Breaking the Chain

Ending the supply of child-mined minerals

by Hannah Poole Hahn, Karen Hayes, and Azra Kacapor
Acknowledgments

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### Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>ABA</td>
<td>American Bar Association Rule of Law Initiative</td>
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<tr>
<td>ARDERI</td>
<td>Association Régionale pour le Développement Rural Intégré</td>
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<tr>
<td>ASM</td>
<td>artisanal small-scale mining</td>
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<tr>
<td>CRC</td>
<td>United Nations Convention on the Rights of the Child</td>
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<td>DISPE</td>
<td>Department of Child Protection</td>
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<td>DRC</td>
<td>Democratic Republic of Congo</td>
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<td>GE</td>
<td>General Electric</td>
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<tr>
<td>GIZ</td>
<td>Gesellschaft für Internationale Zusammenarbeit</td>
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<tr>
<td>ICLS</td>
<td>International Conference of Labor Statisticians</td>
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<tr>
<td>IFC</td>
<td>International Finance Corporation</td>
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<tr>
<td>ILO</td>
<td>International Labor Organization</td>
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<tr>
<td>ITRI</td>
<td>The International Tin Association</td>
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<tr>
<td>iTSCI</td>
<td>ITRI Tin Supply Chain Initiative</td>
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<td>LSM</td>
<td>large-scale mining</td>
</tr>
<tr>
<td>MINAS</td>
<td>Ministry of Social Affairs, Humanitarian Action and National Solidarity</td>
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<tr>
<td>NGO</td>
<td>nongovernmental organization</td>
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<tr>
<td>OECD</td>
<td>Organization for Economic Co-operation and Development</td>
</tr>
<tr>
<td>RDC</td>
<td>République Démocratique du Congo</td>
</tr>
<tr>
<td>RECOPE</td>
<td>Réseau Communautaire de Protection de l’Enfant</td>
</tr>
<tr>
<td>REETE</td>
<td>Project to Reduce Exploitation of Working Children through Education</td>
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<tr>
<td>SAESSCAM</td>
<td>Service d’Assistance et Encadrement de Small-Scale Mining</td>
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<tr>
<td>SAFE</td>
<td>Soins Appropriés pour les Familles et les Enfants</td>
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<tr>
<td>SEC</td>
<td>U.S. Securities and Exchange Commission</td>
</tr>
<tr>
<td>SGBV</td>
<td>sexual and gender-based violence</td>
</tr>
<tr>
<td>TIC</td>
<td>Tantalum-Niobium International Study Center</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<td>UNFPA</td>
<td>United Nations Population Fund</td>
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<td>UNICEF</td>
<td>United Nations Children Fund</td>
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<td>UniLu</td>
<td>University of Lubumbashi</td>
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<tr>
<td>USAID</td>
<td>United States Agency for International Development</td>
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<tr>
<td>WFCL</td>
<td>worst forms of child labor</td>
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<td>ZEA</td>
<td>Zone d’Exploitation Artisanale (Artisanal Mining Zone)</td>
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Dear Reader,

When this research began, most respondents told us that child mining is due to poverty. Although a close relationship is clear, its nature is neither simple nor linear. Artisanal miners are not the poorest of the poor, and often earn considerably more than their counterparts pursuing other rural livelihoods. However, their relative wealth does not translate into improved standard of living, causing us to question the underlying dynamics of their poverty. Understanding those dynamics can provide important insight into the drivers of child labor.

Child labor in mines is categorized as one of the Worst Forms of Child Labor and it is incumbent upon us to do what we can to uncover the causes of the issue and develop sustainable targeted solutions. This research was designed to fully understand the causal spectrum in three mining areas of Katanga Province in the Democratic Republic of Congo, with a goal of identifying and implementing appropriate, targeted, realistic interventions that will genuinely make a difference in the everyday lives of the nation’s child miners—and in their futures. The interventions proposed in this document are evidence based and context specific. The authors recommend interventions based on the specific vulnerabilities of different categories of children identified in the mines.

Although child labor is often thought to be complex and difficult to resolve, this report demonstrates that with resources, commitment, and coordination, the combined efforts of international, national and local actors, can significantly reduce the incidence of child labor in Northern Katanga. Together, it is possible to help create safer, healthier lives for a whole generation of children.

I hope that in reading this report, you are inspired to be a part of making that difference for these children, and I encourage you to reach out Pact and our partners to learn more about how you can join our effort.

Mark Viso
President
Pact, Inc.
Executive Summary

Artisanal and small-scale mining in the Democratic Republic of Congo, an economic activity upon which an estimated 12 to 15 percent of the population relies, often involves child labor. The complex economic and societal considerations that drive children to work in the cassiterite, coltan, and wolfram mines in the northern parts of the country’s Katanga province are complex. Pact undertook this study to better understand the motivating factors and the context that lead children to work in mines. Insights from this research enable Pact and others to implement appropriate, realistic interventions for child miners in the DRC.

The International Labor Organization, a specialized United Nations agency, deems mining to be one of the worst forms of child labor due to the risks it imposes on children’s health and well-being. Many children employed in Katanga mines work more than eight hours a day; sometimes they are involved in dangerous, labor-intensive practices: crushing, extracting, and transporting minerals.

Based on qualitative and quantitative research and a survey of stakeholders in the northern Katanga mines, key features of the situation of children who work in the three mining areas surveyed are:

- Children come from various family situations and age ranges. Children are often first introduced to the mines by accompanying a parent to work. The children’s labor might start out as a side activity but grows in significance with their age. Over time, the family depends on the supplemental income to cover the cost of household or discretionary items or school (if a school is nearby).
- Mining tasks for children are typically less rigorous than those for adults. Younger children remain out of the deep mining pits and tunnels. Children often engage in lighter surface digging or in the transport, sorting, or washing of minerals and the selling of goods to fellow workers.
- Child miners work long hours. Nearly 50 percent of survey respondents report that children over the age of seven work eight or more hours a day, and 78 percent of respondents affirmed that children between 15 and 17 work more than eight hours a day.
- Money earned by child miners varies widely by age, but most have a large amount of control over how their earnings are spent. Typically, the money goes for immediate needs, and if there is extra, for luxury items; there is little indication that any is saved.
- In addition to emotional, behavioral, and developmental risks presented by mine work, children are more susceptible to health risks and mining hazards than adults. Girls are particularly vulnerable to early sexual debut or pregnancy.

Given these results, Pact suggests the following interventions:

- We identified three distinct categories of child laborer: children who work with their parents; children who work alone or with nonfamily adults; and children who work of their own volition.
- We recommend targeted solutions that address the specific needs and causes of vulnerability of the three categories of child miners.
• A social-ecological systems approach for programming that recognizes the interconnected influences of family, community, and society on child labor and a child’s development and therefore works in partnership with actors at various levels.

• Provision of a continuum of care for children from birth into adulthood, including strengthened social services and child protection; improved capacity and awareness of mining services on the worst forms of child labor (WFCL); educational support, including school fee assistance; economic strengthening and prevention of child labor that considers existing national and international frameworks instruments, industry formalization, and societal awareness on the impact of child labor in mining as well as services available.

• Consideration and coordination with previously successful child protection structures and organizations in Katanga.
Caveats and Limitations

Information given in this report is based on the best and most reliable data that the teams from Pact, the University of Lubumbashi, and Association Régionale pour le Développement Rural Intégré (ARDERI) were able to obtain in the time available.

Miners, traders, and others associated with artisanal mining are often reluctant to share information for a range of reasons, including: possible illegal status; suspicion as to why they are being asked; reluctance to disclose personal information to strangers or to let others know about what they might have that is worth stealing; and fear of increased taxation or reprisals. The subject matter of this report is of a highly sensitive nature, and many individuals were hesitant to discuss details of child labor in mining because they know it is illegal and did not want to implicate themselves, their children, or their colleagues. Since many children themselves know that they should not be in the mines, they would frequently hide when research teams arrived on site. The full identity of all individuals who provided information for this report has been kept confidential.

Pact upholds and respects Democratic Republic of the Congo and international legislation regarding child labor in mining and neither condones nor encourages this practice. However, Pact is also aware that creating a climate of fear in the mines without providing any positive interventions to address the root causes of the issue is likely to make the activity ever more hidden and the children who need support increasingly difficult to reach.

Recommendations in this report are proposed in good faith based on our analysis of the current dynamics observed in the mines of Malemba Nkulu, Manono, Mitwaba, in Katanga; on our knowledge of best practices in the mining sector; on our previous experience in artisanal small-scale mining; on our knowledge of and commitment to improving the lives and the economic and legal status of artisanal miners; and on what we consider to be responsible, effective, and practical measures.

Introduction

After investigations by international agencies, lobbying by nongovernmental organizations (NGOs), and increasing concerns of consumers during the last seven years, the international media, markets, and US legislatures have begun to focus on the link between minerals and conflict in Central Africa. In response, the United States government enacted regulations for conflict minerals in a section of the Dodd-Frank Wall Street Reform and Consumer Protection Act, which President Barack Obama signed into law in July 2010. Dodd-Frank catalyzed companies to change their practices and declare the source of minerals in their supply chains and set out requirements concerning illegal taxation, human rights abuses, armed groups, and the funding of conflict. However, although the international community and new laws have worked to establish regulations that ensure that minerals do not fund conflict, we must find responsive ways to address non-conflict issues in the mining industry, such as child labor, without imposing embargoes which can be detrimental to local economies.

Alongside Dodd-Frank, the international community—through the Organization for Economic Co-operation and Development (OECD)—published a Due Diligence Guidance that mirrors and elaborates on Dodd-Frank requirements and adds one more: Section 1(iii) of Annex II, “Model Supply Chain Policy for a Responsible Global Supply Chain of Minerals from Conflict-Affected and High-Risk Areas,” states: “While sourcing from, or operating in, conflict-affected and high-risk areas, [companies should] not tolerate, profit from, contribute to, assist with or facilitate the commission by any
part of . . . the worst forms of child labor.” The Democratic Republic of Congo (DRC) formalized OECD guidance requirements into national law in 2012.

The International Labor Organization (ILO), a specialized United Nations agency, deems mining to be one of the worst forms of child labor (WFCL) because of the risks to health and well-being inherent in the work. Many child miners in Katanga put in more than eight hours a day and some are involved in the dangerous and labor-intensive crushing, extracting, and transporting of minerals.

However, child labor is a complex issue, interlinked with a variety of causal and augmenting factors. The OECD guidance provides no practical support on how companies can best address the issue of child labor other than disengagement when it is found to be present in their supply chain. Where mining practices are not formalized, even where there is no connection to conflict or the funding of armed groups, there is always the chance that children are working in the mines. This possibility creates a problem for companies aiming to comply with the OECD Due Diligence Guidance on all aspects of conflict minerals, because they are also required to address the issue of child labor, a practice that is major, entrenched, and complex. The first step for the international community in helping these companies meet that challenge is to better inform them about the many facets of child labor and then to develop concrete, actionable interventions that can be used to work toward compliance in a way that is relevant to the context and the specific needs of the mining populations and their children.
To date, little data or research has been available to illuminate the causes and influencers that take children into the mines. A March 2013 report from World Vision on child labor in Kabowe in the Katanga Copper belt and a Human Rights Watch report on children in the gold industry in Tanzania are adding to the body of research on the issue. However, because of the difficulty of quantifying an illegal activity, no statistic on the number of children working in mines can be definitive. Moreover, the situation varies from mine to mine, depending on such factors as proximity to villages, level of mine management, mine ownership, and the presence and attitude of state agents.

Child labor occurs in mining sites around the DRC and in many other countries in the region and in all types of mines including gold and gemstones. Each area and mining type has different conditions which put children at risk in various ways. In planning the research for this report, Pact has focused on the cassiterite, coltan, and wolfram mines of Malemba Nkulu Territory in Haut-Lomami District, Manono Territory in Tanganyika District, and Mitwaba Territory in Haut-Katanga District, all in DRC’s Katanga province. Our research revealed that children are working at all points of the supply chain—directly in mineral extraction, in assisting the processing and transportation of minerals, and in trading. Our research highlights causal factors contributing to child labor, and identifies three distinct categories of child laborers: those who work with their own family units; those who work with other adults; and those who work alone. Each group has different core reasons for being in the mines, and to address those reasons, a different initiative is required for each group. In this report, we suggest evidence-based interventions that will enable government, companies, and other actors to address current needs of children in mines and to end child labor in mines in the future.

