



International  
Labour  
Organization

**COMBATting CHILD LABOR IN THE COBALT SUPPLY CHAINS  
IN THE DEMOCRATIC REPUBLIC OF CONGO  
(COTECCO)**

**COLLECTION OF THE LEGAL FRAMEWORK AND  
INTERNATIONAL, REGIONAL AND NATIONAL BEST PRACTICES  
IN THE FIGHT AGAINST CHILD LABOR IN ARTISANAL MINES OF  
THE DEMOCRATIC REPUBLIC OF CONGO**

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## ACRONYMS

ACRWC	African Charter on the Rights and Welfare of the Child
ASM	Artisanal Small-scale Mining
CCP	Cocoa Communities Project
CCR	Convention on Child Rights
CISTEMA	Inter-ministerial Commission in charge of Monitoring of the Child Labour issue in artisanal mines
CL	Child Labour
CLAM	Child Labour in Artisanal Mines
CLOM	Child Labour Observation and Monitoring
COTECCO	Combating Child Labour in Cobalt Supply Chains
DCPC	District Child Protection Committee
DRC	Democratic Republic of Congo
DTE	Decentralized Territorial Entities
EAC	Educational Animation Center
FCLAM	Fight against Child Labour in Artisanal Mines
FCLM	Fight against Child Labour in Mines
FCLM	Fight against Child Labour in Mines
GoDRC	Government of DRC
ICESCR	International Covenant on Economic, Social and Cultural Rights
IEC	Information, Education, Communication
IGA	Income Generating Activities
ILO	International Labour Organization
IPEC	International Program for the Elimination of Child Labour
LUTRENA	Fight against the Trafficking of Children for the Purposes of Exploitation of their Labour in West and Central Africa
LVC	Local Vigilance Committee
MELSW	Ministry of Employment, Labour and Social Welfare's
NAP	National Action plan
NC-WFCL	National Committee to fight against the Worst Forms of Child Labour
NGO	Non-Governmental Organizations
OECD	Organization for Economic Cooperation and Development
SAEMAPE	<b>Service for Assistance and Supervision of Artisanal and Small-Scale Mining</b> ( <i>Service d'Assistance et d'Encadrement de l'Exploitation Minière Artisanale et à Petite Echelle</i> )
SADC	South Africa Development Community
SDGs	Sustainable Development Goals
SMC	School Management Committee
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children's Fund
USD	United States Dollar
USDOL	United States Department of Labour
WFCL	Worst Forms of Child Labour
WNSIC	Website of the National Small Industries Council

## I. INTRODUCTION

### I.1.Context

Child labour (CL) is actually a reality in the world. It is growing increasingly in developing countries. In 2001, the International Labour Office (ILO) identified 246 million child laborers in the world. More than a million of them work in the mining sector where they are exposed to difficult working conditions and various health risks. They are present and work in open-pit and underground mines, in mining and transport operations, inhaling harmful dust and particles<sup>1</sup>.

According to the United Nations Children's Fund (UNICEF), nearly 158 million children from 5 to 14-year-old work around the world. A third of them, i.e., 69 million, is employed in sub-Saharan Africa. Among these children, youths from 15- to 17-year-old perform the most hazardous work, states the ILO's 2015 report.

In developing countries, including in the Democratic Republic of Congo (DRC), this scourge affects several important sectors of the economy (mining, agriculture, commerce, informal, etc.). In DRC, mining sector remains the mainstay of the economy. However, CL tarnishes the reputation of the DRC's mining sector often under pressure and risks of boycott. This factor severely undermines the country's economic growth.

The DRC is endowed with a variety of minerals, including mineral (Copper, Cobalt, Coltan, Gold, and Diamond). The country is the world's leading producer of Cobalt, a strategic raw material for the automotive industry. It is also a major producer of copper (number one in Africa), gold, diamond, and coltan, with significant reserve of lithium, rare earth, tin, tantalum, etc.

The 2002 Mining Code<sup>2</sup>, as amended in 2018, is inspired by the World Bank. It is designed to attract foreign investments, and to promote the development of the country mining sector. Over the past 10 years, the DRC's mining industry has been one of the most dynamic in sub-Saharan Africa. Despite a difficult operating environment (limited water and electricity supply), the abundant mineral resource is the basis, for a large part, of the good performance<sup>3</sup> of a sector contributing more than 80% of the country's export earnings.

The reversal of raw material cycle and the rebound in global prices that followed in 2017 (copper: + 60% to \$ 7,100 / t, cobalt: +125.98% \$ 71,000 / t and gold + 20% to \$ 1,300 per ounce) fostered growth in production (+ 9.3% for copper, + 18% for cobalt, + 13.3% for diamonds and + 5.7% for gold). Only oil production remains down (-4.8%).

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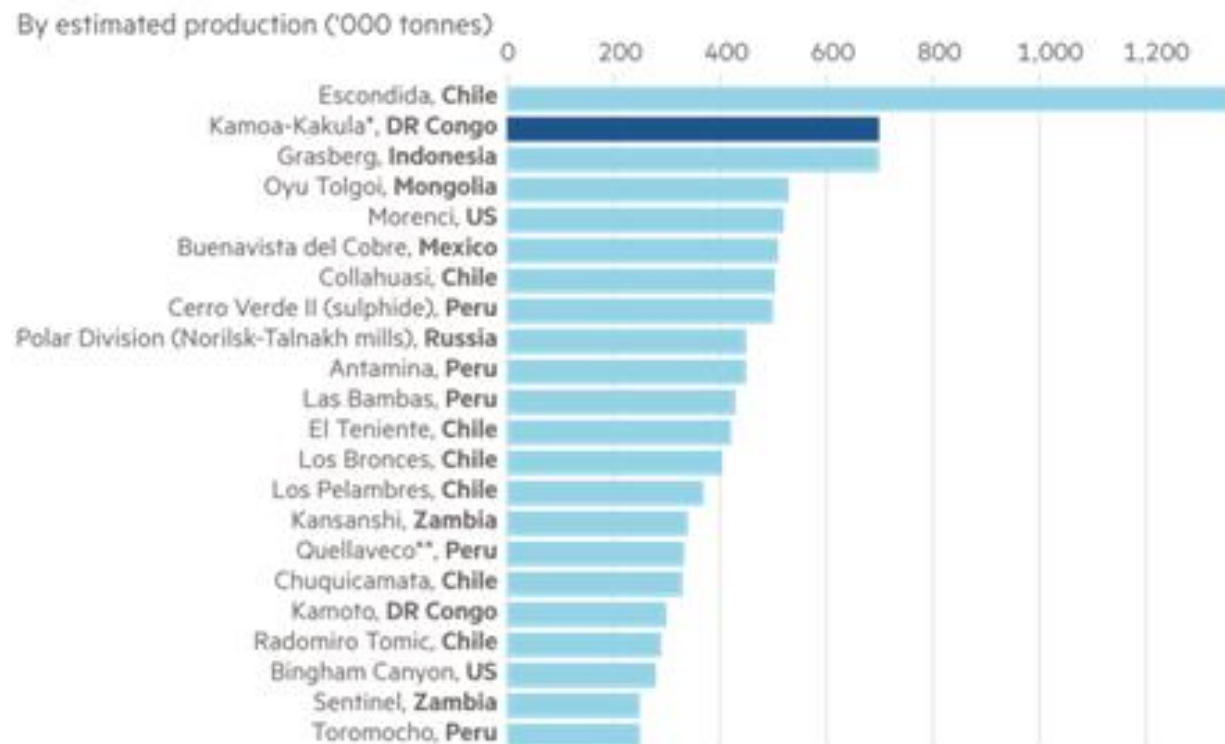
<sup>1</sup> Child labour in Katanga mines and quarries “case of Kipushi, Likasi and Kambove mining basin”, University of Lubumbashi, p.7, October 2008.

<sup>2</sup> Mining code (2002) as amended and supplemented by law n°18/001 of March 09, 2018

<sup>3</sup> Lire <https://www.tresor.economie.gouv.fr/Pays/CD/le-secteur-minier-en-rd-congo>

During the first quarter of 2018, the price of copper, which remains high, fell slightly (-3% or \$ 6,990 / T). Over the same period, the prices of cobalt, a strategic mineral for the electric car battery industry, continued to rise sharply (+ 39%, from \$ 71,000 / T to \$ 97,000 / T). The high global demand for this mineral, for which the DRC is the main world producer (60% of the world supply), will continue to rise in the long term due to the increasing needs of the automotive industry whose demand could jump from 90,000T / year to 122,000T / year by 2025<sup>4</sup>.

## Largest copper mines



\* Company estimate, due to start production in 2021 · \*\* Estimated to start 2022  
Sources: International Copper Study Group; Wood Mackenzie  
© FT

**Source:** International Copper Study Group, Wood Mackenzie (Congo Vox Online Journal)

Indeed, the country is endowed with significant mining resources. This includes more than 1100 minerals and precious metals<sup>5</sup> among which cobalt, 3T (Tin, Tungsten and Tantalum) and gold. The minerals in the DRC are mined by large international companies and artisanal miners commonly called diggers. Artisanal mining is a livelihood activity for thousands of Congolese who depend heavily on it.

<sup>4</sup> Read <https://www.tresor.economie.gouv.fr/Pays/CD/le-secteur-minier-en-rd-congo>

<sup>5</sup> Child labour in mines in the DRC, article available on the link <https://www.humanium.org/fr/travail-des-enfants-dans-les-mines-en-republique-democratique-du-congo/> issued on April 06, 2016

The actual number of miners operating in the artisanal mining sector is unknown due to the informal aspect of the activity. It is, however, estimated that approximately 2,500,000 artisanal miners operate in the country. Among these artisanal miners, there are unfortunately children. These children engage in this activity for several reasons, the main one being poverty. They are considered as cheap labour for more profit for users of child laborers.

Children are forced to work in mines and to expose their lives to all kinds of fatal illnesses and accidents for various reasons. Among these reasons: the need to supplement parents' income and even to support the family, to take care of siblings or oneself, and or to pay off debt bondage.

The Government of DRC (GoDRC) recognizes the prevalence and CL in artisanal mines and mining sites<sup>6</sup> and pays particular attention to this issue from a legal, social and economic perspectives.

To this end, measures are taken, at both national and provincial levels with the goal of putting children where they belong and while promoting responsible supply chains free of footprints of "little feet and hands".

The fight against CL in mines in the DRC, however, faces many challenges, including the weak knowledge by key actors of the legal texts that govern the sector and consequently, the weak enforcement of these texts, the absence of sustainable mechanisms or programs for coherent and aligned programs for sustainable solutions to the root causes of the problem.

