

CONGO'S MINING SLAVES

Enslavement at South Kivu Mining Sites

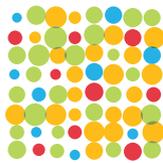


INVESTIGATIVE FIELD REPORT

June 2013



Free the Slaves liberates slaves, helps them rebuild their lives, and transforms the social, economic and political forces that allow slavery to persist. We support community-driven interventions in partnership with local groups that help people to sustainable freedom and dismantle a region's system of slavery. We convince governments, international development organizations and businesses to implement key changes required for global eradication. We document and disseminate leading-edge practices to help the anti-slavery movement work more effectively. We raise awareness and promote action by opinion leaders, decision makers and the public. Free the Slaves is showing the world that ending slavery is possible.



OPEN SQUARE
all sides being equal™

Funding for Free the Slaves work in the Democratic Republic of the Congo, including this field research and report, is provided by the Open Square Charitable Gift Fund. Open Square's Vision Statement: "We envision a world where women play a full and equal role in decision making processes at every level, where challenges are pro-actively embraced with inclusivity, authenticity and respect; where beauty is defined by the achievement of human potential."

ACKNOWLEDGEMENTS

Free the Slaves (FTS) wishes to acknowledge, first and foremost, two South Kivu-based human rights organizations, *Association Initiative – Développement Intégral* (AIDI) and *Justice Pour Tous* (JPT), who carried out primary research and analysis of the findings for this report. FTS is deeply grateful to the many participants who were interviewed in the course of this research, many of whom are still in slavery, and hopes that this report will make a contribution toward their liberation. FTS is indebted to Dr. Cara Kennedy, an academic, slavery expert, and practicing psychologist, for authoring the report. FTS also wishes to acknowledge Jody Sarich and Zorba Leslie, former FTS staff members, who made important contributions to the design of this research, and Karen Stauss, Gabriel Deussom and Jack Kahorha, current FTS staff, who assisted in its implementation. Report editor: Terry FitzPatrick. Report design: Alison Mitchell. Finally, Free the Slaves sincerely thanks the Open Square Charitable Gift Fund, without whose support this effort would have been impossible.

TABLE OF CONTENTS

4	ACRONYMS AND TERMS
5	EXECUTIVE SUMMARY
7	INTRODUCTION
	7 Historical Context
	8 International Legal Context
	9 Congolese Legal Context
	10 South Kivu Context
	11 Research Objectives
	11 Research Sites
13	METHODOLOGY
	13 Procedures
	14 Limitations of Study Methodology
15	RESEARCH FINDINGS
	15 Study Sample
	15 Table 1: Mines and Informants
	15 Table 2: Informant Age
	16 Results Overview
	16 Figure 1: Types of Slavery Across All Sites
	17 Debt Bondage
	17 Forced Labor
	18 Forced Prostitution and Sex Trafficking
	19 Worst Forms of Child Labor
	20 Forced Marriage
	21 Sexual Slavery
	21 Peonage Slavery
	22 Characteristics of those Enslaved
23	PROMISING PRACTICES IN COMMUNITY-LED ANTI-SLAVERY EFFORTS
	23 Figure 2: Pathway for Community Engagement to Confront Slavery
	24 Direct Partnerships with Community-Based Organizations
	24 Rights-Based Education
	24 Table 3: Impact of Community-led Activities in North Kivu
	25 Community Organizing and Mobilization
	26 Deployment of Locally Appropriate Communication Tools
	27 Sustained Pressure on Key Stakeholders
29	CONCLUSIONS AND RECOMMENDATIONS
	29 Community-Based Response
	30 DRC National Government
	30 U.S. Government
	30 United Nations Peacekeeping Operation In Congo (MONUSCO)
	31 Other Donor Governments, International Agencies and International Financial and Development Institutions
	31 Consumers and Investors
	31 Multinational Companies
32	APPENDIX
	32 A1. Definitions of Slavery
	32 A2. International Law
	33 A3. DRC Criminal Provisions
34	ENDNOTES

ACRONYMS & TERMS

AIDI	<i>Association Initiatives – Développement Intégral</i> (Association Initiative – Integral Development) Human rights NGO in South Kivu
ASSODIP	<i>Association pour le Développement des Initiatives Paysannes</i> (Association for the Development of Peasant Initiatives) Human rights NGO in North Kivu
Conductor	Mining team leaders who supervise the work undertaken by the miners
CREDDHO	<i>Centre de Recherche sur l'Environnement, la Démocratie, et les Droits de l'Homme</i> (Center for Research on the Environment, Democracy and Human Rights) Human rights NGO in North Kivu
DRC	Democratic Republic of the Congo (Congo)
FARDC	<i>Forces Armées de la République Démocratique du Congo</i> (Armed Forces of the Democratic Republic of the Congo)
FTS	Free the Slaves
ICGLR	International Conference on the Great Lakes Region
JPT	<i>Justice Pour Tous</i> (Justice For All) Human rights NGO in South Kivu
OECD	Organization for Economic Cooperation and Development
PDG	President Director General - a term coined to designate the owner of one or more mining shafts who employs several miners
PNC	<i>Police Nationale Congolaise</i> (Congolese National Police)
SEC	U.S. Securities and Exchange Commission
Supporter	A term coined to designate lenders who provide PDGs or miners with the seed money to start mining exploration work, buy tools and pay living expenses. Generally interest rates on borrowed money are very high and are calculated in such a way to prevent borrowers from paying their debts.

EXECUTIVE SUMMARY



Mining is a key source of export income for the Democratic Republic of the Congo (DRC or Congo). Minerals such as tin, tungsten, tantalum and gold are shipped to industrialized nations for use in electronics, jewelry manufacturing and many other industries. Congo's mineral resources have the potential to help the nation's economy expand and diversify. But at present, many Congolese people in mining zones toil in conditions of slavery, and much of the profit from mining benefits groups engaged in armed conflict.

This Free the Slaves field investigation was conducted to document the types, nature and scale of slavery at major mining sites in South Kivu province; to analyze the characteristics that cause Congolese workers to be vulnerable to enslavement; and to recommend solutions. The survey team findings are valuable information for a wide variety of actors working to improve the status of human rights in eastern DRC, including those focused on human trafficking, "conflict minerals," child rights, gender-based violence and rural poverty.

KEY FINDINGS

866 cases of slavery
discovered

Scope of Slavery: 866 individuals were confirmed to be in various forms of slavery in three mining communities, out of 931 individuals interviewed by researchers

7 types of
slavery identified

Types of Slavery: 7 types of slavery were identified: forced labor, forced prostitution, debt slavery, worst forms of child labor, peonage, forced marriage, sexual slavery

23% of slaves interviewed
were children

Child Slavery: 23 percent of those in slavery were under 18 years of age

KEY RECOMMENDATIONS

- **DRC Government:** Enforce Congo's anti-slavery laws; demilitarize mining sites; provide universal free primary schooling; develop social protection procedures to ensure safety of people in mining zones
- **U.S. Government:** Enforce Section 1502 of the Dodd-Frank Act and the Securities and Exchange Commission's (SEC) conflict minerals disclosure rule; exert diplomatic influence with DRC government
- **U.N. Peacekeeping Operation in Congo (MONUSCO):** Deploy peacekeepers at pilot sites for conflict-free mineral trading; prioritize monitoring and reporting of slavery in U.N Human Rights and Child Protection sections
- **Civil Society, Donor Governments, Aid Organizations:** Support rights-based community development efforts, mineworker associations and alternative livelihood projects; incorporate slavery eradication into the design of humanitarian assistance programs
- **Multinational Corporations:** Map product supply chains for slavery-tainted raw materials, and disclose findings; fund DRC community development efforts to reduce residents' vulnerability to slavery
- **Consumers and Investors:** Hold businesses and governments accountable for taking action

This report is not a prevalence study. It does not estimate the percentage of South Kivu's total population that is in slavery. It exposes that widespread slavery exists at major mining sites. The South Kivu research builds on a 2011 Free the Slaves investigation in Congo's North Kivu province that produced similar findings: The Congo Report: Slavery in Conflict Minerals.

