



International
Labour
Organization

COMBATTING CHILD LABOR IN COBALT SUPPLY CHAINS IN THE DEMOCRATIC REPUBLIC OF CONGO (COTECCO) PROJECT

Baseline Study Report:

**“Identification and Evaluation of Existing Child Labor Monitoring and Remediation System in
Artisanal Mines and Artisanal Mining Sites in the Provinces of Haut Katanga and Lualaba in
the Democratic Republic of Congo”**

December 2021

Funding is provided by the United States Department of Labor under cooperative agreement number IL-32529-18-75-K. 100 percent of the total costs of the project or program is financed with federal funds, for a total of 5,500,000 dollars.

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List of acronyms

AFREWATCH	African Resources Watch
AMZ	Artisanal Mining Zones (Zones d'Exploitation minière Artisanale/ZEA)
CISTEMA	Interministerial Commission To Combat Child Labor in Mines and Artisanal Mining Sites (<i>Commission Interministérielle chargé de Suivi de la question de Travail des Enfants dans les Mines Artisanales</i>)
CL	Child Labor
CLAM	Child Labor In Artisanal Mines
CLMRS	Child Labor Monitoring and Remediation System
COTECCO	Combatting Child Labor in Cobalt Supply Chains in the Democratic Republic of Congo (<i>Combattre le travail des enfants dans les chaines d'approvisionnement du cobalt en RDC</i>)
DIVAS	Division of Social Affairs
DRC	Democratic Republic of Congo
FCL	Fight against Child Labor
FL	Forced Labor
GECAMINES	General of Quarries and Mines
GIZ	German Agency for International Cooperation
GoDRC	Government of the Democratic Republic of Congo
HT	Human trafficking
ILO	International Labor Organization
IPEC	International Program on the Elimination of Child Labor
LCD	Local Development Committees
LTEMA	Fight against Child Labor in Artisanal Mines and on Artisanal Mining Sites (<i>Lutte contre le travail des enfants dans les mines artisanales et sur les sites miniers artisanaux</i>)
NGO	Non-Governmental Organization
NAP	National Action Plan
OCE	Congolese Environmental Observatory (<i>Observatoire Congolais de l'Environnement</i>)
OECD	Organization for Economic Cooperation and Development
RCS SASU	Resources Consulting Services, simplified joint stock company
SAEMAPE	Service for Assistance and Supervision of Artisanal and Small-Scale Mining (<i>Service d'Assistance et d'Encadrement de l'Exploitation Minière Artisanale et à Petite Echelle</i>)
SDGs	Sustainable Development Goals
NSS-CLAM	National Sectoral Strategy to combat Child Labor in Artisanal Mines and Artisanal Mining Sites in the Democratic Republic of Congo (Stratégie nationale sectorielle de lutte contre le Travail des Enfants dans les mines artisanales et sur les sites mineirs artisanaux)

TBP	Time-bound programs
UNICEF	United Nations Children’s Fund
USDOL	United States Department of Labor
WFCL	Worst Forms of Child Labor

1. Background

The problem of child labor (CL) in the mining sector is a visible reality in the Democratic Republic of Congo (DRC). This problem is an acute issue in mining areas¹ and remains a significant concern for the Congolese government.

In the context of development cooperation, the International Labor Organisation (ILO) is implementing, with funding from the US Department of Labor (USDOL), the “Combatting Child Labor in the Cobalt supply chains in the Democratic Republic of the Congo” (COTECCO) Project. This capacity-building project supports the efforts of the government and other stakeholders in the fight against child labor in artisanal mines and artisanal mining sites (FCLAM).

The project is structured around three outcomes. Outcome 2 aims to “strengthen the capacities of the government and other stakeholders engaged in the fight against child labor in the artisanal mining sector”. To achieve this, the project assessed the capacity needs of these partners.

This assessment identified several factors that hinder the FCLAM, including the absence of a mechanism or monitoring system to foster better identification, registration, referral, and monitoring of child labor in artisanal mines, which would involve community organizations and other stakeholders in an comprehensive and coordinated approach.

The Government of the DRC, very aware of the scourge of CL in mines and determined to accelerate its elimination, has made firm commitments, including becoming a “*Pathfinder Country*” of Alliance 8.7 in October 2020.

A *pathfinder country* is any country that agrees to join Alliance 8.7 to accelerate the process of eliminating CL, forced labor (FL) and human trafficking (HT) to reach Target 8.7.

Under the United Nations Sustainable Development Goals (SDGs), Goal 8 aimed at Decent Work and Economic Growth, and the target 7 of the above Goal is the objective of Alliance 8.7. It requires

¹ Kumwimba Mwanana, Understanding public policies in the fight against the worst forms of child labor

countries to “take immediate and effective measures to eradicate forced labor, end modern slavery and human trafficking, prohibit and eliminate the worst forms of child labor (WFCL), including the recruitment and use of child soldiers, and to end child labor in all its forms by 2025.”

The objectives of Alliance 8.7 include to:

- Accelerate the achievement of Target 8.7
- Bring together, in an inclusive global partnership, a set of diverse stakeholders to fight against CL and human trafficking
- Coordinate the efforts of partners in reaching Target 8.7

Alliance 8.7 brings together countries/governments, UN agencies and organizations, intergovernmental and regional organizations, workers’ and employers’ organizations, businesses, civil society organizations, public and private donors, academic institutions and research institutes, etc.

As part of the International Year for the Elimination of CL (2021), the DRC presented two action pledges: (1) the revision of the national action plan on the fight against the worst forms of child labor and (2) the establishment of a child labor monitoring and remediation system (CLMRS) in artisanal mines in the DRC. This mechanism is critical because it strengthens the national policy in the fight against child labor. This CLMRS would allow the government of the DRC, among other things, to:

- Identify the actual number of children working in artisanal mining sites;
- Create a database;
- Make an informed referral of children based on their specific needs;
- Monitor the process of socio-professional and / or school reintegration of children removed from mining sites;
- Set up a communication and awareness program for all stakeholders in the fight against CL in light of the Communication and Advocacy Strategies and the Operational Plan of the National Sectoral Strategy for the fight against CL in artisanal mines.

Using a participatory and multi-stakeholders approach, the Government of the DRC, through the appropriate authorities, will lead the process of creating this mechanism, integrating it into the national policy for fighting CL in artisanal mines, and creating tools for identifying children, the development of a database, a referral strategy, etc.

One of the impacts of this mechanism for the DRC government is measured by identifying and collecting data on the number of artisanal mining sites where CL takes place and the number of children involved. It will enable the government to monitor the situation and to promote sustainable and suitable solutions to eradicate this social scourge from the minerals supply chain in the DRC. This mechanism will make it possible to better orient and coordinate the interventions of partners in the field and carry out appropriate monitoring of the reintegration of children.