Background on Artisanal Mining

The Democratic Republic of the Congo, rich in mineral resources, possesses some of the world’s largest deposits of cobalt, copper, tin, tantalum, gold, and diamonds. With the exception of copper and cobalt, where industrial mining—also known as large-scale mining (LSM)—is taking place, most minerals in the DRC are produced by artisanal mining or small-scale mining (ASM)—where manual labor and rudimentary methods are used to extract, transport, and sell the minerals, which are used every day in almost every aspect of our lives: in our cell phones, televisions, computers, cars, and airplanes, among other familiar objects. According to World Bank estimates, artisanal miners produce 90 percent of minerals in the DRC. Estimates for the number of individuals directly involved in DRC’s artisanal mining vary from between 500,000 and 2 million individuals. With the number of immediate dependents per miner estimated conservatively at four to five, the total number of persons whose livelihood depends on artisanal mining could be as high as 8 to 10 million—that is, 12 to 15 percent of the DRC’s population. It is impossible to estimate how many people depend on the cascade of economic activity that the miners generate, but it is clear that mining is the backbone of the trading economy in the DRC today.

Artisanal mining in the DRC typically is not based on good geological knowledge, is highly labor intensive, and is of unpredictable productivity. Miners are typically unskilled, use little or no protective gear, and extract minerals with their bare hands or with simple tools using basic techniques. Poor working conditions impose tremendous risks on artisanal miners. No substantial consideration is given to pollution or other environmental impact on the region or to worker health and safety. Accidents and falling debris, the carrying of heavy loads, and exposure to dust and other minerals and chemicals put miners’ health at risk. Use of such dangerous
inputs as explosives, mercury, cyanide, and other chemicals is uncontrolled.

Health hazards arising from environmental contamination, poor sanitation, and contamination of food and water can heighten the risk of disease within communities in the mining areas. Drug and alcohol abuse are common in mining camps, and can affect surrounding communities. ASM sites often attract or cultivate a sex trade, with related health risks as well as the potential for exploitation of those entering the sex trade unwillingly or when underage.

Women constitute a significant proportion of the artisanal mining sector and carry out a full range of activities, both in the mines and in providing support services. In the mines, women dig, crush rocks, wash and sort minerals, transport ore, and carry out mineral processing and trading. Outside the mines, women supply services to the camps, selling goods, employed in restaurants and hotels, and earning a livelihood as sex workers. Although everyone in the ASM sector faces challenges, the security, health, and social risks posed to women are particularly acute. Although there are women mine owners and major mineral traders and although women have formed their own mining associations and have prospered in the sector, women in artisanal mining in the DRC suffer discrimination in relation to opportunities and pay in some areas. They also have unequal rights to resources and access to capital. Women may be excluded from the actual mines out of superstition, cultural habit, or for other reasons. Despite the fact that the DRC national mining code does not discriminate on the basis of gender, local authorities may produce legislation prohibiting women’s presence in mines.

Artisanal miners are often migratory, moving among mines on receipt of news of new, valuable strikes which result in “rush” mines and a sudden, brief influx of opportunistic miners. Other miners may move on in search of new sites as deposits are used up. In some cases, miners may be sedentary and communities may have operated a mine for a long period of time. ASM can be a full-time occupation, or it can be seasonal or provide a supplementary source of income alongside other activities.

Artisanal miners often lack adequate legal protection and government support and are not ensured legitimate access to appropriate resources. In the DRC, artisanal mining is legal only when miners over the age of 18 are registered and working in designated ASM Zones (in French, Zone d’Exploitation Artisanale, or ZEA). However, at the time of publication of this report, there were few such ASM Zones, and thus many miners worked illegally on sites officially designated for industrial-scale mining. Yet the legality of this situation is blurred, as miners are typically required to pay taxes to government officials. Where LSM companies seek to exercise their resource rights to exploit their concession, conflicts often arise over land use rights and legal restrictions. In addition, ongoing conflict in certain regions of the DRC perpetuates exploitative activities, rendering the area’s artisanal miners acutely vulnerable. In such situations, artisanal miners are often subjected to extortion, theft, and even forced labor by armed groups preying on the mines and mineral trade as a tempting and lucrative source of loot.

Children and Artisanal Mining
The hazardous working conditions in which ASM is carried out have a particularly negative impact on children who work in the mines. Due to their size, children may be put to work in small spaces and following narrow mineral veins. They are often required to carry out repetitive tasks such as rock crushing or panning. In some contexts, such as around gold mines, they may be exposed to high levels of toxins such as mercury, used to mix with water and ore for amalgamation of gold. Children may be required to carry heavy weights of ore, waste, or water. The physical stress they face and the bodily damage they sustain is potentially
greater for them than for adults, because their bones and organs are still growing and they are physiologically more vulnerable to disease and toxins. In addition, exposures are often proportionally higher, given their lower body weight and childhood behaviors that compound their level of exposure (e.g., putting their hands in their mouths after direct contact with sand or soil). Added to this, given their need for a safe, nurturing environment to support their development, children are highly vulnerable to emotional pressures and risks associated with mining.

The ILO succinctly summarized the situation this way: “[Children face] the same risks as adults—cave-ins, rock falls, mercury poisoning, asphyxiation—but, because their bodies and judgment are still developing, injuries are more likely . . . and [children] are more likely to fall victim to the free-wheeling lifestyle common in mining camps. Those who do not work directly in the pits provide services to those that do. A significant proportion of children in mining areas are already trapped in prostitution. Virtually none get a decent education.”

Context of Child Labor

Poverty is widespread in the DRC and, with more than 70 percent of the population living below the poverty line of US$1 a day (per the 2005 Demographic and Health 1-2-3 survey), it has inescapable national consequences on society’s most vulnerable individuals. Children across the DRC are stunted and underweight as a consequence of food insecurity, which affects 39 percent of rural households. The consistent lack of nutritious meals acutely impacts the growth and health of children under five. In this group, 11 percent suffer from acute malnutrition, 24 percent are underweight, and as many as 43 percent show stunting, a sign of chronic malnutrition.

Education throughout childhood and youth, critical to overcoming chronic poverty, is unattainable for most families. Just one in nine children is on track to develop reading, writing, and arithmetic skills, and only 14 percent of children enrolled in primary school at the age of six complete the sixth grade on time. Low education rates have implications for the whole family and the community at large. Research shows that children born to mothers with no education and in the poorest households have nearly twice the risk of dying before their fifth birthday as those born of mothers with secondary or higher education and living in the wealthiest households. Yet one in five women in the DRC is uneducated, and 65 percent of women aged 15 to 24 in Katanga are illiterate.

UNICEF data suggests that in the DRC, 42 percent of children aged five to 14 are working, and in rural areas as many as 46 percent of children are working. Working at a young age is more common among girls than boys, with 48 percent of girls working compared to 36 percent of boys. Finding solutions to child labor in the DRC is made more challenging given the country’s youthful demographics: 54 percent of the population is under 18. Of this segment of the DRC population, 19 percent of children are under five. Only 2 percent of the population is over 65.

The Legal Framework

The Overarching International Instruments

Together, three main international conventions are the defining instruments grounding national and international legislation and plans to prevent child labor: the United Nations Convention on the Rights of the Child (CRC); the International Labor Organization Convention No. 182, the Worst Forms of Child Labor Convention; and ILO Convention No. 138, the Convention Concerning Minimum Age for Admission to Employment.
Convention on the Rights of the Child
The CRC, a human rights treaty signed in 1989, binds its signatories to upholding the entire range of human rights—civil, cultural, economic, political, and social rights—for all persons under the age of 18 who require care and protection often unique to that of adults. States that ratified the convention are required to develop policies and undertake actions in the best interests of children.

The convention specifies that all children are entitled to four basic human rights:

- The right to survival.
- The right to develop to the fullest.
- The right to protection from harmful influences, abuse, and exploitation.
- The right to participate fully in family, cultural, and social life.

The CRC also lays out the four core principles:

- Nondiscrimination.
- Devotion to the best interests of the child.
- The right to life, survival, and development.
- Respect for the views of the child.

Furthermore, the convention establishes standards for children in health care, education, and legal, civil, and social services.

ILO Convention No. 182, the Worst Forms of Child Labor Convention
This convention, adopted in June 1999—also known as the Worst Forms of Child Labor Convention—is one of the key documents of reference. The ILO defines the worst forms of child labor (WFCL) as all work by persons under the age of 18 involving:

- All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict.
- The use, procuring, or offering of a child for prostitution, for the production of pornography, or for pornographic performances.
- The use, procuring, or offering of a child for illicit activities—in particular, for the production and trafficking of drugs as defined in the relevant international treaties.
- Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children.
- The accompanying recommendation No. 190, also dating from 1999, provides further guidance to governments on some hazardous child labor activities that should be prohibited under the convention:
  - Work that exposes children to physical, psychological, or sexual abuse.
  - Work underground, under water, at dangerous heights, or in confined spaces.
  - Work with dangerous machinery, equipment, and tools, or that involves manual handling or transport of heavy loads.
  - Work in an unhealthy environment that may, for example, expose children to hazardous substances, agents, or processes, or to temperatures, noise levels, or vibrations damaging to their health.
  - Work under particularly difficult conditions, such as work for long hours or during the night, or work where the child is unreasonably confined to the premises of the employer.

ILO Convention No. 138, Minimum Age for Admission to Employment
Convention No. 138, adopted in June 1973 and entered into force in June 1976, together with Recommendation No. 146, Recommendation Concerning Minimum Age for Admission to Employment, also adopted in June 1973,
require ratifying states to raise the minimum employment age and uphold national policies that ensure the eradication of child labor.

The convention outlines the abolition of child labor; the recommendation provides the overarching framework and policy measures to prevent and eliminate it. The convention covers all sectors of the economy and employment, and several of its clauses allow for flexibility in establishing various minimum work ages given different types of work and country level of development.

Three principles outlined in the convention establish age requirements for work:

- The basic minimum age for work should not be less than the age for completing compulsory school and never under the age of 15.
- Any work that could jeopardize a child’s physical or mental health, safety, or morals is prohibited for anyone under the age of 18.
- Children between the ages of 13 and 15 may perform light work so long as it does not endanger their health and safety or hinder their participation in school or vocational training.

In 2012, the DRC government ratified the requirements of the OECD guidance (below) into law.

The actual execution of laws that protect children falls to a group of ministries within the DRC government. The Ministry of Labor is the primary agency responsible for investigating WFCL. Although responsible for inspecting mine sites, the ministry lacks the resources for these inspections, and there is no government system to monitor and follow up on child labor reports. The Ministry of Mines and Hydrocarbons, specifically the Service d’Assistance et Encadrement de Small Scale Mining (SAESSCAM), is responsible for oversight and management of the artisanal mines and is also aware that it is illegal for children under the age of 18 to work in the mines. The Ministry of Social Affairs, Humanitarian Action and National Solidarity (MINAS), through its Department of Child Protection (DISPE), as well as the Ministry of Gender, Family and Children and the Ministry of Justice, all work on issues related to child protection. Despite oversight from numerous ministries, it is unclear how these agencies work together or whether they have strong referral systems at local and regional levels.

Democratic Republic of Congo Legal Framework

Nationally, the DRC government has set parameters around the occupation of children that protect them from work in the mining sector. The Labor Code of 2002 defines a child as anyone under the age of 18 and sets the minimum age for work at 15. The 2008 Ministerial Order for the Establishment of Working Conditions for Children establishes the minimum age for hazardous work as 18 and lists prohibited hazardous activities. This law builds on preceding regulations, including the Ministerial Order of 1968, which prohibited the use of children in the extraction of minerals and debris from mines, quarries, and earthworks. Article 8 of the 2008 ministerial order prohibits the most hazardous forms of labor, including work that risks children’s health, security, or dignity. It also specifically states that children should not have to travel or work underground, under water, at dangerous heights, or in confined spaces, and in general, prohibits all work of a dangerous or unhealthy nature. Finally, the law states that children are not allowed to work on weekends, after dark, or for more than eight hours a day; and are not permitted to be employed in work that exceeds their strength, exposes them to elevated levels of risk, or in areas that may harm their morals. Article 10 of the ministerial order specifically lists the maximum weight that boys and girls aged 16 to 18 are permitted to carry.
Other Frameworks

Dodd-Frank Provisions and U.S. Securities and Exchange Commission Rules
The Dodd-Frank Wall Street Reform and Consumer Protection Act, the U.S. response to widespread concern to ensure that minerals are not funding conflict and that mineral supply chains are not fostering or perpetuating human rights abuses, includes a “Miscellaneous Provisions” section (No. 1502) regulating “conflict minerals.”