Free the Slaves has begun implementation of community-based interventions in North Kivu province, and recommends that similar interventions be implemented to benefit residents of South Kivu province, as well.

“ The survey team findings are valuable information for a wide variety of actors working to improve the status of human rights in eastern DRC, including those focused on human trafficking, 'conflict minerals,' child rights, gender-based violence and rural poverty. ”

INTRODUCTION



HISTORICAL CONTEXT

Conflict and slavery have plagued the Democratic Republic of the Congo throughout its history. The people of this resource-rich country have paid an enormous price because of their region's natural wealth.

During colonial occupation, an estimated 10 million Congolese died as Belgium ruthlessly extracted rubber and ivory. An estimated 5 million more died during wars, famines and disease outbreaks in the decades after Belgium's withdrawal.¹

The so-called "Great War of Africa" officially ended in 2002. However, people in eastern Congo still face terror, political and economic instability, human rights abuses and extreme exploitation. Armed groups continue to fight in order to profit from the sale of gold, cassiterite (tin), coltan (tantalum), and wolframite (tungsten). These "conflict minerals" are used in a wide range of products – including computers, cell phones, medical devices and advanced aeronautics.²



Straddling the equator, the DRC is Africa's second largest country. With 76 million residents, it is Africa's fourth most populous nation.³

In 2011, Free the Slaves produced “The Congo Report: Slavery in Conflict Minerals,”⁴ documenting the nature and extent of slavery⁵ in North Kivu province. Some forms of slavery documented in North Kivu are directly linked to the conflict, including the use of child soldiers and the kidnapping of civilians for forced labor and sexual slavery by illegal armed groups and uncontrolled army units. Other forms of slavery are familiar around the world: debt bondage, forced marriage, slavery in the commercial sex trade, and child slavery that grows out of poverty and the lack of community-enforced norms respecting child rights. This current report updates the analysis of the global market and legal environments that surround the conflict minerals trade, and supplements data from North Kivu with an understanding of slavery in mines in South Kivu province.

Modern-day Slavery: People forced to work without pay beyond subsistence, under threat or actual violence, who cannot walk away.

INTERNATIONAL LEGAL CONTEXT⁶

The prohibition of slavery is a fundamental principle of international law, a peremptory norm from which no derogation is ever permitted, and a crime of universal jurisdiction – illegal no matter where it occurs.⁷ The crime of slavery is codified in a number of international human rights treaties.⁸ Not only is the crime of slavery⁹ prohibited by international law, but so also are many of the abuses outlined in this report that make up the context of slavery, such as: the various punishments to which slaves are subjected, including the torture¹⁰ of debtors if they are unable to repay their lenders, and other forms of cruel or degrading treatment;¹¹ the corrupt acts on the part of judicial authorities that promote peonage, such as arbitrary arrest or detention¹² and other denials of due process of law.¹³ Particular forms of slavery are also specifically prohibited under international law, including forced labor;¹⁴ the forced marriage¹⁵ of girls and women; the trafficking¹⁶ of girls and young women who hope to enjoy legitimate employment but instead are trapped in forced prostitution by small bar and restaurant owners and their customers; as well as the use of child labor and child servitude.¹⁷

Most recently, to address the complex supply chain and widespread, global consumption of conflict minerals from Congo, the United States Congress passed an amendment to the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010,¹⁸ in which the U.S. Securities and Exchange Commission (SEC) was directed to issue rules requiring certain companies to disclose their use of conflict minerals (tin, tantalum, tungsten or gold) in production.

In August 2012, the SEC adopted a new form and rule pursuant to section 1502 of the Dodd-Frank Act, which requires companies to determine the origin of minerals in their supply chain and, should their product contain minerals from Congo or its surrounding countries, file full disclosure with the SEC reporting on their due diligence efforts to eliminate any illegal profit to armed groups. While this is a landmark piece of legislation that stands to curb the multi-million dollar trade in illegally extracted minerals from eastern Congo, critics of its application note that it fails to address all of the root causes of the conflict and relies on the Congolese government to maintain conditions under which companies can practice due diligence and legitimately purchase the minerals they need. Such conditions of transparency and legitimate trade do not as yet exist on a wide scale.¹⁹

A separate law that applies to a wide range of multinational businesses operating in the U.S. state of California (one of the largest economies in the world) requires companies to report to the public what steps they are taking, if any, to eliminate slavery within their supply chains.²⁰ In the meantime, human rights abuses, illegal trade, intimidation, exploitation, and slavery continue to characterize the mining industry in Congo.

CONGOLESE LEGAL CONTEXT

The acts of modern-day slavery documented in this report violate the Constitution of the Democratic Republic of the Congo, which entered into force in 2006, and the Congolese penal code. Article 16 of the Constitution prohibits holding a person in slavery or slavery-like conditions. Article 61 lists the prohibition against slavery and servitude among those fundamental principles, rights that cannot be suspended even during a state of emergency. Likewise, the prohibition against imprisonment for debt—the implicit or explicit threat of which forms the basis for debt bondage slavery, as documented in this report—is a fundamental principle.²¹

In addition, Congo is a member of the International Conference on the Great Lakes Region (ICGRL), an inter-governmental organization of the countries in the African Great Lakes Region.²² The ICGRL and its member countries have adopted the Organization for Economic Cooperation and Development (OECD) due diligence guidance for responsible supply chains of minerals, the objectives of which are: to help companies respect human rights and avoid contributing to conflict through their mineral sourcing practices; cultivate transparent mineral supply chains and sustainable corporate engagement in the mineral sector; enable countries to benefit from their natural mineral resources; and prevent the extraction and trade of minerals from becoming a source of conflict, human rights abuses including forced labor, and insecurity.²³



SOUTH KIVU CONTEXT

The second richest gold deposit in Congo, the Twangiza-Namoya gold belt, cuts across the South Kivu province from east to west, and is a site of particularly long historical conflict. The prominent gold mining centers of Kamituga and Lugushwa, as well as other sites in the Walungu and Mwenga Territories, including Nyamurhale, tap into the Twangiza-Namoya gold belt, and currently include a mixture of informal and formal gold production, as well as mines of other minerals. With very low levels of formal employment, the population of Congo is drawn to mining sites in search of work and means to support their lives. While much of the area is fertile for agriculture, the security situation in the countryside prevents confidence in the longer-term investment required for planting and harvesting, and farming methods have not been innovated to produce high-yield cash crops. Men in particular migrate toward mining areas from diverse horizons. In many cases their lives become entrenched in the mines as a result of debts they have contracted, or work they are obligated to carry out. Under such precarious and dire conditions, modern slavery thrives, and in its diverse forms takes in men, women, and children alike.

“

Men in particular migrate toward mining areas from diverse horizons. In many cases their lives become entrenched in the mines as a result of debts they have contracted, or work they are obligated to carry out. Under such precarious and dire conditions, modern slavery thrives, and in its diverse forms takes in men, women, and children alike.