The Government of the DRC has requested, for this purpose, the support of the ILO, in light of its proven expertise in establishing CLMRS in several countries, including Côte d'Ivoire, Ghana, Bangladesh, Jordan, Lebanon, Colombia, Brazil, etc., and developing this national policy tool in the fight against CL. Consequently, the COTECCO project was tasked to develop the system on behalf of the DRC government. The CLMRS developed by the ILO in other countries is not one-size-fits-all model for all countries. It must be adapted to the realities, constraints, and unique characteristics of the given country.

Given its rich experience in the FCLAM, and in order to assist the Government of the DRC in setting up this monitoring system, the ILO, through the COTECCO project, commissioned this baseline study to identify and map the existing systems and tools used by the different partners to adapt and align the CLMRS to the realities of the country.

Baseline study objectives

It is essential to distinguish between the study's overall and specific objectives.

1.1.1 Overall objective

Buidling on the existing, the baseline study is mainly focused on identifying and mapping all current systems and mechanisms for the monitoring and remediation of child labor in artisanal mines (CLAM) and on artisanal mining sites, listing the different actors and the tools that are being used for this purpose. The resulting analysis will help develop a comprehensive, credible, responsive, and feasible surveillance and monitoring system for CLAM to guide interventions towards “zero children in mines by 2025”.

1.1.2 Specific objectives

These include specifically:

- a) Identify mechanisms (initiatives), tools, and practices for, observation, monitoring and remediation of CLAM in the target provinces of Haut Katanga and Lualaba;
- b) Identify state and non-state actors involved in the implementation of these initiatives/mechanisms, with their respective roles and responsibilities;
- c) Measure the progress made in the implementation of these systems, with particular emphasis on the different tools used to achieve this;
- d) Identify the gaps in these systems as well as the obstacles to making them comprehensive;
- e) Provide relevant, accurate, and useful information in implementing the said systems in the above provinces.

1.2 Expected results of the study

At the end of the baseline study, the study will have:

- Assessed, evaluated, and determined the relevance, effectiveness, sustainability, and impact of the surveillance and monitoring of CLAM in line with the assigned objectives;
- Produced and shared an inventory of existing surveillance and monitoring mechanisms for CLAM, if they exist;
- Offered relevant recommendations for better guidance in developing a comprehensive monitoring and remediation system of CLAM.

1.3 The challenge of combatting child labor in artisanal mines in the DRC

CLAM is a problem of significant concern for the Government of the DRC (GoDRC) and all partners committed to defending children's rights.

CL occurs in the artisanal mining sector in most mining provinces in the DRC. Some of these mining provinces have thousands of working children. The most affected are the provinces of Greater Kivu (North Kivu, South Kivu and Maniema), Greater Katanga (Tanganyika, Haut Katanga and Lualaba) and Greater Kasai (Kasai Oriental, Kasai Central). Other non-mining provinces also suffer from this scourge but in other sectors. These are mainly provinces where agriculture is dominant, in particular the provinces of Grand Bandundu (Kwilu, Kwango) and Bas Kongo. Nonetheless, no Congolese province is exempt from the phenomenon of CL.

To address the issue of CLAM, the GoDRC has taken several steps, including the establishment of an Interministerial Commission to combat Child Labor in Artisanal Mines (CISTEMA) and the validation

of a national Sectoral Strategy to Combat CL in Artisanal Mines and Artisanal Mining Sites (NSS-CLAM), and its related operational plan. These national policy tools and mechanisms align with the 2012 National Action Plan (NAP) against the WFCL. The NSS-CLAM describes the national policy for the FCLAM. It is divided into six (6) axes: *axis 2 focuses on the management of data on CL in artisanal mines and mining sites.*²

Several national and international partners are making efforts to combat CL within the DRC. Many initiatives have emerged here and there with impacts that are difficult to measure on the ground. In fact, on the contrary, we are witnessing the intensification of the phenomenon. The lack of coordination and agreement between the various individual programs and their non-alignment with the national strategy weakens the results of the efforts made by these partners. To achieve reliable results and provide clear statistics that can lead to the progressive and consistent elimination of CL, the various stakeholders must work with standardized tools and procedures for collecting and processing CLAM data in compliance with the national framework.

2. Understanding the Child Labor Monitoring and Remediation System (CLMRS)

2.1 Origin of the Child Labor Monitoring and Remediation System (CLMRS)

The first CL monitoring initiatives were implemented in response to international pressure relating specifically to export-oriented sectors. The main objective at the time was the monitoring of CL workplaces. Two of the best-known examples are the garment industry project (BGMEA)³ in Bangladesh, launched in 1995, and the Sialkot football industry project launched in 1997 in Pakistan⁴. These projects developed specific monitoring procedures, with monitoring undertaken by professional and qualified workplace monitoring teams.

The CL monitoring and tracking system is evolving in the Fight against Child Labor (FCL). This mechanism is closely linked to the legislation and application of national CL laws. However, a series of initiatives have been designed, implemented, and tested as part of the global efforts of the International Program on the Elimination of Child Labor (IPEC) of the ILO.

² Ministry of Mines, *Strategie Nationale Sectorielle De Lutte Contre Le Travail Des Enfants Dans Les Mines Artisanales Et Sur Les Sites Miniers Artisanaux En Republique Democratique Du Congo (2017-2025)* Cabinet of the Minister, Kinshasa, 2017.

³ <https://www.ilo.org/newdelhi/lang--en/index.htm>

⁴ <https://www.ilo.org/newdelhi/lang--en/index.htm>

The practice of observing and monitoring CL has spread from the manufacturing industry (Bangladesh and Pakistan) to other sectors of the economy, such as fishing (Indonesia and the Philippines) and agriculture (Central America , Dominican Republic, Ghana, Ivory Coast, etc.) and now to all areas of IPEC’s work, including the unstructured, informal and illicit sectors. The observation and monitoring method has recently been integrated into the design of Time-bound Programs (TBP)⁵ .

In Ivory Coast and Ghana, cocoa-producing communities often lack formal educational structures, particularly at the secondary level⁶ .

Ivory Coast’s experience with implementing a CLMRS, where most cocoa farms are small family farms, has shown that in more than 5,000 cases, it was never in the child’s best interests to physically remove them (i.e. take them away from their home and put them in foster care). However, in “the case of [...] extreme forms of CL, such as commercial sexual exploitation or child trafficking (CT), removing the child is the only option. In this case, the referral mechanism often includes special services, such as psychosocial support and halfway houses where working children receive immediate assistance.”⁷

While “the CLMRS implemented in Ghana and Ivory Coast have succeeded in detecting, monitoring and combating child labor in cocoa-producing communities,” their long-term viability depends entirely on the ability of governments to finance them and scale them up.⁸

These early experiences highlighted the importance of having social protection activities in place from the beginning stage of monitoring, in order to provide viable alternatives for children removed from work. Subsequently, it was through the coffee and agriculture projects in Central America that the concept of “*community-based monitoring*” was really developed. By engaging local resource persons and adopting outreach approaches, these projects began to demonstrate the capacity of non-traditional actors in CL monitoring and oversight. These and other CL monitoring initiatives have contributed to the evolution of the concept in recent years. After initially focusing on monitoring industry supply

⁵ *ILO Convention, no. 182, articles 1 and 7.* <https://www.ilo.org/ipec/Action/Time-BoundProgrammes/lang--fr/index.htm>

⁷ Review of Emerging Good Practices, 2017. Effectiveness Review of Child Labor Monitoring Systems in the Smallholder Agricultural Sector of Sub-Saharan Africa. Effectiveness Review of Child Labor Monitoring Systems in the Smallholder Agricultural Sector of Sub-Saharan Africa. © 2017 International Cocoa Initiative (ICI).