To address these challenges, the ILO, through its “Combating Child Labour in Cobalt Supply Chains in the DR Congo” project, the COTECCO project, which is being funded by the United States Department of Labour (USDOL), is developing a compendium of national laws governing the fight against CL as well as national and international best practices. The compendium aims at facilitating the dissemination, understanding and enforcement of national and international laws, standards, and best practices to efficiently combat CL in the DRC. It is worth noting that the Congolese legal framework stems from the regional and international legal frameworks to which the country has adopted.

The DRC's Government is committed to ending CL in mines. In 2016, the country produced its national sectorial strategy to combat child labor in artisanal mines and on artisanal mining sites for the 2017 to 2025 period. In 2019, the Government validated the operational plan of its national sectorial strategy, thanks to the support of the COTECCO project. This strategy defines DRC policy and vision in the fight against child labour in mines (FCLM).

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<sup>6</sup> DRC, National sectorial strategy to combat child labour in artisanal mines and on artisanal mining sites, 2017-2025, Kinshasa, August 2017

The development of the above strategy was followed by the creation of an Inter-ministerial Commission in charge of monitoring of the child labour in artisanal mines (CISTEMA), the definition of the age limit in the Mining Code, the development of the national sectorial strategy's operational plan.

To achieve the zero children in mines by 2025 goal/policy, the Congolese government is benefiting from the support of several partners who are carrying out various projects to this end. This is the case of the COTECCO project.

## I.2. Presentation of situation of Child Labour in Mines in the DRC

The DRC is endowed with several varieties of minerals highly sought-after by the automotive and electronics industries globally, such as tin, tantalum, tungsten, gold, cobalt, etc. Nowadays, the country is the world's largest producer of cobalt and coltan, the world's third largest producer of diamonds and first in Africa, the fifth largest producer of copper and first in Africa.

### Executive Committee

#### Comité Exécutif

Rapport Contextuel ITIE-RDC 2017 – 2018

Position de la RDC au rang mondial de la production des minéraux en 2017-2018<sup>99</sup> :

Production	Rang mondial	Rang Afrique
Cobalt	1 <sup>er</sup>	1 <sup>er</sup>
Coltan	1 <sup>er</sup>	1 <sup>er</sup>
Diamant	3 <sup>ième</sup>	1 <sup>er</sup>
Cuivre	5 <sup>ième</sup>	1 <sup>er</sup>
Etain	7 <sup>ième</sup>	1 <sup>er</sup>
Pierres Gemmes	7 <sup>ième</sup>	4 <sup>ième</sup>
Lithium*	9 <sup>ième</sup>	1 <sup>er</sup>

\*Exploration



Contextual report (ITIE DRC: 2017 – 2018)

Position of the DRC at the world rank of mineral production in 2017-2018		
Production	World rank	Rank Africa
Cobalt	1st	1st
Coltan	1st	1st
Diamond	3rd	1st
Copper	5th	1st
Tin	7th	1st
Gemstones	7th	4th
Lithium*	9th	1st

\*Exploration

According to several sources<sup>7</sup>, 20% of mining production, particularly in the copper and cobalt sector, comes from the artisanal mining sector. The artisanal mining sector in the DRC employs more people than the industrial one.

However, children are among workers in the artisanal mining sector. In Haut-Katanga and Lualaba, they are estimated at more than 14,850<sup>8</sup> persons. This figure can be updated once the database is available<sup>9</sup>.

The Congolese artisanal mining sector is stained by several human rights violations such as CL. This scourge is attracting pressure from buyers and end consumers on Congolese mining sector. These actors are increasingly demanding clean minerals in order to comply with their stringent national laws, for instance, Dodd Franck Act, OECD, European Union, etc.

Congolese law defines a child as any person, regardless of sex, who has not yet reached the age of 18. It prohibits any social and economic<sup>10</sup> exploitation of child, except in cases of legal<sup>11</sup> derogation.

<sup>7</sup>[#: ~: text = La% 20RDC% 20est% 20consid% C3% A9r% C3% A9e % 20like, coltan% 2C% 20or% 2C% 20diamonds\).](https://www.tresor.economie.gouv.fr/Pays/CD/l-economie-de-la-rd-congo)

<sup>8</sup> Support Project for the Alternative Well-Being of Children and Youth Involved in Cobalt Supply Chains (PABEA-COBALT), AfDB, April 2019, p.6

<sup>9</sup> Idem

<sup>10</sup> Law n ° 09/001 of January 10, 2009 on child protection, article 58

<sup>11</sup> Idem, section 2.1



To date, the official figures of children working in quarries and artisanal mining sites is still unknown as they vary from one partner to another with no transparency or coherence on mechanism or tools used to do so. In 2014, UNICEF estimated as many as 40,000 children (both girls and boys), between 3- to 17- year-old<sup>12</sup>, working in mines in the DRC<sup>13</sup>

These children are often involved in hazardous tasks, such as washing minerals, digging in embankments, collecting, sorting and transporting minerals. This work harms their health and education<sup>14</sup>. The Ministry of Employment, Labour and Social Welfare's (MELSW) 2011 study counted nearly 20,000 children in the provinces resulting from the dismemberment of the former Katanga, about 12,000 in the province of Ituri and 11,800 in Kasai Oriental<sup>15</sup>.

The Amnesty International's and African Resources Watch's 2016 report, "**This is What We Die For**<sup>16</sup>", denounced the exploitation of children in cobalt mines in Lualaba in the DRC. This report revealed serious human rights violations, including the presence, work and exploitation of children in cobalt mines in the DRC, in the artisanal mining sector.

Thus, a year after the publication of this report, the Congolese government organized a national workshop on the topic in Kinshasa. Through this workshop, the Government committed to cleaning up the copper and cobalt supply chains, and to eradicate the presence and work of children in mines by 2025.

Despite Government's efforts to develop a cleaned supply chains and eliminate CL in Artisanal Mines (CLAM), and the multiple interventions of technical partners in the sector, this scourge is still pervasive.

Although it has a national policy to fight against CLAM (FCLAM), DRC does not have a clear, coherent and quantifiable mechanism to harmonize the fight against CL in mines nor a database with reliable information that can inform the referral and reintegration mechanisms of identified children.

Therefore, there is no reliable data on the number of children present or working in artisanal mines in DRC.

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12 DRC: More than 40,000 children work in mines (Unicef), article available at

<https://lesechos-congobrazza.com/le-monde/3456-rdc-plus-de-40-000-enfants-travaillent-dans-les-mines-l-unicef>

13 UNICEF. 2012. The State of the World's Children 2012: Children in an Urban World.

14 DRC: More than 40,000 children work in mines (Unicef), article available at

<https://lesechos-congobrazza.com/le-monde/3456-rdc-plus-de-40-000-enfants-travaillent-dans-les-mines-l-unicef>

<sup>15</sup> The Ministry of Employment, Labor and Social Welfare, National Action Plan (PAN) to combat the worst forms of child labor in the DRC (2012-2020), p.11, December 2011

<sup>16</sup> <https://www.amnesty.org/download/Documents/AFR6231832016FRENCH.PDF>

Furthermore, the lack of government's guidance to capitalize on partners' support does not allow an effective fight that can lead to measurable and quantifiable results.

### I.3. Objective

To support the Congolese Government's and other stakeholders' (civil society and private sector) efforts in the FCLAM, the COTECCO project aims, through the compilation of laws and good practices in the FCLAM, the following objectives:

- Identification of the legal and regulatory framework" axis 1 of the national sectorial strategy<sup>17</sup>. The DRC has adopted several legal and regulatory laws prohibiting CL in the country's economy vital sectors. These laws also relate to the protection of children's rights. Some of these laws are as follows:
  1. Constitution
  2. Law N° 007/2002 of July 11, 2002, on mining code, as amended and supplemented by Act No. 18/001 of March 9, 2018.
  3. Law N° 015-2002 of October 16, 2002, on the Labor Code as amended and supplemented by Law N° 16/010 of July 15, 2016.
  4. Law N° 09/001 of January 10, 2009, on child protection.
  5. Law N° 87-010 of August 1, 1987, on the Family Code as amended and supplemented by
    - a. Law 16/008 of July 15, 2016.
  6. Framework-Law N° 014-004 of February 12, 2014, on education.
  7. The ratification of several international legal instruments, mainly the ILO Conventions, the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.
- Dissemination of the legal framework and best practices commonly accepted and shared, at national, regional, and international levels for an effective and informed fight against CL in mines, with the goal of strengthening the national policy to address CL in mines.

This compendium should serve as a guide or reference tool for the actors involved in the FCLM. With this document, the actors involved will be able to work in accordance with the legal and policy framework in place, adapt to the Congolese context, best practices, and positive experiences from other countries. This compendium will also identify best practices which are already in place in this area.

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<sup>17</sup> DRC, National sectorial strategy to combat child labour in artisanal mines and on artisanal mining sites, 2017-2025, Kinshasa, August 2017, p.35

#### I.4. Methodology

The biggest work was done through online research. It brought together the laws, regulations, and policies that constitute the legal and policy framework for the FCLM and child protection in the DRC, as well as the institutional framework and the actual achievements of activities aimed at protecting children from their operation.

Particular attention was paid to international texts because the DRC has ratified several international conventions and other international and regional legal instruments on the fight against CL.

At the international level, we referred to the following texts: the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the conventions of ILO.

At the regional level, we have consulted the African Charter on child's Rights and Welfare.

In the DRC, the report emphasized on the following documents: the Constitution of the Republic, the law on child protection, the Labor Code, the Mining Code, the regulations, the respective implementing texts, the national action plan (NAP) of the Ministry of Labor, the national sectorial strategy of the FCLAM, existing best practices, etc.

In addition, interviews were conducted with various actors both from the Government (Service for Assistance and Supervision of Artisanal and Small-Scale Mining (SAEMAPE), Division of Mines, Ministries of Mines and Labor and Social Welfare, etc.), private sector, civil society, implementing partners, etc. This allowed us to refine needed information, including best practices.

The first draft of the document was submitted to the ILO team who provided inputs. After integrating its comments, the second draft was presented to the Congolese government, through CISTEMA for comments before the validation of the report. This report is the final version produced after integrating the comments of CISTEMA.

#### I.5. Parties concerned by this Compilation

The compendium on the best practices on children protection in the artisanal mining sector and FCLAM is a guide which is addressed to all the stakeholders including the institutions and State officers in charge of the FCLAM and the protection of the child's rights, cooperatives and corporates, national and international Non-Governmental Organizations (NGOs), community leaders, technical and financial partners of DRC involved in FCLAM.

## II. LEGAL FRAMEWORK ON CHILD LABOR IN MINES

For centuries, especially at the dawn of the Industrial Revolution, children were victims of social abuse because of poverty and other social injustices. To maximize profits, manufacturers resorted to cheaper labor from children. During this period, most of the work carried by children were considered as worst forms of child labor (WFCL) according to article 3 of the ILO Convention 182. CL is an outrageous violation of child right as it robs children of all their identity, childhood, and future, and undermine, consequently, that of their family and society as a whole.