”



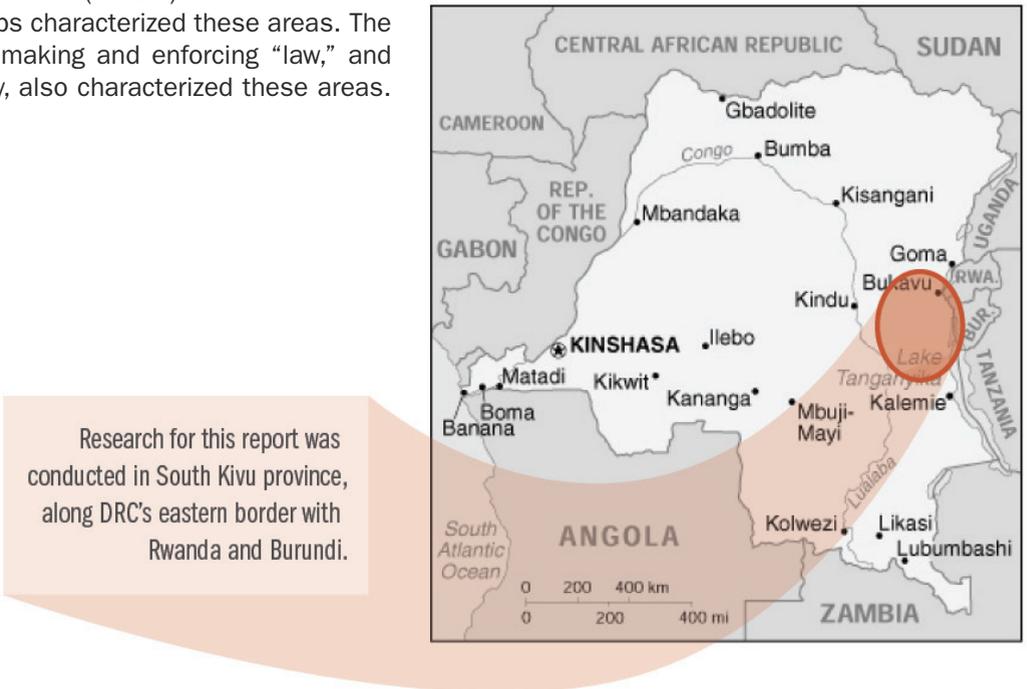
RESEARCH OBJECTIVES

This research was undertaken with several objectives:

- **Understand** the types, nature, and scale of slavery in select mines in South Kivu;
- **Analyze** the characteristics of those vulnerable to slavery in this context;
- **Produce** recommendations for the Congolese and U.S. governments, and for non-governmental institutions as well as community-based groups working to eradicate slavery and its consequences; and
- **Supplement** data generated in research on slavery and the conditions prevailing in mines in North Kivu.²⁴

RESEARCH SITES

This research was conducted in the South Kivu province of eastern Congo. Three primary sites were selected, including mines in and around the cities of Kamituga and Lugushwa (Mwenga territory), and Nyamurhale (Walungu Territory). Each of these sites was selected because of the presence of a large number of men, women and children involved in artisanal mining activity, selling of minerals, domestic work, petty commerce, prostitution, and forced labor including that under the aegis of armed groups. Significant human rights abuses and the direct and/or indirect implication of the armed forces (FARDC) and other national and foreign armed groups characterized these areas. The role of armed force in making and enforcing “law,” and the associated impunity, also characterized these areas.



CASE STUDY: TRAFFICKED INTO PROSTITUTION

Jeannette (21), Widline (21) and Magalie (22), were trafficked by a young man from their home neighborhood. He had been paid by a bar owner to deliver young women to Kamituga to work as servers and provide paid sex for bar customers.

Once the women arrived, the bar owner controlled their every movement. He confined them in his establishment, claiming this was allowed because of the large “debts” the women owed to him. Because he had “bought” them, paid for their transportation to Kamituga, and provided one meal a day and health care when they became sick, they were unable to leave.

Men paid U.S. \$6 directly to the bar owner for a night of sexual relations with one of the women in one of the bar’s rooms. The women owed the bar owner \$7 for any night that a man took them off the premises. The women received \$20 per month for their work.

The bar owner reserved the right to have sexual relations with any of the women as he wished.

Names of the women have been changed for their protection.



METHODOLOGY



Free the Slaves (FTS) partnered with two Congolese organizations, *Association Initiatives – Développement Intégral* (AIDI) and *Justice pour Tous* (JPT), to conduct this research from June 2012 to January 2013. Researchers from AIDI/JPT were accompanied by a guide in each of the sites, to facilitate their entry into the sites and to introduce them and their purpose to the study informants in the mining sites.

The total estimated population of people working in and around the mines is 1,400 in Kamituga, 610 in Lugushwa, and 500 in Nyamurhale. A convenience sample of 931 persons was interviewed across all three sites.

The decision to use a convenience sample, rather than a random sample, allowed field researchers to seek out individuals who exhibited observable signs of vulnerability to or likelihood of being in slavery.

PROCEDURES

Researchers gathered informed consent from each participant or, in the case of children from their parent or guardian, through verbal (recorded) or written agreement, ensuring that informants' identities and data would be protected.

One-on-one interviews yielded information on the types and frequency of slavery among the informants, as well as more in-depth information regarding their demographics (e.g., education, marital status, debt, income), and the characteristics of their lives in slavery (e.g., nutrition, health status, access to medical care, and perceived capacity to improve their situation).

LIMITATIONS OF STUDY METHODOLOGY

Research was conducted under challenging linguistic, logistical, seasonal, and security conditions, and informants who exhibited signs of enslavement were deliberately approached. This report, therefore, does not attempt to estimate the prevalence of slavery in South Kivu, but rather aims to expose the widespread existence of modern slavery in the selected mines through the voices and experiences of a convenience sample of individuals living and working in and around the mines.

The data were collected during face-to-face interviews in some areas under strict control of armed groups and other authority figures or mine supervisors. As a result, workers may have been less forthcoming and may not have reported the true magnitude of the impact of slavery on their lives.

CASE STUDY: FORCED INTO MARRIAGE

At age 13, Claudette was forced to marry her older sister's brother-in-law, and move away from her home village to a region called Nyamurhale.

However, when Claudette arrived in Nyamurhale, she wasn't welcomed as a newlywed. Instead, she was rejected by her new husband's family, who considered her to be a foreigner.

As a result, Claudette was neglected and mistreated by her husband. He beat her repeatedly. He married a second woman from his own ethnic group (polygamy is officially illegal in Congo though commonly accepted).

Over the years, Claudette and her husband have had four children, but he does not provide for their care. Claudette has had no choice but to discretely enter into prostitution to buy food for her children.

Claudette yearns to return to her home village. But she doesn't have funds to make the journey. Her husband has asked her to leave, but will not pay for her to do so.

The woman's name has been changed for her protection.



RESEARCH FINDINGS



STUDY SAMPLE

Of the total sample of 931 persons interviewed across all three sites, 866 (93%) were enslaved in one or more types of slavery described in this report. All subsequent analyses are based on the sample of 866 persons enslaved in the mining sites. The total number of mines and persons interviewed in each research site who met criteria for at least one form of slavery are presented in Table 1.

TABLE 1: Mines and Informants

RESEARCH SITE	KAMITUGA	LUGUSHWA	NYAMURHALE	TOTAL
Number of Mines	5	6	1	12
Total Informants	445	215	206	866

Of the total sample, 62% were men, and 38% were women. The majority of informants (64%) had immigrated from neighboring territories. The greater number of male informants is the natural result of the greater migration and presence of men in the mining sites, due to the nature of the work. However, a large number of women also migrate to mining zones to obtain work in small-scale commerce, in grinding minerals, in restaurants and bars, and in prostitution.

As shown in Table 2, the sample overall was young, with the largest proportion in the age range of 26-35, and relatively few informants over age 45. Of note, nearly a quarter of the informants were under the age of 18.