⁸ Review of Emerging Good Practices, 2017. Effectiveness Review of Child Labor Monitoring Systems in the Smallholder Agricultural Sector of Sub-Saharan Africa. Effectiveness Review of Child Labor Monitoring Systems in the Smallholder Agricultural Sector of Sub-Saharan Africa. © 2017 International Cocoa Initiative (ICI).

chains, there has been a growing emphasis on monitoring the child after removal from work, especially through social protection services. The simple “removal” of children from workplace has gradually evolved into a coordinated child protection effort involving *identification, referral, verification, and follow-up of the child* to ensure that children removed from work are offered satisfactory and sustainable alternatives. Monitoring of specific target sectors has thus gradually evolved into a *comprehensive approach to monitoring* all types of CL in a given geographic area.

2.2 The Child Labor Monitoring and Remediation System (CLMRS)

The system is a country’s national policy tool that guides the activities of the government and its partners in the FCL. The CLMRS is simply a set of aligned activities (observation, identification and registration, case study, orientation and referral, and social reintegration of working children or their parents/guardians) carried out coherently by the parties involved, in order to eliminate child labor in a sustainable and coordinated way. These activities, carried out at the local level (mine site, mineral loading depot, or trading center) in a harmonious/coordinated manner for effective results, lead to the eradication of CL. To be sustainable and have a real impact, these activities must be integrated into the national policy. Further, its implementation must be supervised and monitored by a government body such as the provincial CISTEMA and/or the Provincial Committee to Combat the WFCL, which brings together all parties involved in observation and who use the information and procedures issued concerning the fight against CL.

An effective means of action consists of regular observation and monitoring of the places where girls or boys could be brought to work⁹, to get them out and offer them lasting solutions to CL through a comprehensive, coherent, and effective FCL, which protects them from exploitation and the dangers to which they are exposed.

In this context, the development and implementation of the CLMRS requires coordination and partnership between different stakeholders. It, therefore, seems very important to establish partnerships with all the existing partners and structures that work on the issue of CL or have systems and/or mechanisms in place that can serve as a platform for establishing a reliable and consistent CLMRS.

⁹ ILO , 2005. Guidelines for Developing Child Labor Monitoring Processes. International program on the Elimination of Child Labor (IPEC). 2005. 92-2-117684-3 (print). 92-2-117685-1 (web pdf).

The monitoring and following up of CL is a “*set of proactive activities that ensures permanent observation of children at their work site, identifies and registers them, studies each case to discover the causes of CL and offers better referral to appropriate services and reintegrates them into society in appropriate ways.*”

The CLMRS follows the child’s trajectory from their worksite until their reintegration into society, and facilitates the creation of a solid and reliable database, thus enabling the use of the data to meet the needs of children in the most effective way and to *inform policy and plan for social interventions*¹⁰.

2.3 Objectives of Child Labor Monitoring and Remediation System (CLMRS) as good practice

The implementation of a CLMRS has the following essential objectives:

- a) Eliminate CL and protect child workers on mining sites from exploitation and the dangers of working in mines through rigorous surveillance exercised on mining sites;
- b) Understand the causes of their presence or work in the mines to better guide their referral and social reintegration
- c) Offer durable alternatives to children withdrawn and their parents when required to avoid returning to the mines
- d) Offer reliable and solid statistics of child laborers to better inform Government policy and programs.

The objective of the development and implementation of the CLMRS is to strengthen the policy regarding CLAM, a tool that promote a harmonious and effective application of the national stectoral strategy’s six pillars. It allows a continuous process of observation, identification, registration, orientation, referral, and social reintegration of child laborers in a given geographical area. To achieve this objective, the CLMRS requires a community-based framework with the support and participation of the local community members, the government at all levels, and other relevant actors involved in the FCL. This model can be used to curb CL in any other economic

¹⁰ Review of Emerging Good Practices, 2017. Effectiveness Review of Child Labor Monitoring Systems in the Smallholder Agricultural Sector of Sub-Saharan Africa. Effectiveness Review of Child Labor Monitoring Systems in the Smallholder Agricultural Sector of Sub-Saharan Africa. © 2017 International Cocoa Initiative (ICI).

sector such as commercial agriculture, artisanal and small-scale mining and manufacturing industries, and the informal sector, while taking into account the specificities of each sector. However, it is worth noting that the CLMRS is area-based rather than activity-based. It covers the different forms of CL in a given geographic region.

2.4 CLMRS Milestones¹¹

The complete implementation of a CLMRS revolves around six important steps:

- a) Direct and regular observation of children and their employers in the workplace;
- b) Identification of children and the risks to which they are exposed;
- c) Registration of children in a database with standardized tools;
- d) Checking to make sure they have been removed (or that the risks have diminished);
- e) Case study (management) of each child and referral to care structures (a referral system); Referral strategy (Children and Parents);
- f) Monitoring to ensure they have satisfactory alternative occupations and do not return to the WFCL.

2.5 CLMRS and the fight against child labor¹²

The CLMRS is based on the following outcomes:

- a) Identification of the WFCL;
- b) Girls and boys of legal working age benefit from better working conditions;
- c) The youngest children are withdrawn from CL;
- d) Children have better alternatives for the future;
- e) Communities are engaged and involved in the FCL;
- f) Law enforcement authorities and social service providers are more knowledgeable and are capable of dealing with child labor.

¹¹ UNICEF. National protocol for the referral and counter-referral of children in difficult circumstances in the Democratic Republic of Congo *document produced by the Department of Studies and Planning with the support of the United Nations Children's Fund. Democratic Republic of Congo Ministry of Social Affairs, Humanitarian Action and National Solidarity General Secretariat of Social Affairs and National Solidarity.*

¹²ILO, 2005. Guidelines for Developing Child Labor Monitoring Processes. International Program on the Elimination of Child Labor (IPEC).2005. 92-2-117684-3 (print). 92-2-117685-1 (web pdf).

2.6 Implementation of the CLMRS

The framework for setting up the CLMRS is the collaboration of partners (and the agreements established between them). These partners animate and maintain the CL monitoring and remediation process under the aegis of the government.

A system that is integrated in the regular work of the local administrative agencies will promote the institutionalization of a permanent mechanism of response to CL, which can be shared by all actors in the society working to eliminate CL.