Unfortunately, DRC has not escaped this reality of CL. In the artisanal mining sector, several reports, including the Amnesty International's and Afreewatch's 2016 report, denounced human rights violations linked to the presence, work and economic exploitation of children in cobalt mines in Katanga.

In addition to being economically exploited, children are exposed to dust, which is the basis of several respiratory diseases, and work several hours a day transporting, washing and sorting minerals.

To alleviate this social challenge, several international regulations have been put in place to eradicate CL, recognize and protect Children's Rights. Thus, the problem of CL in mines is a cross-cutting issue. It is governed both by labor laws and regulations coming from the Ministry of Labor, Social Welfare and Child Protection, and specific laws according to sector involved.

In the mining sector, there is the Mining Code and its implementing measures. Considering the objectives of this research, this compendium of best practices focuses on the fight against CL in the mining sector, under child protection perspective. This guide of best practices will serve as a reference document to all actors in the public or private sector working on the issue of CL and child protection in the mining sector.

Very often, national laws align with state commitments at international and regional levels. In the area of labor, the ILO has issued several conventions that the DRC has ratified.

Thus, on this report, the legal framework will be analyzed at three levels: international, regional and national:

### II.1. At the international level

At the international level, there are several legal instruments on child protection. In this set of best practices, we will cite the most important in relation to the field of study. Also, the laws or conventions are not classified according to their legal importance, but according to their year of ratification:

- Convention 138 on the minimum age of June 26, 1973<sup>18</sup>: ratified by the DRC on June 20, 2001;

Its article 3 stipulates that:

1. The minimum age for admission to any type of employment or work which by its nature or the conditions in which it is carried out is likely to jeopardize the health, safety or morals of young persons shall not be less than 18 years.
2. The types of employment or work referred to paragraph 1 of this article applies shall be determined by national law or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, where such exist.
3. Notwithstanding the provisions of paragraph 1 of this article, the national laws or the competent authority may, after consultation with the organizations of employers and workers concerned, where such exist, authorize the employment or work as from 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

Articles 54 and 58 of Law No. 09/001 of January 10, 2009, on child protection in the DRC derive from this convention.

● **The 1976 International Covenant on Economic, Social and Cultural Rights:** requires States to take all measures aimed at fully implementing economic, social, and cultural rights. According to article 10 point 3 of the Covenant, States are specifically requiring to take specific measures of protection and assistance in favor of all children and adolescents, without any discrimination for reasons of filiation or other. Children and adolescents must be protected from economic and social exploitation. States must provide for sanctions in their national legislation against any person who uses or employs children in work likely to jeopardize their morals or their health, endanger their life or harm their normal development and must prohibit the use of child labor. The covenant requires States to make primary education compulsory and accessible free of charge to all and secondary education, in its various forms, must be generalized and made accessible to all by all appropriate means and in particular by the gradual introduction of free education<sup>19</sup>. Education is both a fundamental right in itself and one of the keys elements of other inherent human rights. It contributes to the empowerment of the individual and is considered as

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<sup>18</sup> [https://www.ilo.org/dyn/normlex/fr/f?p=1000:11200:0::NO:11200:P11200\\_COUNTRY\\_ID:102981](https://www.ilo.org/dyn/normlex/fr/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102981)

<sup>19</sup> Art 13 of the International Covenant on Economic, Social and Cultural Rights

the best investment of the state in the fight against poverty. Several research have shown that children who are deprived of access to education are exposed to several human rights violations. These children, who often live in absolute poverty and in unsafe conditions, are particularly vulnerable to forced labor, the worst form of labor, and other forms of exploitation.

The Committee on Economic, Social and Cultural Rights is aware that for millions of people around the world, the exercise of the right to education remains a distant goal, that is why it detailed in its general comments n° 11 and 13 minimum fundamental obligations that states must respect and implement immediately, including:

- The obligation to give priority to compulsory and free primary education;
- Access without discrimination to education;
- Adopt and implement a national education strategy; and
- Ensure that communities and families do not depend on or be at the origin of child labor

● **The Convention on child's Rights (CCR)** was adopted on November 20, 1989, by DRC. Signed on March 20, 1990, the ratification took place on September 27, 1990, as per the Ordinance-Law n° 90-048 of August 21, 1990, authorizing the ratification of the Convention on child Rights<sup>20</sup>, the CCR is binding. The convention provides special and effective protection to child rights, and it prompts all of humanity to reflect on the present and the future of children who are the future of the nation.

The convention defines a child as any human being under the age of 18, but there may be exceptions in relation to the law applicable<sup>21</sup> to him. It enshrines respect for the rights of all children. Beyond protecting them against any sexual exploitation or abuse, the Convention on the Rights of the Children protects them against all economic exploitation and guarantees child's right of not being bound to perform any hazardous work or susceptible to jeopardize its education or to be harmful to its health or physical, mental, spiritual, moral or social<sup>22</sup> development.

Article 19 requires states to take special measures of protection and assistance for all children and adolescents, without any discrimination no matter the reasons.

It is worth noting that, among many rights mentioned in the Convention on children's rights the child's best interest is considered paramount in all decisions that apply to him/her (Article 3).

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<sup>20</sup> Official Journal of the Democratic Republic of the Congo, International human rights instruments ratified by the DRC, 40th year, special issue, April 9, 1999 (cf. Ordinance-Law No. 90-048 of August 21, 1990 authorizing of the ratification of the Convention on the Rights of the Child.).

<sup>21</sup> Art 1, Convention on the Rights of the Child, 1989

<sup>22</sup> Article 32 of the Convention on the Rights of the Child, 1989

His/her inherent right to life, in particular the right to survival and development (Article 6); his/her right to health, including drinking water (Article 24); a decent standard of living for his/her development, including housing (Article 27); and education (Article 28).

On December 18, 2007, the United Nations (UN) General Assembly adopted a resolution entitled “Rights of the child” in which it calls on all states to fulfill their commitment to progressively, to effectively eliminate CL. The resolution also calls for the immediate elimination of the WFCL, and in this regard, it suggests giving education a strategic role (precisely by creating vocational training and apprenticeship programs, and by integrating children who are working into the formal education system)<sup>23</sup>.

This resolution reaffirms the responsibility of States under the ILO Convention No. 138 on the Minimum Age for Admission to Employment and Work (1973) which is set at 14 years in countries “whose economy and educational institutions are not sufficiently developed” (Article 2). It allows children from the age of 13 to undertake certain “light work” (Article 7) and prohibits any hazardous work which is defined as “likely to jeopardize the health, safety or morals of teenagers” for children under the age of 18 (Article 3)<sup>24</sup>. The Democratic Republic of the Congo has ratified this convention.

It is worth noting that the Committee on the Rights of the Child, the oversight body responsible for monitoring States' implementation of the Convention on the Rights of the Child, has also addressed States' obligations regarding the impact of companies on children's rights. In its General Comment No. 16, the Committee emphasizes that a child rights approach obliges the State to base its decisions and actions regarding activities and operations that affect children on four general principles<sup>25</sup>:

- The right of not be discriminated against.
- The right to life, to survival and development.
- The right to be heard and the best interest of the child.

It underlines that child right violations are particularly serious because they often have serious and lasting consequences on children. And States have three types of human rights obligations, including<sup>26</sup>:

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<sup>23</sup> Global Working Group on Child Labor and Education for All, No. 3, March 2008, p. 1

<sup>24</sup> Convention No. 138 on the minimum age, 1973, which has become one of the pillars of the fight against child labor, commits each State Party to “pursue a national policy aimed at ensuring the effective abolition of child labor. Children and gradually raise the minimum age for admission to employment”

<sup>25</sup> General Comment No. 16 (2013) on State Obligations Regarding the Impact of the Business Sector on Children's Rights, CRC / C / GC / 16, paragraph 12, available at [https://legal.defenderdesdroits.fr/doc\\_num.php?explnum\\_id=16556](https://legal.defenderdesdroits.fr/doc_num.php?explnum_id=16556).-

<sup>26</sup> Idem, paragraph 25

- The obligation to respect rights by not facilitating, assisting, or encouraging, directly or indirectly, a violation of rights.
- The obligation to protect against infringement of rights by a third party.
- The obligation to realize rights by taking positive measures to facilitate, promote and ensure the enjoyment of children's rights.

The Committee also recognizes the important role that informal economy plays in local and national economies but indicates that children's rights are particularly at risk in cases of business activities that take place outside the institutional and legal frameworks that protect their rights<sup>27</sup>.

● **ILO Convention N°. 182 on the Worst Forms of Child Labor (1999)**<sup>28</sup>: ratified by DRC in 2001, Convention N°. 182 calls on States to take immediate and effective measures to prohibit and eliminate the WFCL. These include slavery and similar practices, such as child trafficking, debt bondage and forced labor; the use of a child for prostitution or pornography; the use of a child for illegal activities or work “likely to harm the health, safety or morals of the child” (Article 3).

According to ILO Recommendation 190, the following types of work are considered hazardous work:

- Work which exposes children to physical, psychological, or sexual abuses.
- Underground and underwater Work that are taking place at dangerous heights or in confined spaces.
- Work that is being performed with dangerous machinery, equipment, and tools, or which involves the manual handling or transport of heavy loads.
- Work carried out in an unhealthy environment which may, for example, expose children to hazardous substances, agents, or processes, or to temperatures, noise levels, or vibration damaging to their health.
- Work conducted under particularly difficult conditions, such as for long hours, or during the night, or work where child is unjustifiably detained in the employer’s premises.

According to ILO study, work in mines and quarries are considered hazardous activities for all children<sup>29</sup>. “Work in mines and quarries is physically hazardous due to heavy and unwieldy loads, grueling work, unstable underground structures, heavy tools and equipment, toxic dust and chemicals, and exposure at extreme temperatures”<sup>30</sup>.

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<sup>27</sup> Ibidem, paragraph 35

<sup>28</sup> [https://www.ilo.org/dyn/normlex/fr/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_INSTRUMENT\\_ID:312327:NO](https://www.ilo.org/dyn/normlex/fr/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312327:NO)

<sup>29</sup> ILO, Children in hazardous work. What We Know, What We Need to Do, 2011, p.34 available at [http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms\\_155430](http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms_155430).

<sup>30</sup> Idem, p. 35



## II.2. At the regional level

### II.2.1. African Charter

For African states, the CCR, which generally addresses the situation of children, did not really meet the specific needs of the African child. This is how the African Charter on the Rights and Welfare of the Child, which the DRC had to ratify by Decree, 28 March 2001 Law No. 007/01 which was adopted in 1990.