TABLE 2: Informant Age

AGE RANGE	FREQUENCY	PERCENTAGE
Under 18	203	23%
18 - 25	134	15%
26 - 35	258	30%
36 - 45	169	20%
46 - 60	97	11%
61 and over	5	1%
TOTAL	866	100%

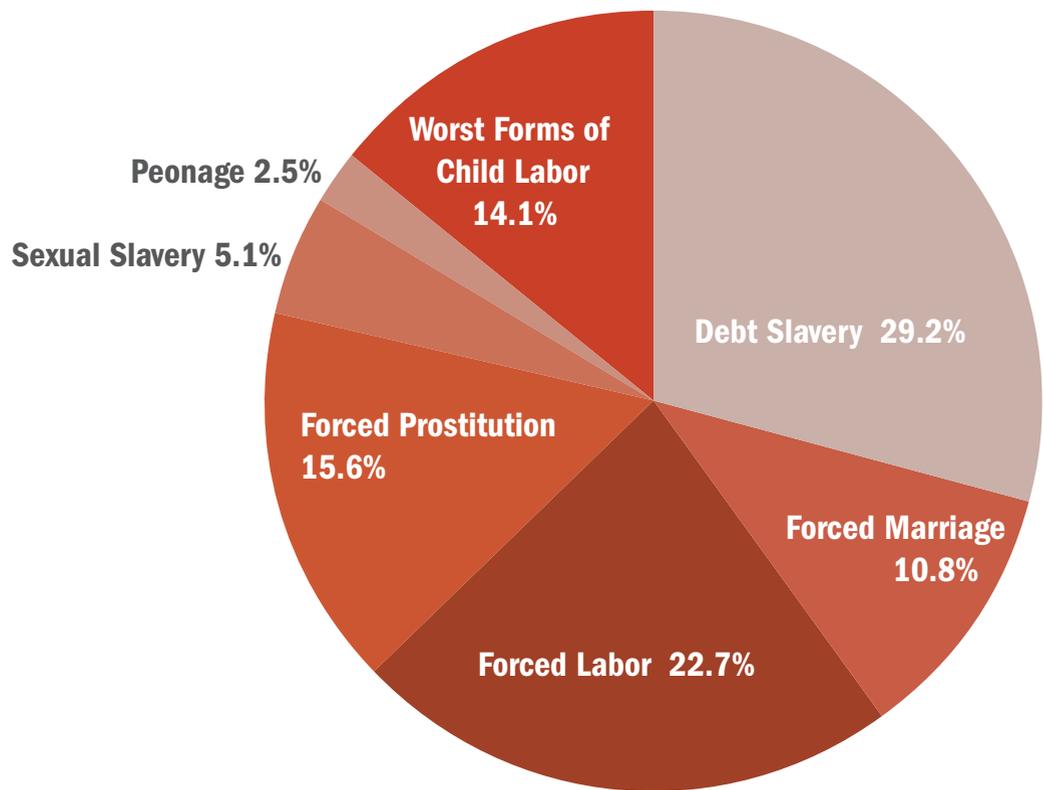
RESULTS OVERVIEW

Broadly speaking, this research revealed the existence of multiple and distinct forms of slavery across the three sites. The conditions in the mines of South Kivu favor those in power, who control and force their victims to submit to diverse forms of modern slavery, with little opportunity to gain autonomy.

Types of slavery, depicted in Figure 1, included debt bondage, forced labor, worst forms of child labor, forced marriage, forced prostitution, sexual slavery, and peonage, as well as other examples not easily classified into existing typologies of slavery. A number of informants reported being enslaved in more than one type of slavery; for example, women who were sexually exploited while being forced to work by members of armed groups, or children subjected to the worst forms of child labor in the mines while also in domestic slavery at the hands of adults or armed groups living around the mines.

Characteristics of the informants that predisposed them to slavery included poverty, with more than 90% reporting not having the financial means to sustain themselves with sufficient nutrition, pay for their children's school, or cover medical needs in the case of illness. Other common characteristics included lower formal education or literacy levels and extremely difficult living conditions.

FIGURE 1: Types of Slavery Across All Sites



DEBT BONDAGE

Across all three sites, debt bondage was the most frequently found type of slavery, almost exclusively affecting males. It was the most prevalent form of slavery reported in Kamituga, with 210 individuals (47%) of informants interviewed found to be in debt slavery. In Lugushwa, 25 individuals (12%) were in debt slavery. And in Nyamurhale, 39 individuals (19%) were in slavery for debt.

As was described in the The Congo Report (2011) for North Kivu and confirmed in the research in South Kivu, debt bondage in eastern Congo results when new workers are required to borrow money to purchase food, supplies, and the tools and equipment needed to keep them employed, or when they have “inherited” the debt of deceased family members. The return on their work proves to be insufficient and borrowed money is exhausted as the worker struggles to pay for food and drink, lodging, medical expenses and in some cases, school fees.

For those who are engaged as President Director General (PDG), a term coined to designate the owner of one or more mining shafts who employs several miners, debt slavery occurs because they typically invest their money to start mining and generally take loans from “supporters.”²⁵ For the PDG, the debt burden can be significantly greater, as they often enter into debt agreements with several lenders at once in order to supervise a team’s productivity, with the promise of paying off their debt based on the production of the mine. In the meantime, the PDG is responsible for supporting a large number of workers and the daily expenses for food and medical care (if provided).

However, not all PDGs provide financial support to their miners. In such situations, miners will independently contract debt to provide for their daily needs, with the hopes to pay off the loans when mining production starts. In some cases, miners are forced into debt to meet their social needs. Interest rates are excessively high and calculated so as to prevent workers from ever being able to pay off their debts.

When unable to repay their debts, they are forced to work excruciatingly long hours, while often subjected to threats of and/or actual injury, arrest or detention precipitated by their lender.

FORCED LABOR

Across all three sites in total, forced labor, defined as work or service demanded under the threat of punishment and for which a person did not offer himself/herself willingly, was the second most frequently found type of slavery, affecting both men and women. Workers were subjected to excessively heavy or long labor by PDGs, while PDGs were often engaged in forced labor under the control of the armed forces (FARDC). This form of slavery affected 10% of individuals in Kamituga, 24% of those in Lugushwa, and 61% of those in Nyamurhale. In Nyamurhale, forced labor primarily occurred at the hands of the military and local authorities. In Kamituga, PDGs and conductors (miner team leaders who supervise the work undertaken by the miners) subjected individuals to forced labor in the form of excessively heavy labor and/or long days.

FORCED PROSTITUTION AND SEX TRAFFICKING

Girls and women enter into forced prostitution in and around the mines of South Kivu through one of several avenues. Some have taken on work in the mines that provides little to no income and thus their survival and that of their children depends on their securing other means of income. With few other options, women and girls are resigned to entering into prostitution to generate this needed income. As one woman stated: “We came to find the means to live in this site. We have neither a spade nor a hammer; we give what we have.”

Others are recruited by owners of bars or small food establishments near the mines, often under the pretext and promise of being paid servers in the establishments. Bar owners select young, attractive women who will attract customers, but then impose upon them the sale of their bodies for sexual relations in addition to, and as a condition of, their work as servers. Once taken in, bar owners impose other conditions that make it impossible for the women to leave. Additionally, the commercial sexual exploitation of a child under the age of 18, regardless of any apparent consent, constitutes sex trafficking under international law, and is also criminalized under Congolese law.

“With few other options, women and girls are resigned to entering into prostitution to generate this needed income. As one woman stated: ‘We came to find the means to live in this site. We have neither a spade nor a hammer; we give what we have.’”

Women are often trapped by a debt for the food, lodging, clothing, and transportation paid to bring them to the establishment. In some cases the bar owners have paid family members for the girls, and thus “own” them and control all of their movements. In any case, once a girl or young woman has been sexually exploited, she may find it very difficult to return home because of the shame and stigma attached. The women typically receive little of the money the men pay to the bar owners. In some cases, the bar owners impose upon the women the condition that in order to leave, in addition to repaying their “debt,” they must supply other women of similar age and beauty to replace themselves. This form of slavery affected 14% of those in slavery in Kamituga, 27% of those in Lugushwa (nearly half of whom were girls under age 18), and 16% of those in Nyamurhale.



“

The conditions of children in the mines are deplorable. Children are exposed to dust, long working hours in the sun, and the transportation on their head, shoulders or back of heavy loads for their young age.

