Protection, children in difficult situations and in need of special protection include:

1. A child who has been rejected, abandoned, exposed to neglect, vagrancy or begging, or found begging, vagrant or who habitually engages in vagrancy or begging.
2. A child whose bad behaviour or indiscipline causes serious displeasure to his or her parents, guardians or peers.
3. A child who engages in immoral acts or seeks his or her means of support in gambling, trafficking or occupations that expose him or her to prostitution, begging, vagrancy or crime.
4. A child who is known to continuously lack protection, or who does not attend school or work.
5. A child who is regularly subjected to abuse.
6. Children exploited economically or sexually.
7. A child accused of witchcraft.
8. A child who is a mother or pregnant and is the object of abuse by her parents or guardians.
9. A child without family or other support following the loss of their parents.
10. A child with disabilities.
11. A child addicted to drugs.
12. An orphan child.
13. A gifted child also benefits from special protection.

Special protection is provided through state guardianship mechanisms as provided for by law, foster care and other appropriate care mechanisms. Foster care may be in an extended family, in a host family, in an approved public or private institution of a social nature or in an independent centre for the child's boarding, rehabilitation and social reintegration. In the latter case, the child must be at least 15 years of age. Social placement in an institution is used as a last resort and lasts for a maximum of six months.

Penalties for those who exploit or abuse children

The Law on Child Protection sets out penalties for people who harm children through abuse, ill-treatment or exploitation, in articles 147 to 198, as shown in the table below:

Table 2: Sanctions against those who abuse or exploit children under DRC legislation

Offence	Offences	Penalties	Fines (CDF)
Wilful attacks on the life or physical or mental integrity of a child	Deliberate assault against the child	Term of imprisonment of 2 to 6 months	100,000 to 250,000
	Premeditation	Term of imprisonment of 6 to 12 months	150,000 to 300,000
	Subjecting a child to torture or acts of brutality, cruelty, odious suffering, deprivation or confinement likely to harm the child's physical or mental health or emotional or psychological well-	Life imprisonment	

Offence	Offences	Penalties	Fines (CDF)
	being, resulting in death.		
Attacks detrimental to a child's honour and personal freedom	The trafficking or sale of children	Term of imprisonment of 10 to 20 years	500,000 to 1,000,000
Sexual assaults	Child rape	Term of imprisonment of 7 to 20 years	800,000 to 1,000,000
	Detaining one or more children for the purpose of sexually abusing them	Term of imprisonment of 10 to 20 years	
	If this results in pregnancy	15 to 20 years	
	Sexual harassment of children	Term of imprisonment of 3 to 12 years	200,000 to 400,000
Endangering a child	A person who violates the law on the Worst Forms of Child Labour	Term of imprisonment of 1 to 3 years	100,000 to 200,000
	The recruitment or use of children under eighteen years of age in the armed forces, armed groups or the police	Term of imprisonment of 10 to 20 years	
	A person who fails to assist a child threatened with imminent danger to life or limb, without risk to himself or to others	Term of imprisonment of 3 months to 1 year	100,000 to 250,000
	Failure to report child abuse (any form of physical or moral violence inflicted on a child, as well as any threat to the child's		100,000 to 250,000

Offence	Offences	Penalties	Fines (CDF)
	health and development)		

2 Minimum working age according to ILO Convention 138 and DRC legislation

ILO Convention 138 (1973) defines three different minimum ages for employment:

- the basic minimum age for admission to employment
- the minimum age for hazardous work
- the minimum age for light work

According to ILO Convention 138 on the minimum age for admission to employment, *‘the minimum age to be fixed in accordance with the Convention shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years’*. Convention 138 also stipulates that in countries where the economy and educational establishments are underdeveloped, the minimum age for admission to employment could initially be set at 14 years of age and that for light work it could be set at 12 years of age.

2.1 Minimum age for work in the DRC

According to the legal provisions on work permitted or prohibited for children:

- The law sets the minimum working age at 16 years (Labour Code).
- Children between 16 and 18 years of age are not allowed to work more than 8 hours a day, and a child aged 15 may only be hired or retained, even as an apprentice, with the express permission of the children's judge, after obtaining a psycho-medical opinion from an expert and the Labour Inspector, and a waiver from parental or guardianship authority.
- However, children between the ages of 14 and 16 may be employed in light and healthy work and in work that does not adversely affect their physical or moral development, or harm their health or jeopardize their attendance at school or their ability to benefit from the instruction given there.
- An exhaustive list of light work authorized for children under 18 is set out in Ministerial Decree No.12/CAB.MIN/TPSI/045/08 of 8 August 2008.

Table 3: Working age in accordance with ILO Convention No. 138 and labour legislation in the DRC.

Type of work	Minimum legal age at which children are allowed to work in accordance with international standards	Minimum legal age at which children are allowed to work in the DRC
Light work	13-14 years	14-16 years
Minimum age for admission to employment	15 years	16 years
Hazardous work	18 years (16 years under certain conditions)	18 years

2.2 Light work in the DRC

The ILO Minimum Age Convention (No 138) allows children aged 13 to 14 (12 to 13 in developing economies) to perform light work for a specified number of hours (less than 14 hours per week), provided that such work does not fall within the scope of the worst forms of child labour and does not interfere with the child's education or physical and mental development. Light work helps to develop a child's skills and encourages the child to learn family responsibilities. Convention 138 defines light work as:

- Unlikely to harm the health or development of children
- That does not prevent children from attending school or participating in vocational guidance or training programmes approved by the competent authority, or their ability to benefit from the education received.

