

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 – 1:30pm – 3:00 pm EDT 2200 RHBO & Virtual via Cisco WebEx

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Child labour is one of the worst forms of abuse. It is forbidden by both Congolese legislation as well as international rules and norms.

In the mining industry in my country, the Democratic Republic of Congo, children are often exposed to radioactive minerals, injuries, deadly and painful diseases.

For example, with respect to the extraction of Cobalt in artisanal mines within the Lualaba province, children are routinely used as part of the workforce. They are unremunerated and exploited and the work is often fatal as these children are required to crawl into small holes dug in the earth to recover sacks of ore containing rich grades of heteroginite which is almost 60% cobalt.

These children are not going to school, their health is exposed as they are living in precarious conditions.

In the Kasulo deposit, for example, children collect cobalt ore in the holes mentioned above, a re required to clean the ore before selling it to intermediaries. The Kasulo deposit is currently owned by Donfang Congo Mining (DFM), a Chinese company.

Officially artisanal mines are supposed to be owned by Congolese citizens working in « cooperatives». In reality they are selling the product extracted from these to the Chinese and other's foreigners such as Pakistanis or Indians. The vast majority of this ore, however, is trafficked through Chinese intermediaries

Moreover, Chinese are not waiting to be delivered the products of these extraction from artisanal mines but are currently on the field on open pit mines overseeing these operations - where children are exploited and are the ones fixing the prices.

In July 2021, in COMMUS concession, a Chinese company, two persons identified as Chinese citizen have instructed two Congolese military officers to whip two Congolese who were found on their site. The scene was recorded and posted into the internet.

The video demonstrates the on connection between these Chinese companies and Congolese authorities, giving to them military protection and the authority to instruct them to whip Congolese citizens with impunity.

The minerals extracted from theses mines are sold and exported through the major mining companies mainly operating in the Lualaba Province, formerly the mining sector of the Katanga Province, among them Chinese and Russians.

The challenge to address this critical issue is that these mining companies are linked with high ranked officials and authorities, among them members of the presidential family. This has been documented but is a thinly veiled secret in the DRC.

Minerals can only be exported by companies which are duly registered and have license for this. None of the artisanal mines where children are part of labour have been granted such proper licenses for such activity.

This scheme allows companies to under declare the quantity of cobalt extracted, while being export from the Congo, thus reducing the amount of tax and royalties paid to the government. Since most of these operations are illegal, this method completely hides the transaction. However, while crossing the border, at the country of transit (Tanzania and Zambia) at the foreign border – they are under the

obligation to declare the actual quantity being exported. The Zambian authorities will always show far more cobalt exported than is declared on the DRC side due to this slight of hand and corruption.

There is a difference between the quantity effectively extracted in the Congo and the actual quantity exported which demonstrates that there is a certain quantity coming from untraceable sources, therefore the extra quantity is extracted from the artisanal mines, where children are being exploited. As artisanal mines do not have license and structure for exportation.

This situation is one reflecting the wide aspect of the vast corruption in the country.

The president and ruling political coalition Union Sacree are controlling the senate and national assembly. President Tshisekedi has recently ordered cars for certain legislators, without any traceability in the official budget. This corruption obviously serves to control these officials and “encourages” them to vote in the President’s interest.

Free and fair elections are another issue. The current administration has completely relinquished their obligation and duties as lawmakers on deciding whether there will be electronic vote, and have left it to the CENI, the national election authority responsible for organizing and carrying out elections, to decide. CENI was clearly under the control of former President Kabila which led to unfair elections in 2018. CENI continues to be under the control of this President and his allies.

The electronic vote will once again endanger the election in the Congo and will allow manipulation of the results without any way of control. This is the greatest fear of the population. We need and deserve free and fair elections.

Members of the Electoral commission, even those who were supposed to be from the opposition, were appointed following an illegitimate process and without the consent of their political party, so they are controlled completely by President Tshisekedi, furthermore the Ceni’s president, who was appointed after a controversial process has been denounced by the Catholic Church for corruption.

The constitutional court, the most prominent court of justice in the country and the one who will decide about the final results of elections, is also controlled by the president and his allies. They’ve removed through a controversial process the former president, Dieudonné KALUBA, and have appointed a new President Dieudonné KAMULETA BADIBANGA, who was elected as new President. Both (former and new comer) are from the same ethnical group as the President Tshisekedi and under his control;

Unfortunately, tribal issues still create divisions in my country. As of now, institutions playing crucial role on the electoral process are led by authorities almost exclusively from president Tshisekedi’s ethnic group. He has not opened up his administration to a wide representation which throws into question the credibility of upcoming free and fair elections. Furthermore, this runs the risk of ethnic resentment which could lead to greater conflicts and tension during the elections with an important risk of a major escalation of this situation and civil unrest. The people must trust the results and currently the situation is untrustworthy.

Despite the President’s public speech against corruption, it is obvious that things are worsening on the ground. The public proclamation regarding the fight against corruption « procès de cent jours » has been a failure. Even prosecuted officials who have been deemed guilty have now been set free if

they are of the right party. One of them is Willy BAKONGA , former education minister who was condemned for 3 years of prison , but he is illegally liberated and now sits in parliament. There are countless other examples that can be used to illustrate this point. The fraud perpetrated against the state is in the hundreds of millions.

Recently the authorities have initiated a new taxation on telecommunication companies who are claiming to have no other option than to increase cost of access to their services to the consumers. It's obvious that there is a corrupted system that is benefitting high ranking politicians in power by using all their influence to get the more money to protect their position and to remain in power. Elections that are not free and fair will only perpetuate this corruption. It is often said that the Congo is a country of immense potential. Until we can insure a fair and democratic process, that potential will never be achieved.

Thank you,