The Charter aims at adapting the Convention on the Rights of the Child to the specific problems of African children. In its preamble, it recognizes that a child must grow up in a family environment, in an atmosphere of happiness, love and understanding. A child shall be provided with special care for his/her physical, mental, moral, and social development as well as benefit from legal protection in conditions of freedom, dignity and security.

Article 15 protects the child against all forms of economic exploitation and from any work which may jeopardize his education or even prejudicing his health and physical, mental, spiritual, moral and social development. To achieve this, it is recommended that States take legislative and administrative measures for its proper application while complying with the important provisions of ILO instruments on children's issues<sup>31</sup>.

### II.2.2. SADC Code on Child Labor (Revised)

In addition to the Africa Charter, the South Africa Development Community (SADC) is also committed to eliminating CL. It developed a code of conduct for its member states (DRC since 1998), based on the ILO conventions 138 and 182, the United Nations Convention on the Rights of the Child (UNCRC) and African Charter on the Rights and Welfare of the Child (ACRWC), as stated article 1<sup>32</sup>. This code was adopted in 2020. It requires member states to take concrete actions to reduce CL. Its article 3<sup>33</sup> highlights challenges to be considered in the process, including:

- Even if member states have ratified all international and continental conventions and standards concerning CL, there are, however, gaps in the domestication and implementation of these conventions and standards,
- All member states have adopted various laws to protect children from CL and all forms of exploitation. However, there are gaps in terms of low capacity at all levels, lack of resources, and weak coordination among key stakeholders.

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<sup>31</sup> Article 15 of the African Charter on the Rights and Welfare of the Child

<sup>32</sup> Article 1 of the SADC code of conduct on child labor (revised), 30 March 2022

<sup>33</sup> Idem

Furthermore, article 6<sup>34</sup> of this code underscores priorities and actions to focus on for an effective implementation of this code, namely:

- Legislation and enforcement,
- Education and skills training,
- Funding,
- Addressing cl in priority sectors,
- Addressing cl in emergency and disaster situations,
- Awareness raising and sensitization,
- Capacity building,
- Alliances and partnerships,
- Statistics and management, and
- Regional cooperation to support policy agenda.

### *II.2.3. East African Community*

The DRC became a member of East African Community (EAC) in 2022. In 2016, the East African Community (EAC) developed a child policy<sup>35</sup>. This policy stems from the UNCRC and the ACRWC's core principles. It purports to “*encourage the understanding of child's right to survival, development, protection and participation through working together among different parts of governments and organizations.*”<sup>36</sup> The EAC policy intends to meet the standards and directions from the CRC and ACRWC on the rights of the child through its guiding principles which include:

- Best interest of child,
- Equality and non-discrimination,
- Survival and optimum Development,
- Child participation.

Through this policy, EAC wants to make sure that children are safe, and that their rights to survival, development, protection, and participation are respected in each member states and place.

### *II.3. At national level*

The Congolese State being aware that CL is a social phenomenon which has harmful consequences on the health and safety of the child as well as for the socio-economic development of the country, it committed to promoting and respecting the rights of the child throughout territory.

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<sup>34</sup> Ibidem

<sup>35</sup> [https://uploads-ssl.webflow.com/54d994286e733d1b30f8910e/5ed2bb144b317b135676cc02\\_EAC%20Child%20Policy.pdf](https://uploads-ssl.webflow.com/54d994286e733d1b30f8910e/5ed2bb144b317b135676cc02_EAC%20Child%20Policy.pdf)

<sup>36</sup> Ibidem

To this end, it ratified the main legal instruments relating to the prohibition and abolition of CL, including Convention 138 on the minimum age for admission of children to employment, the ILO Convention N° 182 on the elimination of the WFCL, the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child. The Government has implemented these instruments by revising some of its laws and adopting others and their implementing measures.

The analysis of national legal framework is undertaken under three aspects, namely: legal texts, regulatory texts and policy and institutional framework

### *II.3.1. Legal texts*

➤ **Constitution:** Adopted on February 18, 2006, and revised by Law No. 11/002 of January 20, 2011, the DRC Constitution defines the child as any person without distinction of sex, who has not yet reached the age of 18<sup>37</sup>. It guarantees the child's right to enjoy the protection of his family, society and the public authorities; it protects and prohibits the employment of children and all other forms of child exploitation. It also guarantees free primary education.

- **Art 40, paragraph 3:** parents have the obligation to look after their children, with the help of the State;
- **Art 41, paragraph. 1, 5 and 7,** defines the term “minor child”, in its paragraph 3, it recognizes the child's right to enjoy the protection of his family, of society and of the public authorities;  
It recognizes the duty of parents to take care of their children and ensure their protection against any act of violence both inside and outside the home, paragraph 6: (the State has the obligation to ensure protection for children in difficult situations and prosecute to justice the perpetrators and accomplices of acts of violence against children; It affirms that all other forms of exploitation of minor children are punishable by law ;
- **Art 42:** the State has the obligation to protect young people against any harm to their health, education and integral development);
- **Art 43, paragraph 5:** elementary education is compulsory and free in public schools. ...

➤ Law on child's protection: Promulgated on January 10, 2009, it prohibits the WFCL and defines them as works which, by their nature and the conditions in which they are carried out, are likely to be harmful to health, growth, security, development, dignity, or morality of the child<sup>38</sup>. It also prohibits all forms of economic exploitation of anyone under the age of 18<sup>39</sup>.

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<sup>37</sup> Constitution of DRC, article 41, paragraph 1, 2011

<sup>38</sup> Child protection act, article 53

<sup>39</sup> Idem, article 58

- **Article 4:** It affirms that all children are equal before the law and have the right to equal protection;
- **Art 13, paragraph 2:** The father and mother or one of them or the person exercising parental authority, as well as the State has the obligation to ensure his survival, his education, his protection and his fulfillment;
- **Art 23, paragraph 1:** Every child has the right to adequate living standards to allow his fundamental development;
- **Art 44, paragraph 1:** The child has the right to a healthy and conducive environment for his or her full development ...
- **Art 50, paragraph 1:** The child cannot be employed before the age of 16;
- **Art 53, paragraph 1** states that the worst forms of child labor are prohibited;
- **Art 54:** a 16 years old child may not be engaged or kept in service except for the performance of light and healthy work;
- **Art 57 paragraph 1 and 2:** the child has the right to protection against all forms of exploitation and violence; Economic exploitation is construed as any form of abusive use of the child for economic purposes; the abuse concerns in particular the weight of the work in relation to the child's age ...;
- **Art 58** prohibits all forms of economic exploitation of any person under the age of 18.

➤ **Framework Law n ° 014-004 of February 12, 2014, on national education:**

- Is organized in public schools and in approved private schools
- Is compulsory in the primary cycle
- Is free in public establishments at primary level
- Fights against illiteracy and ignorance
- Guarantees access to the same educational and academic training benefits for all learners in both the public and private sectors.

**\* Law No. 16-008 of July 15, 2016, amending and supplementing Law No. 87-010 of August 1, 1987, on the Family Code**

**\* The Labor Code: Law No. 015/2002 of October 16, 2002 on the Labor Code** raised the minimum age for admission to employment to 16 years old and prohibits the WFCL which includes in particular all forms of slavery or similar practices, such as (...) forced or compulsory labor, or work which, by its nature or the conditions in which it is carried out, is likely to be harmful to health, safety, dignity or the morality of the child<sup>40</sup>.

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<sup>40</sup> Labour code, article 3

\* **Law n ° 16/010 of July 15, 2016, modifying and supplementing Law n ° 015-2002 on the Labor Code** prohibits night work in public or private industrial establishments; the term night means the period from 6 p.m. to 6 a.m.<sup>41</sup>.

- **Art 3, paragraph 1 and 2:** all the worst forms of child labor are abolished.
- **Art 4, paragraph 1:** A National Committee to combat the worst forms of child labor is established.
- **Art 6, paragraph 2:** within the meaning of this Code, the capacity to contract is set at 18 years old years, subject to the following provisions ...: a person aged of 15 cannot be hired or kept in service, even as an apprentice, that subjects to express exemption from the Peace Court after psycho-medical advice from an expert and the Labor Inspector ...

\* **Law n ° 18/001 of March 9, 2018, amending and supplementing Law n ° 007/2002 of July 11, 2002, on the Mining Code:** it recognizes artisanal exploitation only to major natural persons of Congolese nationality grouped together in a cooperative<sup>42</sup>. In this case, children (minors) and pregnant women are not allowed. The Code punishes all illegal exploitation and trade in mining products from a site where a violation of the laws on the protection of human rights, the rights of the child ... if this has not been the subject of a minute from a competent authority<sup>43</sup>.

- **Article 5, paragraph 2:** any natural person major of Congolese nationality, except the pregnant woman, who wishes to engage in the artisanal exploitation of mineral substances on the whole extent of the national territory can do it only within the framework of an approved mining cooperative, in accordance with the provisions of this code ...
- **Art 299 bis:** are illegal the exploitation and the trade of mining product coming from a site where a violation of the laws on the protection of the human rights, the rights of the child, or the rights of the woman has made the subject to a report from a competent authority ...

It is certainly true that the DRC has a strong legal framework on children's protection in general, and children in mines in a specific way. But it must be recognized that the road is still very long, especially on the implementation of all its provisions.

### *1.3.2. Regulatory texts*

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<sup>41</sup> Article 125 of Law No. 16-010 of July 15, 2016

<sup>42</sup> Article 5 of Law No. 18/001 of March 9, 2018 on the Mining Code

<sup>43</sup> Article 299 bis of Law No. 18/001 of March 9, 2018 on the Mining Code

As part of the implementation measures of certain legal texts and / or at their own initiatives, ministers from different sectors have adopted number of regulatory texts on the children's protection in general n or prohibition of CL in particular:

- Decree n° 038/2003 of March 26, 2003, on the Mining Regulations as amended and supplemented by Decree n° 18/024 of June 08, 2018.
- Inter-ministerial decree n° 118 of October 14, 2013, establishing and functioning of the national committee to fight against the worst forms of child labor (NC-WFCL).

Ministerial Order n° 058 / CAB.MIN / MINES / 01/2012 of February 29, 2012, setting the qualification and validation procedures for mining sites in the gold and tin industries in the provinces of Katanga, Maniema, North Kivu, of South Kivu and Orientale Province, which was repealed by Ministerial Decree n° 0919 / CAB.MIN / MINES / 01/2015 of October 29, 2015, establishing the inspection, qualification, and validation procedures for mining sites in the gold and tin industries in the DRC.

- Ministerial Order n° 0122 / CAB.MIN / MINES / 01/2020 of March 06, 2020, on the creation, organization and functioning of the Inter-ministerial Commission responsible for monitoring the issue of child labor in artisanal mines, in acronym "CISTEMA".
- Inter-ministerial decree n° 12 / MINTPS / AR / 34/2006 of June 10, 2006, establishing and functioning of the National Committee for the fight against the worst forms of child labor.

