Life at the bottom of the chain:
WOMEN IN ARTISANAL MINES IN DRC

WOMEN'S INTERNATIONAL LEAGUE FOR
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Cover Photo: The sorting and washing of the ore, considered as light works, are usually left for women and children. © Gwenn Dubourthoumieu

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Editorial

WILPF has been working for world peace for over a century by tackling the root causes of conflicts, social injustice being one of the root causes of armed conflict.

In our 2015 manifesto, we stated the following: "In this global, neoliberal phase of capitalism, the power of corporations and financiers has far outstripped the ability of elected governments to moderate or control them. Slavery and forced labour are widespread and many of the victims are women and children. Identifying the capitalist system as one of the root causes of war, WILPF has always had the goal of revolutionary change by non-violent means for purposes of social and economic justice. This remains our objective."

This is why WILPF has committed itself in favour of social justice and to the struggle to denounce human rights violations committed by business enterprises, as well as the impact they may have on the outbreak or worsening of armed conflict. As part of this mission, we support the drafting of an international treaty on multinational corporations and other business enterprises and human rights, and have joined over 400 organisations in civil society in the Treaty Alliance.

This publication is part of our action aimed at bringing to light human rights violations relating to the activities of business enterprises, their impact on women, and their relationship with the root causes of conflicts, showing thereby the necessity of a legally binding legal framework to prevent such violations.

Introduction

Business enterprises today carry a lot of weight, not only economically but also socially and politically. Certain corporations have budgets greater than the GDPs of the countries in which they operate, causing an imbalance of powers.

Corporations can therefore have a direct or indirect influence on human rights. WILPF takes a particular interest in the impact of certain business enterprises on women's safety, in particular when the former contribute to the militarisation of society by using either private or state security forces.

One sector in which this militarisation phenomenon is widespread is mining. This has led to the emergence of a new term: "conflict minerals", referring to materials such as wolframite and coltan, mined in the midst of armed conflicts, with their mining sometimes even being facilitated by these conflicts, in particular in the case of illegal mining.

These "conflict" minerals are used worldwide for the production of electronic appliances and other goods; almost systematically, this takes place a long way from the mines. As a result, human rights violations are often found in the supply chain, and are often part of supply strategies to increase productivity at all costs.

Consequently, the countries of origin of mining companies and other companies seeking a supply of minerals need to perform due diligence with respect to the behaviour of their business enterprises outside their borders. International human rights law establishes an obligation for all States to prevent, investigate and punish human rights violations committed by State officials or private-sector actors. A number of human rights supervision mechanisms have recognised this obligation in their interpretations of human rights conventions and their evaluations of the extent to which States observe their obligations.

This is the case of the Committee on the Elimination of Discrimination against Women in its General recommendation no. 28, which establishes the following: "The obligations incumbent upon States parties [...] also extend to acts of national corporations operating extraterritorially."[1] This requirement was included in the Committee's recommendations to Sweden, when the Committee investigated the supply activities of Swedish corporations abroad and their impact on women's human rights, particularly in the textile industry.

All countries must be aware of their share of responsibility in human rights violations that take place in the supply chain of the products they consume. As noted by the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, corporations at the top of the supply chain have a duty of care to ensure that human rights violations are not committed at the bottom of the chain. This obligation is justified by the power relations that exist between large corporations and their subcontractors, due to their size and political influence.[2]

This is the reason for the existence of initiatives such as the forthcoming EU Regulation governing the importation of "conflict minerals".[3] These initiatives are often met with a great deal of resistance on the part of the corporate lobby. For instance, in this particular case, the obligations to be included in the Regulation were already relaxed at the first reading.

It has therefore become necessary to establish an international legal framework in which corporations and States can operate and be required to legislate in order to ensure that human rights are observed, both within and outside their borders.

The case of mining in Democratic Republic of the Congo (DRC) is well-known because of the link that exists between mining and the armed conflict afflicting the country.

We decided to analyse the cases of artisanal mines in the province of Haut Katanga: mining sites that are at the bottom of the supply chain and furthest from the corporations that produce the final goods, but where the conditions are, as we shall see, clearly determined by the latter.

