

Tom Lantos Human Rights Commission

Hearing

on

Child Labor and Human Rights Violations in the Mining Industry
of the Democratic Republic of Congo
July 14, 2022- 1:00 p.m. – 3:00 p.m. EDT
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Statement of FR RIGOBERT MINANI BIHUZO SJ

Child Labor and Human Rights Violation in the Mining Sector of DRC
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The situation in the Democratic Republic of the Congo (DRC) today regarding child labor and human rights violations in the mining sector is particularly critical. The number of artisanal and small-scale mining (ASM) sites from the Ituri region to Lake Tanganyika is estimated to be 1000, and the number of artisanal miners to be 200,000 people¹, among them thousands of children and pregnant women.

The Catholic Church's social doctrine condemns all forms of exploitation of children. “*This exploitation represents a serious violation of human dignity*”². It teaches that “*it is necessary for peoples in the process of reforming their systems to give democracy an authentic and solid foundation through the explicit recognition of human rights*”³.

Among the most important of these rights, the Catholic Church insists on the right of a child to live and grow in an environment conducive to its full development. The church recognizes also the right of every human being to work and be able to support oneself and one's dependents. It promotes the duty of everybody to make wise use of the earth's natural and mineral resources.

The National Episcopal Conference of the Congo (CENCO) has always been at the forefront of social and political engagement. In numerous pastoral letters, it has pointed out a clear link that exists between democracy and good governance of natural and mineral resources.

This report on child labor and human rights violations in the Mining Sector of the DRC will build on some aspects of CENCO's work.

For more than 25 five years now, central African experts including diplomats, researchers, NGOs, and journalists, have identified the looting of mineral resources in the DRC as a structural cause of the endless conflict in eastern DR Congo. The impact of extractive industries on conflicts has been the DRC church's major concern since the early 2000s. In July 2007, CENCO decided to

¹ USAID, *Market Analysis: Artisanal and Small-Scale Mining (ASM) Gold from Eastern DRC*, 11.

² *Compendium of the Social Doctrine of the Church* n° 296

³ John Paul II, *Centesimus Annus* No. 47.

create the Episcopal Commission for Natural Resources (CERN). This commission established natural resource observatories in dioceses that document and denounce cases of human rights violations including corruption and environmental damages from mining.

The report we are sharing has been conducted with CERN observatories in two regions in the east of DRC bordering Burundi, Uganda, and Rwanda.

Last year three institutions (the ecclesial network for the Congo basin forest (REBAC), the Jesuit Center for Study and Social Action (CEPAS), and the Episcopal Commission for Natural Resources (CERN) conducted field research on **the working conditions in artisanal mining through the lens of human rights norms**. We decided to focus our research on artisanal mining because this sector, compared to industrial mining, provides income to the highest number of workers in the mining business. But this sector is also one of the worst in terms of human rights standards. We also decided to focus our research on gold exploitation because according to studies “more than 90% of the DRC’s artisanal gold is reported to be informally or illegally mined and between 95% and 98% is estimated to be smuggled out of the country through the eastern neighboring states.”⁴

The field research was conducted in two regions: Uvira, in the province of South Kivu and Bunia, and in the province of Ituri. As a research methodology, we targeted stakeholders of artisanal and small-scale mining (ASM). For each territory, 10 focus groups of 10 people of different ages and gender were organized. The investigation was about the link between the working conditions of artisanal miners and respect for human rights.

Our research selected six (6) categories of actors involved in this business.

1. The owners of the mine
2. The miners,
3. The administrators of the sites,
4. The heads of the cooperatives,
5. The traders,
6. Gold counters

This statement is organized around 10 chosen variables directly linked to human rights.

1. **Child Labor**

All field survey reports deplored the fact that the majority of mines use children in various tasks. This is done while Congolese legislation and international standards prohibit child labor. Reports indicate that children, male and female, who initially come to the mines to obtain money for their schooling, end up dropping out of school. Most of them stay permanently in the mines.

2. **Workplace**

⁴ USAID, *Market Analysis: Artisanal and Small-Scale Mining (ASM) Gold from Eastern DRC*, 11.