2.7 CLMRS Information Management¹³

The information gathered through observation and monitoring can be used for statistical purposes. But *its primary goal is to ensure immediate treatment of CL cases.*

The development of the database makes it possible (enable) to have accurate and reliable statistics on CL, its causes, the average age of children, and information on their parents and their communities. This information can be used for the preliminary preparation of a detailed study, on a case-by-case basis, of these children and their referrals. Stakeholders will be able to receive information that is “known” in the system and focus on activities such as:

- (a) amending “known” information;
- (b) supplementing known information;
- (c) providing updates on progress made in CL management

This will surely lead to cooperation between communities, governmental bodies, non-governmental parties, and workers’ and employers’ organizations. The regular sequencing of CL monitoring and remediation action makes the system effective and encourages employers and communities to enforce CL legislation and maintain their commitment to the FCL.

¹³ILO, 2005. Guidelines for Developing Child Labor Monitoring Processes. International Program on the Elimination of Child Labor (IPEC).2005. 92-2-117684-3 (print). 92-2-117685-1 (web pdf).

2.8 How can the CLMRS contribute to effectively eliminate child labor: effectiveness and relevance

The importance of CLMRS in the elimination of CL is paramount in so far as children observed and identified with the appropriate tools (reliability and accuracy of data) are registered in a reliable database that the government can use for multiple purposes; registered children are oriented and referred to reliable, recognized, and verifiable services; and children have sustainable solutions for their future. Thus, a child found in a work site can be carefully monitored from the point of removal until his or her social reintegration, with precise and reliable tools and processes. Communities will therefore be engaged and involved in the FCL. The private sector will engage with communities in sustainable solutions to improve living conditions and address CL. Law enforcement authorities and social service providers will have more knowledge and capacity to deal with CL. The government will thus have the means to coordinate information on CL from several sources and, consequently, the means of appropriately directing its CL management policy.

3. Conducting the baseline study on existing mechanisms in the DRC (Lualaba and Haut Katanga)

To ascertain the need for a CLMRS in the DRC, and the scope of this system, the ILO commissioned a baseline study on the existing monitoring mechanisms/tools in the DRC relating to child labor in artisanal mines and artisanal mining sites . The baseline study includes identifying all observation, monitoring and remediation mechanisms and/or initiatives and practices used to address CLAM in the target provinces of Haut Katanga and Lualaba. It also includes identifying the state and non-state stakeholders involved in implementing these mechanisms and their respective roles and responsibilities; measuring the progress made in implementing these mechanisms with a focus on the various tools used to achieve them; identifying the gaps in the mechanisms as well as the barriers to making them comprehensive; and providing relevant, precise, and usable information on the implementation of these systems in the aforementioned provinces.

3.1 Study methodology

The methodological approach of the baseline study combined quantitative and qualitative methods. It also incorporated core elements such as a literature review, survey questionnaires, site and office visits, interviews, and face-to-face and telephone interviews.

3.1.1 Literature review:

Analysis of instruments and mechanisms:

The objective of the literature review was to analyze the legal framework and the national policy in order to assess its compliance with ILO regulations, and particularly the ILO Convention No. 138, adopted in 1973 and ratified by 156 nations in 2010, which relates to the minimum age for employment. Paragraph 3 of Article 2 specifies that the minimum age for employment or exercise of a profession “shall not be lower than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years”. This will allow us to identify whether the current Congolese legislation has made efforts in this direction. As for ILO Convention 182, adopted in 1999 and ratified by 173 nations in 2010, it concerns the prohibition of the WFCL and immediate action for its elimination. Article 2 specifies that the term “child” applies to all persons under the age of 18, and Article 3 identifies WFCL as, among other things, “d) work which, by its nature or the conditions in which it takes place, is likely to harm the health, safety or morals of the child.”

Since 2016, the Organization for Economic Co-operation and Development (OECD) has produced a guide on due diligence for responsible supply chains of minerals from conflict-affected and high-risk areas. This guide recommends that companies involved in the extraction and trade of minerals from conflict-affected or high-risk areas adopt a policy of due diligence and risk management to prevent their sourcing choices from contributing to conflict or human rights violations. In accordance with the main ILO Conventions, the OECD seeks to protect children from any hazardous work carried out in an unhealthy environment, which may, for example, expose children to hazardous substances, agents or processes, or to conditions of temperature, noise or vibration detrimental to their health”.

With regard to artisanal mining, the ministerial decree authorized this type of mining in Katanga in 1999 because of the influx of former employees of the *Générale des Carrières et des Mines* (GECAMINES) digging for deposits, and the inability of mining companies to protect their mines. The poverty of the populations neighboring the mining companies has amplified the phenomenon. In 2002, the Mining Code conclusively established artisanal mining in the DRC. Since then, the presence of children in artisanal mines has become a reality. Children under the age of 18 are numerous in artisanal

mines in the DRC. The AMNESTY and AFREWATCH report indicates that more than 40,000 thousand children are in the DRC's mines.

By authorizing the artisanal exploitation of mines in the 2002 Mining Code, the DRC allowed itself to be dragged on a risky path as it paved the way for an incalculable number of children to enter the mines. The new mining code of 2018, which recognizes the “artisanal miner” or “artisanal exploitation” without the necessary resources to administer the mines to control the use of children, has amplified the phenomenon. In artisanal mining areas, the number of working children is increasing sharply.

With regard to the legal texts in the DRC, we can cite a few texts, including Law No. 09/001 of 10/01/2009 on the protection of children; Ministerial Order No. 12/CAB.MIN/TPSI/045/08 of August 8, 2008 establishing working conditions for children; law n°87-100 of 01/08/1987, on the family code modified by law n°16/008 of 15/07/2016; framework law n°014-004 of 12/02/2014 on education, etc. ...which govern CL.

3.1.2 Technical meetings with stakeholders, including provincial directorates of Service for Assistance and Supervision of Artisanal and Small-Scale Mining (SAEMAPE), Division of Labor, Division of Social Welfare, Division of Social Affairs:

Meetings were held with the various stakeholders to get an understanding of the current extent of the problem, as well as to inform the parties and seek their collaboration in the conduct of information-gathering activities for the development of the database.

1. Meetings and exchanges with the divisions and specialized services involved in the supervision of artisanal miners (Ministry of Mines, SAEMAPE, Division of Mines, etc.), Ministry of Planning, Ministry/Commission General of the Government in charge of Humanitarian and Social Affairs, Gender, Family and Child...)
2. Meetings and exchanges with artisanal mining cooperatives and other mining operators
3. Meetings and exchanges with local and international actors (UNICEF, Pact-Congo, World Vision, GIZ, NGOs, Bon Pasteur, etc.) and civil society working to address the problem of children in mines
4. Meeting with local communities around mining sites and ZEA...

3.1.3 Surveys using a well-designed questionnaire for the collection of quantitative and qualitative data.

A survey questionnaire was developed to collect relevant information on the existence of the elements of the CLMRS. This questionnaire was intended for organizations and government structures identified and working in the CL sector.