As directed by Dodd-Frank, the U.S. Securities and Exchange Commission (SEC) issued rules in August 2012 requiring certain companies whose securities are publicly traded in the United States disclose whether their products contain certain minerals sourced in the DRC or an adjoining country—specifically, tin, tantalum, and tungsten (“the 3T’s”) and gold—if these minerals are “necessary to the functionality or production” of a product manufactured by the company. Under the SEC rules, the companies must provide a description of the measures they are taking to ensure “due diligence” on these minerals’ source and chain of custody including an independent, certified, private sector audit of the report.

Dodd-Frank was a catalyst for companies to change their practices, declare the source and verify the conflict-free status of minerals in their supply chains. It also set out requirements concerning illegal taxation, human rights abuses, armed groups, and the funding of conflict.

Support for Miners from Bilateral Organizations, Civil Society Organizations, and Others
To meet the requirements of the market and to ensure that miners could legitimately trade their minerals internationally, various governments, bilateral organizations, companies, and civil society organizations are working in collaboration to find ways to reduce the presence of conflict in the mines and to restart the mining industry in the DRC. One solution was developed by the international tin association, ITRI, and later supported by the Tantalum-Niobium International Study Center (TIC), the tantalum industry association, in collaboration with the industry and governments of the DRC and Rwanda, in order to determine the source of the raw minerals being produced and traded in the DRC and adjoining countries and to ensure that they are “conflict free” in accordance with OECD requirements.

The ITRI Tin Supply Chain Initiative: The ITRI Tin Supply Chain Initiative (iTSCi) is implemented in the field in the region by Pact, working alongside government mines agents, mineral traders, and exporters (négociants and comptoirs); local organizations, including ARDERI; and international organizations such as Channel Research. The program uses a series of activities, including a “bag and tag” system of checks and balances, to create a complete due diligence system and a verifiable, audited chain of custody that identifies all actors, all

Guidance from the Organization of Economic Co-operation and Development
Alongside Dodd-Frank, the OECD’s Due Diligence Guidance for Responsible Supply Chains of Minerals in Conflict-Affected and High-Risk Areas was designed to help companies respond to the legal requirements, ensure respect for human rights in their supply chains, and avoid contributing to conflict by their mineral sourcing. This guidance mirrors and elaborates on Dodd-Frank requirements; while Dodd-Frank is the legal reference, the OECD guidance is more of a working document, outlining how companies can move toward compliance. As previously noted, it adds the additional requirement that companies sourcing from, or operating in, conflict-affected and high-risk areas should not tolerate, profit from, contribute to, or facilitate the commission of the WFCL.
sites, all payments, and any risk that mineral trading that might be supporting conflict. The system has also been supported by the South Africa Department of Trade and Industry, the Dutch Ministry of Foreign Affairs, and the German Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). iTSCi is now being implemented throughout Katanga, and 27,760 artisanal miners are selling their minerals through the system there, with many more participating in other DRC provinces and Rwanda. The system has facilitated fundamental reform in the formerly opaque mineral supply chains in the African Great Lakes region in the eastern part of the country; has demonstrated a way toward a “conflict-free” mineral trade; and has enabled thousands of miners to retain their livelihoods rather than falling victim to a de facto ban if they are unable to comply with traceability and due diligence requirements.

Remaining Challenges
“Conflict minerals,” the focus of Dodd-Frank and a portion of the OECD Due Diligence Guidance, are a separate challenge from child labor in mining. Where mining sectors are not formalized, there is always a chance that children are working in the mines but with no connection whatsoever to conflict or the funding of armed groups. As noted, the challenge for companies attempting to comply with the OECD Due Diligence Guidance is to simultaneously address both conflict minerals and child labor, when the latter is major, entrenched, and complex. Traceability and due diligence schemes can bring heightened monitoring and focus to artisanal mining, but without holistic systems and programs to respond to the needs of vulnerable children and their families, child labor practices are likely to prevail in a clandestine fashion, making it even harder to identify the vulnerable children and address their needs. Simply saying “no” to child labor is unlikely to have a genuine or sustainable positive impact. Nor will refusing to trade with their families alleviate their poverty and give them a better chance in life.

Methodology
This research was undertaken to gain an in-depth understanding of the socioeconomic factors that contribute to the prevalence of children working in mines in central and northern Katanga.

The research was focused on seven mines in the territories of Malemba Nkulu Territory in Haut-Lomami District, Manono Territory in Tanganyika District, and Mitwaba Territory in the Haut-Katanga District, all in DRC’s Katanga Province. Mines here yield cassiterite (tin), coltan (tantalum), and wolfram (tungsten)—the 3Ts. The 3T mines were selected as the focus of the study because Pact already had existing information on the demographics of the mines. Although child labor exists in other types of mines, such as gold and gemstone mines, the research did not focus on them as they are not currently part of the traceability and due diligence scheme implemented by ITRI and Pact.
The research was designed as a rapid assessment whose findings could inform the design and implementation of a large-scale program of targeted, integrated interventions by a consortium of actors. The research was conducted in complementary phases that combined qualitative and quantitative methods over a six-month period.

**Phase One—Literature Review:** The initial phase was a literature review and stakeholder mapping of the sector. Prior to in-country research, national statistics and published reports were referenced to understand the context. The team also mapped the various organizations working on the issue of child labor in mining, highlighting their primary activities and locations. This stage of the research revealed the significant levels of need and vulnerability, and the data on demographics, marriage age, and age of parenthood indicated some cultural practices that later surfaced in field research. The literature review results were used to inform the research questions and interview tools for the field research.

**Phase Two—Situation Analysis:** The second phase, a situation analysis, was conducted over two weeks by staff from Pact and researchers from the University of Lubumbashi (UniLu) and the local NGO, ARDERI. Two Congolese researchers from UniLu, one male and one female, were posted to each location to conduct the research. The team visited mines selected randomly from among several mine sites known to have child laborers. In addition, three Pact staff travelled to each location to hold multistakeholder meetings, to conduct interviews, and to visit mining locations.

The initial research questions were:

- Why do children work in mines?
- Under what conditions do children work?
- What business practices within mines relate to regulating child labor?
- What are the existing social norms that are protection mechanisms to safeguard children from harm while they are working?

Given the purpose and scope of the research as well as the sensitivity of the subject, a qualitative approach was deemed most appropriate. Data collection methodology included observations, key informant interviews, workshops, and focus groups.

<table>
<thead>
<tr>
<th>Town</th>
<th>Malenga Nkulu</th>
<th>Mitwaba</th>
<th>Monono</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child miner</td>
<td>16</td>
<td>19</td>
<td>34</td>
<td>69</td>
</tr>
<tr>
<td>Child non-miner</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Other Key person</td>
<td>9</td>
<td>9</td>
<td>12</td>
<td>30</td>
</tr>
<tr>
<td>Parent Miner</td>
<td>4</td>
<td>3</td>
<td>12</td>
<td>19</td>
</tr>
<tr>
<td>Parent Non-Miner</td>
<td>7</td>
<td>30</td>
<td>7</td>
<td>44</td>
</tr>
<tr>
<td>Teacher</td>
<td>3</td>
<td>3</td>
<td>5</td>
<td>11</td>
</tr>
<tr>
<td>Total</td>
<td>42</td>
<td>65</td>
<td>71</td>
<td>178</td>
</tr>
</tbody>
</table>
Researchers also held key informant interviews with Territory administrators, teachers, school children, civil society leaders, church leaders, police, mining company employees, members of traders’ associations, the mine police, officials from the Ministry of Mines, and officials from the Ministry of Gender, Family and Children. Interviews were also conducted with children in mines, parents of children in mines, other miners, and traders. The researchers used convenience sampling methods when conducting their interviews.

Pact also hosted multistakeholder workshops in each location and in Lubumbashi, the provincial capital city. These workshops were used to gather information on stakeholders and to highlight what the communities saw as being the causes and potential solutions to the issue of children working in mines.

The UniLu researchers held other focus groups with children in various age groups. The focus groups were categorized as girls’ groups and boys’ groups; children were also grouped by age range—five to nine, 10 to 14, and 14 to 18. The young participants were asked to draw pictures to describe what happy children look like and what sad children look like. They used the pictures to help describe their relationship to the mines and their current living situations.

After receiving the initial results from the situation analysis, Pact designed a quantitative study to collect data more specifically on the following questions:

- How important is school to members of the community?
- Who is responsible for earning school fees for children?
- How much money do children earn?
- How much control do children have over their own spending?
- How long are they working in the mines?

In each of the three towns, Pact and ARDERI staff conducted unscheduled interviews with 178 individuals using a mobile phone-based data collection system. The survey results were compiled and analyzed to supplement the qualitative research results.

Because it is widely known that children are not supposed to work in the mines, it was a major challenge for researchers that when they were present, children would hide and that to avoid reprisals or penalties, many interviewees denied any knowledge of child labor. The questionnaires for the quantitative study were therefore designed to gather data on people’s perceptions of child labor rather than on child labor directly reported by children themselves. Although children were polled, they comprised only one group of the total range of those interviewed. The results indicate community perceptions around the type and length of children’s work, households’ financial management, age of marriage, and age at first child’s birth.
Results

Child labor occurs in the cassiterite, coltan and wolfram mines of Malemba Nkulu Territory in Haut-Lomami District, Manono Territory in Tanganyika District, Mitwaba Territory in Haut-Katanga District, all in the DRC’s Katanga province. Because quantifying an illegal activity is difficult, it is neither possible to provide a definitive number of children working in the mines nor to give a reliable gender breakdown for child laborers.

In addition, the situation seems to vary from mine to mine, depending on such factors as proximity to villages, level of mine management, mine ownership, and presence and attitude of state agents.

Who They Are

Children working in the mines come from many different backgrounds and family situations. Children begin to work in and around the mines from the age of nine and earlier in some cases. While some children work in the mines consistently, others use the mine as an occasional source of money when the need arises.

Often, children begin working in the mines when they accompany their parents. Nursing mothers who need to work will often bring slightly older children to a mining site in order to take care of an infant sibling while the mother works. The older children soon learn how to collect small quantities of waste minerals from around the mining site, and over time, the amount collected starts to supplement their parents’ income.

In the event that no schools are nearby or where children have been excluded from school for some reason (e.g., nonpayment of fees, school closure, lack of teachers, learning difficulties, behavioral difficulties, prolonged periods of absence without access to remedial education, or family migration), the children may automatically go to the mine with their working parents instead of to school. Alternatively, older children may join their families in the mines after school hours or on weekends and holidays. Many children have some primary school education, but for most, education does not extend to secondary school. Attending school requires fees, and the need for these effectively drives children desiring education into the mine. Their back and forth between school and the mine makes their attendance inconsistent and their education incomplete. Less than half the children who work attend school; of all the children who attend school, 71 percent also work.

When children are excluded from school because of nonpayment of school fees, they often return to the mines to earn money to go back. Similarly, children may work in the mines to earn money to satisfy immediate needs—as when a child is hungry or medical bills need to be paid.

Certain children are highly vulnerable and due to death, divorce, or family illness, must work to provide for themselves, either as individuals or as the income-earner in a child-headed household.

Picture of a Child Miner in Manono

Dorcas lives in Manono. Although she is only 13, she spends five to seven hours a day working in the mines. Dorcas narrowly survived the collapse of a well in which she had been working, but continues to come to work in order to contribute to her family’s income. She believes that it is important for all children to attend school regardless of whether they are working, but Pact’s findings indicate that as she gets older it will become increasingly difficult for her to continue with school, depending on the age at which she marries, on family demands, and on the challenge of balancing a full day of work in the mines with school. Much of the $2.70 a day that Dorcas makes goes to her mother to support their household.
household, or to supplement a single parent’s income. In such cases, children may work with other adults or alone. Children from large families whose parents struggle to support them may be sent to live and work in the household of a relative, or they may be sent by their family to take advantage of the income opportunity that mining presents.