- **Article 2:** The main mission of the Committee is: to develop the national strategy for the eradication of the worst forms of child labor; to monitor the implementation of the strategy and constantly assess the level of application of the recommended measures. To this end, the Committee is responsible in particular for:

- a) Developing national action programs which aims at:
  - Identifying and denouncing child labor and its worst forms; - Preventing the engagement of children in the execution of the worst forms at work or if necessary remove them from it; (...)
  - Informing, sensitizing and mobilizing public opinion and interested groups, including children and their families.
- b) Coordinating awareness-raising activities aimed at employers and child workers. (...)
- c) Following the program of IPEC (International Program on the Elimination of Child Labor);
- d) Developing school systems and 'providing social services in poor communities.

- **Article 3:** The Committee is made of representatives of the Government, professional organizations of employers and workers, non-governmental organizations and civil society.

➤ Ministerial Decree n° 12 / CAB.MIN / TPS / 045/08 of August 08, 2008<sup>44</sup>, setting the conditions on CL.

Even if this decree gave a list of the WFCL, there is still the list of hazardous work with their level of risk or dangerousness.

- **Article 5:** Children under the age of 18 may not perform more than 8 hours of actual work per day. When the actual working time exceeds 4 hours per day, it must be cut off from one or more rest periods, the total duration of which may not be less than one hour.
- **Article 6:** No child under the age of 18 may be occupied on Saturday and Sunday.
- **Article 7:** Night work is prohibited for any child under the age of 18.
- **Article 8:** It is forbidden for any employer, natural or legal person to engage children in the worst forms of work
- **Article 13, 13 and 15:** It is forbidden to employ children under the age of 18 in hazardous or unhealthy work, in particular work carried out underground, under water, at dangerous heights or in confined spaces; and work which is carried out in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperature, noise or vibration conditions prejudicial to their health;

\* Ministerial Order No. 0058 / CAB.MIN / MINES / 01/2012 of February 29, 2012, to classify an artisanal mining site in the category of "green" mining sites eligible for artisanal mining activities.

- **Article 1:** It is forbidden for any employer, natural or legal person to occupy children in work exceeding their strength, exposing them to high professional risks, or which by their nature or by the conditions in which they are carried out, are likely to hurt their morals.
- **Article 2:** For the purposes of this Decree, the expression “child” designates any person under the age of 18.
- **Article 8:** It is forbidden for any employer, natural or legal person to occupy children in the worst forms of work. The term "the worst forms of child labor" includes: all forms of slavery or similar practices, such as the sale and trafficking of children, debt bondage and serfdom as well as forced or compulsory labour, including the forced or compulsory recruitment of children for use in armed conflict;

<sup>44</sup> <https://www.ilo.org/dyn/natlex/docs/SERIAL/84825/94645/F797153391/travail%20des%20enfants.pdf>

b) The use, procuring or offering of a child for prostitution, for the production of pornographic material or obscene dancing;

(c) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs;

d) Work which, by its nature or the conditions in which it is carried out, is likely to harm the health, safety, dignity or morals of the child;

e) The use of children under 18 year-old in the making, handling and sale of writings, prints, drawings, engravings, emblems, images and other items including sale, offer, display or distribution, are repressed by criminal laws or which, without falling under the scope of these laws, are contrary to good morals. It is also prohibited to employ children for any other work in the premises where the work listed in this article is carried out.

- **Article 20:** Violations of the provisions of this Decree are punishable by the penalties provided for in **Articles 321 a) and 328 b) of the Labor Code.**

\* Ministerial circular note n ° 0007 / CAB.MIN / MINES / 01/2017 of August 07, 2017, for the attention of all stakeholders in the chains of possession of minerals from all mining sectors of artisanal production in the Democratic Republic of Congo.

Referring to the International Conventions of the Rights of the Child, n ° 138 and 182 of the ILO ratified by the DRC, to Annex II of the OECD guide, to the Constitution of February 18, 2006 as well as to the relevant legal and regulatory texts, the Congolese Government decides that “any actor in the mineral supply chain who has not exercised his due diligence by refraining from violations of the rights of the child, particularly in using children in the worst forms of child labor, will be subject to penal sanctions or other administrative sanctions provided for by legal and regulatory texts on the subject (Mining Code, Labor Code, Law no. 09/001 of January 10, 2009 on Child Protection in its article 2 point 1), in particular the forfeiture of his mining title or the withdrawal of his approval.

All stakeholders in the DRC's mining sector are therefore obliged to exercise at all levels of the mineral supply chains, the specific recommendations of the OECD Due Diligence Guide by adopting a due diligence policy of risk management to prevent their choices from contributing to conflict or human rights violations.

From the above, it is strictly forbidden for anyone involved in the mineral supply chains to use minors, that is to say under 18 years, during the operations of mineral extraction, supply, transport, marketing and export in the Democratic Republic of Congo, in short, throughout the mineral supply chains, from extraction to mineral export operations.



\* Circular Note N°. 002 / CAB.MIN / MINES / 01/2011 of September 6, 2011, on the mandatory application of the guidelines and recommendations of the OECD Due Diligence Guide.

The Congolese Government, via the Ministry of Mines, obliges all mining operators, natural or legal persons, to exercise, at all levels of the supply chains, transport, marketing, processing and export, the specific recommendations of the OECD Due Diligence and UN Security Council Resolution 1952 (2010). Thus, the said ministry requires the same operators operating in conflict or high-risk areas of eastern DRC, or who are likely to supply or use tin, tantalum or tungsten, hereinafter referred to as "ores" or their defined derivatives, and Gold, **to fulfill their due diligence to ensure that they do not contribute to human rights abuses or conflicts in the DRC.**

### *II.3.3. Political and institutional framework*

Hereinafter the structures put in place by the Congolese State as part of the fight against CL in general, and particularly in FCLAM.

<b>MEASURES</b>
<b>Inter-ministerial Order n ° 118 of October 14, 2013</b> , on the establishment and functioning of the national committee to fight against the worst forms of child labor.
<b>Circular note n ° 0007 / CAB.MIN / MINES / 01/2017 of 07/08/2017</b> , recalling the legal and regulatory provisions prohibiting child labor in the artisanal sectors of the mining sector in the DRC
In 2011, Creation of the National Committee to Combat the Worst Forms of Child Labor , which is under the supervision of the Ministry of Labor and Employment. This Committee has drawn up a National Action Plan (NAP) to combat the WFCL in the DRC (2012-2020) which unfortunately has not yet been adopted by the Government.
Creation of courts for children;
Measures for the expulsion of pregnant women and children from all artisanal mining sites, taken by the National Minister of Mines during its inspection mission in the Province of Ituri from May 31 to June 16, 2016 (see national sectorial strategy 2017-2025);
Decision of the National Ministry to classify two districts of the City of Kolwezi as "Red Sites" to discourage artisanal mining where the presence and CL have been reported in the mining and transportation of Cobalt ores;
Implementation of the national program to combat WFCL in mining sites throughout the national territory of the DRC (See National Sectorial Strategy);

Establishment of the inter-ministerial committee to combat child labour in mines et artisanal mining sites, which elaborated triennial plan (2017-2020) to bring out children in mines and mining sites
Development of the National Sectorial Strategy for the fight against Child Labor in artisanal mines and artisanal mining sites in the Democratic Republic of Congo (2017-2025).
Development of the 2017-2025 sectorial strategy implementation plan. This plan has 6 major objectives and the cost of its implementation is \$ 348,862,500
of the Government makes free elementary education for school years 2019-2020 and 2020-2021 (the big challenge is the lack of infrastructures)
Creation of the working group of stakeholders (Government, corporates and CSO) on the Voluntary Principles regarding Security and Respect for Human Rights in Extractive Industries in the DRC Under the initiative of the Government.

### **III. EXISTING BEST PRACTICES IN THE ERADICATION OF WORST FORMS OF CHILD LABOR.**

While a clear national legal and policy framework for combating CL constitutes the main foundation for effective elimination of CL, best practices developed and adapted in a given sector and geographic area also play an important role in a coordinated mechanism.

The term “best practices” designates a set of guidelines, actions or procedures established by regulators or multi-stakeholder committees, or behaviors that achieve consensus and that are considered essential to achieve results by most professionals in a given sector. These guides, put in place by the State or by implementing actors, can be limited to legal obligations, or go beyond them by drawing inspiration from internationally accepted mechanisms or methods for the same purposes. However, for the legitimacy of these guides, their alignment with the norms of the State policy and mechanisms is essential for the recognition of their impacts.

In the DRC, the national sectorial strategy outlines the actions to be taken to achieve the elimination of CL in the mining sector. These are the 6 axes on which the national sectorial policy is based. However, due to the lack of coordination, monitoring and control by the Government or its organs and the lack of harmonization and sharing of the technics and tools used by the different projects, it is difficult to identify best practices in the fight against CL in mines and to measure the impacts of individual project processes.

This part is structured in two parts. The first concerns actions established and recommended by the State and those carried out in the DRC by implementing partners to eradicate CL in mines. A summary of some projects carried out in Lualaba and Haut Katanga by NGOs is presented. Then, the second part focuses on the best practices that emerge in the fight against CL at the international

level with examples in some countries. This is the "Child Labor Observation and Monitoring" (CLOM) tool, of ILO which deserves to be cited in the world.

### III.1. Best practices identified in the DRC

The Government of the DRC has put in place guidelines, methods or actions to be taken to eliminate CL in mines. The provincial authorities are asked to set up provincial committees to combat the WFCL to coordinate the actors' actions. The national sectorial strategy and its operational plan outline the actions to be taken to reach the mineral supply chains without children in the DRC. These are the following 6 axes:

- 1- Strengthening of the legal and regulatory framework
- 2- Mastery of CL data in artisanal mines and on artisanal mining sites
- 3- Social mobilization and promotion of a communication strategy
- 4- Promotion of responsible mineral supply chains
- 5- Children's Protection and care
- 6- Capacity building of relevant actors.

However, the absence of monitoring and coordination by the Government does not promote the development of best practices in the aforementioned actions. The projects that support the DRC to end this scourge of CL, evolve in isolation, making use of individual methods, mechanisms and actions.

#### III.1.1 NGO actions in Lualaba and Haut-Katanga

Actions are carried out by NGOs in the provinces of Lualaba and Haut-Katanga to contribute to the elimination of CL. They are not carried out in a coordinated manner, according to the Government's strategy and in compliance with the laws, in particular the Mining Code. The table below summarizes, in a non-exhaustive way, the various actions on the fight against CL, which could be assimilated to the practices in DRC.