This research involved seven main points. They were:

1. The Organization/Structure/Entity;
2. The Nature of the Organization/Structure/Entity;
3. Its mandate and prerogatives;
4. Its experience in CL;
5. Partners in CL;
6. The geographical sphere;
7. The approach to the fight against child labor.

The identification of key partners working on the issue of CL was thus carried out using this well-developed information collection tool (survey questionnaire). Following the validation of the questionnaire, we negotiated meeting times with the various stakeholders. At each meeting, questions posed by us and responses provided by the partners facilitated fruitful exchanges. These discussions revealed a very high level of restraint in the way in which various respondents approached the confidentiality (misappropriation and/or use for other unacknowledged purposes) of information shared. Some respondents showed us more openness, but the majority did not want to share information in full.

Further, the responses provided showed that many respondents had a limited mastery of certain areas of intervention and, in addition, their information was often not supported by any physical tool to confirm their assertions. The explanations they provided were based on their trust in the actors found in their workplaces.

3.1.4 Telephone Surveys

Several telephone interviews took place during this study. The various partners (surveyed) contacted by telephone were afraid to share information at the risk of seeing it used for other purposes to the

detriment of their organizations. Some surveys took place online and a questionnaire had been shared for this purpose with the respondents to facilitate exchanges and correct answers from respondents.

Some respondents never answered the questions after promising to share their answers, and did not follow-up: this was the situation with Pact, despite visits to their offices and firm (strong) promises.

3.1.5 Interviews

Several interviews took place with several respondents. Despite the reluctance of some respondents, we were able to collect relevant information, which led to the writing of this report. This approach was very beneficial, as it created a climate of trust during face-to-face discussions with the various respondents.

3.1.6 Strengths, weaknesses, opportunities and threats (SWOT) analysis

Strengths

Regarding the strengths of this study, we can record the following information:

1. The existence of parts of the mechanisms put in place by certain actors to fight child labor in artisanal mines;
2. The existence of some specific tools used privately by each structure and/or organization;
3. The presence of several actors on the ground (government services, local NGOs and international NGOs, and United Nations system agencies);
4. The existence of laws and legal texts (Congolese laws and international texts) against child labor;
5. The existence of some reports and publications of actors at the local and international levels;
6. Loss of credibility and effectiveness vis-à-vis national and international partners;
7. The existence of archives of some meetings that resulted in resolutions for the implementation of the CLMRS;
8. Etc.

Weaknesses

There are several points to raise at the end of this study regarding weaknesses in the implementation of a CLMRS:

1. Limited communication between the Congolese government and the various partners at the local and international levels, but also between local partners themselves and vice versa for international partners;
2. Absence of a tool or standard tools for data collection as each actor claims to have tools that are difficult to share with others;
3. The absence of databases, even among those who claim to collect data and register children
4. The absence of a website for collecting reports, publications, and other specific documents on the fight against child labor in the mining sector;
5. Lack of coordination of NGO actions at the local and national level;
6. There is no sanction for actors who do not respect the clauses defined in the presentation of their projects and do not adhere to the country's policy
7. Absence or poor/non-availability of free primary and secondary education throughout the DRC;
8. Financial loss and loss of material resources and time due to the lack of communication and exchange of information with other partners working in the same mining sites and with the same companies;
9. Loss of credibility with children, local communities, cooperatives; companies and state services due to the identical studies conducted on the same sites during the same periods;
10. Etc.

Opportunities

The following are opportunities available to organizations at the local and international levels in terms of creating a CLMRS:

1. The creation of a platform for collaboration with national and international partners and state services;

2. .The possibility of perpetuating the actions of local and international NGOs by creating a website and/or a documentation center that can host useful information from different organizations
3. Saving financial resources through the sharing of information, which avoids the waste of money resulting from the repetition of activities already carried out by other partners on the same mining sites;
4. Saving time through fruitful exchanges between partners working in the same areas of intervention leading to improvements in their actions for the benefit of the community;
5. Learning from the experiences of other partners through study feedback forums;
6. Etc.

Threats

The threats associated with the creation of a comprehensive CLMRS for local and international NGOs are as follows:

1. The risk of loss of credibility for certain organizations at the national and international level following the publication of redundant data;
2. The risk of not achieving the objectives set for the eradication of CL by 2025 in the DRC;
3. The lack of coordination of action between the different actors risks weakening the results obtained on the ground by allowing the children to return to the mining sites;
4. Children and other stakeholders who feel discouraged are at risk of no longer actively participating, or of diminishing their degree of collaboration in the future.
5. The risk of losing credibility with financial donors, leading to the cancellation of funding and other support for local and international NGOs;
6. Etc.

3.2 Existing mechanisms and/or initiatives

3.2.1 The baseline study of existing mechanisms in the child labor monitoring and remediation in Lualaba and Haut Katanga: Results

With respect to the CLMRS, as described in part 2 of this baseline study, we observed the mechanisms or parts of the listed mechanisms (Observation, registration, case study, referral) actively operating in the two provinces of Lualaba and upper Katanga.

Our on-site observations and our investigations with different actors revealed the following practices in the fight against child labor in mines:

1. **The presence and/or work of children, which is equivalent to the observation of children,** throughout the supply chain, particularly on artisanal mining sites, at the level of mineral loading depots and other sales centers of minerals, the transport of minerals, etc.

Some international, local, and government organizations make the effort to visit artisanal mining sites, mineral loading depots, and other mineral sales centers to see if there are children and what exactly these children are doing and what dangers they are exposed to.

NGOs and other civil society organizations which observe the presence of children and/or child labor on mining sites, the embankments of mining companies, mineral deposits, and others, often denounce it in the media and through forums.

Government services, including the Division of Social Affairs (DIVAS) and SAEMAPE go into the field as soon as they are informed of the presence or work of children to first study the mechanisms for their exit and secondly, for the inspection of mining sites and the removal of children from these sites as part of the exercise of due diligence.

One example is PACT Congo. This NGO deploys its investigators on-site (Kasulo, Kapata, etc.) and at the MUSOMPO sales center. These investigators observe CL. They approach these children through dialogue, identify those whose age ranges between 14 and 17 years, and offer them assistance in the event that the children agree to leave the work sites through training and a toolkit for social reintegration.

Another example is the NGO *Bon Pasteur* (Good Shepherd). They use local animators to observe children in family rupture and children working in the mines. They take some of these children, especially the little ones, out of the mines and put them back in the normal school program, including in the schools of the congregation.

RCS SASU, a due diligence and traceability organization, monitors incidents at certain mining sites, including Kasulo, Kamilombe, and Midingi, but it is not CL focused. The presence of CL in mines is one of the incidents for which mining operators must find adequate mitigation measures to clean up their supply chains.

There are many good reasons to observe children to learn about their development, to be able to talk to parents, and to plan activities and interventions; in short, to gather information to better understand their difficulties.

