



The Issue in the Implementation of Child's Rights to be Protected from Economic Exploitation for Children in Congo

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ABSTRAK

Penelitian ini bertujuan untuk mengetahui apa saja tantangan dalam implementasi Hak Anak untuk Dilindungi dari Eksploitasi Ekonomi pada anak di Kongo dan solusi untuk mengatasinya. Penelitian ini menggunakan metode penelitian normatif. Pengumpulan bahan dilakukan dengan menggunakan penelitian kepustakaan. Hasil penelitian ini menemukan setidaknya ada dua permasalahan utama dalam pelaksanaan hak anak untuk dilindungi. Permasalahannya adalah penegakan peraturan perundang-undangan dan faktor sosial budaya. Solusi yang dapat dilakukan untuk mengatasi permasalahan tersebut adalah dengan meningkatkan penegakan hukum dan peraturan serta membuat program sosial baik bagi pemerintah maupun masyarakat.

ABSTRACT

This research aims to find out what are the challenges in the implementation of Child's Rights to be Protected from Economic Exploitation for children in Congo and the solutions to overcome the issues. This research used normative research method. The collection of the materials was conducted by using literature research. The results of this research find out that there are at least two main issues in implementing the child's rights to be protected. The issues are laws and regulation enforcement and socio-cultural factors. Possible solution to overcome those issues are enhancing the enforcement of the laws and regulation and also make social programs for both government and the community.

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1. INTRODUCTION

The issue of child exploitation in the Democratic Republic of the Congo (DRC), namely within the mining sector, is a significant concern that necessitates attention and resolution. The Democratic Republic of the Congo is a party to the Convention on the Rights of the Child, an international agreement that requires periodic review by the United Nations Committee on the Rights of the Child [1]. The Committee expresses its concern regarding several concerns that are adversely affecting children in the Democratic Republic of Congo (DRC). These issues

encompass the eradication of the most severe forms of child labor, specifically the exploitation of minors in the mining sector. The concerns of the Committee have been expressed over certain issues that are impacting children in the Democratic Republic of the Congo (DRC).

The mining sector in the Democratic Republic of the Congo has gained notoriety due to its widespread utilization of child labor. It is estimated that over 40,000 children are engaged in this business, often subjected to hazardous working environments and receiving meager compensation [2]. The United Nations Committee on the Rights of the Child has recently issued a report wherein it calls upon the government of the Democratic Republic of the Congo (DRC) to intensify its endeavors in tackling the root causes and prevalence of child labor within the mining sector. The ultimate objective is to eradicate this issue and implement preventive measures to ensure its non-recurrence [3].

The position of children residing in the Democratic Republic of the Congo (DRC) is considerably complicated by the existence of armed groups that engage in activities such as abduction, trafficking, and the recruitment of children for various purposes, including coerced labor in mining operations [4]. To mitigate these challenges, there has been a call for the government to expedite the implementation of the Child Protection Code and any other relevant protective measures [5].

2. METHOD

This research uses normative research method. The collection of legal materials was conducted by using literature research. The primary legal materials in this research are laws, regulation, documents, journals, and online media.

3. RESULT AND DISCUSSION

The Children and the Rights to be Protected from Economic Exploitation

a. Illustration of the Children Exploitation in Congo

The Democratic Republic of Congo (DRC) is confronted with a deeply rooted problem of child exploitation, specifically in the form of forced labor. Child labor in the mining industry is a pervasive issue, characterized by the exposure of minors to perilous working environments and the provision of inadequate remuneration. The Democratic Republic of the Congo (DRC) possesses abundant natural resources such as cobalt, copper, and gold, making it a significant contributor to the global technology sector [2]. However, it continues to face extreme poverty, with almost 70% of its population surviving on a daily income of less than \$1 [6].

Children, compelled by severe economic deprivation, frequently find themselves compelled to engage in labor within expansive mining operations, receiving meager compensation as low as \$2 a day for physically demanding and hazardous tasks. The extraction of cobalt rocks is carried out using rudimentary instruments within subterranean tunnels characterized by low illumination. Instances of tunnel collapses have resulted in the unfortunate loss of lives among children, alongside incidents that have led to paralysis or enduring injuries with significant impacts on their lives.

The cobalt extracted by these minors is utilized in the manufacturing of rechargeable batteries employed in smartphones, laptops, and electric cars. The aforementioned circumstances have resulted in legal actions being taken against major multinational technology

corporations, alleging their complicity in the harm and fatality of minors employed in cobalt mining operations inside their respective supply networks [7].