Young girls who have had their own children are considered adults and are often then responsible for supporting themselves and their children by working in the mines. These girls may qualify as children themselves, leading to a situation where two generations of children (one the parent, one the child) are working together in the mine.

Some older children choose to work in the mines because they enjoy having money to spend on discretionary items such as clothes, movies, and soft drinks—not items their parents would be willing to pay for. Peer pressure may also take them to the mines—if, for instance, their friends are working and it is considered the exciting thing to do. Reports from teachers illustrate that children in secondary school take pride in having new clothes and accessories and willingly engage in mining work, sometimes to the detriment of their education. Some children consider themselves adults once they reach a certain age—notably 15 and up—and are accustomed to earning an income; they may resent being categorized as children and see no benefit in returning to education.

Working gives adolescents the opportunity to learn a trade and contribute to the family income. However, light, nonhazardous labor that does not harm their health and does not interfere with education is appropriate. In the 2013 report by the ILO, 70 percent of working children reported that they hoped to eventually become university students and professionals. However, most working adolescents end up in more precarious or unacceptable jobs, working in areas that require few skills. Adolescent work at the expense of education directly determines the possibilities they have for accessing better opportunities as adults and their later choice of “decent work.”

### Hours Worked in the Mines with Adults

<table>
<thead>
<tr>
<th>Age in Years</th>
<th>5-7</th>
<th>8-10</th>
<th>11-14</th>
<th>15-17</th>
</tr>
</thead>
<tbody>
<tr>
<td>&gt; 8 hours</td>
<td>100%</td>
<td>90%</td>
<td>80%</td>
<td>70%</td>
</tr>
<tr>
<td>5 to 7 hours</td>
<td>60%</td>
<td>50%</td>
<td>40%</td>
<td>30%</td>
</tr>
<tr>
<td>1 to 3 hours</td>
<td>30%</td>
<td>20%</td>
<td>10%</td>
<td>0%</td>
</tr>
<tr>
<td>Don’t work</td>
<td>10%</td>
<td>10%</td>
<td>10%</td>
<td>10%</td>
</tr>
</tbody>
</table>
What Children Do

Tasks for children in the mines range from those that are directly related to mineral extraction, processing, and trading, to those where children serve more of a supporting role for the miners. Mining tasks for children are generally similar to those undertaken by adults but may be considered lighter or less rigorous. However, given a child’s strength, the proportional effort would be considerably more. For instance, while adults are engaged in heavy digging deeper in the pits, children, especially younger children, work more on the surface. Children most often decide for themselves what jobs they will take on.

When working directly in mining activities, children’s tasks include: light surface digging with chisels, hammers, and shovels; hand picking and sorting of waste material (“salakate”); transportation of mineralized sand, ore-bearing rock, or waste material or transporting water to the mine site to facilitate mineral washing; rock crushing; sifting of mineralized sand or otherwise separating minerals using sluices or water gravity separation; magnetic or gravity separation of minerals; drying of minerals; and selling minerals. To some extent, the geological presentation of the ore determines the difficulty of the work. Mining in Mitwaba, for instance, requires more exertion due to the hardness of the rock there. The rock in the mines of Manono and Malemba Nkulu is looser and easier to work with.

Because the mines attract a large number of workers daily, they also serve as a commercial area in which children provide goods and services. Children sell the miners water and food (e.g., beignets, peanuts, sugar cane, sweet potatoes, cooked beans). Very often, it is this type of service that introduces children to hand picking minerals and facilitates their entry into work that is directly related to mining.

Collecting data on the sex trade within mining areas is difficult, given the sensitivity of the subject; our research cannot present statistical data on child engagement in this activity.
The Child Labor Supply Chain

**What Work?**
- Hand-picking minerals;
- Digging, usually in pits rather than tunnels, underground work is rare for under 15s;
- Selling goods;
- Caring for siblings;
- Transporting waste material, ore, and water.

**Which Children?**
- Boys and girls of all ages for all tasks other than digging, which is usually done by older boys.

**What Work?**
- Crushing minerals;
- Washing minerals;
- Separating minerals;
- Selling goods;
- Caring for siblings;
- Transporting waste material, ore, and water.

**Which Children?**
- Boys and girls of all ages for all tasks other than digging, which is usually done by older boys.

**What Work?**
- Separating minerals;
- Selling goods;
- Selling minerals.

**Which Children?**
- Boys and girls of all ages.
Hand-picking minerals; Digging, usually in pits rather than tunnels, underground work is rare for under 15s; Selling goods; Caring for siblings; Transporting waste material, ore, and water.

What Work?
Crushing minerals; Washing minerals; Separating minerals; Selling goods; Caring for siblings; Transporting waste material, ore, and water.

Which Children?
Boys and girls of all ages for all tasks other than digging, which is usually done by older boys.

Mine Trading Site

What Work?
Crushing minerals; Washing minerals; Separating minerals; Transporting minerals.

Which Children?
Some boys, usually 15 or older.

Négociant Depot

What Work?
Operating machinery; Crushing minerals; Washing minerals; Separating minerals; Transporting minerals.

Which Children?
Children are rarely employed. There may be some boys, usually 17 or older.

Comptoir Depot
ever, in Malemba Nkulu, Manono, and Mitwaba, the age of sexual debut is very young, and precocious pregnancy is common. Anecdotal evidence indicates that young women serve as prostitutes and are sometimes encouraged to do so by parents as a means of supplementing the family income. Young mothers who have left the family home but have been abandoned by the father of their child may turn to prostitution to survive. There is anecdotal evidence of children being sent to mining areas to work as prostitutes, returning home only when pregnant and unable to work; such incidents could be classified as human trafficking and are of grave concern.

Approximately 50 percent of respondents report that children over the age of seven work eight or more hours, and children’s workdays lengthen with their age. By the age of 15 to 17, 78 percent of community members surveyed believe that children worked more than eight hours a day. Child miners work longer hours if they are working in the mines alone than if they are working with other adults. Of child miners surveyed, 42 percent believed that children between the ages of 11 and 14 who were working without adult supervision were working more than eight hours. Only 26 percent believed that children working with adults worked more than eight hours. This gap decreases as children get older and work longer hours regardless of whether they are working with adults or working alone, generally indicating that all older children work longer hours.

When surveyed, community members articulated less concern over children aged 15 to 17 working in mines, pointing to a socially accepted low age of social maturation and the young age at which children are expected or need to begin their working life. The data trend points to the increased responsibility taken on by children in order to provide for themselves. This may be because they are expected to contribute to family resources, are more readily able to contribute to family resources, or need to provide for themselves.

Child Miners in Kolwezi

In 2008, with funding from the International Finance Corporation (IFC), the United States Agency for International Development (USAID), and mining companies, Pact coordinated a study into child labor in the artisanal mining sector in Kolwezi, a major city in the Katanga Copper belt. At that time, an estimated 30,000 artisanal miners were illegally digging, processing, and trading copper and cobalt in the mines in and around the town. An estimated 4,000 children were either directly involved in or indirectly affected by this mining. The dynamic in the town was particularly interesting as the area was urban and relatively wealthy, with a large number of accessible schools, relatively high levels of employment, large numbers of international investors, and more potential job prospects for young people compared to most other areas of the DRC. The study showed that, for most children, mining was neither a full-time activity nor was driven purely by economic need. Of the children surveyed:

- 68 percent attended school full time (i.e., from 7 a.m. until noon or from 1 p.m. until 5 p.m.) and went to the mines in the mornings or afternoons as well as on weekends.
- 40 percent of the children surveyed had fathers who were employed in Kolwezi.
- 20 percent had fathers working in the mines.
- 10 percent had mothers who were employed.
- 43 percent admitted that their friends heavily influenced their decision to mine after school or on weekends.

Drivers stemmed strongly from a lack of alternative activities such as sports or after-school clubs and resultant boredom. The sale of products to illegal maisons d’achat was easy, and prices were high. Earnings were allocated to the family household income, school fees, clothing, and other personal effects, and the children enjoyed having pocket money. Access to mining sites was easy, and the police and local authorities, for the most part, were neither vocal nor active in attempting to keep children out of the mines.
What Children Earn and Who Uses Their Income
Child miners report that children working in the mines can earn between 44 cents and almost US$7.67 daily, depending on the age of the child. Children between the ages of five and seven earn very little, but earnings grow consistently as the child ages, likely due to their more sophisticated abilities and the increased time spent mining.

When working with other miners, children receive either a percentage of the day’s share or a flat fee per bucket or sack of mineralized sand transported or processed. Children aged five to seven who work alone earn 25 percent more than their peers working with adults. The percentage difference drops to 10 percent for eight- to 10-year-olds and 2 percent for children aged 11 to 14. The percentage differences may be because as children get older they often earn an increasing share in the day’s pay-out. Younger children working for adults may also be more vulnerable to exploitation from adults who do not pay them a fair wage. As they get older they are likely more knowledgeable of rates and become better at negotiating their share. However the data also indicated that after the age of 15, the percentage difference increases to 14 percent. This may be due to a significant raise in productivity or a change in the type of roles for adolescents that work alone at that age. Those who are working for family members at that age may be more likely to be continuing their education and therefore have less opportunity to earn at the rate of their peers. However further investigation needs to take place to fully understand the cause of the differential in pay between children working alone and those working for other adults.

Children have a large amount of input over how to spend the money they earn, and their control over spending decisions increases with age. Survey respondents indicate that children make their own decisions about spending about 10 percent of the time at ages five to seven; 25 percent of the time at ages eight to 10; 57 percent of the time at ages 11 to 14; and 85 percent of the time at ages 15 to 17. More than half of survey recipients indicate that parents are aware of the amount earned by their children over the age of eight. However, only 25 percent indicate that parents are aware of earnings of children older than 15.

Income earned is most often used to pay for basic needs, either for the family or the child (e.g., food, clothing, shoes). As necessary, income is used to cover medical care, which is often hard to obtain and expensive. After basic needs

![Average Earnings Per Hour](image-url)
are taken care of, children use the money for school fees. Extra money is saved for marriage or spent on luxury items such as movie tickets, beer, and prostitutes. There is little evidence of money saved for consumption smoothing or in case of emergencies.

**Risks Children Face**
Work in the mines presents a myriad of emotional, behavioral, and physical risks to children. Working conditions can be extremely difficult, and most children interviewed reported preferring not to work in the mines. Children in the mines may not have access to food or potable water, and the lack of sanitation means that they are exposed to sites and water contaminated with rubbish, excreta, and other pollutants. Injury can occur as a result of accidents, landslides, and the difficult nature of the work. Children work up to 12-hour days in exposed, steep, rocky, muddy conditions or even underground. Children can spend hours in unsanitary conditions—for instance, waist-deep in water without boots or skin protection. Children are also exposed to dust from the digging works and the mineral crushing activity. Child miners are often required to carry water, minerals, and supplies long distances in weights disproportional to their strength and their own body weight, expending effort that is damaging to their health and development. They may be required to undertake repetitive activities such as rock crushing, which strains their musculature, joints, and nervous system. Although our study did not carry out a comprehensive health analysis, it was reported that children experience lower back pain, hernia, chest pain, cuts, broken bones, physical deformation, and stunted growth as a result of work in mines.

Risk to psychosocial development occurs when children working in mines have no access to school; have to drop out of school; or end up attending school irregularly when school fees cannot be paid. Their outlook on life is limited as a result; they see mining as their only option. For girls, in particular, the mines are not seen as secure. Men and boys sexually harass and solicit young girls for sex, which can lead to premature sexual behavior and pregnancy. Although in most cases it is believed that girls can choose whether to accept the solicitation, instances of rape have been alleged. Very few cases are reported to authorities, and even fewer are prosecuted.

Forced labor of children, as defined by the ILO, does not appear to occur in the mines of Malemba Nkulu, Manono, and Mitwaba, and involuntary recruitment of children into the mines has not been reported or recorded. However, pervasive poverty and a lack of social services often mean that children must contribute to their household income and thus have little choice. Although most children are not forced to work and many in the community indicate that parents generally do not want their children in the mines, there are instances in which it is reported that food is withheld or children are punished for not working.