Light work has been specifically addressed in DRC legislation since 1967, according to decrees issued by the Ministry of Labour and Social Security:

- Ministerial Decree No. 19/67 of 3 October 1967 setting out the terms and conditions for applying articles 3 and 27 of Legislative Order No. 67-310 of 9 August 1967 promulgating the Labour Code and Light and Healthy Work Authorized for Persons Aged 14 to 16 Years of Age.
- Ministerial Decree 68/11 of 17 May 1968 on Overtime Pay.
- Ministerial Decree 68/13 of 17 May 1968 stipulating Working Conditions for Women and Children.
- Ministerial Decree No. 12/CAB.MIN/TPSI/045/08 of 8 August 2008 stipulating Working Conditions for Children.

Provided that this work:

1. Does not exceed four hours per day on school days and holidays.
2. Does not infringe the school regulations in force.

Authorized light work for children by economic sector

Agriculture

1. Harvesting of seeds, leaves and fruit, with the exception of bananas and palm nuts, provided that the harvesting work is carried out on the ground.
2. Manual ginning of fruit and seeds, sorting of plant products.
3. Making ties for nurseries

Cattle raising

1. Keeping small livestock and poultry.
2. Surveillance by bellboys, porters and daytime sentries.

Trade and services

1. Selling newspapers and hawking not involving the transport of heavy goods.

The craft industry

1. Basketry

Working hours

Children under the age of 18 may not work more than 8 hours a day or 48 hours a week (Ministerial Decree 68/11 of 17 May 1968 on Overtime Pay).

When the actual working time exceeds four hours per day, it must be interrupted by one or more rest periods, the total duration of which may not be less than one hour.

2.3 Child labour in the DRC

ILO Convention 182 defines **child labour** as '*any work that deprives children of their childhood, their potential and their dignity, and that is harmful to their physical and/or mental development.*' It includes any work that:

- is mentally, physically, socially or morally hazardous and harmful to children.
- restricts or deprives children of the opportunity to attend school and obliges them to leave school prematurely.
- requires children to combine school and hard work for excessive periods of time.

Work that is not considered to be child labour consists of activities performed by children that have positive effects on their development, such as domestic or family tasks performed as part of their education, initiation and socialization, or as family help or assistance, provided that these do not exceed their physical and mental capacities, do not expose them to danger and do not interfere with their schooling or performance at school.

The following is considered to be child labour under DRC legislation (Ministerial Decree No. 12/CAB.MIN/TPSI/045/08 of 8 August 2008 stipulating Working Conditions for Children):

1. Any activity undertaken by a child who has not yet reached the minimum legal age for the activity, which is likely to interfere with the child's education or development;
2. Any activity undertaken by a child under the age of 18, whether paid or unpaid, that is hazardous or inappropriate to the child's age, or that is harmful to the child's education or physical, social, mental, spiritual or moral development, including excessive '*non-economic*' activities.

Recruitment of children

Where pressing reasons relating to vocational training so require, the Labour Inspector may grant temporary derogations from the provisions of article 12 for children under the age of 16 and under the age of 18 at the employer's request. These provisions do not apply to female workers.

For any recruitment of persons under the age of 18, regardless of their sex, the employer must draw up a list indicating the surnames, first names, date of birth and job held. A copy of this list must be sent to the local Labour Inspector within 8 days of recruitment.

Statistics on child labour in the DRC

Information gathered through the 2010 MICS surveys (UNICEF) confirms that child labour exists throughout the country, in both the urban and rural economies. According to the results of this survey, 42% of children aged between 5 and 14 work, including 46% in rural areas and 34% in urban areas.

In the 5 to 17 age group, 60% were workers, predominantly girls (67% versus 54% for boys) and persons in rural areas (64% versus 52% in the urban economy). The proportion of child workers is above the national average in six provinces: Équateur (71%); Bas-Congo (71%); Sud-Kivu (68%); Bandundu (67%); Province Orientale (66%); and Nord-Kivu (63%).

2.4 Worst forms of child labour in the DRC

All employers, whether natural or legal persons, are prohibited from employing children in the worst forms of labour. Under ILO Convention 182, ratified by the DRC, and article 3 of the Labour Code, relayed in article 53 of the Law on Child Protection, '*worst forms of child labour*' includes:

1. All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict.
2. The use, procurement or offering of a child for prostitution, for the production of pornography or for obscene dancing.

3. The use, procurement or offering of a child for illicit activities, in particular for the production and trafficking of drugs.
4. Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.
5. The use of children under 18 years of age in the making, handling and sale of written material, printed matter, drawings, engravings, emblems, images and other objects whose sale, offer, exhibition, display or distribution are punishable under penal legislation or which, without falling under such legislation, are contrary to accepted principles of morality.
6. Any other work on the premises where the work listed in this article is carried out.

The first three categories of the worst forms of child labour are known as **unconditional** forms of child labour and are prohibited regardless of the age of the child, the nature of the tasks performed, the conditions and circumstances in which these tasks are performed, etc.

The fourth category, which describes 'work which is likely to harm the health, safety or morals of children', is generally referred to as hazardous labour (ILO Recommendation 190). This is the worst **conditional** form of child labour; it must be defined locally, using a national list of hazardous activities.

In accordance with ILO Convention 182 on the worst forms of child labour, article 16 of the Constitution (February 2006) prohibits inhuman treatment: *'The human person is sacred. The State has an obligation to respect and protect the human person. All persons have the right to life and physical integrity, as well as the free development of their personality in a context of respect for the law, public order, the rights of others and morality.'* No one may be held in slavery or in a similar condition. No one may be subjected to cruel, inhuman or degrading treatment. No one may be compelled to perform forced or compulsory labour.'