Notwithstanding the presence of legislation that prohibits the engagement of children in labor, the efficacy of enforcement mechanisms is compromised by limited allocation of resources and pervasive corruption. The governing bodies face limitations in terms of financial and human resources, which hinder their ability to conduct inspections and pursue legal action against individuals involved in the utilization of child labor [8]. Moreover, the prevailing political instability and historical backdrop of war within the nation have fostered a setting that is conducive to the exploitation of children [9].

Initiatives implemented to address the issue of child labor in the Democratic Republic of Congo (DRC) have encompassed endeavors focused on establishing a safeguarding atmosphere for children residing in mining towns. These efforts encompass a range of stakeholders, such as local government, civil society, educational institutions, miners, and industry, collaborating in order to transform societal norms and attitudes pertaining to child labor. Nevertheless, the efficacy of these endeavors is frequently compromised by systemic challenges like socioeconomic deprivation, inadequate access to high-quality education, and pervasive corruption [4].

The Convention on the Rights of the Child (CRC) encompasses a range of safeguards aimed at shielding children from economic exploitation, particularly in relation to coerced labor inside mining regions. The principal article that pertains to economic exploitation is Article 32 of the Convention on the Rights of the Child (CRC). The statement acknowledges the entitlement of the child to be safeguarded from economic exploitation and engaging in any labor that may pose risks to their education, health, physical well-being, mental development, spiritual growth, moral values, or social progress [10].

In order to ensure the effective implementation of the aforementioned article, the Convention on the Rights of the Child mandates that States Parties must undertake a range of actions encompassing legislation, administration, social policies, and education. These measures encompass the establishment of a minimum age or ages for admittance to employment, the implementation of suitable regulations governing working hours and employment conditions, and the imposition of appropriate penalties or other forms of punishments to guarantee the efficient execution of the abovementioned article [11].

In addition to the provisions outlined in Article 32, the Convention on the Rights of the Child (CRC) encompasses various other manifestations of exploitation that may not be directly addressed in alternative articles. As exemplified, Article 36 of the Convention on the Rights of the Child (CRC) explicitly stipulates that the exploitation of children and adolescents is strictly prohibited, encompassing their involvement in criminal activities or political contexts against their volition [12]. The CRC offers a comprehensive framework aimed at safeguarding children from various forms of economic exploitation, such as forced labor occurring inside mining regions. States are obligated to undertake various steps, encompassing both legislative and administrative acts, in order to ensure the proper implementation of these provisions.

b. The Socio-Cultural Factors

The prevalence of child labor in the Democratic Republic of Congo (DRC) is intricately intertwined with the social and cultural fabric of the community. There are other elements that

contribute to this issue, encompassing economic instability, cultural standards, limited access to education, and instances of government corruption. The frequency of child labor in the Democratic Republic of Congo (DRC) is substantially influenced by social norms and cultural beliefs. The societal fabric is permeated with these established norms and ideas, exerting a significant impact on the decision-making processes of families with regards to child labor.

The normalization of child labor can be attributed to a significant cultural notion that emphasizes the importance of diligent effort and perseverance. Parents frequently engage their children in labor activities in order to promote their future prospects, foster a strong work ethic, and cultivate resilience in the face of adversities [13]. This practice is perceived as a means to guarantee their sufficient growth and equip them for the transition into adulthood. In addition, child work practices are further influenced by social standards pertaining to gender, succession, and obedience. As an illustration, gender norms might influence the prescribed tasks assigned to boys and girls, whereas norms pertaining to succession may necessitate the involvement of youngsters in familial vocations [14].

Child labor patterns are influenced not just by cultural ideas and social standards, but also by economic concerns. Child labor is prevalent among families in the Democratic Republic of Congo (DRC), particularly in mining towns, as a means to augment their income in response to economic instability. The presence of economic instability and poverty inside the Democratic Republic of Congo (DRC) serves as influential factors that contribute to the prevalence of child labor. Mine plays a crucial role in the economic sustenance of several households, with many families depending on it as a primary source of income. Consequently, owing to prevailing financial instability, children frequently find themselves compelled to engage in revenue-generating endeavors, such as mine, to supplement their family's earnings [15]. The Democratic Republic of the Congo (DRC) possesses a significant abundance of valuable minerals, including copper, gold, coltan, cobalt, and diamonds. Consequently, numerous communities inside the country significantly rely on small-scale mining as a primary source of employment and income [10]. Nevertheless, the nature of the job is frequently characterized by informality, and the remuneration received by workers, including minors, is typically below \$2 per day, all the while enduring arduous working conditions.