**Structures That Perpetuate Child Mining**
Both cultural and societal structures perpetuate child mining, despite its illegality. These practices heighten the vulnerability of the children in the mines. Although most parents interviewed professed reluctance to send their children to the mines and most children did not wish to work there, these structures make child mining widespread throughout the community and nearly impossible to stop.

**Marriage Practices**
Marriage practices tend to aggravate the need for children to work in mines in several different ways. Precocious “marriage,” when boys or young men and girls or young women aged between 12 and 18 have an unofficial or tradi-
tional marriage, results in high divorce rates (the spouses have trouble handling the relationship—especially girls, who generally marry younger than boys). National statistics indicate that women marry earlier than men. Girls are wed as young as 12, with most marrying at between 15 and 18 years of age, compared to boys, who typically get married at between 18 and 20. In North Katanga, our research indicated that among the three mining communities, 82.5 percent of people report that girls marry before they turn 18, and 30 percent report the age of marriage to be 15 or younger. Boys are reported 32.2 percent of the time to marry at 18 or younger while only 3.3 percent report boys being married at 15 or below.

In the DRC, precocious marriages are, although customary, illegal. Because the young couples are not legally recognized as married, they lack legal protections when they divorce. As a result, young girls are often abandoned, able to access neither their marital homes nor the home of their parents or in-laws—especially after the boy remarries.

When a single mother remarries, the new husband may refuse to take care of the child from the previous marriage. Thus the children may end up in a vulnerable situation, with neither the biological father nor the new husband willing to take responsibility for them. The child is essentially orphaned, even with one or both parents still living. During our research, many children were called “orphans” although they were simply children of single parents or children living with extended family rather than with their parents. In such cases, children may be expected to provide for their own basic needs or may be required to work to help support the family.

Early marriage and high divorce rates are problematic for another reason: adulthood can be defined by a child’s marital status. A child who is of marriage or childbearing age can be perceived by his or her family or community as adults—and expected to work. If divorce ensues, these children lose another part of their financial support system and are driven into the mines in search of financial security.

Family Planning and Teenage Pregnancy

Early motherhood is frequent in the DRC; 28 percent of girls ages 15 to 19 have given birth or are pregnant. Twenty-four percent of women report having had sex and 4 percent had their first child before the age of 15. National statistics report that one in four women had their first child before the age of 18; however, our research indicated that in the mining areas of Malemba Nkulu, Manono, and Mitwaba, as many as 80 percent of those surveyed report that women have their first child at age 18 or younger.

Like marriage, motherhood marks a line between childhood and adulthood. Girls who become mothers cease to be viewed as children in the eyes of the community and are required to provide for their own children. With limited options, these adolescent girls may turn to mine work, even though their doing so is illegal. Since young parents are likely to be financially unstable themselves and unable to provide for the additional burden of a child, it is more likely that that child will have to contribute to the household income by working with a parent in the mines.

The average household size in Katanga is eight, significantly higher than the national average of 5.4 people per household. Family planning education and options can reduce the burden of pregnancy and large families; contraception gives women more control over spacing their children. Yet at 9 percent, Katanga has the lowest rate in the DRC of women using any form of contraception. Nationally, only 5 percent of women use modern forms of contraception. About one in four married women nationally has unmet needs for contraception; of that 24 percent, 18 percent of women want access to contraception to increase the space between...
births and 6 percent want it for birth limitation. Family planning efforts to delay first pregnancy and reduce the number of children in a household would help prevent cases of child-mothers working in mines and reduce the burden on families to provide even the most basic care to multiple children.

Child Care
Traditionally, children have always worked with their parents, and very little stigma is associated with the practice. Although it is seldom a problem for agricultural families to bring their children to the fields, mining is different—unsuitable for children and now illegal—so parents

Rape Capital of the World?
In 2010, Margot Wallstrom, the United Nations’ special representative on sexual violence in conflict, dubbed the DRC “the rape capital of the world.” This followed a UN statement that more than 8,000 women were raped during fighting in 2009. In 2010, a study published in the American Journal of Public Health estimated one woman is subjected to some form of sexual abuse every minute. It found 1,152 women are raped in the DRC every day—a rate equal to 48 per hour. The figures showed 12 percent of women had been raped at least once, and 3 percent of women across the country were raped between 2006 and 2007. The highest levels of rape were found in North Kivu. Although 2011 figures are somewhat controversial (with some experts saying that the methodology has led to exaggeration and others asserting that low reporting levels mean that the figures are conservative), it is clear that the high rate of sexual and gender-based violence (SGBV) in the DRC is a subject of grave concern and indicates a widespread, violent abuse of women and men, girls and boys. During the first half of 2012, 74 percent of sexual violence survivors treated at the HEAL hospital in Goma, DRC, were children. During the same period in 2013 in North Kivu, the UN registered 705 cases of sexual violence, of which 288 victims were minors.

Two caveats are important to note. First, the DRC is enormous, and the conflict in the Kivus has little direct bearing on the day-to-day lives of many people in Katanga. Thus, horrific SGBV statistics from the Kivus are not accurate for Katanga. Second, although many reports have linked artisanal mines to violence and have hinted at elevated risk of SGBV in mining areas, there is no reliable data to substantiate this in Katanga. An incident reporting system used by the iTSci system records any violations of OECD standards and any human rights abuses; no cases of SGBV or rape have been reported in the mines in this area. Further investigation has been carried out to determine the reason for the lack of rape reports. Does this absence reflect reality? Is it simply a result of the fear and stigma of reporting SGBV? Are people reluctant to report rape so as not to negatively impact a mine’s trading status? Is there a culture of impunity, with no one confident in the reporting process? In response to such questions, the conclusion has been that rape probably does occur in some cases but not in the mines where there are miners’ associations, public scrutiny, and some degree of security. World Vision’s 2013 study on child labor in mines in the Katanga Copper belt supports the findings: “Parents did not express significant fear that their daughters could be sexually exploited or victimized at ASM sites in Kambove, or be drawn into prostitution. Some mothers stated that they had heard of cases of attempted rape, but that it was rare. Other forms of abuse of children by adults were also considered rare.”
who engage in mining have to choose between keeping their children with them or leaving them at home. Realistically, the absence of formal child care, the requirement to breastfeed infants, and the security risks associated with leaving children alone may give parents little choice. Understandably, parents may opt to be with their children rather than leave them unsupervised, often several miles away.

However, by bringing their children to the mines, these parents are initiating a pattern that becomes very hard to break. After the children have learned how to collect scrap minerals around the mining sites and their collections begin to supplement parents' income, children not originally intended as laborers are helping to support the family. If the family comes to depend on these earnings, the decision to remove the child from the mine and to do without the money may be difficult.

For the child, being raised inside the mine reinforces the idea that mine work is the child's future. The longer and more often the child works in the mine, the less the child is exposed to other life options. As the child works and misses school, the chance of having other opportunities in the future is reduced.

**Education**

Education is closely linked to child labor issues, and the reduction of school fees can often alleviate barriers to children's education and encourage parents to remove them from the work force. The DRC Constitution established the right to free education and, in September 2010, President Joseph Kabila declared that primary schools would be free. However, although some provinces have experimented with free education and the national government continues to express a commitment to it, the reality is that most schools in the country charge tuition. According to a U.S. Embassy report on January 19, 2012, President Kabila's declaration also included the caveat that school fees would still be collected in Kinshasa, Katanga, and Bas Congo. Various ministry officials in Kinshasa confirmed that all primary schools were free, although both teachers and parents in North Katanga informed the team throughout the research that some types of school fees were collected. The Department of Education in Katanga confirmed that school fees were still collected in Kinshasa and Lubumbashi, even though there was no official reason for it. The suggestion was that continuing collection was due to the area's high cost of schooling as well as a fear teachers would go on strike, because the contribution collected only from parents would not cover their living costs. A teacher in Mitwaba reported that “free education” often meant that the government simply stopped paying teachers; teachers increased tuition to cover their salaries and school operating costs. Others suggested that even when the government was paying teacher salaries, the wages were too low to provide a decent living, so the teachers collected additional fees from parents. Teachers themselves may have to work in the mines to supplement income.

Students are denied education when families cannot pay the tuition or the teacher-imposed fees. Overwhelmingly, all community members surveyed, including child miners and their parents, thought that education was important. School attendance is technically mandatory for all children up to age 11. However, where poverty is prevalent, payment of school fees is not prioritized. Respondents reported that 30 percent of the time both parents were responsible for paying these fees at early levels of primary schooling, but where families are barely meeting basic needs, the payment of school fees also falls to the children. Sixteen percent of people surveyed reported that both children and adults paid school fees. A small proportion of children begin paying for their education, or contributing to it, in early primary school. The percentage of children who pay their own school fees increases with the child's age. More than half of child miners surveyed self-report that they either contribute to, or fully pay for,
their own education. Unfortunately, in many cases, paying school fees is impossible when children are also striving to meet their own basic survival needs. The inability to pay for school fees creates two problems: Children do not receive education, and with nowhere to go during the day, they go to work in the mines.

Education and working in the mines are not mutually exclusive. Children who can afford school fees often work in the mines after school, on weekends, and during holidays, beginning as early as age eight and working increasingly long hours as they get older. Children are reported to work more regularly outside school hours in the Manono mines than in the mines of Malemba Nkulu and Mitwaba. Those who struggle to meet their school fees miss school to work in the mines so that they can return to school. In some communities, it is more common and more expected that children go to school. For instance, more children attend school in Malemba Nkulu, where there are more schools that are also closer to the town. In Mitwaba and Manono, schools are farther away, so children are often just brought to the mines.
School quality is a key factor when deciding whether or not a child will attend school. In communities so rife with poverty, although education is valued, the decision to keep children in school is weighed against the return on the investment it can provide. If the return is deemed low because the school is poor and there are few employment opportunities in the area, parents may decide that it benefits the family less to educate the children than to bring them to the mines to work. Parents seem to value primary school more than secondary school and are more likely to pay for it. Older children are expected to contribute more to the cost of their education.

Lack of Other Opportunities

High unemployment rates abound in the region due to a lack of jobs. Thus, academic achievement does not automatically result in improved employment opportunities. Few children make it through secondary school, and they often end up working in the mine even if they do. With such limited career options, some parents do not make investment in education as a priority. Students realize that by working in the mines they can make more than their teachers and do not see the value of staying in school.

There is also a dearth of vocational and technical training opportunities for youth in the region. This is likely aligned with the lack of employment opportunities and the resulting limited demand for skills. Although some poorly organized training programs did exist in the past, many ran for only a short period due to lack of funding. Without skills and employment opportunities, people have no choice but to work in the mine to meet basic needs. Because artisanal mining is often looked upon as marginal, illegal, and dangerous rather than as a potentially formalized economic sector that could present viable, professional livelihoods, there has been little investment to promote or facilitate improved, safer, more efficient, small-scale mining. Untrained young people end up working in an unregulated sector making a subsistence income instead of becoming skilled miners with access to legal rights, investors, better working conditions, and better incomes.

Conflict, Displacement, and Migration

The DRC is still a fragile, post conflict country, with pockets of ongoing conflict continuing to exacerbate poverty and disrupt employment and investments. Many families have lost everything and have no resources to fall back on. The United Nations estimates that the country has some 2.3 million displaced persons and refugees. Many displaced people turn to artisanal mining, because it does not require tenure of land for agriculture and provides a daily income. The influx of people strains the resources of a community and may stress its ability to work cohesively to change societal structures or policy. In conflict-affected areas, the most immediate challenge is to support social cohesion but many displaced artisanal miners are not invested in the particular community in which the mine is located.

Artisanal mining is often migratory by nature; when a deposit is exhausted, miners move to find a new, productive site. Indeed, during the course of this research, the numbers of workers working at several of the 3Ts mines in the territories were significantly depleted when miners moved to a tourmaline mine some 100km from Manono and to a rich new gold mine in Northern Katanga, where a reported 15,000 miners appeared within weeks. In some cases, the family moves with the miner, perhaps to a remote site, interrupting the children’s education; the new site may lack schools or the children may be required to work to take advantage of the bonanza. In other cases, the family may remain at home, losing their primary earner. With few options or mechanisms for sending money home, the family may not significantly benefit from the new mining opportunity, and there is a risk that the miner may start a new family
at the new site. In this case, the burden of care and support for the abandoned mother may fall back onto the children; money for schooling may be scarce, and the need for them to work in the mines may be greater than ever.