2.5 Hazardous child labour in the DRC

The ILO defines https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_fs_46_en.pdf **hazardous child labour** as 'work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children' (ILO Convention 182). According to this Convention, the precise nature of the prohibited tasks must be defined and examined by each country in the form of a list of hazardous activities defined at national level.

According to ILO Recommendation 190, the following criteria should be taken into account when determining hazardous working conditions for children at national level:

1. work which exposes children to physical, psychological or sexual abuse
2. work underground, under water, at dangerous heights or in confined spaces
3. work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads
4. work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health
5. work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer

DRC legislation prohibits all hazardous work by children, as set out in the decrees of the Ministry of Employment, Labour and Social Security:

- Ministerial Decree 68/11 of 17 May 1968 on Overtime Pay.
- Ministerial Decree 68/13 of 17 May 1968 stipulating Working Conditions for Women and Children.
- Ministerial Decree No. 12/CAB.MIN/TPSI/045/08 of 8 August 2008 stipulating Working Conditions for Children.

Minimum age for hazardous and arduous work

- The minimum age for hazardous work is set at 18 years of age.
- The Labour Code stipulates that children below 18 years of age and persons with disability may not work at night in public or private industrial establishments.
- Night and Sunday work is also prohibited for children below 18 years of age.
- Under Ministerial Decree 68/13, two types of work are prohibited for children below 18 years of age: work that may exceed children's strength and hazardous or unhealthy work.

Definition of hazardous child labour

'Employers, natural persons or legal entities are prohibited from employing children in work which exceeds their strength, exposes them to high occupational risks, or which, by its nature or the conditions in which it is performed, is likely to cause them moral harm' (article 1).

Work that may exceed children's strength

The carrying of loads

It is prohibited to use children of both sexes below 18 years of age to carry loads by hand on a regular basis. Children between 16 and 18 years of age may not carry, drag or push loads weighing more than the following maximums either inside or outside the usual place of work:

1. Occasional manual transport of loads: boys: 15 kg / girls: 10 kg
2. Transport by wheelbarrow (including the vehicle itself): boys: 35 kg / girls: 25 kg
3. Transport by vehicles with three or four wheels (including the vehicle itself): boys: 50 kg / girls: 35 kg
4. Transport on wagons running on level tracks, including the vehicle itself, for a maximum of 4 hours per day: boys: 400 kg / girls: 250 kg
5. It is forbidden to employ female children to transport loads on pedal vehicles and handcarts.
6. Children of both sexes under 18 years of age may not be transported on trolleys or similar vehicles.

Hazardous or unhealthy work

Agriculture

1. Harvesting bananas and palm fruit

Cattle raising

1. Rendering and work in slaughterhouses, casings and tanneries

Space / environment

1. Work underground, under water, at dangerous heights or in confined spaces

Fishing

1. Trimmers or stokers on board ships, as well as any work likely to affect their health or present particular risks of accidents

Trade and services

1. Work which exposes children to physical, psychological or sexual abuse
2. In bars and other public places where alcoholic beverages are consumed

Crafts and industry

1. Inspecting, lubricating, cleaning or repairing machines or mechanisms in operation

2. Work requiring the presence of, or passage through, a room where there is machinery operated by hand or by animal or mechanical power, or motors, transmissions and mechanisms whose dangerous parts are not covered by appropriate protective devices
3. Driving or operating lifting or mechanical-handling devices
4. Operating engines, vehicles and mechanical equipment
5. Motorized work using pedals, wheels, cranks, levers, jiggling and shaking tables by hand or foot
6. Use and handling of circular or band saws or multi-blade saws, working with shears or mechanical cutting blades or grinding wheels
7. Manufacture, handling or transport of explosive or flammable substances
8. Manufacture or repair of electrical accumulators

Long working hours and night work

According to Ministerial Decree 68/11 of 17 May 1968 on Overtime Pay (Ministry of Labour and Social Security), actual working time may not exceed 8 hours per day or 48 hours per week.

Furthermore, regulations relating to prohibited periods for work apply as follows:

1. No children below 18 years of age may work on Saturdays and Sundays.
2. Children below 18 years of age are prohibited from working at night.
3. The term 'night' refers to the period between 6pm and 6am.

Exception

Where pressing reasons relating to vocational training so require, the local labour inspector may grant temporary derogations from the provisions of article 12 for children under the age of 16 and under the age of 18, at the employer's request. These provisions do not apply to female workers.

For any recruitment of persons under the age of 18, regardless of their sex, the employer must draw up a list indicating the surnames, first names, date of birth and job held. A copy of this list must be sent to the local Labour Inspector within 8 days of recruitment.

3 DRC legislation on child labour

The protection of children's rights and efforts to tackle child labour are governed by specific legislation in the DRC. There are relevant provisions in several legislative texts which feature the issue of child labour. These include:

- The DRC Constitution of 18 February 2006 (latest version) fully guarantees the rights of children and young people.
- The Labour Code of July 2016 addresses efforts to tackle child labour and the worst forms of child labour, in connection with the requirements laid down in the Constitution and Convention No. 182, supplemented by Recommendation No. 190 and Convention No. 138).
- The Family Code of July 2016 is one of the national instruments defending children's rights.
- The Law on Child Protection of 10 January 2009 is a specific legal instrument on child protection, complementing the Family Code, the Labour Code and the Constitution.
- Framework Law No.141004 of 11 February 2014 on National Education confirms the compulsory and free nature of primary education and the eradication of illiteracy with a view to achieving the goal of education for all.
- Decrees issued by the Ministry of Labour and Social Security, which specifically address the issue of child labour by distinguishing between work that is permitted and work that is prohibited for children, and the conditions under which such work is carried out:

- Ministerial Decree No. 12/CAB.MIN/TPSI/045/08 of 8 August 2008 stipulating Working Conditions for Children
- Ministerial Decree 68/13 of 17 May 1968 stipulating Working Conditions for Women and Children
- Ministerial Decree 68/11 of 17 May 1968 on Overtime Pay
- Ministerial Decree no. 19/67 of 3 October 1967 setting out the terms and conditions for applying articles 3 and 27 of Legislative Order No. 67-310 of 9 August 1967 promulgating the Labour Code and light and healthy work authorized for persons aged 14 to 16 years of age

3.1. The DRC Constitution

The DRC Constitution of 18 February 2006 confirms the general protection of human rights and the rights of the child.