<b>ORGANISATION</b>	<b>PROJECT DETAILS</b>	<b>OBSERVATIONS</b>
<b>WORLD VISION</b> (WV)	In 2013, WV not only published a research report on child labor in artisanal mines of Kambove in Katanga, but also developed best practices for the fight against child labor in mines, in particular, school programs and, tutoring courses; Children's Parliaments, "research- action" as well as local level advocacy by communities.	Need for a good evaluation of the program to highlight its strengths and weaknesses

	<p>1. Between 2014-2017: World Vision carried out a project on the fight against the presence of children in 10 mining sites in Lualaba, the results of which show:</p> <ul style="list-style-type: none"> <li>- 250 youths aged of 14-18 sensitized agreed to voluntarily leave artisanal small-scale mining (ASM). They were trained in cutting and sewing, assembler and welding, carpentry, hairdressing, driving, agriculture and pastry. Most of them are currently developing their own income-generating activities (IGA), and others such as those who were trained in the assembler are engaged by some local mining companies "SICOMINES";</li> <li>- 647 children aged of 6-13 have left careers to enter the school circuit through remedial education. They were admitted to the National primary school end-of-school test, passed the test successfully and continue their schooling in secondary school;</li> <li>- 395 children aged 6 to 14 brought out of careers and reintegrated into the school circuit without going through remedial schooling; among them 51 children from the KABAMBA site have successfully completed the 2015-2016 school year;</li> <li>- 6 play areas have been set up to occupy the children with 15 swings and 3 slides in order to strengthen extracurricular activities for the retention of children so that they do not return to artisanal sites;</li> <li>- 970 children aged of 7-13 benefited for 3 years from complete school kits (cases, notebooks, uniforms, pens, pencils, erasers);</li> <li>- Classrooms rehabilitated and equipped with benches in accordance with the norms and standards in terms of infrastructure set according to the environmental and social safeguard policy of the World Bank and according to the policies of the Congolese</li> </ul>	
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	<p>Government (in the Kapata sites, 4 classrooms of the Sainte Marie Primary School and in the Musonoi site: 3 classrooms and 4 latrines doors built, equipped and used by the pupils and a director's office built, equipped and used by the Director at St Joseph Parish in Musonoi);</p> <p>2. In 2018, several rapid surveys conducted with children, parents, political and administrative authorities, civil society, in order to identify the types of violence and the most recurrent worst forms of labor practices that children experience in their respective communities. ;</p>	
<p><b>GOOD SHEPHERD<sup>45</sup></b></p>	<p>The project started in 2013 and is called "child protection". It aims to eradicate child labor in ASM (Artisanal and Small-Scale Mining) communities". To set up the program, Good Shepherd followed the following steps:</p> <ul style="list-style-type: none"> <li>*Listening and identification of needs;</li> <li>*Mastering / knowledge of real needs (lessons learned); and</li> <li>*Supervision of children</li> </ul> <p>Today, Good Shepherd has a modern training center that can train up to 1,000 children a year. Since 2013 here are some achievements<sup>46</sup>:</p> <ul style="list-style-type: none"> <li>*Bon Pasteur identified more than 4,462 children in artisanal mines;</li> <li>*4,462 children withdrawn from mines, taken care of nutritionally, academically and psychologically in 5 Good Shepherd school remedial centers;</li> <li>*1,138 people including parents of children removed from mines accompanied in agro-pastoral activities, micro-credit and other IGA;</li> </ul>	<p>Need for a good evaluation of the program to highlight its strengths and weaknesses</p>

<sup>45</sup> <https://rgs.gssweb.org/fr/news/le-nouveau-centre-du-bon-pasteur-inaugur-kolwezi-rdc>

<sup>46</sup> Information sharing workshop of stakeholders at Katebi, Kolwezi, November 23, 2020

	<p>*More than 300 adolescent girls and boys were provided with vocational training;</p> <p>*Development of a community child protection mechanism through operational support committees in 5 artisanal mining sites;</p> <p>*Capacity building for 246 schoolteachers around artisanal mining sites on child protection in the school environment;</p> <p>*More than 9,000 people sensitized on the rights of the child, the consequences of child labor on artisanal mining sites and human rights.</p> <p>For more information, see the organization's website: <a href="https://www.fondazionebuonpastore.org/congo/">https://www.fondazionebuonpastore.org/congo/</a></p>	
<b>PACT CONGO<sup>47</sup></b>	<p>In 2018, Trafigura, jointly with Chemaf, the Cooperative (COMIAKOL) and Pact Congo, implemented the project to address the need to improve cobalt supply chains. More than 1,000 diggers worked in the Mutoshi quarry.</p> <p>According to Trafigura's official website, this project is stopping due to the Covid-19 pandemic.</p>	Need for a good evaluation of the program to highlight its strengths and weaknesses.

The table above states that NGOs are providing efforts on the ground. Unfortunately, there is a lack of good coordination to see how each project contributes or not to the achievement of the objectives of the national sectorial strategy against CL in mines. This coordination would make it possible not only to connect the activities of actors to the Government's needs, but also to provide it with harmonized tools, a database to determine the number of children and the places of their location. This can only be possible only with a monitoring system of children in supply chains.

*III.1.2 Referral and counter-referral mechanisms of the Government of the DRC supported by UNICEF*

Apart from the best practices listed below, it is worth noting that the Government of the DRC, through its Ministry of Social Affairs and with the support of UNICEF, developed a referral and counter-referral mechanism of children in difficult situation. Obviously, these tools do not are far from constituting a comprehensive CL's monitoring and observation system as a whole, but they

<sup>47</sup> file:///Users/umpulaemmanuel/Downloads/2019\_trafigura\_the\_mutoshi-pilot\_project\_french%20(2).pdf

are practices that effectively contribute to the system in its orientation phase, especially in referral. It is enough to adapt them to the realities of the mines.

The existing referral mechanism encompasses, among others:

- The National Referencing and Counter-Referencing Protocol for children in difficult circumstances in the Democratic Republic of Congo
- National Protocol for the application of the indigence certificate
- Norms and standards for the care of vulnerable children
- Guide for providers of care for children in difficult circumstances

A referral system helps linking the adequate services to identified victims of child labour. It allows **"to organize and offer adequate and timely appropriate support to vulnerable children and their families in need"**. A referral system facilitates good coordination among stakeholders and harmonization of the different programs and services for vulnerable children and families for effective results. A referral system requires a clear and shared vision of the roles and responsibilities of the various stakeholders based on their field interventions and the needs of ex-child laborers and parents.

The referral process begins with the identification of the vulnerable child and the notification of a concern.

Referral includes:

- ✓ Formal referencing (of Government services and civil society) and
- ✓ Informal (informal 'groups such as women's groups, support groups, youth groups, etc.).

Anyway, the child's best interest is the most important consideration. A balance must be struck between all the needed information for decision-making in a specific situation for a particular child or for a group of children, in the short term as well as in the long term.

A referral and counter-referral system should operate within a framework that ensures holistic care for children in difficult situation; work offered by qualified staff, supervised and sufficient in number, synergy that promotes a pooling and exchange of skills and lessons learned, structured and documented work, and team spirit.

The minimum criteria for the success of a referral system are:

- ✓ The existence of a mapping of stakeholders' programs/services
- ✓ Collaboration between the different structures
- ✓ The availability of well-trained staff
- ✓ And the correct use of information media.

The care of all children in difficult situation will consist of social assistance, including:

- ✓ The social survey for in-depth knowledge of the child and his background
- ✓ The creation of a file for the child which provides with information
- ✓ Accommodation and food support (if the child is in danger or has no shelter)
- ✓ Psychosocial care
- ✓ Medical assistance
- ✓ School support or professional learning orientation
- ✓ Legal care (if the child has been in contact with the law)
- ✓ Family mediation for family reunification or another alternative of reintegration into a family environment
- ✓ Empowerment with socio-economic support if possible.

Child protection involves several key actors: the State and its services; civil society; the community, the family, the child himself and the private sector.

The roles of the various actors are:

- ✓ To promote a protective environment for the child
- ✓ To put in place preventive measures against all forms of child abuse, violence and neglect
- ✓ To develop actions in terms of responses in favor of child victims of abuse, violence and neglect
- ✓ To promote rehabilitation opportunities for children's victims of abuse, violence, and neglect.

The referral system must have a family-centered approach, recognizing that the quality of a child's life is inextricably linked to the life and experience of the family in which he lives.

A family-centered approach provides services in a "family-friendly" manner and takes into account the relationships between its various members. The holistic needs of the family are met by many different groups, and guidance and coordination between groups and agencies is necessary.

The child is the main actor in his situation and must participate in the development and implementation of programs in his favor and be involved in any project in his favor.

### III.2. Identified best practice at the international level

This section is subdivided into 3 parts: the first is focused on the presentation of the CLOM tool, the second on the use of the CLOM tool in Ghana and the third on the use of this same tool in Mali. In addition to Mali, the LUTRENA project is implemented, on the basis of the same tool, in the following countries Togo, Senegal, Benin, Burkina-Faso, Cameroon, Gabon, Guinea, Ghana, Nigeria and Ivory Coast<sup>48</sup>.

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<sup>48</sup> [https://www.ilo.org/ipec/Informationresources/WCMS\\_IPEC\\_PUB\\_4077/lang--fr/index.htm](https://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_4077/lang--fr/index.htm)



### *III.2.1. Presentation of the CLOM tool*

CLOM tool has been proven in several countries and is the subject of a consensus as part of best practice in the monitoring and follow-up system of child labor in several regions. Countries like Ghana and Ivory Coast use it in the fight against child labor in the cocoa sector; Bangladesh and Pakistan in manufacturing; Indonesia and the Philippines in fishing; in Central America and the Dominican Republic in agriculture.

Today the CLOM is used in all sectors of economic life.

The information gathered using CLOM can help the state at local, provincial or regional and national levels to develop policies, share information on its international commitments or build a database.

In the Congolese artisanal mining sector, although the question of presence and CL has been an acute issue for years, due to the lack of CLOM, there are no statistical data. This makes it difficult for the state to plan. This statement was confirmed by the Head of the Mines Division of the Lualaba Provinces<sup>49</sup>.

Due to a lack of a database on CL, everyone relies on the UNICEF figure of 40,000 children working in mines in southern Katanga<sup>50</sup>, whereas this figure may no longer be valid.

Here, we will present the CLOM in the first section and give the cases of Ghana and Mali where the tool has been used successfully in cocoa and child trafficking sectors.

In practice, observation and monitoring involve the identification, orientation and protection of child laborers living in a given geographical area through the establishment of multi-sector monitoring and a coordinated orientation method whose objective is to cover all children.

Its main activities include direct observations, repeated regularly in order to identify children at work and determine the risks to which they are exposed, to refer these children to services, to verify that they have been withdrawn from their work and that " they are then monitored to ensure they have satisfactory alternatives<sup>51</sup>.

The two diagrams below illustrate the CLOM tool.