The majority of artisanal mining work is done in forests and other inaccessible places. Travel conditions between the nearest towns and these mines are dangerous. Many children who want to work in the mines lose their lives even before arriving at the mining sites.

3. Condition of Work

Our report noted that artisanal miners are not provided with any protective equipment. They work 7 days a week and more than 12 hours a day. In reality, their working hours are not defined. It includes weekends and holidays. They are exposed to radiation from the products they use and to the danger of the explosives they use.

4. Work Tools

Physical force hard manual labor is the main means of work for miners. They use rudimentary instruments, namely pneumatic drills, hammers, chisels, spades, and crowbars. This work harms the health of these workers and significantly reduces their life expectancy. Their working conditions are like that of slavery.

5. Medical Insurance

No medical insurance is offered to these workers. Hard manual labor is the cause of Hard manual labor can cause injuries. Dispensaries around the mining sites lack medicine and even minimum equipment. Basic medical care is inaccessible and the majority of them die due to various untreated illnesses.

6. Financial Income

Despite the hard work of the artisanal miners, what they earn does not allow them to cover their basic human rights. They are poorly housed, poorly fed, poorly cared for and unable to cater for family expenses.

7. Administrative and Police Hassle

Many mining sites are owned by the military or politico-administrative authorities who often mistreat workers. Faced with such powerful masters, workers do not have any means of lodging a claim.

8. Danger of Armed Groups

This survey was conducted in areas where various armed groups are active. Some devote themselves to the artisanal exploitation of gold to finance their war activities. Others attack artisanal miners and confiscate their hard-earned production. In the absence of local government rule of law in these remote and isolated areas, artisanal workers are at the mercy of these groups. Many lose their lives, others are molested and injured and often lose all their property.

9. Forced Eviction

Many ASL mining sites are located in concessions close to those operated by industrial exploitation sites. At regular intervals, artisanal miners are forced to leave their places of exploitation. This does not only concern operators in the mines but also affects entire villages. Whenever big companies identify areas with a high concentration of gold, they force artisans and small-scale miners and villagers to leave.

10. Administrative Hassle

What little state administration exists in these remote areas often makes life impossible for artisanal miners. They are subject to arbitrary taxes not recognized by the legal structure of taxes. Several kinds of taxes are imposed such as the Mining Service, police tax, migration tax, and an environmental tax. Illegal tax operations are found in these mines and the artisans do not know where to turn for redress.

Conclusion and Recommendations

- Structural changes are needed to stop child labor and improve human rights conditions in the mining sector of the DRC.
- Field surveys have helped to identify a number of priorities in artisanal mining: This sector needs legal, technical and organizational assistance to improve the living conditions of miners and their families.
- Special attention should be given to children living in mining sites. There is need to promote a program to raise awareness and offer support for children and pregnant women in activities other than mining. Special school programs and vocational training centers need to be put in place.
- Family micro-credits could improve families' access to food, water, and medicine.
- Equipped health structures close to mining sites and guaranteed access to health care for artisanal mining workers are urgent needs.
- Miners need support to integrate the culture of savings and investing in alternative activities to gold like farming.
- Miners should be provided with personal protective equipment (gloves, masks, helmets, etc.) and appropriate digging tools.
- The legislation should monitor the use of mercury and chemicals and explosives in artisanal mining.
- Traders we interviewed had confirmed that gold mined in the DRC is mostly transported illegally to neighboring countries, Rwanda, Uganda, and Burundi, before being exported to countries such as Switzerland or the United Arab Emirates. From there it is sold to end markets, mainly the EU, the US, and China. It is this business that is still fueling war in this region. The link between illegal mining and conflict in the east of the Congo needs to be addressed.

- Finally, the rigged elections of 2018 continue to undermine the country. One year before the next election, we are still uncertain about the coming elections. Efforts need to be deployed to guarantee that next year's elections are free, fair and inclusive. To end Child Labor and Human Rights violations in the artisanal and small-scale mining (ASM), DRC will need a functional state that puts all these recommendations into action. Today we are far from this.