”

WORST FORMS OF CHILD LABOR

Laboring under conditions that place children’s health, growth, security, development, and dignity or morality at risk characterizes the worst forms of child labor.²⁶ Of the total 203 youths under age 18 who were interviewed in this study, 67% of them were subjected to worst forms of child labor. This occurred at the hands of PDGs, conductors, and other miners. It had significant repercussions for their health, security, and growth, and led to physical deformity. In Nyamurhale, the mine is situated in an otherwise typical rural village, which accounted partly for the presence of children seeking ways to make money to pay for their school fees and basic needs, as well as to support their families’ needs. In Nyamurhale, FARDC soldiers were found to exploit children by demanding that they transport or grind sand and rocks.

Parents also played a role in their children’s exploitation. Across the three sites, many children reported that their labor and its meager income were needed to offset their family’s expenses, and served to support their schooling or that of their siblings. For other families, the lack of financial means to send children to school was the factor that pushed them toward work in the mines, as an alternative activity. Consequences of children’s presence in the mines included loss of school time, early marriage, sexual exploitation and/or promiscuity, drug addiction, pulmonary infections, and sexually transmitted infections, including HIV/AIDS.



The conditions for children in the mines are deplorable. Children are exposed to dust, long working hours in the sun, and the transportation on their head, shoulders or back of heavy loads for their young age. They are also exposed to the consumption of non-potable water and undercooked food. As a result, they are at high risk and predisposed to diseases, including respiratory and digestive diseases, and deformation of the spine. Mining sites are also a ground for contamination and spread of sexually transmitted diseases, including HIV/AIDS, because of promiscuity and prostitution which is rooted in mining areas. Many children admitted to smoking cigarettes in the belief that it would give them the strength to work and stop nausea.

Unfortunately, for many adults, the presence of children in mines is considered as a boon since it procures cheap labor they can exploit for hard and heavy work that adults themselves avoid. Child labor in these areas is exacerbated by several factors, such as the desire to earn a little money, the growing irresponsibility of parents and sometimes the proximity of mines to villages.

FORCED MARRIAGE



In the South Kivu sample, 36% of informants were unmarried, 26% were married, and 33% were in non-married relationships. The specific dynamics of forced marriage in South Kivu involve a person (typically a girl, or woman age 18 to 25, but sometimes a man), being promised, transferred, or given as a spouse to another with no right or possibility to refuse. In such arrangements, the victim is forced to submit to the local custom and/or the power of his/her parents who themselves are often responding to the demands of excessive debt. In Kamituga forced marriage affected 16% of the informants, nearly twice the proportion found in Lugushwa (8%) and Nyamurhale (8%). Civilians are the perpetrators of forced marriage in these three research sites in South Kivu.

More generally, however, a large percentage (43%) of the informants reported having limited freedom to choose their spouse (58.4% of the females interviewed and 33.7% of the males

interviewed). This trend was more pronounced in Nyamurhale than in Kamituga, and was attributed to the stronger influence of traditional culture and customs maintained by heads of families (fathers) in this region. Anecdotes that emerged from the interviews indicated that a large number of young men were obligated to choose a particular woman as wife due to her having become pregnant, or were obligated by their parents as a result of their wish to marry their sons to families of the parents' choosing. Women and girls were often promised or transferred to men without the right to refuse as an object of inheritance following a death, as payment of a debt, or to solidify a relationship between her parents and a partner or friend of theirs. (Free the Slaves has conducted in-depth research into the little-understood crime of forced marriage in eastern Congo, and a report is forthcoming in the summer of 2013.)

SEXUAL SLAVERY

Sexual slavery is described as a person exercising the powers of ownership over another person, such as holding or depriving a person of their liberty; or buying, selling and bartering such a person for sexual purposes. In Kamituga, 24 women and 11 girls, or 8% of Kamituga informants were enslaved in sexual slavery. In Lugushwa, 3 women and 7 girls (5%) were in sexual slavery. And in Nyamurhale, 4 women and 1 girl (2%) were enslaved in this form of slavery.

There are cases where girls were effectively “bought” and moved from the cities of Goma and Bukavu to Lugushwa and Kamituga. Because they have been uprooted from their homes, transported long distances, and do not know people in the new communities or the price that has been paid for them, they effectively become private property of their traffickers.

Bar owners hold them with authority in their bistros, and dictate everything they should do. They have no choice but to comply. Girls at one establishment explained that they are forced to have sexual relations with their master; they cannot turn him down or resist.

PEONAGE SLAVERY

This form of enslavement derives its name from a historical form of slavery in the United States. A member of law enforcement, a local official, or a member of an armed group will arrest an individual – under the pretext of a legal violation but without any legal basis – as a means of gaining control over him/her in order to exploit his or her labor. The arrest will typically be followed by one of three outcomes: the individual may be put straight to work as a prisoner under armed guard; there may be some type of fallacious trial or hearing in which the individual will be “sentenced” to work and taken to the mines as a prisoner; or, the arrested person will be “convicted” and then fined a significant sum of money. Unable to pay the fine, the individual will either be sent to the mine to “work off” the fine, or the debt will be sold to someone who wishes to acquire an enslaved mine worker.

This form of slavery affected the smallest number of informants overall, affecting 2% of those in Kamituga, 7% of those in Lugushwa, and none in Nyamurhale. In both Kamituga and Lugushwa, peonage occurred when armed groups under FARDC command arrested and incarcerated miners who had spent weeks or months prospecting for minerals and preparing a site for production. Timing their arrests for the moment a mine was about to become productive, armed groups took over the operation while the mining site’s original developers were confined.

CHARACTERISTICS OF THOSE ENSLAVED

Life in and around the mines is characteristically grueling. Across all three sites, most of the 866 informants in one or more form of slavery reported only eating one meal per day (58%), and that the quality of their nutrition was insufficient. Informants did report having access to medical care, with the most frequent sources of that care being health centers (69%), and traditional healers (14%). However, 99% of them reported the care that they had access to was ineffective. The overwhelming majority of informants had minimal education levels (61%) or were illiterate (23%).

CASE STUDY: DESPERATE MINE OPERATOR TRAPPED IN DEBT SLAVERY

Léon, now in his 50s, borrowed a few thousand dollars more than a decade ago to begin an informal mine near the village of Kabo. But Léon has learned that many lenders (called “supporters”) operate like loan sharks, trapping entrepreneurs in debt slavery.

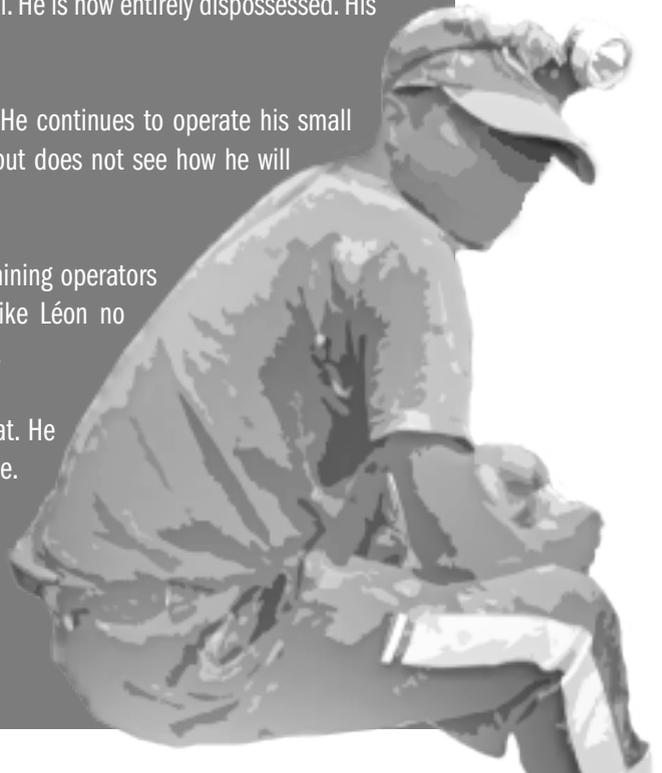
Léon’s supporters have physically attacked him and had him arrested several times. He sold everything he owned to bail himself out of jail. He is now entirely dispossessed. His debt has compounded to U.S. \$120,000.

