



Tom Lantos Human Rights Commission

Child Labor and Human Rights Violations in the Mining Industry in the Democratic Republic of Congo

Thursday, July 14, 2022

1:00 – 3:00 p.m.

2200 Rayburn House Office Building and Virtual via Cisco WebEx

As prepared for delivery

Good afternoon. I join Co-Chair Smith in welcoming everyone to this hearing today and thank the witnesses for taking the time to share their expertise.

Today's hearing is the 4th time this Commission has examined the human rights situation in the Democratic Republic of Congo.

The last time was in November 2018, a moment that combined hope because elections had finally been scheduled with doubts that the process would be transparent and credible.

We were right to be concerned. As the Carter Center noted in its expert mission report:

“While the elections achieved the first relatively peaceful transition since the country's independence in the 1960s, the credibility of the results was gravely undermined by a lack of transparency in the tabulation of final results and questioned by independent citizen observer groups, whose tabulations differed substantially from the official results.”

Now we are a year out from new elections that will again test the DRC's institutions, while the overall human rights and governance situation remains deeply concerning.

Today's focus is on child labor in the mining sector, a terrible and long-standing problem.

The DRC is rich in cobalt, copper and other minerals that have both military and industrial applications. Industrial mining of cobalt and copper is the mainstay of the formal economy.

Conditions in some industrial mines have been described as “dire” and exploitative. Conditions are no better in the artisanal and small-scale mines on which many Congolese rely to earn a meager living.

In 2020 the U.S. Department of Labor reported that child labor was in use at one in four artisanal mines in the DRC. In some parts of the country forced and child labor are intertwined with ongoing armed conflict. The COVID-19 pandemic likely made things worse. Children working in mines have been maimed and killed.

Although this is a persistent problem, there is an additional twist. As countries shift from fossil fuels to green energy, strategic competition for access to the DRC’s vast mineral deposits is growing, including between the United States and the People’s Republic of China. Firms based in the PRC have a dominant position in the DRC’s cobalt sector, a supply chain concern the Biden Administration has recognized.

Competition with China is an important issue. But for our purposes today, I hope the discussion will stay focused on the people, and the children, whose rights need protecting, rather than the geopolitical dimension.

Just as the human rights issues have been around for a long time, the U.S. has been engaged in the DRC for a long time. In spite of the irregularities in President Tshisekedi’s election, the U.S. sided with hope and maintained relations. More than a billion dollars in bilateral, peacekeeping and humanitarian assistance were directed to the DRC in Fiscal Year 2021.

Those funds include several programs that directly address conditions in the mining sector – although the amounts involved are small compared to the overall funding. We will include details on these programs in the record. One question I have is whether we can scale these up.

We also expect to receive a statement for the record from the Bureau of International Labor Affairs in the U.S. Department of Labor which has been deeply engaged in the DRC. The D.O.L. has identified several gaps in the DRC’s approach to addressing child labor and has technical assistance projects in place to address them. An update on these efforts is expected in September, and we look forward to receiving that.

I want to emphasize that any successful strategy for addressing child labor needs to include better support for families, children and their local communities in the DRC so that there are alternatives that replace the income, meager as it is, generated from a child’s labor.

I have been working a lot on forced labor supply chain issues lately, in regard to Uyghurs in China. I want to draw your attention to the statement for the record submitted by Terrence Collingsworth of International Rights Advocates.

Mr. Collingsworth filed a lawsuit against Tesla, Apple, Dell, Microsoft, and Google, under the Trafficking Victims Protection Reauthorization Act, for purchasing cobalt from suppliers who relied on forced or child labor.

His policy recommendations for dealing with this problem track with the approach Congress has just authorized in the case of the Uyghurs: put the responsibility for demonstrating that supply chains are compliant with forced labor laws on the companies that buy the inputs.

It seems to me that responsible sourcing requirements have a big role to play here.

I certainly appreciate the work of the Church that we will hear about today.

I also strongly support the idea of making greater use of Global Magnitsky and other targeted sanctions authorities.

I welcomed the decision to sanction Dan Gertler for his corrupt involvement in selling off DRC mining assets. I was appalled when the Trump administration issued him a private license that undermined the sanctions. The Biden administration thankfully revoked that license.

I take this opportunity to endorse the [call](#) by Human Rights First and Sentry for a thorough investigation into the process by which that license was granted in the first place. We need more sanctions and stronger enforcement to address the deep corruption in DRC, not the opposite.

My conclusion: there are important initiatives in place to respond to the problem of forced and child labor in the DRC, yet it's clearly not enough. I look forward to hearing the witnesses' recommendations for additional actions Congress should be taking, including encouraging the naming of a new special envoy, an approach that showed results during the Obama administration.

Thank you and I yield back.