This paper is based on the following research: "Inquiry into the human rights violations suffered by Congolese women in artisanal mining in the Province of Haut Katanga" conducted by Annie Matundu Mbambi, president of the WILPF branch in DRC, and Léonnie Kandolo, a member of WILPF RDC.

A woman washes canvas to cover the minerals.

To conduct this research, Annie Matundu Mbambi and Léonnie Kandolo travelled to the Haut-Katanga region and visited three artisanal mining sites. In addition to direct observation carried out during the course of their visits, the researchers carried out unstructured interviews and organised focus groups with the women working in the artisanal mines.

In the rest of this report, we shall present the main conclusions of the inquiry and analysis of a possible international legal response. The entire paper and its methodology may be consulted in full on wilpf.org/publications.

Artisanal mines – what are they and how do they operate?

Artisanal mines have appeared around the mining sites operated by mining corporations in the Haut-Katanga region. In them, an increasing number of women and children from the surrounding area work throughout all stages of the operating process.

Artisanal mining operations are generally tolerated by the holders of major mining permits, especially in the exploratory phase.

We decided to study the circumstances of women in these mines because the living conditions there are inhumane and the human rights violations overwhelming.

Isolated from populated areas, the people working in the mines settle in camps, with the result that these sites are a world apart: areas where there is no rule of law and the law of the jungle prevails.

According to certain estimations, artisanal mining accounts for over 80% of mined products exported by DRC. Mining and trade from the artisanal sector is largely informal, thus evading State control; the tax revenue from it makes no significant contribution to public finance.

Artisanal mining is conducted in a very rudimentary manner; it does not require any particular transport infrastructure or heavy equipment, still less the construction of warehouses. Furthermore, the minerals concerned do not necessarily need to be processed prior to sale; they are sold untreated to the companies that process them.

Mining of these minerals accounts for a significant proportion of the local economies, and contributes to the survival of increasingly large populations, estimated to comprise more than 200,000 individuals.[5] However, the activity can cause extremely catastrophic deterioration to life in general and in addition cause terrible social evils, in particular when there are mineral rushes.

In Lubumbashi, experience shows that in spite of the relatively difficult conditions in which they are operated, the artisanal mines account for a fairly substantial share of overall mining production, both nationally and in the local economy.

The deregulation of artisanal mineral mining (1972) led to working masses of Congolese women to rush for this manna in the hope of improving their living conditions – braving, often at their peril, the violations of all kinds that they suffer. The mining boom has been the cause of an exodus of people to the mining districts.

Working conditions in artisanal mines are considerably more dangerous than in the mining sites belonging to large mining companies. The mineral processing methods in artisanal mining are always archaic, and always use makeshift means. The work tools most often used for mixing are gourds, plastic bowls and half-barrels. Depending on the quantities to be treated, the minerals may then be concentrated on small, locally-manufactured washing tables, or alternatively, directly concentrated in gourds.

The minerals are mined by diggers, who in turn, sometimes enlist the services of other individuals to crush, sort, wash and sift the crushed gravel or process the waste; this work is known as "droumage".

The diggers are self-employed and therefore shoulder responsibility themselves for all the risks relating to the market. To collect minerals, they have to pay taxes to the mining police and access duties to the concession manager. After mining, the diggers are paid directly, according to the weight of what they have collected, at rates imposed by the export companies, depending on the cobalt and copper content of the minerals.

Consequently, it would be a mistake to study the case of artisanal mines in isolation from the

Photo: Lolok

A restaurant around the artisanal mine. Site Huit Cent.

mining companies that operate in the rest of the supply chain: the minerals extracted in these mines are sold to the mining companies and traders, who act as go-betweens for the mines and export companies, or sometimes export themselves.

The traders arrive at the artisanal sites and impose the purchase price, which is imposed in turn by the mining company that will carry out the processing operations and electrolysis to produce the ingots or cathodes ready for export. It is at this stage that the large subsidiaries of multinational groups are involved, imposing the purchase price on the links lower down the supply chain.