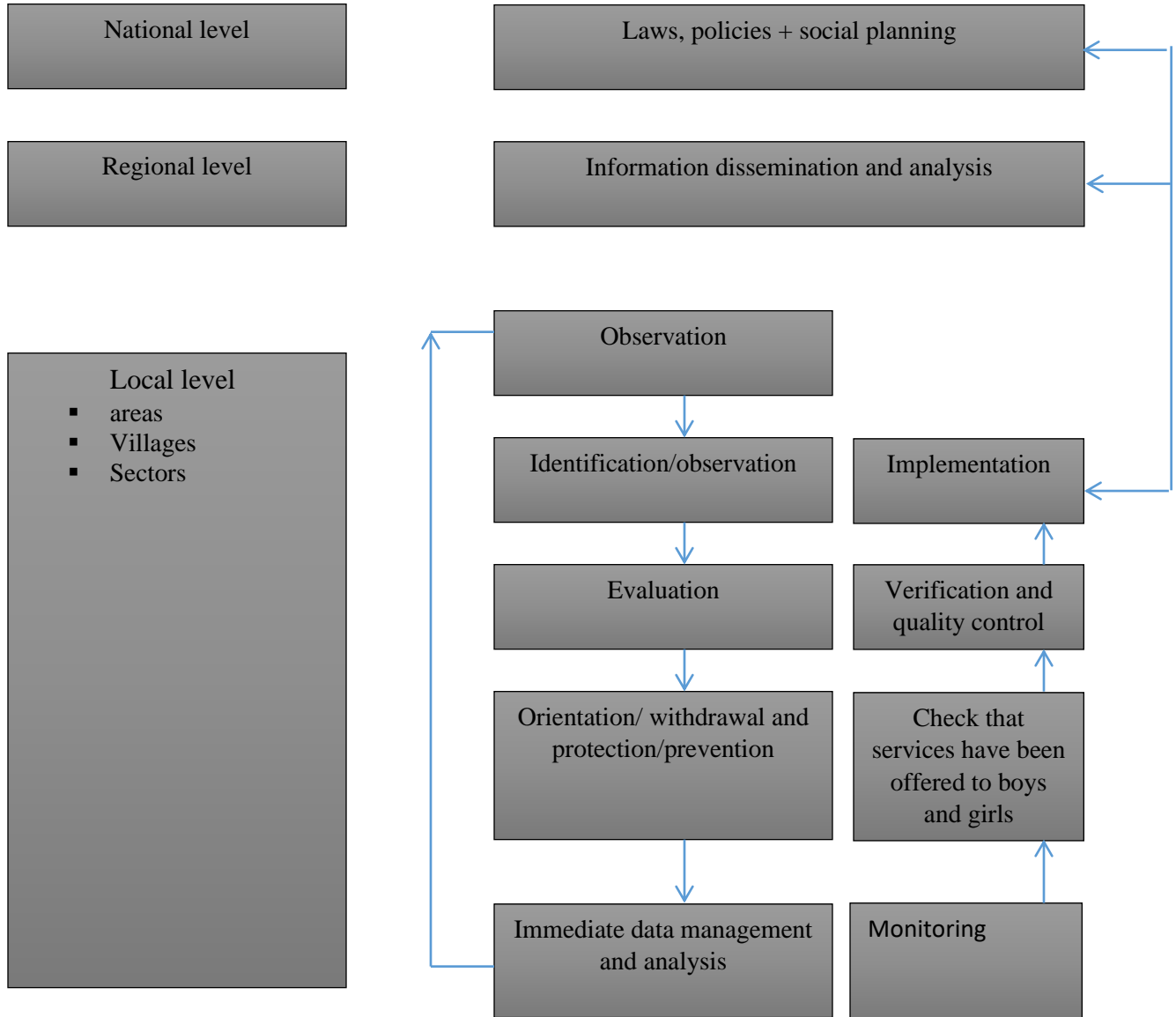
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<sup>49</sup> Entretien accordé à l'équipe de African Resources Watch en date du 08 Décembre 2020, à Kolwezi.

<sup>50</sup> <https://lesechos-congobrazza.com/le-monde/3456-rdc-plus-de-40-000-enfants-travaillent-dans-les-mines-l-unicef>

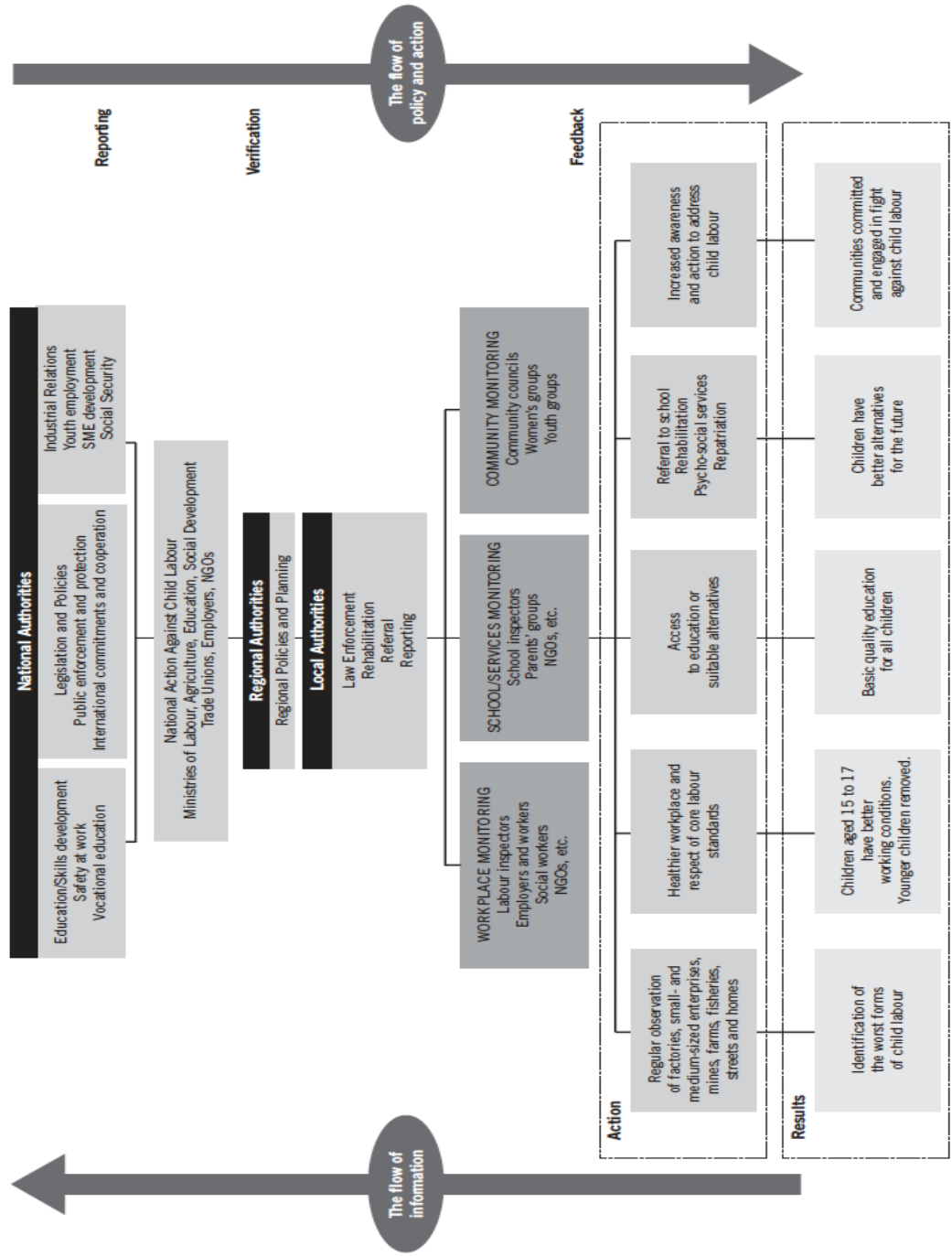
<sup>51</sup> <https://www.ilo.org/ipec/Action/Childlabourmonitoring/lang--fr/index.htm>

## CLOM Basic Model



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Figure 1: Conceptual Map of CLM



### *III.2.2. Example of CLOM tool in Ghana / Cocoa Communities Project*

The ILO's 2005 document, on “**Overview on the observation and monitoring of child labor**”<sup>52</sup>, insists on the regular observation and monitoring of places where children (boys and girls) are working as one of the powerful means of combating CL.

The CLOM is the active process which ensures the establishment of this type of observation and its coordination according to appropriate modalities. Its overall objective is to ensure that, through the control exercised, children and young people employed in a legal manner are protected from exploitation and the dangers of work. Rigorous monitoring of child labor, at the local level, is supported by a referral system that links the appropriate services with children removed from child labor.

CLOM's main activities include regularly repeated direct observations aimed at identifying child workers and determining the dangers to which they are exposed, directing these children to services, verifying that they have been withdrawn from work and removing them observe later to ensure that their situation improves.

The observation and monitoring of CL should be based on the national legislation applicable to CL and on the establishment of an autonomous process to combat CL. By its nature, CLOM is a way of integrating action against CL at the level of local administration, the level at which CL intervenes and at which effective services such as education are made available to girls and boys schooling.

The observation and monitoring of CL is closely linked to the provision of basic education and the protection of young workers against occupational hazards. They directly support the implementation of ILO's 1999 WFCL Convention (No.182) and the ILO's 1973 Convention on the Minimum Age for Admission to Employment (N0.138). In fact, Article 5 of Convention No. 182 calls for the establishment of appropriate mechanisms to monitor the application of the provisions giving effect to this Convention.

The information generated by CLOM on girls and boys at work - who they are, where they come from, what dangers they are exposed to - allows decision-makers, at all levels, to better understand where the problems lie in order to be able to take action accordingly.

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<sup>52</sup> ILO, Overview on the observation and monitoring of child labour, Geneva, 2005, pp. 5-6

Observation and monitoring of CL can be used as a programming strategy around which a series of social service activities will be built. They can also be used as an information base for national action plans against CL in which a number of services (education, health, awareness, etc.) will be provided.

Many best practices and useful lessons have been learned from the ILO-IPEC (International Program for the Elimination of Child Labor) project on Cocoa Communities Project (CCP). These serve as a fruitful guide in the design of future projects to eliminate CL. These teachings also constitute a challenge to the nation which remains firmly committed to eradicating CL in all sectors and communities.

The challenge falls directly on the central government, regions, districts, communities, households and families who are all partners and beneficiaries in this fight. State institutions, government agencies, NGOs and civil society groups as well as individuals must continue to work together to accelerate the CL elimination effort in Ghana.

Children who have benefited from the interventions are a special category that gives great hope that the progress made will be sustained. However, they cannot achieve this without support systems that include good educational opportunities, life planning skills, and job and livelihood security. Therefore, all efforts must continue to ensure that CL is eliminated in the present generation and this momentum must be maintained in future generations.