Léon lives in fear of future attacks and arrests. He continues to operate his small mine in order to pay something to his lenders, but does not see how he will ever fully repay his debt.

Léon also fears what may happen if corporate mining operators force out small independents, leaving miners like Léon no opportunity to make any payments to supporters.

Léon says he would take up arms to prevent that. He accepts the possibility that he may die in his mine.

The man’s name has been changed for his protection.



PROMISING PRACTICES IN COMMUNITY-LED ANTI-SLAVERY EFFORTS



Slavery in South Kivu mining communities presents a daunting set of challenges to securing freedom. But these challenges are not unlike those found in North Kivu,²⁷ where Free the Slaves has already begun to show that dynamic, community-driven responses can be a powerful force in combating slavery. These efforts show promising progress towards building durable community resistance and accountability, and serve as a roadmap for combating the rampant slavery described in this report.

Since 2010, FTS has been implementing a community-based anti-slavery program in mining communities located in the North Kivu Province territories of Masisi and Walikale.²⁸ This program is currently active in over 25 mining villages, and is implemented in close cooperation with Congolese partner organizations.²⁹ Each partner has deep ties to affected communities and shares FTS's commitment to community empowerment and durable change. Rights-based education is employed to establish an essential foundation for building community consensus against slavery, and the resulting motivation to organize against the forces that allow extreme human exploitation to persist.

As communities establish a consensus against slavery, FTS helps community members organize in community-based protection committees. These committees are supported with regular capacity building and locally appropriate communication tools. Equipped with these tools, communities in North Kivu are targeting pressure on key stakeholders, including holding their elected government leaders to account for providing essential services and protections.

Figure 2: Pathway for community engagement to confront slavery



DIRECT PARTNERSHIPS WITH COMMUNITY-BASED ORGANIZATIONS

Community-led action is the hallmark of FTS frontline anti-slavery work in eastern Congo, and is carried out through partnerships with grassroots organizations. In North Kivu, FTS partners with ASSODIP and CREDDHO, two organizations that have deep ties to affected communities. The partnerships with these organizations emphasize joint commitment to long-term change through a rights-based approach. Both organizations have proven adept at community mobilization in highly unstable regions, and provide sustained support to community driven responses. They have become flagships of anti-slavery work in North Kivu and the broader region, influencing the international dialogue around reform of the mining sector. In May 2013, both organizations represented the issue of slavery in a meeting of the ICGLR-OECD-U.N. Group of Expert Multi-Stakeholder Forum in Paris.

RIGHTS-BASED EDUCATION

FTS work in each North Kivu community begins with rights-based education. While there are many human rights and development organizations in eastern Congo, there is a dearth of agencies that understand and work to address slavery. This reality reflects what has been, until recently, a failure to recognize widespread patterns of exploitative and violent human rights abuses as slavery. FTS therefore begins by reorienting local understanding of complex social problems that have been normalized over decades of great human struggle and violence. To this end, FTS and its partners have trained more than 4,000 community members in the realities of slavery, including skills to resist enslavement. As communities' understanding of their own realities of enslavement grows, they have generally come to establish a consensus desire to resist enslavement.

Table 3: Impact of Community-Led Activities in Some Mining Areas of North Kivu

8	Functional community-based committees established
100	Government officials trained
425	Households visited by the committees
4,000	Community members sensitized on slavery
7,000	School children sensitized through public theater

COMMUNITY ORGANIZING AND MOBILIZATION

Once a community establishes a consensus for the need to address slavery, FTS supports the formation of volunteer community protection committees. A total of eight such committees currently serve a leadership role in carrying forward the vision of their broader communities. They are made up of motivated individuals, including slavery survivors. The committees strike a balance of gender and social backgrounds. FTS equips the committees with practical tools for creating action plans and focusing their energies. Recent action by committee members show their development of effective and self-sustaining techniques, which have enabled them to rethink power dynamics and their potential to influence durable social change.

The community organizing approach employed by FTS has proven to be an important empowerment mechanism for strengthening horizontal communication and leadership. Such empowerment has been historically undermined by official authority structures, and even well intentioned non-governmental organizations seeking to fill a void left by weak state institutions.

The committees provide communities a mechanism for acting together to address their vulnerability and to resist enslavement. Committees, some of which have been in existence in Masisi for over two years, are increasingly speaking more competently about slavery, demonstrating improved knowledge and substantially changed attitudes regarding the extent of slavery and the nature of exploitative practices. Committee members have also demonstrated strengthened local problem-solving abilities and ownership of the liberation process.

“ Free the Slaves has already begun to show that a dynamic, community-driven response is both an effective and appropriate approach to combating slavery in eastern Congo, and building durable resistance to and accountability for future enslavement.”



DEPLOYMENT OF LOCALLY APPROPRIATE COMMUNICATION TOOLS

FTS and its partners work to develop and incorporate accessible learning and teaching tools to aid local committees in their efforts to mobilize their communities. These tools reflect both the basic reality of illiteracy in most Congolese communities, while also building on cultural strengths of storytelling and expression through performance and visual art.

Audio-visual materials are currently being used by CREDDHO in its mining resource center in the remote territory of Walikale. Individuals who intend to go to mining sites, or who have already found themselves in exploitative situations, are able to learn more about the risks linked with working in the mines. This resource center has begun to play an important and otherwise unfilled role in counseling, referring victims, and educating the public on slavery. CREDDHO developed a referral system with both local and international NGOs to refer slavery victims who visit the resource center.



Another partner, ASSODIP, created a comic book magazine depicting the life of a child slave in mining sites. The magazine shows practical courses of action that can be taken to intervene on a child's behalf, and has been eagerly received by community members. This partner also uses comedic street theatre to portray the realities of slavery and the potential risks associated with various types of work in mining areas. Comedy and dramatized performance have proven to be effective means for diffusing tensions and allowing space for discussion of otherwise taboo and difficult topics.

These activities have helped individuals understand that the problems they face are unacceptable violations of their human rights, and that they have the power to change their own circumstances. As more individuals participate in these events, and become involved in the organizing activities of community-based committees, FTS has begun to see the beginnings of a broad-based public constituency that increasingly prioritizes the issue of trafficking and slavery.

SUSTAINED PRESSURE ON KEY STAKEHOLDERS



As part of the action-planning process, community members identify key stakeholders with power to positively change factors leading to vulnerability to slavery. Exercising their increased capacities and reflecting their own internal normative changes, they then begin to instigate government protection and services through collective action. The community members, led by the protection committees, focus their attention by meeting these individuals and making direct demands based on their social rights and the responsibilities of targeted stakeholders to the welfare of the communities. These stakeholders are primarily civilian governmental officials responsible for regulating the mineral trade, and security and law enforcement officials. They also target school officials and local leaders involved in mining cooperatives and

other workers' associations. Rather than fill the void left by an ineffective Congolese government, FTS and community committees support and pressure government actors to serve their essential function of providing services and protections to the Congolese people.

As FTS local partners and the community committees build their presence, they are increasingly recognized as human rights leaders and points of reference in their communities. They are regularly invited to meetings by local government officials and humanitarian organizations to provide relevant information on slavery and child labor. In one example, a community committee was sought out by an international non-governmental organization to help facilitate provision of school fees for more than 1,000 vulnerable children in Masisi.