Article 16 provides that *'The human person is inviolable. The State has the obligation to respect and protect it. All persons have the right to life and physical integrity, as well as the free development of their personality in a context of respect for the law, public order, the rights of others and morality. No one may be held in slavery or in a similar condition. No one may be subjected to cruel, inhuman or degrading treatment. No one may be compelled to perform forced or compulsory labour.'*

Article 41 defines a minor as any person of either sex who has not yet attained 18 years of age. All other forms of exploitation of minors are punished by law. This article also prohibits the abandonment and mistreatment of children, in particular paedophilia, sexual abuse and accusations of witchcraft. Furthermore, parents have the duty to take care of their children and ensure their protection against any acts of violence, both within and outside the home. On the other hand, the public authorities have the obligation to provide protection to children in difficult situations and to bring to justice the perpetrators and accomplices of acts of violence against children.

Article 42 of the Constitution states that the public authorities have an obligation to protect young people against any threat to their health, education and comprehensive development.

Article 43, paragraphs 1 and 4, recognizes the right of every person to school education and makes primary education in public establishments compulsory and free of charge.

Finally, article 190 of the Constitution provides: 'No one shall, subject to punishment for high treason, organize military or paramilitary units or private militias or keep youths under arms'.

In the light of these provisions, the Constitution of the DRC of 2026 makes a point of protecting children against all forms of exploitation, mistreatment and abuse.

3.2. The Labour Code of the RDC

Law No. 16/010 of 15 July 2016 amending and supplementing Law No.015-2002 promulgating the Labour Code provides:

- Article 2: Forced or compulsory labour shall be prohibited.
- Article 3: All the worst forms of child labour shall be abolished, in compliance with the provisions of Convention 182 of the International Labour Organization (ILO) on the prohibition and elimination of the worst forms of child labour.
- Article 4: A National Committee to Combat the Worst Forms of Child Labour is hereby set up, the tasks, composition and operation of which shall be determined under the responsibility of the Ministries of Labour, Social Affairs and the Family.

- Article 6: The ability to enter into contracts at the age of 18, with an express derogation⁴ at the age of 15, and to be hired or retained in employment, even as an apprentice. A person between 16 and 18 years of age may only be hired or retained in employment to perform light and healthy work as provided for by an order of the minister responsible for labour and social welfare.
- Article 125: Children below 18 years of age and persons with disability may not work at night in public or private industrial establishments. The term 'night' refers to the period between 6pm and 6am.
- The daily rest period for children and persons with a disability must be at least 12 consecutive hours.
- Article 133: Children may not be employed in an enterprise, even as apprentices, before the age of 15, unless expressly exempted by the local Labour Inspector and parental or guardianship authority. Under no circumstances should the express authorization of the local Labour Inspector or the parental or guardianship authority be granted for employees under the age of 15.
- Article 137: Children, women or disabled persons may be made to remain in a job found to be beyond their strength and must be assigned to a suitable job.

3.3. The DRC Family Code

Law No. 16/008 of 15 July 2016 amending and supplementing Law No.87-010 of 1 August 1987 promulgating the Family Code. Law No. 09/001 of 10 January 2009 on the Protection of the Child supplements and confirms the provisions set out in the Constitution, the Family Code and the Labour Code where child protection is concerned, as described above.

⁴ Express derogation issued by the President of the Magistrates' Court (*Tribunal de Paix*), after obtaining a psycho-medical opinion from an expert and the labour inspector. The matter shall be referred to the President of the Magistrates' Court at the request of the parents or any person exercising parental or guardianship authority over the child, the labour inspector or any person concerned.

4 Enforcement of child labour laws in the RDC

4.1 Institutional framework for tackling child labour in the DRC

The Government of the DRC has set up institutional mechanisms to enforce laws and regulations on child labour. The table below lists the main institutions responsible for applying child protection laws and regulations relating to child labour.

Table 4: Institutions responsible for applying laws and regulations relating to child labour in the DRC

No.	State institutions	Role
1	Ministry of Social Affairs, Humanitarian Action and National Solidarity	<p>Responsibility for children lies with this Ministry.</p> <p>This Ministry is responsible for persons and groups in situations of vulnerability, particularly children in difficult situations. It aims to:</p> <ul style="list-style-type: none"> • Design, implement and coordinate policies and programmes aimed at preventing and reducing the vulnerability of disadvantaged individuals and social groups. • Guarantee that all people in difficult circumstances have access to basic social services and a minimum income by promoting and protecting their rights and social equity, and combating all forms of exclusion, vulnerability and poverty. • Ensure equal opportunities for all Congolese through social assistance and promotion, justice and the socio-professional integration of marginalized people or groups. <p>The Department of Social Action for the Protection of Children draws up policies and regulations, carries out special measures for children in difficult situations and conducts awareness-raising campaigns on child protection. The Ministry is also the supervisory body of the Social Workers Panel, which represents social workers intervening in juvenile courts.</p> <p>The Ministry is represented in the provinces by the Social Affairs divisions, which are decentralized departments.</p>
2	Ministry of Employment, Labour and Social Security	<p>As a key player in the implementation of the National Action Plan to Combat the Worst Forms of Child Labour, this Ministry coordinates the activities and measures of all stakeholders (ministries, decentralized structures, courts and tribunals, private sector and civil society organizations). With the support of the National Committee to Combat the Worst Forms of Child Labour, it performs the following functions:</p> <ul style="list-style-type: none"> - Monitor the progress made in integrating child labour into sectoral policies and assess the extent to which the recommended measures are being applied; - Ensure wide dissemination of the National Action Plan at national, provincial and local levels and regularly update operational plans; - Ensure that all sectoral policies take account of child labour issues;