**Social Services**

The government of the DRC has produced a National Strategy for Social Protection of Vulnerable Groups,42 and a National Plan of Action for Orphans and Vulnerable Children, published by the Ministry of Social Affairs, Humanitarian Action and National Solidarity.43 However, the ministries that play a central role in social protection are under resourced, and the budget and allocations for social protection programming too low to execute the plans. The number of people who have access to formal social protection is small, with only 9 percent of orphans and vulnerable children and 15 percent of children from broken families nationally receiving outside support, indicating a low priority given to the social sectors, despite the level of discourse dedicated to them.44, 45 In Northern Katanga, many miners indicated that there are no social services, even though parents indicated willingness to use them if they were provided. Even local officials did not know of, or have, support services to refer people to.

A social safety net for families that fall into real financial difficulties does not exist. Parents are ultimately responsible for taking care of children in the case of injury or illness; in the case where there is no family, children must take care of themselves. Medical care is expensive and clinics or hospitals are often far away. According to a report by the United Nations Population Fund (UNFPA), less than 35 percent of Katanga is covered by health care services.46 It is much more common for people to be treated with medicinal plants or even with “fetish”
(witchcraft). Without any help from the state, people feel resigned to the lives they are living and experience stress from constant insecurity.

In lieu of formal social services, families rely on community members and on the church, which are perceived to be the strongest support mechanisms. Many communities set up mutuelles (savings and loan groups) to help pay for expenses in emergencies. To supply spiritual and financial aid, churches intervene, but briefly and infrequently. Several NGOs provide services but are often highly localized and limited in their reach because of the costs of implementing development programs. The lack of social services means that children in vulnerable situations have limited options, and destitute families must rely on children’s incomes to pay for basic services. When families experience illness, death, loss of property, or other household shocks, it can be almost impossible to rebound without outside support.

Enforcement
Although most everyone is aware that child labor is illegal, enactment of the law is impeded by insufficient coordination between the numerous government actors tasked with addressing issues around children, social protection, education, labor laws, and mining.

- The Ministry of Mines and Hydrocarbons, specifically the Service d’Assistance et Encadrement de Small Scale Mining (SAESSCAM)—responsible for oversight and management of the artisanal mines and mining officials—is aware that it is illegal for children under 18 to work in the mines. Some cases of SAESSCAM agents chasing children out of the mines were reported, although other agents were reported not only to tolerate but even to profit from children’s presence, by subjecting them to taxes.

- The Ministry of Labor is the primary agency responsible for investigating WFCL, but the ministry lacks the resources to do this, and there is no government system to monitor and follow up on child labor reports.

- The Ministry of Social Affairs, Humanitarian Action and National Solidarity, through its Department of Child Protection, as well as the Ministry of Gender, Family and Children and the Ministry of Justice, all work on issues related to child protection, but how these agencies work together or where they have strong referral systems at local and regional levels is unclear.

- Reports from the ministries themselves indicate that their agents have extremely low capacity to implement robust initiatives and suffer from high turnover, low levels of training, sporadic and late payment of agents, and a lack of practical resources to access the sites.

The only clear reporting system of instances of child labor happens through the iTSCi monitoring of conflict-free mines. Reports of WFCL are brought to a multistakeholder group for discussion. However, there are no resources to do anything practical to actually improve the situation for the children or alleviate the causes that drive them to the mines and the only potential penalty is that the market would disengage from the mine, which would negatively impact the economy, result in increased hardships for children and their families and could stimulate conflict as people lost their livelihoods. Consequently, there is a significant and understandable reluctance to report or pursue these cases on the part of local stakeholders. This is no substitute for a robust, government-led reporting system with a clear referral system for stakeholders to connect children engaged in child labor with child protection services. Unfortunately, the Ministry of Labor does not currently have such a system to track child labor. Consequently, although the intent to provide services to help children and address issues of child labor seem to be in place, the limited government capacity and lack of coordination and resources for interventions restrict
any efforts to do more than merely sensitize communities on the illegality of child labor. Although public authorities’ awareness-raising campaigns are a worthy effort, vulnerable children and young people will continue to work in the mines where there is no viable alternative to survival.

Without referral systems to social protection services, enforcement officials often resort to chasing children away from the mines. Enforcement officials who know that punishing or chasing a child out of the mine will make the child’s life worse by depriving them of their ability to meet their basic needs may instead choose to ignore child labor irregularities rather than enforce the regulation. An enforcement approach to child labor, rather than one focused on social protection, alienates children from authorities, who, without sensitization to child labor issues, begin to feel that the children are the problem rather than the victims. The research also highlighted some disturbing reports of officials taking bribes from children who want to work without punishment in the mines, or worse, demanding payment to turn a blind eye. An enforcement approach unlinked to social services: a) decreases the likelihood that positive interventions can be made between the government and families to protect children’s rights; b) is highly problematic for children who are most vulnerable; and, c) serves little purpose in addressing the issue for the future.

**Economic Incentives**

It is easy for children to sell the minerals they produce. In all areas studied, the négociants, or traders, did not differentiate between minerals produced by adults and minerals produced by children unless the latter were of a lower grade. In that case, the traders could offer a lower price. However, there was no evidence that children were being paid less unless what they were selling was poorer in quality. Traders purchase from children indiscriminately—indeed, one cooperative specifically targeted children (who typically were selling very small quantities) and was known as the site for independent operator children to sell their minerals. Were the mineral buyers to refuse to buy from children, it would be a significant disincentive for children to work in the mines. Children would be less inclined to work in the mines if there was no guarantee of an economic benefit to their labor. However, it is highly likely that the children would find another way to sell their minerals—for instance, by having older siblings, parents, or others do the work on their behalf and, possibly paying a commission. Traders’ refusal to buy from children might have less of a tangible impact than a symbolic one, but certainly the current free and open market for child-produced minerals does help perpetuate the phenomenon.

**Solutions and Interventions**

“While income and poverty are important determinants of child labor, they are in no way the only reasons that families send their children to work. This in turn indicates that action oriented toward raising national and family income levels is important but will not be sufficient in and of itself to eliminate child labor.”

Our research indicated that children are very active as miners in Malemba Nkulu, Manono, and Mitwaba, although the motivating factors and causes for their engagement in mining vary significantly. Based on individual vulnerabilities, the type and nature of the mining site, and the household situation, children can be seen to work a range of tasks, for a variety of reasons. Some feel they have no other option; others reportedly choose to work and enjoy earning money. In devising a solution to child labor in mines, it is critical to consider the motivations for working as well as children’s age—which is also important, given the young
age of adulthood in the DRC and the early age of marriage and parenthood.

Solutions to child labor must be as varied as the mines themselves. Sustainably addressing a complex issue such as child mining requires a sophisticated, targeted, multifaceted response that can yield long-term change at individual, household, community, and national levels.

Based on our research, we have concluded that effective engagement with the problem requires a multisectoral, coordinated, and sustained local response that:

1. Provides practical solutions that recognize the target population’s specific constraints and realities.

2. Uses a child-centered social–ecological systems approach that works at government, community, and household levels in order to achieve more holistic, sustainable change.

3. Provides a continuum of care from birth to adulthood that both prevents child labor when possible and offers care and support in ongoing situations.

4. Builds on current successful initiatives that are driven by evidence-based results.

The following sections describe illustrative actions and approaches that, if used, would drastically reduce the prevalence of child labor in mining in Northern Katanga. Given a five-year timeline and robust financial support, strong partnerships and effective cross-sector coordination, the following interventions would prove realistic and effective.

**What does a quality program look like?**

- **Holistic.** Focus on individuals and the structures they are embedded in.
- **Evidence-based.** Design and implement programs with measurable impact
- **Participatory.** Engage multiple stakeholders at all levels.
- **Capacity strengthening.** Build existing capacity of Ministry of Social Protection and other relevant local partners.
- **Non-replicative.** Build on and create synergies between existing successful programs
- **Multi-pronged.** We will focus on a variety of approaches, using that which is most appropriate for the child and family
- **Sustainable.** Engage a variety of stakeholders and build capacity of the government and partners to design and manage communication programs.
- **Gender sensitive.** Address and be sensitive to the influence of gender norms and roles.

**Targeted Solutions**

The research conducted in Northern Katanga identified three distinct types of child laborers, each with unique needs: children who work with their parents; children who work alone or with nonfamily adults; and children who work voluntarily. Each group requires a targeted combination of approaches to address group members’ current needs and to most effectively enable them to reduce future incidences.

**Children Who Work with Their Family Units:**

Many children are working in the mines because they have grown up there. Brought in originally to take care of younger children, or asked as they got older to supplement the household income, these children typically go to and from the mine, and their basic needs are the responsibility and concern of their parents. Parents typically understand what the child is making and can make decisions on how the money is spent.
**Children Who Work Outside Their Family Units:** These children may be orphaned, abandoned, or living with a single parent or with other adults who do not view the child’s care as their primary responsibility. The child feels responsible for earning money to cover all or most of his or her own basic needs. These children will work in the mine alone, with other children, or for adults who employ them, and are the most vulnerable of all children and in need of social protection. They have only some degree of control over their finances.

**Children Who Work Voluntarily:** These are typically older children and adolescents who, because of young marriage or early parenthood, are no longer seen as children by their communities. They may also be older children who wish to be treated as adults and who voluntarily work in the mines because of the short-term economic benefits provided over schooling. They may be responsible for their own care or contribute significantly to their family’s income. They are in control of their own finances and make their own decisions about the money they earn.

**A Systems Approach for Sustainable Results**

Effective interventions for child labor use a systems approach, based on a social-ecological framework that considers the interconnected influences of family, peers, community, and society on behavior. Child labor is often rooted in and perpetuated by cultural practices that are difficult to change. However, the systems approach recognizes that change at one level may be facilitated or hindered by conditions within and at higher levels. By addressing multiple levels at once and focusing on the interconnectedness among the various levels of society that affect the child’s development, we can begin to address long-term cultural implications.

Such an approach also places children at the center of the system, building out from intimate relationships among families and friends to more external influences on their lives, such as government, the economy, and culture. Although activities may occur at various levels of the system, the activities at each level should have a consistently clear, results-driven focus on creating a positive impact on children’s lives. To ensure a child-centered systems approach, children and their families should be involved in the design and implementation of the program activities, whenever possible.

A collaborative process in designing systems interventions is the most important lever to achieving sustainability. Collaborative work provides the opportunity to build ownership, increase knowledge and practice, facilitate skills transfer, and transform systems. Implementing organizations should use participatory, action-oriented methodology and an appreciative approach to affirm good practices, strengthen competencies, and support collaborative problem-solving.

An intervention should therefore include approaches that focus first on the child and his or her household, the community, and various local institutions, such as schools, churches, local community organizations. Then it should work with industry actors as influences of political and economic conditions at every level – from the end-user multinationals to the local mine workers and mineral traders. It must work with government actors – policy makers, regulators, and purveyors of child protection. To operate at various levels, different actors may be involved in the intervention with NGOs specializing in providing specific services within the system and collaborating to create a holistic program.
Immediate Support with a Focus on Prevention

Given the specific Northern Katanga context, attention needs to be given to the immediate needs of children and their households. Although artisanal miners may not be the poorest of the poor, stunted child development and high levels of food insecurity and malnutrition indicate that households are in immediate need of assistance. Efforts must be made to address children, households, and communities with the interventions they need today. However, at the same time, immediate responses to child protection and incidences of WFCL should be balanced with an eye to preventing the same vulnerabilities from reoccurring. In other words, child labor interventions should look to address the needs of the child working in the mine while also preventing the infant on her mother’s back from becoming a child miner. An independent assessment of the U.S. Department of Labor-funded Project to Reduce Exploitation of Working Children through Education (REETE) in the DRC noted the need to focus on withdrawing and preventing the children from engaging in such hazardous activities as prostitution, use of chemicals (in gold mining) and dangerous equipment, and work inside mining shafts. This new focus means addressing core causes of child labor and drawing on the previously mentioned systemic approach to examine all influencers. Each suggested intervention, both preventive and immediate, must be appropriate for that particular household and child. Providing targeted, context-specific responses based on particular vulnerabilities will have the best likelihood of making a meaningful, sustainable difference. The following suggested interventions may be implemented as single projects or combined into a more holistic program.