Community committee members have raised questions about slavery, arbitrary arrests, and illegal detentions in meetings with provincial Members of Parliament (MPs). In one instance, four MPs made and subsequently renewed their commitment to addressing slavery by pledging to develop action plans delineating their concrete implication. This advocacy led some of the MPs to question the ministers of Education and Public Works during parliamentary hearings about the lack of roads and school infrastructure in North Kivu, and the consequences for the vulnerability of children to slavery. Communities have also challenged law enforcement to enforce anti-slavery and child labor laws and to prosecute offenders, resulting in at least one arrest.



Free the Slaves has already begun to show that a dynamic, community-driven response is both an effective and appropriate approach to combating slavery in eastern Congo, and building durable resistance to and accountability for future enslavement.

The successes achieved by North Kivu communities demonstrate that slavery in South Kivu can be answered effectively through community-led action. Both provinces face rampant slavery in various forms, and are tragically united in their historical struggle with violent conflict and exploitation. By confronting its own realities of enslavement, and collectively organizing its communities to lead a movement for change, South Kivu can join its northern partner in implementing scalable responses to slavery and other human rights abuses throughout the DRC.

CONCLUSIONS AND RECOMMENDATIONS



This study offers a unique view of the diverse forms of slavery at three mining sites in South Kivu province. It is clear that the scale and diversity of slavery is extensive, despite legislative developments and national and international investment to end abusive mining. Across all three sites, the most frequently reported forms of slavery were debt slavery, forced labor, forced prostitution, and worst forms of child labor. In Kamituga, debt slavery was reported most commonly, while forced labor was most common in Nyamurhale. In Lugushwa, forced prostitution and forced labor were the forms of slavery reported most commonly.

This study's findings illuminate the critical importance of protecting and promoting human rights, through strengthening the rule of law and state authority. However, mitigating the risk of enslavement in eastern Congo also necessitates addressing pervasive causal factors such as poverty, lack of education, and generalized insecurity, which drive the migration of adults and children into mining communities where the risk of exploitation and slavery is significant. Broad and comprehensive political and strategic intervention to prevent and eliminate slavery at the source of mineral supply chains must be accompanied by focused community-based responses that address the nuances and specific conditions that give rise to slavery in its diverse forms and locations.

RECOMMENDATIONS FOR STAKEHOLDERS IN THE MINING SECTOR

COMMUNITY-BASED RESPONSE

- Raise awareness of human rights and modern-day slavery, in order to inspire actions of social resistance, promotion and protection of the rights of artisanal miners and others in mining zones.
- Build upon and strengthen the movement to remove children from dangerous work in the mines.
- Cooperate with the national police (PNC), mining police and other government agencies in order to identify and respond to cases of modern slavery.
- Form and empower grassroots community-based vigilance committees in and around the mining sites to serve as units of protection and advocacy for human rights and justice.

- End impunity for modern slavery by enforcing Congo's laws, using both the military and the civilian justice systems, including through mobile courts.
- Adopt legislation that recognizes and enforces laws against the forms of modern slavery that have not yet been recognized or included in existing law, primarily debt slavery imposed by civilians.
- Develop social protection procedures to ensure the safety and security of vulnerable persons living and working in and around the mining sites.
- Engage in concrete actions to promote and protect children's rights, including removing children from mining sites through a protective, non-punitive approach.
- Create universal access to free primary schooling, without any associated costs or fees. Increase access to secondary schooling.
- Demilitarize mining sites, as an element of reforming the entire security sector.
- Develop effective economic and humanitarian interventions to address basic needs.

U.S. Government

- Make it a high priority to wield U.S. influence so that the Congolese government will adopt the above recommendations.
- Enforce Section 1502 of the Dodd-Frank Act and ensure that companies adhere to the highest standards of due diligence and disclosure of use of conflict minerals.
- Support rights-based community development efforts that will sustainably protect mining communities from slavery and other human rights abuses. In particular, consult with local communities to determine their priorities, which may include access to education, support for forming true mining workers' associations, and developing alternative livelihoods such as agriculture. Incorporate an understanding of slavery into the design of development and humanitarian assistance programs in mining communities.

United Nations Peacekeeping Operation In Congo (MONUSCO)

- Continue efforts to introduce transparency into the mining sector.
- Deploy peacekeepers to protect civilians effectively throughout eastern Congo, including in mining zones that are being set up as pilot sites for legal and transparent conflict-free mineral trading.
- Prioritize the monitoring and reporting of modern forms of slavery within U.N. Human Rights and Child Protection sections, ensuring that all staff are well-informed about relevant international and Congolese laws. Maintain pressure on the Congolese government to respond to abuses.
- Make it a high priority to wield U.N influence so that the Congolese government will adopt the above recommendations.

Other Donor Governments, International Agencies, and International Financial and Development Institutions

- Continue efforts to support transparency and the protection of human rights in the mining sector.
- Support rights-based community development efforts that will sustainably protect mining communities from slavery and other human rights abuses. In particular, support programs that consult with local communities to determine their priorities, which may include access to education, support for forming mineworker associations, and developing alternative livelihoods such as agriculture. Incorporate an understanding of slavery into the design of development and humanitarian assistance programs in mining communities.
- Make it a high priority to wield influence over the Congolese government so that it adopts the above recommendations.

Consumers And Investors

- Hold businesses and governments to account for taking action to remove slavery and conflict from product supply chains, without disengaging from purchasing source materials in Congo.
- Visit FREETHESLAVES.NET and FTSBLOG.NET for specific actions to take today.

Multinational Companies

- Desist from participation in and/or denounce legal challenges to the SEC Conflict Mineral Rule (led by the U.S. Chamber of Commerce, the National Association of Manufacturers and the Business Roundtable), which detract attention and energy from resolving the problems that give rise to conflict minerals.
- Maintain a high standard of transparency in publishing and filing disclosures to the SEC under Section 1502 of the Dodd-Frank Act.
- If applicable, publish detailed disclosures as required under the California Transparency in Supply Chains Act.
- Engage with the U.S. government as a constituent for peace in Congo, demanding policies that will give rise to conditions allowing slavery-free and conflict-free minerals to emerge in Congo.
- Support efforts to invest in community development at the source of mineral supply chains, in order to alleviate the local conditions that create or exacerbate vulnerability to slavery.

APPENDIX

A1. Definitions of Slavery

Slavery:³¹ Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. Free the Slaves also makes use of this sociological definition of slavery: Forcing a person to provide labor or sexual service under the threat of violence or other serious harm, for little to no pay, where the person cannot walk away.

Debt bondage:³² Debt bondage [is] the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

Serfdom:³³ Serfdom [is] the condition or status of a tenant who is by law, custom or agreement bound to live and labor on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status.

Forced Marriage:³⁴

- (i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or
- (ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or
- (iii) A woman on the death of her husband is liable to be inherited by another person.

Child Servitude:³⁵ Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labor.

A2. International Law

Trafficking: Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines Trafficking in Persons as the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.³⁶

Worst Forms of Child Labor:³⁷ Article 3: For the purposes of this Convention, the term the worst forms of child labor comprises:

- (a) 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;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) 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;
- (d) 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.