No.	State institutions	Role
		<ul style="list-style-type: none"> - Provide the necessary technical support to other ministries, courts and tribunals, decentralized structures, the private sector and other civil society players; - Provide technical support to civil society organizations requiring it in the areas of training and access to information; - Facilitate the mobilization of resources and documentation and the setting up of networks; - Ensure the cross-cutting integration of employment-related considerations into sectoral and development policies and programmes; - Draw up lists of hazardous jobs and light jobs, review them periodically and revise them where necessary; - Develop and implement a programme to encourage government law enforcement officials (labour inspectors, primary, secondary and vocational education inspectors and the police) to work together to monitor and prohibit child labour; - Deploy a community-based child labour monitoring mechanism covering schools and workplaces.
	<p>Ministry of Gender, Family and Children</p>	<p>Tasked with protecting and promoting the status of women, children and the family in collaboration with other ministries, it performs the following functions:</p> <ul style="list-style-type: none"> - Lead the national strategy to tackle sexual and gender-based violence as it relates to both girls and boys, whether as victims, perpetrators or witnesses; - Promote the Law on Child Protection, in particular through national legislation on child labour; - Ensure better prevention, identification, reporting, treatment and referral of situations of abuse, violence or exploitation in prisons, the workplace and during travel; - Contribute to improving the child protection system by mobilising sectors traditionally less involved in child protection, such as the prison sector, the labour inspectorate and the transport and travel sector; - Strengthen the role and power of children in their own protection and emphasize equal rights for girls and boys; - Strengthen coordination between stakeholders through the joint development of multi-sectoral procedures and the promotion of inter-sector dialogue (law enforcement, justice and social work); - Develop awareness-raising, information and community mobilization initiatives specifically pertaining to hazardous labour and its consequences for children, targeting communities in general and vulnerable families, children and potential employers in particular (community-based child labour monitoring mechanisms), etc.
	<p>Ministry for Primary, Secondary and Vocational Education</p>	<p>This Ministry is responsible for:</p> <ul style="list-style-type: none"> - Ensuring that children removed from work and children who have dropped out or who are not enrolled in school have access to a relevant and effective formal or non-formal education programme; - Speeding up the implementation of free primary education so that all primary classes in all provinces benefit from the abolition of almost all

No.	State institutions	Role
		<p>school fees, including those linked to the TENAFEP (National Primary School Leaving Test), and motivating teachers, with priority given to those in rural areas and areas with a high incidence of the worst forms of child labour;</p> <ul style="list-style-type: none"> - Improving the criteria for prioritizing the school building and refurbishment programme by taking into account concerns relating to child labour; - Factoring child labour into the design and implementation of the school mapping system; - Developing a programme to enable children in underserved areas to benefit from primary education by building new schools, organizing school transport and canteens and awarding scholarships; - Factoring child labour into the strategy to reduce drop-outs and school-year repetition by setting up remedial education and vocational training programmes as well as apprenticeships for working children, and by taking account of the specific characteristics of the local economy, in particular harvests, the sale of agricultural products and other factors when setting the school calendar; - Developing and implementing a programme to modernize and strengthen apprenticeships in the informal sectors by standardizing training programmes, monitoring and certifying skills, and subjecting apprenticeship contracts to regulations.
	<p>Ministry of Public Health, Hygiene and Prevention</p>	<p>The objectives of this Ministry are to:</p> <p>Develop and implement health policies, plans and strategies in accordance with government guidelines;</p> <ul style="list-style-type: none"> - Promote behaviour conducive to the sexual and reproductive health of adolescents and young people in order to help reduce morbidity and mortality in this age group; - Pursue the development of Health Zones in order to guarantee better availability of quality health services and care and their accessibility and optimal use by the population as part of the threefold dimension of universal health coverage; - Strengthen measures to support the extension of the coverage of quality services and care by working on the pillars of the Health System; - Provide quality preventive, curative, promotional and rehabilitative health care services to the entire national population; - Ensure equity in the distribution and supply of health services.
	<p>Ministry of State, Minister of Justice, Keeper of the Seals</p>	<p>The Ministry includes the Directorate of Child Protection, Victims and Legal Assistance. It is represented in the provinces by its decentralized department, the Provincial Justice Division. The Law on Child Protection established the Special Child Protection Brigade and the juvenile courts.</p> <p>The mission of the Ministry is to:</p> <ul style="list-style-type: none"> - Ensure the administration of justice, the promotion and protection of human rights and fundamental freedoms (dissemination and

No.	State institutions	Role
		popularization of human rights, monitoring respect for human rights, etc.); <ul style="list-style-type: none"> - Play an essential role in the child protection system at a political level and in the organization of justice; - Take immediate and effective measures to ensure that the perpetrators of violations of children's rights, in particular those who have used children in the worst forms of child labour, are prosecuted and that the penal or other sanctions provided for by law are effectively applied.
	Ministry of the Interior, Security and Customary Affairs	As a key element of the institutional framework for child protection, its mission is to: <ul style="list-style-type: none"> - Maintain law and order, public safety and the protection of people and property; - Oversee birth registration; - Reform police structures and operations.
	Social Promotion Centre	One of its main aims is to provide vocational training in carpentry, general mechanics, basketry, IT, etc. to promote integration into working life.
	National Vocational Training Institute	A key aim of this institute is to provide training to prevent children from having to enter the world of work at an early age and to enable them to acquire vocational qualifications in general mechanics, car mechanics, refrigeration, electricity, IT and electronics.