Interventions to Provide Care for the Immediate Situation

Child Protection Infrastructure Support

Strengthening Social Services and Child Protection Response Frameworks: A functional child protection response framework can help prevent and respond effectively to child abuse, neglect, and exploitation. Although the government of DRC has laid out action plans and strategies focusing on children and child labor, additional assistance is needed to enable the government to implement its legal frameworks and strategic plans. Those responsible for oversight of child labor and child protection currently have a low capacity to implement their social protection action plans. Technical assistance to the government to improve their child protection interventions and the training of social service professionals is a key element of long-term sustainable improvement. There is clear multi-country evidence indicating that investments in social security are associated with lower levels of child labor. Social security can provide direct support and can also mitigate the social and economic vulnerabilities that can lead families to resort to child labor.55

Partnerships between the government and NGOs may strengthen the capacity of the ministries at the regional level to:

- Provide developmental social services to vulnerable children and families.
- Provide quality child protection services through functional government, municipalities, and NGOs.
- Strengthen the protective environment for children and families by strengthening community engagement, ownership, and relationships.
**System's Approach to Child Protection**

**Improved Community Response Mechanisms:**
The formation and provision of support to community-based child protection groups in order to increase the impact and sustainability of child protection interventions is a recognized approach for projects focusing on child labor. Children who are vulnerable and families in need must have a safety net to rely on in crises. Given the sparse nature of social services in the DRC and the likely continuing gap between need and provision of formal services, community child protection volunteers could play an essential role in providing much needed support and referrals for vulnerable children. Enforcement officers could refer children to child protection volunteers who could help children meet basic needs and follow up on them over time to prevent recidivism to the mines. They would also work with families and caregivers to sensitize them on child rights and to educate them on parenting skills. These interventions could be particularly valuable for young, inexperienced parents who have little personal background of support to draw on. Such child protection volunteers would need to be linked to various ministries and existing community support mechanisms to ensure community-level coordination of services.

**Strengthen Capacity of the Mining Services to Respond to the Worst Forms of Child Labor:**
Currently, mine service government agents have limited ways to respond to child labor in the mines. With no social services at local level, there is nowhere to refer the children. Consequently, they chase them out of the mines, ignore them completely, or take bribes and allow them to work undisturbed. Government agents need guidance as to what responses are appropriate, and they need resources to use for monitoring the situation systematically before they can be held accountable for enforcement. Mine officials should receive child protection training so that they are fully aware of the causes of child vulnerability and the issues associated with it, and so that their responses are appropriate and based on a clear understanding of the WFCL.

**Educational Support**

**School Fees Assistance and Reduction:** An educated generation of children will be a positive force in shaping the future of their communities. Moreover, children want to go to school to learn and, where barriers are removed and they are able, they will. Children who are not in school are not only deprived of an education, but also—with nothing to do during the day—their working in the mines, either by themselves or with family members, may be inevitable. Children attending school do not have to enter the mines to be cared for by parents or other family members. To increase school attendance and student retention,
school fees and teacher-imposed fees need to be removed as a barrier, via government subsidies or school fee financing projects, accompanied by timely, consistent payment of teacher salaries. Children, especially the most vulnerable, must receive assistance for books and uniforms. Aside from the benefits of schooling, an increase in school enrollment and regular attendance will remove many current incentives to child mining.

**Quality Education:** Parents must feel that an investment in their children’s schooling will result in a good education that prepares them for adulthood. Teachers need support to improve the quality of education to keep children engaged and challenged. Certain classes may also be adapted to help children apply their education to mining-related tasks, so that even if they graduate to work in the mining sector, they will have the knowledge and skills to be more productive, technical miners, prepared to yield more minerals and better manage their own finances. Linkages between school curriculum and established mining positions should also be drawn to encourage formalization of the mining sector.

**School Lunch Assistance:** Food costs account for a large amount of the small budgets on which families and children subsist. Free lunch for all students, provided at school, would reduce the burden on parents. Free lunches would also compensate for a portion of the household income lost when children are not working. Meals would act as an incentive to enroll in school and attend regularly and would support healthy nutrition and development. Provision of nourishing meals would also raise children’s nutritional and developmental statistics.

**Economic Strengthening**

**Financial Management and Savings:** Mining is the unsustainable exploitation of a nonrenewable resource. Mining can bring great wealth into a community but, typically, for only a finite period of time. Miners can benefit economically from the financial opportunity if they understand how to save and manage the income they can gain during the relatively short window of opportunity that the deposit presents. Savings are an important resource to families who are struggling to meet their basic needs, to draw on during times of illness, death, or other stressors, so that the family does not have to cut back on education, food, and other household costs. When parents and caregivers understand how to manage their cash flow and save every month, they can budget for school expenses so that children do not have to go in and out of school as their monthly incomes fluctuate. Financial management and savings are important skills that parents, caregivers, and older children can use to reduce their insecurity and gain control over their lives.

**Alternative Livelihoods:** Families that rely on the income of children, as well as older children who illegally work in mines in order to provide for themselves and their families, cannot easily stop working in the mines without alternative sources of income. Programs should train parents and older children to start their own small businesses around the mines to reduce their dependency on the extractive industry. This training should be coupled with public education on the transient and unsustainable nature of mining and with the savings program described above, in order to facilitate transformation of mineral benefits into a more sustainable income-generating resource.

To ensure sustainability and reduce recidivism to mining work, older children and adolescents may require support while they receive training and throughout the start-up phase until they are able to earn a profit.

**Skills Training:** Increasing enrollment and retention in school is the answer to many challenges but returning to school may not be a viable option for older children who have only a primary education. Furthermore, education must be relevant to children’s lives and to their
ultimate need to earn their keep. Investment in workforce and life skills training for children who have left school can prepare them to work outside mines in industries that complement the mining sector—providing goods and services to the mines, for instance. Ideally, vocational training should be linked with internship opportunities (though, realistically, these will be scarce in Central Katanga) or with microloan programs to help young people access capital once they have learned the basics of financial management and savings. To be effective, this project would require not only funding but planning aligned to a realistic assessment of the kind of jobs that older children could possibly secure in the region. Skills training may also be effective in providing alternative livelihoods for women who want them or the possibility of starting their own small businesses. Such choices may appeal to women who have neither the option of child care nor the desire to bring their young children to the mines.

**Improved Food Security:** In Katanga, 13 percent of children are suffering from acute malnutrition (a figure that is 2 percent greater than the national level), and 43 percent of children under five suffer from stunting. Addressing food insecurity among households must be a priority. Helping families provide nutritious meals for their children can reduce the burden on their household economics while improving their children’s health and supporting their development. Nutrition interventions may be linked to school as an incentive for attendance or to household economic strengthening and alternative livelihood projects where agricultural activities are an option.

**Direct Social Assistance:** For orphans and vulnerable children and for destitute households who cannot benefit from economic strengthening activities, direct assistance should be provided in the form of financial aid, food supplements, and provision of education and health care. Where applicable, these services should be offered with a view to sustainably moving households out of destitution to a place where they can discover how to take ownership over their situation and engage in economic strengthening activities to provide for themselves.

**Interventions that Focus on Prevention Reviewing the International Regulations and Guidance:** The DRC government has made compliance with the OECD Due Diligence Guidance a legal requirement in the mining sector, thereby reinforcing national and international instruments that prohibit WFCL. Risk management for OECD-compliant companies, according to Annex II, Paragraph 2, requires immediate disengagement from mines where there is WFCL. Were this action to be taken, the results could be catastrophic, cutting off the livelihoods of thousands of artisanal miners currently selling their minerals through the iTSCI system in Katanga, yet doing little to help children, who will merely end up in increased family poverty. In order to avoid such a de facto embargo while staying true to the intended impact of the OECD guidance and respecting the needs of companies to be able to demonstrate commitment and improvements, a usable working interpretation of WFCL is needed as related to the OECD guidance, coupled with a plan from the national government and international community to support the reduction of child labor in 3Ts mining in the DRC.

**Investment and Formalization:** Investment in Northern Katanga in the form of infrastructure or large-scale mining operations would spur economic growth and create jobs. Such investment would create opportunities for skilled laborers and formalized operations, which would not only provide steady incomes for some parents but would also stimulate interest and investment in skills development for young people entering the formal work force. The likelihood of such investment being made at any significant scale in the immediate future is remote. Also, as has been seen in areas such as Kolwezi, the presence of LSM has only a limited impact on child labor in the mines unless all
other aspects of systemic change are addressed. However, investment in the formalization of the artisanal mining sector has significant potential. The sector currently underperforms owing to lack of geological knowledge, training, skills, capital investment, equipment, and management. A formalized small-scale mining sector, with safer conditions, better productivity, better pay, and greater security would generate improved employment opportunities for young people and, if coupled with an appropriate curriculum supporting small-scale mining as a profession, could alleviate child labor and encourage school attendance to the age of apprenticeship.

**Women’s Professional Development:** Women working in the mining sector may now be relegated to the lower paid tasks or restricted from owning mineral rights: The situation in Central Katanga varies from mine to mine, but certainly the situation is more egalitarian than in many mine zones. For example, in Manono, there are women’s mining associations and even entire mines that are primarily operated by women. Operating as traders, as many women do, can also be lucrative. Working directly in the mines tends to require long days far from home, requiring either that children be left alone or that they be brought to the mines from a young age. A program should be put in place to strengthen women’s capacity to address issues such as income levels, child care needs, and access to capital for supplementary businesses and to increase their mining and trading operations, which would have an immediate beneficial impact on the children in the household. A recent study noted, “Placing more resources in the hands of women results in greater spending on human capital goods and nutrients and a bigger positive effect on child nutritional status.”59 This approach should include an emphasis on women’s literacy and numeracy.

**Family Planning Education and Services:** Precocious marriage can result in two generations of children working in the mines. Our research indicated that in the mining areas of Malemba Nkulu, Manono, and Mitwaba, as many 80 percent of people surveyed report that women have their first child at age 18 or younger.60 Nationally, only 5 percent of women use modern forms of contraception, and the national average is 5.4 people per household. Education efforts targeted toward young children and adults and increased availability of contraception linked to national healthcare providers will delay first pregnancy and reduce the number of children in a household. An initiative focused on family planning and contraception would help prevent cases of child-mothers working in mines and reduce the burden on families to provide even the most basic care to multiple children.