A3. DRC Criminal Provisions

As described more fully in The Congo Report, the acts of modern-day slavery documented in this report violate the Constitution of the Democratic Republic of the Congo, which entered into force in 2006, and the Congolese penal code. The relevant provisions are provided below:

- Article 16 of the Constitution prohibits holding a person in slavery or slavery-like conditions.
- Article 61 lists the prohibition against slavery and servitude among those fundamental principles and rights that cannot be suspended even during a state of emergency. Likewise, the prohibition against imprisonment for debt - the implicit or explicit threat of which forms the basis for debt bondage slavery, as documented in this report - is a fundamental principle.³⁸
- The penal code, originally adopted in 1940, prescribes a punishment for abduction, arbitrary arrest or detention, including for the purpose of selling a person as a slave.³⁹
- Congo's law against sexual violence, enacted in 2006, addresses cases that include a sexual (or marriage) component.⁴⁰
- The child protection law, enacted in 2009, punishes the trafficking of children by 10 to 20 years imprisonment.⁴¹
- The child protection law also prohibits the "worst forms of child labor,"⁴² and assigns a penalty of one to three years imprisonment.
- The recruitment or use of children by armed groups carries a penalty of 10 to 20 years.⁴³
- Child labor violations include labor that is likely to harm the health and safety of children, which under any reasonable interpretation would include work done under the unsafe conditions that prevail in eastern Congo's mines.
- A ministerial decree implementing the prohibition against worst forms of child labor stated that regular manual transport by children constitutes a violation. The decree set maximum weight loads for "occasional" transport by 16- and 17-year-olds.⁴⁴ Many cases of transportation of minerals by children from, in, and around South Kivu's mines thus violate the decree because the transport is regular, not occasional; it far exceeds the maximum weight loads; and/or it is performed by children under 16 years of age.
- The military penal code, which applies to members of the military, police and armed groups, punishes arbitrary acts against civilians or acts that are prejudicial to their individual rights and liberties with four years imprisonment.⁴⁵



END NOTES

1. "The Congo Report: Slavery in Conflict Minerals." Free the Slaves (2011). Available at <http://www.freetheslaves.net/Document.Doc?id=243>.
2. Ibid.
3. "The World Factbook." <https://www.cia.gov/library/publications/the-world-factbook/geos/cg.html>.
4. "The Congo Report: Slavery in Conflict Minerals." Free the Slaves (2011). Available at <http://www.freetheslaves.net/Document.Doc?id=243>.
5. See Appendix A.1 for conventional definitions of slavery.
6. See Appendix A.2 for international legal statutes on trafficking and worst forms of child labor.
7. M. Cherif Bassiouni, "International Crimes: 'Jus Cogens' and 'Obligatio Erga Omnes,'" *Law and Contemporary Problems* (Autumn 1996), Vol. 59, No. 4, p. 68.
8. International treaties containing provisions prohibiting the acts that, alone or in combination with one another, comprise the crime of slavery outlined in this report are as follows: The 1926 League of Nations Slavery Convention or the Convention to Suppress the Slave Trade and Slavery (CSSTS), The United Nations 1956 Supplementary Convention on the Abolition of Slavery (SCAS), the Slave Trade, and Institutions and Practices Similar to Slavery, The Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), The International Covenant on Economic, Social and Cultural Rights (ICESCR), The Forced Labor Convention No. 29 (FLC), The Abolition of Forced Labor Convention No. 105 (AFLC), The Minimum Age Convention No. 138 (MAC), the Worst Forms of Child Labor Convention No. 182 (WFCL), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the African Charter, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (TIP) and the Rome Statute, which governs the International Criminal Court.
9. Slavery and servitude are prohibited by: Art. 2 of the CSSTS; Art. 4 of the UDHR; Art. 8(1) of the ICCPR; Art. 5 of the African Charter; and article 7.1.c of the Rome Statute.
10. Art. 5 of UDHR; Art. 7 of ICCPR.
11. Art. 5 of UDHR; Art. 5 of the African Charter.
12. Art. 9 of UDHR; Art 9(1) of ICCPR; Art. 6 of the African Charter; Art. 7.1.e of the Rome Statute.
13. Art. 8, Art. 10 of UDHR; Art. 9(2)-(5); Art. 14 of ICCPR; Art. 9(2)-(5); Art. 14 of the African Charter; Art. 7.1.e of the Rome Statute.
14. Art. 8(3)(a) of ICCPR; Art. 6(1) of ICESCR; and numerous articles of FLC, AFLC and MAC.
15. Sec. 1, Art 1(c) of SCAS; Art. 16(2) of UDHR; Art. 23(3) of ICCPR; Art. 10(1) of ICESCR; Art. 16(1)(b); 16(2) of CEDAW.
16. Art. 7.1.g of the Rome Statute; Art. 3a of TIP.
17. Art. 1(d)(iv) of SCAS; Art. 2, 3, 5 of MAC; Art. 2 of WFCL.
18. Dodd-Frank Wall Street Reform and Consumer Protection Act, available at <http://www.sec.gov/about/laws/wallstreetreform-cpa.pdf>.
19. The SEC rule is being challenged in a lawsuit brought by the U.S. Chamber of Commerce, the National Association of Manufacturers and the Business Roundtable, claiming the SEC did not properly evaluate the costs and benefits of the new rule, as is required under separate law.
20. California Transparency in Supply Chains Act (SB 657 2010).
21. Constitution of the Democratic Republic of the Congo, Arts. 16, 61(3), and 61(6).
22. ICGLR member countries include Angola, Burundi, Central African Republic, Republic of Congo, Kenya, Uganda, Rwanda, Sudan, Tanzania, Zambia, and DRC.
23. OECD (2011), OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, OECD Publishing. <http://dx.doi.org/10.1787/9789264111110-en>.
24. See "The Congo Report: Slavery in Conflict Minerals." Free the Slaves (2011). Available at <http://www.freetheslaves.net/Document.Doc?id=243>.

25. See List of Terms and Acronyms.
26. In this report and in Free the Slaves' The Congo Report: Slavery in Conflict Minerals (2011), child labor in the mines has been characterized as both a "worst form of child labor" and a form of slavery because (1) it is always carried out in exploitive conditions for the benefit of another, whether a family member, a mining supervisor or both, and (2) given the extremity of hazardous conditions for children (and adults) in the mines, it is considered that the child has no ability to consent to that exploitation. Nonetheless, it should be noted that under international law, the worst forms of child labor (defined by C182 Worst Forms of Child Labor Convention (1999) of the International Labor Organization), overlaps with but does not always constitute a form of slavery.
27. See "The Congo Report: Slavery in Conflict Minerals."
28. These communities included those surrounding mining sites surveyed in "The Congo Report: Slavery in Conflict Minerals."
29. ASSODIP and CREDDHO are two Congolese human rights organizations based in North Kivu. Each organization has shown a strong commitment to engaging communities at the grassroots level and building their capacity.
30. See Appendix A.3 for existing DRC Criminal Provisions.
31. 1926 League of Nations Convention to Suppress the Slave Trade and Slavery.
32. 1956 U.N. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.
33. Ibid.
34. Ibid.
35. Ibid.
36. U.N. Protocol To Prevent, Suppress And Punish Trafficking In Persons, Especially Women And Children, Supplementing The United Nations Convention Against Transnational Organized Crime, 2000.
37. ILO C182 Worst Forms of Child Labor Convention, 1999.
38. Constitution of the Democratic Republic of the Congo, Arts. 16, 61(3), and 61(6).
39. Congolese Penal Code, Vol. 2, Arts. 67, 68.
40. Congolese Sexual Violence Law, Law No. 06/018 (July 20, 2006), amending the Penal Code.
41. Congolese Child Protection Law, Law. No. 09/001 (January 10, 2009), Art. 162. This provision parallels the generally accepted international definition of human trafficking that applies to adult victims; however, the Congolese provision is narrower with respect to the trafficking of children. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Art. 3. Nonetheless, the DRC acceded to the Protocol on October 28, 2005, which means that it is bound to criminalize human trafficking as defined in the Protocol.
42. Congolese Child Protection Law, Law. No. 09/001 (January 10, 2009), Art. 53. The definition of "worst forms of child labor" follows the international standard of ILO Convention No. 182.
43. Ibid., Art. 187. (Both the sexual violence law and the law on child protection define a child as a person under 18 years of age, in conformity with international law.)
44. Ministerial Decree No. 12/CAB.MIN/TPSI/045 /08 (8 August 2008) fixing the conditions of child labor.
45. Congolese Military Penal Code, Law No. 024/2002, Art. 104.



1320 19th Street NW, Suite 600

Washington, DC 20036 USA

Phone: 202.775.7480

E-mail: info@freetheslaves.net

Website: www.freetheslaves.net