4.2 Policies and programmes to tackle child labour in the DRC

With the ratification of conventions and the introduction of national legislation, the DRC government is addressing the issue of child labour through national policies, programmes and action plans. Some of these are directly related to child labour or child protection.

Table 5: Government policies on child labour in the DRC

No.	Programme	Description
1	National Action Plan to Combat the Worst Forms of Child Labour in the Democratic Republic of Congo	The overall aim of the National Action Plan is to eliminate the worst forms of child labour while laying the institutional, political and social foundations needed to combat child labour in general. Five strategic areas have been identified to achieve this objective: the legal framework, awareness-raising and social mobilization against the worst forms of child labour, education, socioeconomic vulnerability and the protection and care of children.
	National Social Protection Policy of the DRC	The DRC's National Social Protection Policy, adopted by the Council of the National Social Protection Support Programme, aims to provide effective protection for the most vulnerable and the poorest sections of society by 2030, in particular by granting them quality health care, a minimum income and a healthy,

No.	Programme	Description
		<p>balanced diet as part of the National Social Protection Floor. Its establishment received technical and financial support from several partners, including the ILO/DRC, the World Bank, WHO, UNICEF and the WFP.</p>
	<p>National Action Plan for the Promotion and Protection of Human Rights</p>	<p>This national action plan serves as a coherent framework for including and coordinating all initiatives aimed at improving awareness of human rights in the DRC, as well as promoting, safeguarding and developing these rights.</p> <p>Some of the plan's objectives:</p> <ul style="list-style-type: none"> - To make the DRC a country that fosters and guarantees the overall development of the human person in conditions of respect, protection, upholding and promotion of human rights, by ensuring the full exercise of civil, political, economic, social and cultural rights, to peace, to a healthy environment and to development, considered to be fundamental, indivisible and interdependent; as well as the specific rights of disadvantaged people (women, children, displaced persons, refugees), persons with disability and the elderly; - To provide a reference framework that facilitates the coordination of activities for the promotion and protection of human rights undertaken by the various actors, namely: public authorities, civil society, the private sector and external partners; - To promote and consolidate the rule of law; - To identify, in consultation with the entire national community, the human rights needs at national and local levels, the objectives to be achieved, the resources to be allocated to this area and the parameters for evaluating the progress made and the obstacles encountered.
	<p>National Action Plan for Orphans and Other Vulnerable Children (OVC) in the DRC</p>	<p>The overall aim of this plan is to improve the quality of the response to the needs of OVC.</p> <p>Five strategic areas were identified to achieve this objective:</p> <ol style="list-style-type: none"> 1. Ensuring that the political and institutional framework is conducive to high-quality, comprehensive care for OVC; 2. Mobilising community and family responses to protect and care for OVC; 3. Facilitating access to basic social services for OVC; 4. Developing a system for monitoring and evaluating OVC activities; 5. Mobilising financial, material and human resources to implement the OVC national action plan.

No.	Programme	Description
	<p>National Strategic Plan for the Health and Well-being of Adolescents and Young People</p>	<p>The aim of this plan is to contribute to the country's development by improving the health and well-being of adolescents and young people with a view to their harmonious development and greater social and economic productivity. It aims to:</p> <ol style="list-style-type: none"> 1. Improve the level of knowledge and skills of adolescents and young people in relation to their specific and differentiated health problems, including their rights; 2. Improve the availability and accessibility of quality services tailored to adolescents and young people, with a view to increasing their use by adolescents and young people; 3. Strengthen the institutional and technical capacities of systems working for adolescents and young people.
	<p>National Programme for Adolescent Health</p>	<p>This programme's main functions are to:</p> <ul style="list-style-type: none"> • Promote the health of adolescents by diagnosing, monitoring and managing their health problems and healthy development; • Draw up guidelines, standards and strategies for the promotion and development of adolescent health; • Ensure the development of research to promote adolescent health.
	<p>National Multisectoral Programme to Combat AIDS</p>	<p>This programme promotes better living conditions for children and ensures credibility with regard to international commitments. National consensus on priorities in the response to HIV, which has now become the national repository and the framework for determining national objectives and results in the response to HIV, to which all players involved in the national response adhere.</p>
	<p>The 2016-2025 Education and Training Sector Strategy</p>	<p>The strategy specifies the priorities for action in the education sector up to 2025. It is designed to respond to the difficulties and challenges identified by the analysis of the state of the education system, which forms the factual basis on which it is founded.</p> <p>Three main strategic areas have been identified:</p> <ol style="list-style-type: none"> 1. Promoting a more equitable education system, at the service of growth and employment 2. Creating the conditions for a quality education system 3. Establishing transparent and effective governance.
	<p>Decent Work Country Programme</p>	<p>The Decent Work Country Programme is a tool for increasing the role of the promotion of decent work in reducing poverty and achieving the Sustainable Development Goals. Its priorities are consistent with the national objectives identified through the National Strategic Development Plan and the UNSDCF.</p>

No.	Programme	Description
	Growth and Poverty Reduction Strategy (DSCR 2)	The DSCR 2 aims to make growth, job creation and the fight against climate change the main levers for significantly reducing poverty, while also taking gender issues into account in all areas of development, with a view to correcting inequalities and inequities against women and thus contributing more effectively to poverty reduction.
	National Sectoral Strategy to Combat Child Labour in Artisanal Mines and on Artisanal Mining Sites in the DRC	The strategy aims to eradicate child labour in artisanal mines by 2025. It is in line with the National Action Plan of the National Committee to Combat the Worst Forms of Child Labour and the implementation of the strategy for artisanal and small-scale mining. It is intended to be a set of coordinated actions to combat child labour in artisanal mines and on artisanal mining sites in the DRC. The strategy adheres to a participatory approach involving all stakeholders.