2. **Approaches relating to the identification and registration of children** found in artisanal mines. Many organizations and government services surveyed claimed to identify children at mining sites, although no evidence of such action was shared, nor any tools or methods used for this purpose. During this study, we were unable to access any database which would provide clear proof of the collection of data from children found in the mines. However, we have seen and met some children taken out of the mines and other places of CL and supported by organizations such as Bon Pasteur, Maison Kwetu, Maison Thabita, PACT Congo, etc., but the methods/process of identification of these children were not shared. None of these organizations have a structured mechanism for the identification, registration, and data collection of children, as we did not see any tools being used.

Many government services involved in the identification and registration of children do not have the tools to do so and receive almost no information from other actors. This means, in other words, that this key activity for consistent statistical data and monitoring of children is almost non-existent. The tangible proof is that we do not have reliable statistics on CL in the mines of Lualaba and Haut Katanga.

3. **Management of some children encountered in the mineral supply chains** (this may resemble a child referral system after undertaking a case study and referral in a normal CLMRS). The baseline study provided few answers on the mechanisms put in place to study the cases of children working or leaving the mines. It is true that some organizations have taken children out of the mines. But we cannot say exactly where these children went and what did

they become latter. The Governor of the province of Lualaba released several children from the mines in partnership with PACT Congo, and we were unable to obtain either material evidence of the referral of these children or their final destinations after the mines. We met a few children who left the workplaces, including mines with help from Bon Pasteur, in their schools but we could not trace the process by which they got there due to a lack of appropriate documentation. This documentation could exist, but we have not seen it because the specific facts are not being documented. This demonstrates the great challenge of the referral process for a better reintegration of children, as required for a CLMRS.

We have seen a few livelihood development initiatives (the case of the Cobalt for Development program in Kisote village with the NGO Bon Pasteur) to bolster parents' incomes for child care. But there again, it was difficult to establish a close link between this activity and CL.

Some examples of children who have benefited from PACT's "WATOTO INJE YA MUNGOTI" program can serve as reference cases regarding the care of children released from the mines. Indeed, PACT rehabilitates children working in quarries and mines by directing them towards formal education (Distribution of school kits) for the youngest children, and professional training in trades for adolescents who are around 13 to 17 years old.

We spoke with some care homes for children leaving the workplace, including mines, and we saw some children who are accommodated there; for example, the Kwetu House, the Thabita House, etc. However, it is difficult, if not impossible, to trace the path taken by these children to get there.

4. **Social reintegration of children.** During this study, we found a few isolated cases of children removed from the mines who had benefited from the support of PACT CONGO and Bon Pasteur. PACT claims to have provided apprenticeship kits (tailoring and sewing, motorcycle repair, etc.) and reintegration kits to children trained in different trades and reintegrated into their communities. We were unable to access the statistics and data regarding these reinserted children.

Some NGOs and government services in Lualaba and Haut-Katanga are trying to put in place initiatives or structures for the care of children working in mines, but these initiatives and/or structures do not represent a coherent system for the comprehensive monitoring and remediation of CL.

3.2.2 Existing actors in the existing mechanisms (description of roles and responsibilities) Who does what using which tool?

This section focuses on the classification of actors according to their sector of activity, including government services, local and international NGOs, and the private sector. It will describe the roles and responsibilities of each actor. Who does what using which tool?

As observed throughout the study, there are several stakeholders in the field working on the FCL. These include *government services, national and international NGOs; United Nations Agencies ; private sector actors, etc.*).

3.2.2.1 Government services:

At the provincial level, the number of services present varies depending on whether one is in Haut-Katanga or Lualaba. The Province of Lualaba currently hosts more government services than the province of Haut-Katanga.

In the province of Haut-Katanga, the following seven specialized services have been identified: The Provincial Division of Social Welfare; the Provincial Division of Gender, Family and Child; the Provincial Division of Social Affairs (DIVAS); the Provincial Planning Division; the Provincial Labor Inspectorate; the mining division; and SAEMAPE.

In Lualaba, in addition to the seven services in Haut Katanga, there are two specialized services operating there, for a combined total of nine specialized services active in the field. These include the Provincial Monitoring and Alert Committee (CPSA) and the Provincial Directorate of Artisanal Mining and procedures Monitoring.

List of government services

No.	SERVICES	AREAS OF INTERVENTION	NOTES
1	Provincial Division of Social Welfare	Monitoring of children on sites, Identification of children on sites, and Awareness of CL	

2	Provincial Division of Gender, Family and Child;	Monitoring of children on sites, Identification of children on sites, and Awareness of CL	
3	Provincial Directorate for the Reform of Artisanal Mining	Application of legal and regulatory texts on artisanal mines according to the amended mining code of 2018	Lualaba
4	Provincial Division of Labor	Enforcement and sanctions, identification of children on sites and removal of children from sites	
5	Service for Assistance and Supervision of Artisanal and Small-Scale Mining (SAEMAPE)	Inspection of mining sites, care of children, and Awareness of CL	
6	General Commissariat of the Government in charge of Humanitarian and Social Affairs Gender, Child and Family	Training of children in trades, care of children, and Awareness of CL	
7	Division of Public Service and Monitoring/Work and Monitoring Child Reintegration Program	Monitoring of children on sites; Identification of children on sites; Registration of children and Awareness of CL	Lualaba
8	Lualaba Plan Division	Identification of children on sites; Referral of children and Registration of children	
9	Provincial Monitoring and Warning Committee (CPSA)	Identification of children on sites, Removal of children from sites, Care of children, Accommodation of children, and Awareness of CL	

Description of roles and responsibilities

The government is developing the tools and policies necessary to eradicate CL in mines. To eliminate CL, the government is implementing strategies, programs, policies, and tools such as the CISTEMA, the National Action Plan (NAP/Plan d'action national/PAN), and the ongoing CLMRS. The various technical services oversee the implementation of these policies and strategies and ensure compliance with the law (enforcement of regulations and popularization of the amended mining code, 2018). Notably, it is the responsibility of specialized services to be trained, to update their knowledge, to inform and build the capacities of their agents and technicians and local communities for implementing the “child protection through community protection approach”, as well as to disseminate the legal and

policy framework, to raise awareness, to advocate, and to ensure that laws and strategies are implemented and the corresponding sanctions are enforced.

The various specialized government services also play several roles, including raising awareness among families and communities; strengthening the child protection system; improving social work, including the training and provision of social workers; the training and capacity building of community actors, and the creation of referral mechanisms for social workers for easy access to basic social services for vulnerable children. However, their actions are constrained due to limited resources, which hinders the effective implementation of policies developed by the DRC government.

Fifty-seven years (57 years) after the creation of the Ministry of Social Affairs, it is unfortunate that the DRC remains without basic social services and with a very small number of social workers and assistants. This ministry created two new line items in the State budget (aid and relief, and public charity). This resulted in the development of *the certificate of indigence*. It is still today one of the main mechanisms used by the government to fight against social exclusion and to ensure equity in access to basic social services for those deemed to be the neediest

3.2.2.2 National NGOs:

This analysis reveals that 18 local NGOs are working in Lualaba, which is twice the number of local NGOs surveyed and active in Haut-Katanga. This situation demonstrates the importance of the activities in the artisanal mining sites and the emphasis placed on CL by NGOs in Lualaba.