Since the diggers are self-employed, the purchase price of the minerals affects all the previous stages: the living conditions of the diggers and other individuals taking part in the process, as well as the methods and tools used for mining.

The minerals are exported via Zambia and South Africa, and are often to be found on international markets, without the mine workers being aware of the final destination of the minerals.

Photo: Amat

Sorting and washing of minerals.
This is called "Kusaka" or "droumage" Site Kansonga.

The presence of women in artisanal mines

Both men and women are involved in artisanal mining as workers at every level of mining: as diggers, labourers, droumeurs, or sometimes simply as members of the communities.

In our inquiry we noted a significant proportion of women in the artisanal mines. However, men and women do not perform the same functions in the mines.

The specific activities for women come down to "droumage"; this involves crushing the minerals, sorting and washing them, sifting the crushed minerals, processing the waste, and/or selling the minerals. These activities are carried out depending on the demand on-site; in other words, the same woman may do washing one day, and sorting or selling on other days.

Droumage activities in particular are the most toxic. Very few women own a mine shaft or have a mining permit. Among the women questioned, only one was a trader.

Their decision to work in the mines seems to be driven mainly by higher revenues than those derived from farming, which can fall following poor harvests as a result of drought, or a lack of work.

The stories told by certain women and especially young, under-age girls often revolve around poverty; this often drives them to marry young in search of better circumstances. Such women may have the misfortune of encountering promises of marriage that do not materialise, or a lack of support from their family, or they may be the victims of fraud in their small business dealings; desperate, with their dreams shattered, they turn to artisanal mining to survive.

The large number of small traders at mining sites lends credit to this theory of increased revenues on these sites; people engaged in such business come in numbers only to places where the financial resources of those on site allow them to "do business".

Businesses such as restaurants, shops, nganda (bars), small businesses, small livestock and poultry farming, gambling rooms and guesthouses, as well as trades supplying the sites with water and food, are all types of occupation that are the province of women; however, profitability is minimal. Women are always the main actors in such activities, although they are the victims of a large number of social and economic abuses.

Our inquiry shows that, in spite of the relatively difficult conditions in which these women work in artisanal mines, they still play a fairly substantial role in overall mining production, both nationally and in the local economy.

The daily income declared by the women ranges from 500 Congolese Francs (50 euro cents) to 10,000 Congolese Francs (9 euros). Very few declared a daily income of 10,000 Congolese Francs.

The very few women met working in the mines who have a certain level of education reported that it was difficult to get a job in administrations or private-sector offices, so they turned instead to artisanal mining.

Those who work in small businesses, including food services, are constantly faced with the insolvency of customers; the latter often leave the site as soon as they are paid and do not return until they have spent all their earnings. Some resort to violence to silence the women who claim their dues.

A large number of women declared that they were exploited and paid less than the men, but said they preferred this state of affairs to no income at all.

The Police prevented us from taking pictures of their presence.

The role of the security sector

The most striking scenes in terms of living conditions and failure to observe human rights were observed at a site known as "Huit Cent". On this site, men, women and children are grouped together at the same workplace, in the same mineral washing pool. Consequently, the women are mixed with the men and are more exposed to various infections and social abuses.

Huit Cent is a secure site protected by armed police belonging to the mining police force. Its cooperative workers' union, known as Coopérative Minière de Développement de Luisha "CMDL", is limited in its remit and cannot perform its work of organising the diggers properly, due to pressure from the site owner and the police itself.

Insecurity reigns in the mines, the mining police being present only to protect the transactions between the purchasers and the diggers: the mining police levies certain taxes either in money or in kind (minerals); it is not there to ensure the safety of the workers. Other security actors are also present, contributing to the militarisation of the mines: the private police for the personal safety of the site owner and the quarry.

Far from contributing to transparency and safety, the police officers and other members of the security forces present during the inquiry conducted by WILPF exhibited strong resistance to photographs being taken and to unrestricted discussions being held with the workers, in spite of the negotiations held with the other services assigned to said site. We noted this insecurity, and were even filmed by unidentified individuals during the focus groups.