4.3 Bodies coordinating action to tackle child labour in the DRC

The DRC government has set up coordinating structures to take action against child labour, the most prominent of which is the **National Committee to Combat the Worst Forms of Child Labour**. National mechanisms to fight against human trafficking and migrant smuggling have also been set up, along with national and regional task forces on orphans and vulnerable children.

Table 6: Role of government coordinating bodies on child labour in the DRC

No.	Coordination body	Roles and description
1	National Committee to Combat the Worst Forms of Child Labour	One of this committee's tasks is to raise awareness of the problem of child labour in its various forms, at national, provincial and local levels. It is also called upon to monitor the subjection of children to the worst forms of exploitation and to permanently remove children from hazardous work.
	National Labour Council Resolutions Follow-up Committee	Reporting to the Ministry of Labour, Manpower and Social Security, a commission is responsible for: <ul style="list-style-type: none"> • Ensuring that the social partners apply strictly the resolutions of the National Labour Council; • Evaluating the implementation of all resolutions taken by the National Labour Council and reporting back to the next Council; • Giving opinions and considerations on all measures to be taken to fulfil its mission.

	National Fund for the Advancement of Women and the Protection of Children	The general mission of this Fund is to mobilize and manage resources relating to the promotion of women and the protection of children, to contribute to the implementation of the national gender policy and to strengthen the financing of programmes, projects and activities relating to the promotion of women and the protection of children.
	National Council for Children	The National Council for Children is a public service for the social protection of children, placed under the authority of the Minister with specific responsibility for children's issues.

4.4 International standards on child labour adopted in the DRC

Table 7: International standards on child labour enshrined in the legal system

Standard	Complies with international standards	Age	National legislation
Minimum working age	Yes	16	<ul style="list-style-type: none"> • Law No. 16/010 of 15 July 2016 amending and supplementing Law No. 015-2002 promulgating the Labour Code • Ministerial Decree No. 12/CAB.MIN/TPSI/045/08 of 8 August 2008 stipulating Working Conditions for Children
Minimum age for hazardous work	Yes	18	<ul style="list-style-type: none"> • Law No. 16/010 of 15 July 2016 amending and supplementing Act No. 015-2002 promulgating the Labour Code • Constitution of 18 February 2006 amended by Law No. 11/002 of 20 January 2011 • Ministerial Decree 68/11 of 17 May 1968 on Overtime Pay • Ministerial Decree 68/13 of 17 May 1968 stipulating Working Conditions for Women and Children
Identification of hazardous occupations or activities prohibited to children	Yes		<ul style="list-style-type: none"> • Law No. 16/010 of 15 July 2016 amending and supplementing Law No. 015-2002 promulgating the Labour Code • Ministerial Decree No. 12/CAB.MIN/TPSI/045/08 of 8 August 2008 stipulating Working Conditions for Children
Ban on forced labour	Yes		<ul style="list-style-type: none"> • Constitution of 18 February 2006 amended by Law No. 11/002 of 20 January 2011 • Law No. 16/010 of 15 July 2016 amending and supplementing Law No. 015-2002 promulgating the Labour Code • Law No. 09/001 of 10 January 2009 on the Protection of Children
Ban on child trafficking	Yes		<ul style="list-style-type: none"> • Constitution of 18 February 2006 as amended by Law No. 11/002 of 20 January 2011 • Law No. 09/001 of 10 January 2009 on the Protection of Children
Ban on the commercial sexual exploitation of children	Yes		<ul style="list-style-type: none"> • Ministerial Decree No. 12/CAB.MIN/TPSI/045/08 of 8 August 2008 stipulating Working Conditions for Children. • Law No. 09/001 of 10 January 2009 on the Protection of Children
Ban on using children in illicit activities	Yes		<ul style="list-style-type: none"> • Law No. 09/001 of 10 January 2009 on the Protection of Children
Age of compulsory education	Yes		<ul style="list-style-type: none"> • Framework Law No.141004 of 11 February 2014 on National Education

Free public education	Yes	<ul style="list-style-type: none">• Framework Law No.141004 of 11 February 2014 on National Education
-----------------------	-----	---------------------------------------------------------------------------------------------------------------------

5 Conclusion and recommendations

Generally speaking, the DRC's legislative framework is characterized by a profusion of legal and regulatory texts, some of which overlap and repeat each other, and which were undoubtedly adopted in different political, ideological and socioeconomic historical contexts. The country has a comprehensive legal framework for the protection of children, and its Constitution contains numerous articles addressing children's rights and protection. Most legal and regulatory provisions comply with the standards and requirements set out in international human rights and humanitarian law instruments. However, there is very little data on the rate of prosecutions and convictions for child protection offences (in armed conflicts, at mine sites).