They are :

- BDD ; Diocesan Office of Development (Caritas Kolwezi);
- IBGDH ;
- ADDH (Action for the Defense of Human Rights) ;
- FARJA;
- RECONFORT (ASBL);
- THE JUNGLE ASSOCIATION;
- NEEMA; WENGI HOUSE ;
- Humanitarian Emergency Rescue Action for Need (HERAPIN);

- Association Lumière des Enfants pour le Développement;
- Community champion USHINDI ;
- Community Champion EKIMA;
- Kwetu House (Orphanage);
- BIBI SAWA;
- HEAR CONGO
- and Victoire.

Two intervention groups emerge from this analysis. Some organizations focus on the accommodation of children, such as WENGI House, Kwetu House (Orphanage), and THABITA, on one side, and on the other, there are organizations that focus on fieldwork, such as observation, sensitization, identification, registration, orientation, referencing, training, etc. Most local organizations receive very limited funding, and hence their areas of intervention are contingent on projects financed by multiple external donors. Thus, the various NGOs remain accountable to their donors.

NGOs in Lualaba

No	NGOs	Areas of intervention	Notes
1	Diocesan Office of Development (Caritas Kolwezi);	Care, Training and Reintegration	
E	BIBI SAWA	Identification, Awareness and Learning of trades	
3	Kwetu House (Orphanage);	Awareness-raising, reception/intake, psychosocial support, family/social reunification, and care	
4	Community champion EKIMA	Identification, Awareness, Support And reintegration of children	No tools provided
5	Community champion USHINDI	Awareness-raising, identification, learning of trades, and reintegration of children	
6	Association Lumière des Enfants pour le Développement	Observation of children on sites, Identification of children on sites, and exit of children from sites	
7	Humanitarian Emergency Rescue Action for Need (HERAPIN);	Observation and surveying of CL and Protection of mother and child, Socio-economic promotion	
8	WENGI HOUSE	Identification, Documentation, Reintegration, and care of children	Service
9	FARJA	Identification, Awareness, and Learning of trades	

10	THE JUNGLE ASSOCIATION;	Care of the children (during the holidays) And Awareness against CL in mines and artisanal mining zones (ZEAs)	
11	NEEMA	Raising awareness of the fight against CL and Raising awareness on revenue generating activities	
12	RECONFORT (ASBL)	Identification and Awareness, Training and Reintegration	
13	IBGDH	Focuses on Research and Reporting	
14	ADDH (Action pour la Défense des Droits Humains)	Awareness and Identification of Children in Mines	
15	HEAR CONGO	Awareness of all forms of CL and Psychological care, Socio-economic reintegration	
16	La Victoire.	Care of children	Service
17	ORPHELINAT THABITA	Housing, Care, Education, and Support	

In Haut-Katanga, the study found that the province has only eight national NGOs carrying out practical actions on the ground, including:

NGOs identified in Haut Katanga

NO	NGOs	Areas of intervention	Notes
1	Congolese Environmental Observatory (OCE)	Observation of children on sites, Identification of children on sites, training and technical support for parents, NGOs, and government services	
2	OMGC (Oil, Mining and Governance)	Observation of children on sites, Identification of children on sites, training and technical support for parents, NGOs, and government services	
3	Prospérité partagée (PP)	Awareness-raising, reception-intake, psychosocial support, family/social reunification, and care	
4	African Resources Watch (Afrewatch)	Observation of children on sites, Identification of children on sites, training and technical support for parents, NGOs, and government services	No tools provided
5	L'Initiative pour le développement (ID)	Observation of children on sites, Identification of children on sites, training and technical support for parents, NGOs, and government services	
6	AFEDECO,	Raising awareness on the fight against CL, training on CL, Identification and protection of working children, removal of children from mining sites and charitable activities to benefit	

		children (construction of classrooms; support for women’s associations in revenue generating activities to support the schooling of their children)	
7	Groupe One	Observation and surveying of CL and Protection of mother and child, Socio-economic promotion	
8	PABEA Cobalt.	Identification, Documentation, Reintegration, and care of children	

Areas of intervention, description of roles and responsibilities

The analysis conducted revealed the following intervention areas: observation of children on sites, *identification of children on sites, removal of children from sites, orientation of children, registration of children, referral of children, training of children in trades, care of children, accommodation of children, education of children, and awareness-raising.*

Comparative analyses revealed no significant differences regarding the areas of intervention of local NGOs in the two provinces (Lualaba and Haut-Katanga).

In Haut-Katanga, most NGOs focus on observation, awareness-raising, and investigations, which lead to publications. Among these organizations, we can mention OCE, Afrewatch, OMGC, L’Initiative pour le développement, and Shared Prosperity.

Regarding the OCE, several activities have been carried out, such as the project on “**Sensitization of households on the harmful effects of child labor and the fight against Covid-19 in artisanal mining zones (AMZ/ZEA) Haut-Katanga and Lualaba (DR Congo)**”.

The objective of this project was to Contribute to the FCLAM and the fight against COVID-19 in the provinces of Haut Katanga and Lualaba, by raising household awareness within the artisanal mining zones (ZEAs).

The specific objectives were:

- Sensitize at least 1,000 households on the harmful effects of CL in mines and on artisanal mining sites in the two provinces;
- Sensitize at least 1,000 households in the fight against Covid-19 in the ZEAs of the two provinces.

The target groups were:

- **Households** in and around artisanal mining areas in Haut Katanga and Lualaba (parents of children working in mines or at risk of working on artisanal mining sites);

Through its meetings, the project was able to bring together the following organizations:

- Artisanal mining **cooperatives** ;
- **Social actors involved** at the local level in the LTEMA; the Commissioner General in charge of humanitarian and social affairs, Gender, Child and Family; Ministry of Planning; Ministry of Health; Provincial Coordination of the Response against Covid-19; Municipality of DILALA; SAEMAPE Lualaba
SAEMAPE Likasi; Municipality of SHITURU; Kakanda Office, Etc.

The results are as follows: A total of 2,229 children out of the 500 sensitized households;

- An average of 4 children/household (a very high rate);
- In most sites, there are more boys working in the mines than girls;
- Tilwizembe, Mutoshi, and Kapata have a high number of children working in the mines;
- In most sites, there are more girls in school than boys;
- UCK has more school children than other sites;
- Parents send their children to the mines knowing that this work is dangerous for them and their societies.

About 30 local organizations in Haut-Katanga, with an average of 500 children, are actively working at the local level regarding the accommodation of children. The most noteworthy organizations focus on the accommodation of children at the local level, namely: Kimbiliyo House, Mutoto, Bakanja, Kitumaini, Imani, Amani, Katimel, AFEOA, and AFEMDCO. Most work with support from UNICEF and World Vision.

Similarly, most local organizations in the province of Lualaba are focused on the same intervention areas, such as: IBGDH, Caritas Kolwezi, ADDH, BIBI SAWA, etc.