Photo: Amat

Children are also in the mines.
Site Kansonga.

Working conditions and human rights violations in the mines

These sites are a world apart: lawless places where the law of the jungle reigns supreme.

Many civil and social rights are non-existent; there is extreme poverty together with violations of health rights, in particular pertaining to reproductive health, potable water, food, safety, education and housing. We also noted sexual exploitation and slavery-like conditions. In the case of women, this situation is made worse by gender-based discrimination throughout society, the manifestations of which are presented below.

Among the women questioned, strangely enough there were also single mothers and their children in all the digger camps; men, women and children were in the same working environment without any means of protection.

The harmful effects of artisanal miners' activities are widely known. The work is highly liable to lead to cancer in the future and to malformations in their offspring. Nobody seems to pay attention to the huge risks inherent in their working conditions, either from the point of view of safety at work or in terms of the environment, health and hygiene. Most of them work barefoot; the women are exposed to radiation from certain minerals that is detrimental to their reproductive health.

One particularly worrying aspect we noticed is that the children have certain malformations of the eyes, head, mouth and arms, most probably resulting from toxic contamination from their mother during pregnancy.

For example, in Kambove, the women told us that most of them suffer from menstrual disruption and are victims of miscarriages. Most of them also suffer from vaginal yeast infections.

Despite daily deaths, occupational accidents and destitution being a routine part of life for the artisanal miners and women on these sites, their determination to survive by working in mining remains unchanged. The women questioned work between eight and ten hours a day. They accumulate immeasurable fatigue. The organisation of the work depends on the quantity of minerals collected each day. The women working

on the mining sites do so in these squalid conditions. Another striking indicator is that 95% of the women (young girls) who work on these sites have a very low level of education; many of them are illiterate, and cannot read or write.

Moreover, it must be acknowledged that the work of women on mining sites increases their vulnerability. It is difficult for any provision to be made for their becoming autonomous so long as it remains an essentially male preserve.

We also noted a large number of young marriages. The women explain that living without a husband is like a curse. However, most of them say that they do not live under the same roof as a couple, because their husband leaves for long periods to find other means of subsistence. Often, these men do not return; some women find themselves obliged to form other relationships, out of necessity and to have a status in society, rather than on the basis of sentiment. According to them, marriage and motherhood give them a higher social status.

The massive influx of a variety of individuals to the sites has caused a rapid deterioration of sexual mores on certain sites. On both sites, there are makeshift houses consisting of huts made from tree branches, without any conveniences, that do not protect the population against bad weather. These huts do not have any sanitation whatsoever.
These sites do not have a health centre or medical staff. Injured and sick people and pregnant women have to travel long distances in difficult conditions to reach a treatment centre.

The women asked us to lobby for them to have a health centre, because their children suffer particularly from malaria, respiratory infections, diarrhoea and cutaneous conditions.

The diet on these sites is essentially based on cereals, such as sorghum and potatoes. These foods are generally low in trace elements and energy nutrients such as proteins. The meagre meals, taken in poor hygiene conditions on the sites, are inadequate in view of the intense pace of work on the part of the women, especially those that have a family.

In addition, they consume processed foods in the form of canned foods that are usually poorly packaged. Furthermore, the water is polluted; this also complicates the production of food and the supply of potable water.

From an emotional and psychological point of view, most of these women are responsible for their families and suffer from loneliness: they are often abandoned by their husbands, who shirk their responsibilities. This leads to a lack of healthy sexual behaviour in the family. Those who remain and withstand the pressures devote most of their time to the quarries and come home in the evening tired and discouraged. This state of affairs goes on for many years.

Violence against women in the mines

Since violence against women is to be found in all societies, once insecurity becomes established in a community, women are immediately in danger. This is often the case in several regions of DRC, and is indeed the case in the artisanal mines.

When we attempted to discuss sexual violence, certain women were very reluctant to speak about it, because it is a taboo subject. They find it difficult to talk about sexual violence, or confined such discussions to rape. On certain sites, the women were quick to swear that there was no sexual violence in their communities.