**Social Awareness:** The research made it clear that there is a gap between, on the one hand, the basic recognition that children should not be in the mines and, on the other hand, the knowledge of why this should be, with an accompanying understanding of the broad spectrum of negative impacts that child miners may experience now and in the future. Any intervention or suite of activities must be accompanied by a comprehensive public awareness campaign with specific messages and channels targeting individual groups in the most effective possible way. Such a campaign should use popular forums and influential figures, spiritual leadership from churches, and role models for children; could couple legal penalties with positive incentives; should deliver clear messages about personal accountability in multiple languages, via accessible media. A key component would be a child-led campaign focusing on access to child rights, child protection services, peer support, education, and recreation.
### Table 3 — Targeted Interventions to Discourage Mine Work by Category of Child Miner

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Child Within Family Unit</th>
<th>Child Working Outside Family Unit</th>
<th>Child Voluntarily Working on Own</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Go to work with family in the mine.</td>
<td>Orphan, abandoned child; may have only one parent.</td>
<td>Older children who may be married or have their own children.</td>
</tr>
<tr>
<td></td>
<td>Work to contribute to household income.</td>
<td>May work alone to meet basic needs or for other adults in mine.</td>
<td>May mine work to earn money.</td>
</tr>
<tr>
<td></td>
<td>May attend school regularly or sporadically.</td>
<td>Unlikely to attend school.</td>
<td>Focused on earning for themselves; may contribute to family income.</td>
</tr>
<tr>
<td></td>
<td>Parents are responsible for providing basic needs.</td>
<td>May live with extended family members who do not feel responsible for child’s care.</td>
<td>Culturally viewed as young adults, not as children.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Typically the most vulnerable of the three groups.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suggested Interventions</td>
<td>Strengthen household economic status via alternative livelihoods.</td>
<td>Improve community structures providing basic social services to vulnerable children.</td>
<td>Provide training on financial management.</td>
</tr>
<tr>
<td></td>
<td>Help families learn to save and manage money.</td>
<td>Provide free education and health care for vulnerable kids.</td>
<td>Educate young adults on health and family planning.</td>
</tr>
<tr>
<td></td>
<td>Provide education assistance.</td>
<td>Establish referral system between officials and child protection providers.</td>
<td>Provide free vocational and life skills training in complementary businesses.</td>
</tr>
<tr>
<td></td>
<td>Provide school meals.</td>
<td>Work with caregivers so they understand children’s needs.</td>
<td>Define parameters of mining work and help older children find jobs that are complementary but not mining work specifically.</td>
</tr>
<tr>
<td></td>
<td>Address need for child care.</td>
<td>Household economic strengthening of caregivers to reduce the burden on the child.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Provide alternative after-school activities.</td>
<td>Provide vocational and alternative education for children who are delayed in schools.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Educate women and work to professionalize their role.</td>
<td>advocate for education; work with schools to improve quality.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Work with parents to understand good parenting and care giving.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Skills training to women, older children.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Advocate for education; work with schools to improve quality.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Building on Previous Programs to Strengthen What Works

A holistic, comprehensive solution to child labor in Katanga may best implemented by a consortium of organizations in partnership with the DRC government, organizations that can work in coordination to achieve a comprehensive, multistakeholder intervention. Working together, different organizations could take on different roles but report collectively to show reductions in child labor incidences. To reduce duplicate efforts and improve reach and efficiency, the interventions should be evidence based and implemented in coordination with ongoing initiatives that have proven successful.

Existing child protection structures in Katanga should be reviewed and, where possible and appropriate, integrated into and supported by the project; these include the Committees for the Prevention of Child Abandonment in Lubumbashi, established by Pact; the Réseau Communautaire de Protection de l’Enfant (RECOPE), established by Save the Children UK; the Solidarity Centre and Groupe One; the SAFE (Soins Appropriés pour les Familles et les Enfants) project, implemented by Save the Children, Care International and the American Bar Association Rule of Law Initiative. As part of this research, we compiled a mapping of existing child labor reduction projects being implemented in the DRC.

The Resolution Concerning Statistics of Child Labor (Resolution II), adopted in 2008 by the 18th International Conference of Labor Statisticians (ICLS), translates UN/ILO conventions relating to child labor into statistical terms for the purpose of measurement. We advise using UN and other standard metrics, as well as shared monitoring and evaluation systems, so that the intervention can contribute results to international data, thereby enhancing global efforts to measure the scale of the problem, trends, and the impact of interventions.

Who Should Play a Role?

Child mining is deep seated in many structural systems. Steps exist toward ending it and relieving poverty and insecurity in the area, but to achieve change, several actors must be involved.

Government of the Democratic Republic of the Congo

DRC’s government is in the best position to make a large impact on ending child labor in the mines by an investment in education, the creation of jobs and job training programs, and the creation and support of social services. The government has begun taking a role, at least in part, in some of these opportunities to increase its citizens’ quality of life. Over the last two years the DRC has dramatically increased its education spending from 6.5 percent of the national budget to 13.8 percent. Furthermore, it has actively sought out international technical assistance from the World Bank and the United Nations, among others, in an effort to see better outcomes from its school children and to create opportunities for a generation whose lives have been disrupted by conflict. At present, DRC primary school enrollment is 75 percent. It is the last 25 percent, including the child miners of Katanga, who will be the hardest to reach. The government’s involvement in this sector sets a precedent for its involvement in other areas and with some capacity development and improved coordination between relevant ministries, it may be well positioned to address the issue of child labor.

International Organizations and Donor Governments

With the government elevating the national importance of education, the time is opportunity for international organizations to become involved in helping to alleviate poverty and
child labor. The international community has expressed an increased interest in children in mining, broadening the discussion from the ongoing conflict to the more pervasive issues associated with the country’s poverty rates and post conflict struggles. International organizations have the technical know-how and financing to provide assistance in education implementation, job creation, and skills training and to provide social service support and creation that the government needs in order to be successful. These organizations can also play a crucial role in building regional governments’ capacity to ensure that social protection programs are available in all communities and that there are strong referral networks among social services. With government support and the vast need of Katanga region miners, international organizations have the opportunity to make a difference in the lives of child miners, their families, and their communities.

Community Organizations
One role of international organizations will be to facilitate creation of community organizations to work with families to foster change within these communities. Without community support, progress is rarely made. With community child protection volunteers and the presence of community organizations, local residents feel empowered to facilitate change for the better and sustain initiatives over time. The work of government and international organizations can begin the process of alleviating poverty and ending child mining, but it is families and communities that will be the power behind the change and that will see that the change continues to develop.

Private Corporations
Private corporations play a central role in influencing national policies and local business practices. They have a responsibility to ensure that their staff, or their buyers, are not purchasing minerals from children. However, even given the best of intentions, such assurances are difficult to obtain and without a clear definition of what constitutes the WFCL, it is difficult for mining companies to understand how to demonstrate reasonable due diligence. By their influence, they may encourage international forums to prioritize the issue and to work to define parameters that will characterize the details of WFCL and generate updated recommendations on how those seeking to work within OECD guidance parameters can highlight their efforts to avoid buying minerals from children. Local miners, mining associations, traders and exporters work at the frontlines of WFCL and can do a lot to raise community awareness and change how they interact with, care for and supervise the children they see working in the mines. International private companies also play a limited but key role as donors with an emphasis on safety, prevention, and community strengthening.

The Organization of Economic Co-operation and Development
Plainly stating that there should be no WFCL, the OECD guidance makes it clear that full compliance means confirming that no child mining has occurred. Since this is so difficult to state, the clear directive gives no option for companies but to stop buying minerals in order to be fully compliant with the guidelines. The OECD has an important role to play to ensure that companies can demonstrate good intentions to ending child labor in mining without having to withdraw their business and damage the local economy. The OECD should work with multistakeholder actors to ensure that the OECD guidelines: account for the causes or influences that contribute to the prevalence of child labor in mining; include an annex to the guidance that clearly defines the parameters of child labor in mining; and set out recommendations for companies actively engaging in activities to reduce the prevalence of child labor in mines can best demonstrate their compliance.
<table>
<thead>
<tr>
<th>Donor</th>
<th>Child Labor in Mining</th>
<th>Community-led Support and Development</th>
<th>Economic Strengthening</th>
<th>Education</th>
<th>Child Protection</th>
<th>Access to Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>DfID</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>UNICEF</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Mining Companies</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>World Bank</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>USAID</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
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<tr>
<td>CIDA</td>
<td></td>
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<td>ILO</td>
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<td>x</td>
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<tr>
<td>IOM</td>
<td>x</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

| International Organizations   |                        |                                      |                        |           |                  |                   |
| ABA                           |                        |                                       |                        |           |                  | x                 |
| Children’s Voice              |                        |                                       |                        |           |                  |                   |
| War Child CA                  |                        |                                       |                        |           |                  | x                 |
| War Child UK & Holland        |                       |                                       | x                      | x         | x                | x                 |
| IRC                           |                        |                                       |                        |           |                  |                   |
| IMA                           |                        |                                       |                        |           |                  |                   |
| World Vision                  |                        |                                       |                        |           |                  |                   |
| CRS                           |                       |                                       | x                      |           |                  | x                 |
| Care                          |                       |                                       | x                      |           |                  | x                 |
| Pact                          | x                     |                                       | x                      |           |                  | x                 |
| Save the Children             | x                     |                                       | x                      |           |                  |                   |

| Local Organizations           |                        |                                      |                        |           |                  |                   |
| ANDERI                        |                        |                                       |                        |           |                  | x                 |
| HEAL Africa                   |                        |                                       |                        |           |                  | x                 |
| Protestant Church             | x                     |                                       |                        |           |                  | x                 |
| Panzi Foundation              | x                     |                                       |                        |           |                  |                   |
| Group One                     | x                     | x                                    | x                      |           |                  | x                 |
Conclusion

Child labor in mining is an issue that we should all care about. Although this report has focused on the 3Ts and mines in Northern Katanga, all minerals mined by children from around the region are in every part of our lives. Child labor in mining is a sensitive issue and it is entirely understandable that responses to reports of child mining may include recommendations for consumers to simply stop purchasing minerals from those mines where children may be working. However, such a response, no matter how well intentioned, may result in increased hardship for the children and their families, and could push children farther away, beyond the reach of care and support services.

The international community, in partnership with private corporations and the government of the DRC have shown that through partnerships and commitment, complex issues such as conflict minerals can be prioritized and addressed. The iTSCi traceability and due diligence scheme, developed by ITRI and TIC and implemented by Pact and local partners, is proof that innovative solutions to complex problems can fundamentally change the way we do business, with profoundly positive impact. Now, children in the mines need to be part of the discussions, and our coordinated efforts need to prioritize them.

This document has attempted to illuminate the key issues that drive children into the mines and keep them there. What we learned was that child labor is not merely a result of poverty; miners have access to capital, even more than many other populations.

What needs to change is the prioritization of children’s activities.

When we explored this topic, we learned that decisions for children to work were shaped by a handful of sociocultural dynamics as well as due to a lack of social services and viable alternative options. These issues are not insurmountable. With the right commitment, funding, and targeted programs, child labor in mining in Northern Katanga can become a thing of the past.

Recommendations

To bring the solutions and interventions outlined in this report to fruition, we recommend convening a body of interested stakeholders to serve as a mechanism to leverage and coordinate funding and advocacy efforts. We suggest that support be given to the DRC government to enable it to carry out strategies and plans and coordinate across ministries to implement holistic interventions.

Finally, we feel that the OECD has a role to play in defining a context-specific understanding of WFCL and to articulate how companies can demonstrate their compliance with the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.
Bibliography


Endnotes


14 Ibid.

15 Ibid.

16 Ibid.


19 In Dodd-Frank, conflict minerals include columbite-tantalite (coltan), cassiterite, gold, wolframite, their derivatives, and any other mineral determined by the U.S. Secretary of State to be financing conflict in the DRC or an adjoining country (defined as one that shares an internationally recognized border with the DRC).

20 Under the control of armed groups refers to areas within the DRC and adjoining countries where armed groups physically control mines or force civilians to mine, transport, or sell conflict minerals; tax, extort, or control any part of trade routes for conflict minerals, including the entire trade route from a conflict zone mine to the point of export from the DRC or an adjoining country; or tax, extort, or control trading facilities, including the point of export from the DRC or an adjoining country.


23 More than 47,000 artisanal miners are currently trading their minerals through the iTSCi system in DRC (provinces of Katanga, Maniema, and South Kivu) and Rwanda.


26 The incidence of children of all ages working in mines for more than eight hours a day is significantly higher in Manono than at the other two mining sites surveyed.

27 Of those who believe that children aged five to seven do work, twice as many children indicate that the work periods last between one and three hours than those who believe the work periods last more than three hours.
Where rape occurs, there is recourse through local courts that most believe to be effective.

Peterman, et al., “Estimates and Determinants of Sexual Violence against Women.”


Forced labor, as defined by the ILO, comprises all involuntary work or service exacted under the menace of a penalty.


Ibid.

Ibid.


Paquette, Dede and John Ryan. Bronfenbrenner’s Ecological Systems Theory, http://www.cms-kids.com/providers/early_steps/training/documents/bronfenbrenners_ecological.pdf. In the Ecological Model for Human Development, Urie Bronfenbrenner argues that human development is linked to an entire ecological system whose five socially organized subsystems help support and guide human growth. The microsystem comprises the individual and his or her intimate environment, including family and schools. The macrosystem comprises institutional patterns that affect the micro level, including government, economy and culture.

Estimated budget for all activities described would be US$25 million.


Groupe One, “Projet de Lutte contre le Travail des Enfants.”

Save the Children, “Améliorer la Protection, l’Accès aux Services de Base et la Réintégration Communautaires des Enfants Travailleurs.”


