



## ORAL STATEMENT BY AMNESTY INTERNATIONAL

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**58<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights, Banjul, The Gambia**

**Agenda Item 8: Activity Report of the Chairperson of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa**

Chairperson, Honourable Commissioners,

Amnesty International welcomes the opportunity to make this statement today.

People around the world increasingly rely on rechargeable batteries to power their mobile phones, tablets, laptop computers and other portable electronic devices. A key component for lithium-ion rechargeable batteries is cobalt. More than half of the world's total supply of cobalt comes from the Democratic Republic of the Congo (DRC). According to the government's own estimates, 20% of the cobalt currently exported from the DRC comes from artisanal miners. There are approximately 110,000 to 150,000 artisanal miners mining cobalt, working alongside much larger industrial operations.

Amnesty International and Afrewatch conducted research in the artisanal cobalt mines, documenting child labour and perilous working conditions which are in stark contrast with the glamorous shop displays and marketing of state of the art technologies. According to UNICEF an estimated 40,000 boys and girls work in mines across southern DRC. Children interviewed by Amnesty International said they worked for 12 hours a day, carrying heavy loads, to earn between one and two dollars a day. Involvement of children in mining constitutes one of the worst forms of child labour and is a serious violation of their rights.

Artisanal miners work in mines which they dig themselves. Hand-dug mines can extend for tens of meters underground, often without any support to hold them up, and are poorly ventilated. There is no official data available on the number of fatalities that occur, but accidents are common, as unsupported tunnels collapse frequently. Between September 2014 and December 2015 alone, fatal accidents involving more than 80 artisanal miners were reported on by the media. The true figure is likely to be far higher as many accidents go unrecorded and bodies are left buried underground.

There are significant gaps and weaknesses in the DRC government's regulation of artisanal mining capacity and their capacity to monitor and enforce safeguards and improve conditions for artisanal miners. In 2014, the Ministry of Labour only employed 20 inspectors for the entire mining region of southern DRC. The DRC government has been criticised by UN human rights monitoring bodies, ILO expert



bodies, NGOs and others for its failure to put in place an adequate labour inspection system, to remove children from the worst forms of child labour, and to prioritize primary school enrolment.

In 2011, the DRC developed a national action plan to eliminate the worst forms of child labour by 2020, but four years later the plan is yet to be officially adopted.

The UN Guiding Principles on Business and Human Rights set out the responsibility of companies to respect international human rights in their global operations, including in their supply chains. This requires, amongst other things, that companies carry out human rights due diligence “to identify, prevent, mitigate and account for how they address their impacts on human rights.” Legal requirements on companies to exercise due diligence currently only apply to the sourcing of tin, tantalum, tungsten and gold, not to cobalt extraction. Amnesty International’s research shows that this is one of the main reason companies do not conduct due diligence when sourcing cobalt.

Amnesty International calls on the African Commission to seize this important time to take the following urgent action necessary to guarantee artisanal miners and children’s human rights in DRC:

1. Call on member states, including the DRC, to introduce legal requirements for companies to add cobalt to the list of minerals requiring mandatory human rights due diligence in line with the OECD Guidance;
2. Call on member states to legally require companies to conduct human rights due diligence on their mineral supply chains, and report publicly on their due diligence policies and practices, in accordance with international standards;
3. Urge the DRC government to ratify the African Charter on the Rights and Welfare of the Child, ILO Convention No. 155 on Occupational Safety and Health, 1981, and ILO Convention No. 176 on Safety and Health in Mines, 1995;
4. Call on the DRC government to formally adopt and implement in full and adequately resource the National Action Plan to Combat the Worst Forms of Child Labour;
5. Call on the DRC government to revise the age for compulsory education to 16 years to be equivalent to the minimum age for employment;
6. Call on the DRC government to amend/revise the Mining Code and Regulations to include adequate labour and safety standards, which are applicable to all artisanal miners; and
7. Call on the DRC government to revise the Mining Code to include requirements on all buying houses to conduct human rights due diligence on cobalt and other minerals that they buy from artisanal miners.