Nevertheless, the general trend shows that the great majority of women working in the artisanal mines admit that violence does exist. Indeed, 73.75% of the women we met said that the women are subjected to sexual violence, compared to 15% who said the opposite, with 11.25% not expressing an opinion.

As we visited the sites, we noted a high rate of prostitution, sometimes involving under-age girls. Some women are recruited by the site owners and operators, who make them sell their bodies to earn money. This would explain the high prevalence of HIV in the mining zones: 4.5% compared to a national prevalence of 1.1%.[5]

The other types of violence noted included under-age pregnancies in girls aged 13 to 15, sexually transmitted diseases, rape as part of traditional rites to enable women to "give their bodies without resisting", and blackmail in the case of refusal to give their bodies to men wanting to become their pimps on the sites.

The women complained about the fact that the men confiscate their tools and sometimes ill-treat them. In general, the women are subjected to violence and blackmail on a daily basis, including police harassment; they are unable to call on the security forces, who are unconcerned by their safety, and without any access to the justice system, which is much too remote from the mines.

The work itself is also a form of violence, because it is carried out relentlessly and sometimes inhumanely on the sites.

Consequently, the great majority (71%) of women met in the artisanal mines do not feel safe on the sites.

In November 2009, the village adjoining the Luswichi mine was razed to the ground by the mine police, equipped with bulldozers supplied by the mining company CMSK.

Mines and forced displacement

Forced displacements are another type of mining-related human rights violation to be found in Haut Katanga. Women in particular are usually the victims, on the pretext of mining natural resources.

The land in the region is liable to be divided into mining plots, the property deeds for which are granted even for inhabited areas. One example of this is LUISHING MINING, a company operating in the locality of Luisha. In these cases, the inhabitants are evicted from their homes, having being paid little or no compensation. Another example is the Kikwanda site in the neighbouring locality of Lubumbashi.

The practice of forced displacement is always a potential source of conflict. This is all the more worrying given the high degree of militarisation of artisanal mines and the presence of the mining police and private security forces.

Photo: Gwenn Dubourthoumieu ©

Impact on neighbouring populations

Although WILPF research is not specifically concerned with the environment, it would be difficult to ignore the obvious environmental impact of artisanal mines.

The impact on the sites visited varies depending on the size of the mine, the substances mined, and the methods used. For example, on the Kambove site, we noted the destruction of farmland, the pollution of rivers, deforestation, soil destruction, and the pollution of water resources, often resulting from the use of chemicals.

In addition to the pollution caused by the mines, the high concentrations of people in the same area often result in excessive wood-cutting to meet the needs generated by the mine, housing, and heating. Environmental pollution may also be noted, the result of waste from the mines and significant build-ups of refuse.

The women explained that they can no longer farm the land, which has become unsuitable for farming. We also observed a phenomenon of intensive erosion, leading to complete destruction of the soil and roads.

All these phenomena can become catastrophic, increasing the risk of climate change and exposing the population in general, and women in particular, to a large number of diseases.

Pack of extracted minerals transported long distances on the head by these women. Site Kansonga.

Conclusion

With this research, WILPF intends to bring the voices of women working in the artisanal mining to the international sphere. To do so, we should listen first to their demands and analyse the measures that could be taken multilaterally to improve their situation.

The ignored wisdom of local women

Having noted serious human rights violations and the existence of an unsustainable mining system in the artisanal mines, WILPF listened to the aspirations and recommendations of the women who live there. These women spoke of their aspirations and made a large number of suggestions for improving their circumstances. Their wishes and suggestions include sustainable solutions for health and care for the environment. They raised subjects such as a well for potable water, health centres, and fertiliser and seed centres, in order to move towards a farming economy away from the mines.

All the women we met stated that if they were presented with interesting, lucrative alternatives, they would leave the mines. They all agree that the work they do in the mines is difficult and has many negative consequences on their health and safety.