Continuous awareness raising, mainstreaming the elimination of CL and increasing monitoring of CL in all its forms will ensure that the gains made under the CCP become a part of Ghanaian society. It is possible to eliminate CL; the CCP has proven it. The momentum must therefore be maintained for this to happen in Ghana.

Thus, it is recommended for Ghana:

- For the future, it would be useful to recognize the capacity of each partner and the role assigned to them. A partner may have the mandate and the resources, but not the relevant information and tools. It is beneficial to set aside time and funds for a preliminary assessment of all partners to determine what support may be needed. If there is a need to submit quick reports, photographs, case studies and clarifications to reports, it would be more beneficial if partners were provided with internet access and training in report development.
- The training of farm worker groups or farming groups as part of the interventions is recommended to provide livelihoods for young people seeking employment in the agricultural sector. This alternative would reduce the need to employ children, and instead allow young people over the age of 18 to live their lives.

- CL monitoring needs to be revisited to inspire more innovation. A free helpline which is applicable on all or most telephone networks in Ghana is such an innovation that needs to be piloted. Through this helpline, anyone who identifies children in child labor or child abuse could call for free and report the case with descriptions. The nearest District Child Protection Committee (DCPC) could then be contacted to investigate and help resolve the case. In accordance with this recommendation, provisions in this matter should be put in place in projects similar to the CCP to combat child abuse and trafficking in the event that it does occur. Including the police in the project team would be very important for this purpose.
- Awareness must continue after the end of the CCP. And a strong partnership between projects / organizations and the media must be maintained through television and radio jingles aimed at eliminating CL will be systematically broadcast. Billboards and posters on the elimination of CL should also be maintained by communities and local assemblies to serve as a constant reminder of the nation's commitment to eliminate CL. Awareness should be a priority for all agencies implementing projects or integrating the elimination of CL.
- Maintaining the livelihoods created under the CCP is essential for the further development of community members, especially those who have received direct support. The website of the National Small Industries Council (WNSIC) and Rural Enterprise Program (REP) is present in all districts, with a mandate to support small businesses, especially in rural communities. The ILO and its constituents could consider building the capacity of these institutions to ensure the sustainability of livelihoods introduced in communities with post-project support and further training.
- In the future, CL elimination projects should consider including the family in the planning module.

Indeed, the higher the number of children increases in a family, the more it becomes more and more difficult to meet their needs and the children run the risk of falling into CL. A strengthened partnership with the Ghana health service is therefore particularly recommended at the district and community level. To this end, different agencies need to identify how their work overlaps with the fight against CL and fits in with the effort to eliminate CL. This is what the integration of CL is a topical issue.

It worth noting that the ILO has been at the forefront of the fight against labour by providing technical assistance to its three components: government, workers and employers.

The ILO-IPEC Cocoa Communities Project (CCP) is one of the ILO interventions that have been implemented over a period of 44 months. During this period, actions producing tangible and relevant results were carried out in 40 communities across seven districts. This has resulted in holistic community-led development initiatives in education, health, infrastructure, livelihoods and improved technical capacity.

The compendium of best practices applied in Ghana<sup>53</sup> presents some measures that have been innovative, relevant / responsive, efficient, effective, ethical, sustainable and replicable. The project exceeded the target number of beneficiaries and made significant progress in addressing some of the root causes of CL in cocoa growing communities.

The project, which was implemented in 40 communities in seven districts of the western, central and eastern regions of Ghana, had five main components, namely:

- Social mobilization,
- Planning of community action,
- The promotion of quality education, sustainable livelihoods for households,
- Monitoring of child labour
- The capacity building of ILO's constituents.

### *III.2.3. Example of CLOM in Mali / LUTRENA project*

Within the framework of the sub-regional Project of “Fight against the Trafficking of Children for the Purposes of Exploitation of their Labour in West and Central Africa” (LUTRENA), Mali carried out several action programs to combat child trafficking. This project aimed the prevention, withdrawal and reintegration of child victims and/or at risk of trafficking in synergy with the Government, social partners, decentralized communities, implementing agencies and civil society.

However, during a national workshop, 11 practices considered as best within the framework of the implementation of the LUTRENA project in Mali were retained, namely:

- IGA (collective fields, cattle fattening, cereal banks, dyeing)
- The organization of information and awareness campaigns, through the caravan, film screenings and sketches on child trafficking
- Training and mobilization of teachers and school management committees in the fight against CL
- The establishment of local vigilance committees at village level
- Decentralized management of the fight against child trafficking

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<sup>53</sup> ILO, Best practices and lessons learned in cocoa communities in Ghana, International Program on the Elimination of Child Labour (IPEC), 2015, pp. 87-91.

- The synergy of action between local actors (law enforcement, EAC (Educational Animation Center), Child Labour Focal Points, transporters, LVC (Local Vigilance Committee), SMC (School Management Committee) media, justice, hunters, associations of women and young people, local NGOs, other technical services ...)
- The training and involvement of journalists in the fight against CL through the Establishment of a network of journalists and communicators against work and CL
- Model Lessons on Child Trafficking in Elementary Schools
- The establishment of children's clubs to combat trafficking.
- The establishment of a monitoring system for vulnerable children or victims of trafficking.
- The involvement of transporters and law enforcement agencies in the fight against CL.

The LUTRENA project in Mali recorded satisfactory results which undoubtedly contributed to a better knowledge of the phenomenon of child trafficking at the national and local level, including the implementation of effective practices against CL.

These results focused on the following aspects:

- National, sub-regional and international collaboration on the phenomenon which has enabled the signing of several bilateral and multilateral agreements leading to the repatriation and interception of more than 700 children, the establishment of 348 community monitoring committees and the operationalization of mobile security brigades among others.
- Carrying out of IEC (information, education, communication) activities in favor of the fight against CL, in particular caravans, radio and television broadcasts, educational talks, sketches, inter-village meetings, film screenings, theatrical productions, educational songs, awareness raising brochures and posters, etc.
- Strengthening the legislative and regulatory framework through support for the application of relevant international conventions ratified by Mali and national legislation (penal code, child protection code, travel documents, definition of conditions creation and operation of private institutions for reception, listening, guidance or accommodation for children).
- Strengthening of the institutional framework, monitoring and coordination of actions to fight against CL through support for the establishment of a national committee, regional and local committees for the coordination and monitoring of activities to fight against child trafficking, the creation of local vigilance committees and standing committees to monitor cooperation agreements.



- The reintegration and rehabilitation of repatriated and / or intercepted children through support to reception centers, strengthening of reintegration centers, training of public administration staff and NGOs in childcare technics.
- Capacity building of stakeholders through the organization of several training and information sessions for key actors in the fight against child trafficking who have contributed to the emergence and specialization of certain partners, in particular agencies implementing action programs to combat trafficking in children.

## CONCLUSION

This report aimed at developing a compendium of the legal framework and international, regional and national best practices with a view of combating CL in artisanal mines in the DRC.

Indeed, the fight against the WFCL in general and in particular in the mining sector is a responsibility which certainly falls into the Government in the first place, which works with the support and collaboration of its partners within the framework of bilateral and multilateral cooperation and civil society. This struggle also falls on families and the entire national or local community. By leading the fight against CL, the country derives enormous benefits for its own development in terms of sectorial policies and in terms of contributing to the achievement of the Sustainable Development Goals (SDGs).

Looking at the situation on the ground, although the DRC has set up a legal and regulatory framework (Constitution, Mining, Family and Labor Codes as amended to date in accordance with international instruments ratified by the DRC, various regulatory texts such as ministerial decrees and orders as well as circular notes) protecting children in general and in particular those found in artisanal mining sites, it is worth noting that there has been no major progress recorded in terms of implementation of the provisions of these legal instruments on the protection of children.

The question of financial resources should not be put aside. In the national sectorial strategy to fight against CL in the mining sector in the DRC, it is recognized that if the NAP to fight against WFCL (2012-2020) has not been adopted or implemented, it is for lack of financial means<sup>54</sup>

The DRC, like the other African countries analyzed, has a progressive legal and institutional framework for the protection of children's rights in general and in the mining sector in particular. Unfortunately the implementation of this legal framework is not really effective. Several measures taken are not yet implemented.

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<sup>54</sup> DRC, National sectorial strategy to combat child labour in mining sector, p.7, August 2017

Since 2017, the DRC developed the national sectorial strategy to combat CL in cobalt mines. The implementation plan of which is estimated at more than USD 300 million. Only the technical and financial partners of the country have so far made commitments for its financing. A quick search of the 2017 to 2020 budgets shows that the national budget does not reserve any budget line for the implementation of this plan.

For its part, the Provincial Government of Lualaba has reportedly planned to contribute USD 5 million, as part of the formalization of the artisanal mining sector with the construction of the trading center and the availability of the KISOTE mining site. For lack of sufficient financial means, the project is stalling.

In view of this reality, we hope that there is the need to advocate during the budget sessions so that the Central and the provincial Governments (in particular Lualaba and Haut-Katanga) include in their respective 2021 budgets funds allowing the implementation of the National Sectorial Strategy for the fight against CL in copper and cobalt mines and specifically programs aimed at eliminating this scourge.

In this same perspective, the capacity building must be undertaken at the decentralized territorial entities (DTE) level and communities for community development that involves members of communities affected by mining and mining companies. These programs should form part of national, provincial and local development plans.

In addition to lacking financial means, the DRC does not have reliable data on children working in hazardous sectors such as artisanal mining. One of the reasons is that there is no tool like CLOM to collect information and monitor the reintegration of children. The duplication of this tool by adapting it to the mining sector will make it possible to have statistical data on children but also to prevent children from being found there anymore and finally to end CL thanks to continuous monitoring and follow-up, on the one hand. And on the other hand, the population, including children and their families, are mostly unaware of children's rights and national legislation on the matter. The national legislation, in particular the Child Protection Act, mining codes and regulations as well as the labor code, has not been sufficiently disseminated and is still largely unknown to the general public. As a result, customs and traditions as well as resignation continue to prevail over legal norms.

Thus, neither parents nor children realize that CL goes against the child's upper interests. This is bitter true. CL is perceived as being "socializing", i.e it allows the child to acquire resources to provide for the needs of the family. Beyond ignorance of the laws, there is the problem of ignorance of the problematic of CL itself, more particularly of the often-dangerous nature of the work carried out and its harmful consequences on health, well-being, education and the future of

the child. Finally, the population is unaware of the existence of state services responsible for the protection and care of children.

Also state services and other actors on the ground supposed to implement legal provisions on child protection do not have access to certain legal and regulatory texts at the international, regional or national level. Other's actors are completely unaware of them. This collection, we hope will be for all categories of actors working on the subject of the protection of children in cobalt and copper mines, a reference and working document.