However, a number of gaps remain when it comes to ensuring improved child protection, specifically in the agricultural sector, and these should be addressed. These include:

- An essential tool for protecting children from hazardous work is the national list of hazardous work prohibited for children (under 18). This list exists, but it provides very little information on the work that needs to be taken into account in the agricultural sector, despite the fact that most of the activities of rural populations are concentrated in this sector.
- The maximum authorized number of hours (8 hours a day) worked by children aged between 14 and 17 exceeds the ILO recommendations.
- The coordinating institutions dealing with child protection generally focus their activities on the mining sector, which is probably the biggest provider of economic resources.

Within the framework of this mission and in accordance with the country's laws on child labour and the surveys conducted in the cocoa sector, the following categories of child labour will be considered as 'child labour' in the monitoring questionnaires used to assess the prevalence of child labour in cocoa-producing areas:

Child labour	
(Remunerated) employment of any child under the age of 16	
Working longer than the maximum authorized for each age group:	
<ul style="list-style-type: none"> • 5-13 years: 1H > per week • 14-15 years: > 4 hours per day; OR > 20 hours per week • 16-17 years: > 8 hours a day; OR > 48 hours a week 	
Any of the following hazardous activities carried out by children below 18 years of age:	
<ul style="list-style-type: none"> • Land preparation (including land clearance, tree felling, removal of tree stumps, digging holes) • Use of sharp or dangerous tools (e.g. machetes, knives) for harvesting, pruning or pod breaking • Night work (between 6pm and 6am) • Working long hours (see thresholds above by age group) • Transporting heavy loads 	<ul style="list-style-type: none"> • Exposure to chemicals (e.g. pesticide sprays or mixtures) • Exposure to fire or flames (burning of cleared land, bushes, etc.) • Working at a dangerous height (e.g. climbing a tree over 3 metres high) • Driving motorized vehicles • Working in extreme heat or cold • Exposure to abuse (psychological or physical violence)

References

Specific documents on child labour in the DRC

1. RDC: 36.991 tons de cacao produites en 2020, un record de ces 7 dernières années : <https://actualite.cd/2021/03/18/rdc-36991-tons-de-cacao-produites-en-2020-un-record-de-ces-7-dernieres-annees>
2. ROBINEAU Claude, 1985. *Cacao, état et paysans en République populaire du Congo*, Cirad, 1987 'Etats, développement, paysans'. Proceedings of the CIRAD-MESRU symposium, September 1985. 38-47
3. RDC: baisse de production en 2022 du café et du cacao: <https://deskeco.com/2023/02/08/rdc-baisse-de-production-en-2022-du-cafe-et-du-cacao>
4. *Le travail des enfants en RDC : chiffres clés* <https://reliefweb.int/report/democratic-republic-congo/le-travail-des-enfants-en-rdc-chiffres-cl-s>
5. https://www.ilo.org/africa/events-and-meetings/WCMS_645620/lang--fr/index.htm
6. <https://votresalaire.org/congo/droit-de-travail/traitement-equitable/enfants-et-jeunes>
7. Observation (CEACR) - adopted 2021, published 110th session CIT (2022) https://www.ilo.org/dyn/normlex/fr/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:4124039
8. Direct request (CEACR) - adopted 2021, published 110th session CIT (2022) https://www.ilo.org/dyn/normlex/fr/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4124036,102981
9. <https://reliefweb.int/report/democratic-republic-congo/le-travail-des-enfants-en-rdc-chiffres-cl-s#>
10. Observation (CEACR) - adopted 2022, published 111th session CIT (2023) https://www.ilo.org/dyn/normlex/fr/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4314454,102981
11. MEPSINC, METP, MESU and MAS, 2015. *Stratégie sectorielle de l'éducation et de la formation 2016-2025*, 203 p.
12. METPS, 2011. *Plan d'Action National (PAN) de lutte contre les pires formes de travail des enfants en République Démocratique du Congo (2012- 2020)*
13. Ministry of Public Health. 2016. *Plan stratégique national de la sante et du bien-etre des adolescents et des jeunes 2016 – 2020*. March 2016

International legal conventions and standards

1. Convention on the Rights of the Child of 1989
2. C138 - Minimum Age Convention, 1973
3. C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)
4. African Charter on the Rights and Welfare of the Child of 1990
5. World Declaration on Education for All

National legislative framework

1. Constitution of 18 February 2006 amended by Law No. 11/002 of 20 January 2011
2. Law No. 16/008 of 15 July 2016 amending and supplementing Law No.87-010 of 1 August 1987 promulgating the Family Code.
3. Law No. 16/010 of 15 July 2016 amending and supplementing Law 015-2002 promulgating the Labour Code
4. Framework Law No.141004 of 11 February 2014 on National Education
5. Law No. 09/001 of 10 January 2009 on the Protection of Children

6. Ministerial Decree No. 12/CAB.MIN/TPSI/045/08 of 8 August 2008 stipulating Working Conditions for Children.
7. Ministerial Decree 09 of 7 June 1993 setting up the committee to follow up the resolutions of the National Labour Council. (Ministry of Labour and Social Security)
8. Decree no. 22/36 of 20 October 2022 on the organization and operation of the National Children's Council
9. Ministerial Decree no. 19/67 of 3 October 1967 setting out the terms and conditions for applying articles 3 and 27 of Legislative Order No. 67-310 of 9 August 1967 promulgating the Labour Code and light and healthy work authorized for persons aged 14 to 16 years of age.
10. Interministerial Decree No. 12/MIN/MINTPS/AR/34/2006 of 10 June 2006 on the establishment, organization and operation of the National Committee to Combat the Worst Child Labour.
11. Ministerial Decree 68/11 of 17 May 1968 on Overtime Pay
12. Ministerial Decree 68/13 of 17 May 1968 stipulating Working Conditions for Women and Children