However, the wisdom of these women is ignored by the mining industry, which follows a capitalistic and economic approach, placing monetary profit above the wellbeing of individuals and the planet.

It can be concluded from the wishes of the women miners that they want a sustainable alternative to mining; mining that is controlled and takes place in such a way as to respect human rights and the environment; mining that seeks the wellbeing of people and not just the profit of the corporations that export minerals.

However, the women who work in the mines are completely powerless to claim these rights, let alone achieve a change in the legal and economic system governing this activity.

An international treaty to supervise the actions of corporations

In the context of artisanal mines, which are not directly operated by the subsidiaries of large multinationals but which exist for the latter's benefit and with their collusion, it is clear that there is a lack of any legal framework that would make it possible to hold these corporations accountable as regards their human rights obligations.

The activities of business enterprises and their impact on human rights have now been addressed in the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" framework.[6] Nevertheless, these principles remain optional, and their implementation requires national action plans. So far, only ten countries in the world have adopted national action plans. The impact observed remains very slight and the effectiveness of the guiding principles is disputed, in particular due to the fact that they are optional.

As explained above, corporations at the top of the supply chain are responsible for setting prices, and thus for the living and working conditions in these mines. However, they prefer to remain oblivious to violations and continue to obtain their supplies at low prices.

As these corporations are based abroad and DRC is a poor country, it is clear that there is an imbalance of power between the corporations, the government and the people. The existence of an international framework to define the obligations of participating States, including the States of origin of these corporations and of all the business enterprises in the supply chain, would contribute to restricting such behaviours such that human rights are observed and access to justice is facilitated.

Furthermore, there is no associated supervisory mechanism for monitoring the observance of the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" framework. Consequently, in the case of violations observed in DRC, there is no mechanism for control or remedy that can be invoked with respect to these Guiding Principles.

In view of this, in July 2014 the Human Rights Council began a process "to elaborate an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights".[7]

This would be an international treaty forming part of international human rights law, governing the activities of transnational corporations and other business enterprises. Such an instrument has the potential to assign clearer responsibilities to all actors in the supply chain.

If we take the case under consideration here as an example, such a treaty could oblige the authorities of DRC to ensure that corporations do not violate human rights or obtain supplies of raw materials if the mining process is carried out in inhumane conditions.

Furthermore, this treaty could confer on the States of origin of the corporations which obtain supplies of minerals from artisanal mines in DRC the obligation and capacity to ensure that such business enterprises do not violate human rights or obtain supplies of raw materials if the mining process is carried out in inhumane conditions. It would therefore be the responsibility of France, Belgium, Canada, or any other State whose business enterprises wish to obtain supplies from DRC, to pass laws to ensure the prevention of violations and apply sanctions if violations occur.

This solution could encourage close collaboration between exporting and importing countries, to prevent human rights violations and promote a more just global economic system.

Appendix

1 Committee on the Elimination of the Discrimination against Women: 2010. General recommendation no. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women. CEDAW/C/GC/28.

2 UN Human Rights Council, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, 8 July 2015, A/HRC/30/35,

3 Le Monde.fr avec AFP Les institutions européennes s'accordent sur un encadrement des "minerais de sang"

4 Ministry of Mines, RDC

5 Report 2012, National Programme Against Aids.

6 Resolution adopted by the Human Rights Council 17/4: Human rights and transnational corporations and other business enterprises

7 Resolution A/HRC/RES/26/9: Elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights

The Women's International League for Peace and Freedom (WILPF) is an international non-governmental organisation (NGO) with National Sections covering every continent, an International Secretariat based in Geneva, and a New York office focused on the work of the United Nations.

Since our establishment in 1915, we have brought together women from around the world who are united in working for peace by non-violent means and promoting political, economic and social justice for all.

Our approach is always non-violent, and we use existing international legal and political frameworks to achieve fundamental change in the way states conceptualise and address issues of gender, militarism, peace and security.

Our strength lies in our ability to link the international and local levels. We are very proud to be one of the first organisations to gain consultative status (category B) with the United Nations (UN), and the only women's anti-war organisation so recognised.

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