The perpetuation of child work is significantly influenced by cultural norms and societal ideals. Certain families, including those that possess financial stability, permit their children to partake in employment because of cultural customs that prioritize diligence and perseverance [16]. The parental choice to engage children in labor frequently stems from their aspiration to guarantee a more favorable future for their offspring, foster a strong work ethic, and cultivate resilience in the face of adversities. The absence of adequate educational opportunities is an additional element that contributes to the prevalence of child work. A significant proportion of children residing in mining villages face limited opportunities to receive formal education, and even in cases when educational facilities are present, financial considerations sometimes serve as a hindrance [5]. The government has undertaken efforts to offer complimentary education, particularly in mining communities, as a measure to discourage the prevalence of child labor [17].

The issue of child labor is further exacerbated by government corruption and inadequate implementation of mining and child protection rules. Despite the existence of regulatory frameworks overseeing mining activities and legal provisions forbidding the economic

exploitation of children, the State has yet to implement real and effective actions or strategies to address this issue [18]. Corruption plays a significant role in perpetuating a substantial portion of this misuse. Consequently, when foreign stakeholders introduce substantial financial resources, it is not difficult to envision the presence of corruption [11].

3.1 The Challenges and Remedies for the Fulfillment of Right to be Protected from Economic Exploitation for Children in Congo

a. Legal Framework and Government Policies

1. Recommendation to consider increasing the mandatory school age from 12 years to 18 years in order to align it with the minimum age requirement for work.
2. Imperative to establish legal frameworks that effectively criminalize the diverse activities associated with the process of trafficking, as well as trafficking specifically for the purpose of forced labor.
3. Imperative to enact legislation that guarantees universal access to fundamental public education, encompassing education at the lower secondary level.
4. Enhance the severity of penalties for offenses related to child labor to a level that is adequately harsh, therefore establishing a deterrent effect.
5. Imperative to secure adequate funding for the labor inspectorate, encompassing the provision of vehicles for labor inspectors and government-issued computers to facilitate the effective execution of their required responsibilities.
6. In order to mitigate redundancy and guarantee sufficient resources and skilled personnel are allocated to combat the most severe manifestations of child labor, such as child trafficking, it is imperative to enhance collaboration among pertinent ministries and organizations.
7. Imperative to guarantee the adoption, funding, and proper implementation of all pertinent policies, national action plans, and sectoral strategies aimed at effectively addressing the most severe manifestations of child labor. This should be done at both the national and regional levels.

b. Social Programs

1. One potential strategy for enhancing educational accessibility is implementing measures to ensure universal registration of children at birth or the issuance of identifying documents.
2. There is a need to enhance and broaden initiatives aimed at catering to the requirements of children who have been demobilized. Additionally, it is crucial to include considerations related to stigmatization, gender dynamics, and the risk of re-recruitment into programs designed to facilitate the reintegration of these children into society.

Recommendation to establish or enhance social programs aimed at providing assistance to minors involved in forced labor across many sectors such as agricultural, mining, street work, domestic work, and commercial sexual exploitation. Additionally, it is crucial to ensure the effective implementation of current programs in accordance with their intended objectives.

4. CONCLUSION

Child labor is a complex issue in the Democratic Republic of Congo (DRC) that affects its social, cultural, and economic field. It is affected by cultural norms, economic instability, education inequality, and government corruption. Cultural and social standards perpetuate child

labor. The DRC's culture normalizes child labor. Parents typically include their children in labor to build work ethic, resilience, and future prospects. This is done to help kids grow and prepare for maturity. Social norms about gender, succession, and obedience also affect child labor. Economic instability and poverty can fuel DRC child labor. Child labor supports many mining town families. Copper, gold, coltan, cobalt, and diamonds are abundant in the DRC, and many villages rely on small-scale mining. Despite difficult working conditions, laborers, including adolescents, are often paid less than \$2 per day for informal work. Lack of education also contributes to child labor. Mining community children have few formal education opportunities. Financial constraints often prevent schooling even when facilities are available. Free education, especially in mining regions, is offered by the government to discourage child work. Government corruption and poor mining and child protection laws worsen child labor. Despite regulatory structures and legal prohibitions outlawing child economic exploitation, the state has struggled to take effective action. Corruption perpetuates this misuse, especially when foreign interests provide large financial resources.

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