The analysis involved classifying the NGOs according to their level of specialization, intervention capacities, and technical and financial resources. It is noteworthy to state that, in the DRC, most local NGOs rely on the financial and technical support they receive from various international donors. A limited number of NGOs intervenes with their own resources. Hence, the activities of each NGO are based on the financial and technical resources available to them, rather than on the field of intervention

originally selected (when the NGO was created). This could have a negative effect on the activities of each NGO in addressing the issue of CL in mines, by influencing their level of accountability.

The choice of the field of intervention is not made as per the internal strategy of the NGOs, but rather on the financial and technical support from several international partners with well-defined agendas. This has a significant impact on the chosen actions and interventions of NGOs in the FCLAM, the reluctance among NGOs, international NGOs, and the Congolese government, to share information with each other.

Some NGOs work in both provinces, and others stay in one province. Their actions continued to depend on occasional financial support and guided by offers from international partners.

NGOs play several roles, including raising awareness among families, communities, businesses, cooperatives, and specialized government services. They contribute effectively to strengthening the child protection system; improving social work, including the training and provision of social workers; the training and capacity building of community actors, and the development of referral mechanisms for social workers for easy access to basic social services for vulnerable children through community support projects and other services through technical support and funding from international NGOs and other bilateral partners. As a result, this situation complicates the exchange of information, as donors are given priority over the government, for whom the work is performed and but which sees itself served last.

Among the limiting factors that have affected the FCLAM in the DRC, the role of the child in his family and community as a whole is not taken into account. The protective communities approach will make it possible to coordinate the actions of development stakeholders at the local level, and to consolidate the capacities of delegates from local development committees (LDCs) to identify children working in mines and refer them to social services (health, education and vocational training, civil status, and legal protection), and to forge links between formal systems, through the LDCs, and informal systems of child protection and case management for children released from mines, and monitor the progress of community development based on local development plans (PDL).

In addition, the interventions of the majority of NGOs have been geared towards strengthening the systems and capacities of governmental and non-governmental actors to lead interventions against CL. However, they are also moving towards the strengthening and effective implementation of *regulatory and policy frameworks* at the national and provincial levels.

Engagement with local extractive industry actors, *promoting responsible practices* to prevent CL in supply chains, and capacity building of government actors and CSOs at the provincial and territorial levels continues to be insufficient. The coordination and harmonized implementation of responses to combat CL in mines is a significant challenge that must be met for the CLMRS to be implemented.

Based on the above, the community should be placed at the center of everything as an actor and beneficiary of the protection of its own children. This approach would be better suited for the development of a CLMRS. Overall, local NGOs do not accomplish many actions that are sustainable as, in most cases, their funding is very limited (short duration).

3.2.2.3 International NGOs and United Nations Agencies

Several international NGOs are active in the two provinces. They are: Pact-Congo, Bon Pasteur, IMPACT, RCS GLOBAL SASU and Save the Children, USAID, and GIZ. UNICEF and the ILO are also very present, and CL is part of their daily mission. The study shows that NGOs/International NGOs represent 60 percent of organizations active in the field in the two provinces surveyed, compared to government services and other support structures in the FCLAM. This would explain the important role these actors play within different structures in the FCL in mining areas in the DRC.

No.	Organizations and/or NGOs	Areas of intervention in CL	Notes
	CONGO PACT	Awareness-raising, Socio-economic strengthening, remediation of child labor in quarries and mines, and Organizational capacity building, surveys, and research	
	BON PASTEUR	Protection/Safeguarding of children, Education of children, Awareness of children’s rights Providing food for children and integration into the formal education system	
	RCS GLOBAL SASU	RCS Global staff are deployed daily to ASM sites to record incidents via a dedicated smartphone application. These incidents are analyzed by both	

		local and international teams and translated into risks and corrective actions. RCS Global then works through a monthly corrective action process to improve site conditions by assigning corrective actions to local actors and tracking their progress and completion. All data is communicated to the supply chain and stakeholders to provide a continuous improvement data stream for ESG impact monitoring and reporting.	
	GIZ	Raising awareness against child labor in mines	
	UNICEF	Identification of children, elaborate mechanism and tools for the referral of children, Case management and Monitoring of child labor in mines in the DRC	
	IMPACT	Support programs for the economic empowerment of women and supervision of children with the Kwetu house	
	ILO	Fight against child labor in artisanal mines and artisanal mining sites, capacity building of the government and its partners	
	WORLD VISION	Contributes to establishing legal / appeal mechanisms (Law, conventions, CL interventions, respect for government commitments) that communities master knowledge of the legal framework, for communities to have resilience mechanisms. The law can punish children, teach children their rights and duties, etc. Stakeholder engagement dialogue (government actions in the social and economic fields, health, legal framework, dialogue) identify if this is what is done at the local level. Areas of action: Private schools, Community responsibilities (opportunities to protect children, social action program, Compliance analysis, government forecast, appeal to the roles and responsibilities of actors at different levels and capacity building)	

Areas of intervention, description of roles and responsibilities

Several areas of intervention emerged from the analysis carried out, namely the observation of children on sites; identification of children on sites; removal of children from the sites; orientation of children; registration of children; referral of children; training of children in the trades; care of children; providing accommodation for children; education of children and sensitization of parents on the matter.

Roles and responsibilities also differ for international bodies:

The following international NGOs and United Nations agencies operate in the two provinces: UNICEF, ILO, World Vision, Bon Pasteur, IMPACT, and RCS SASU. Most of these international NGOs work in almost the same areas of intervention, with a few differences in each province.

Two UN agencies – UNICEF and the ILO – can be distinguished from the other international NGOs by their specific missions. While UNICEF deals with issues such as survival, special protection, and well-being, ILO focuses on promoting social justice, fundamental principles and rights at work, the world of work, etc., child labor, forced labor, health and safety at work, and in mines and many others.

Moreover, the rest of the International NGOs have specialized in a limited number of areas of activity. These include *Pact, Bon Pasteur, World Vision, and Impact*, which promote actions related to the observation of children on sites, the identification of children on sites, the removal of children from sites, the orientation of children, the registration of children, the referral of children, and finally the training of children in the trades, as well as the care of children and **Raising awareness** on CL.

Third, there is **RCS GLOBAL SASU, which has a very limited area of intervention** (monitoring incidents related to the supply chain, including the presence of children and/or child labor on sites; it should be noted that international NGOs do not coordinate their actions on the ground. Most work in specific ways to achieve their specific objectives.

The following section examines the activities of some international NGOs and the mechanisms in place for the FCL.

Pact-Congo:

Pact is actively engaged in raising awareness and implementing remediation measures on the ground. Projects relating to the FCLAM are implemented in 19 mining communities in Lualaba province. There are 16 core committees established in nineteen (19) mining communities in the two municipalities of the city of Kolwezi and surrounding villages in the province of Lualaba. The six affected districts are: Kasulo, Kapata, Musonoie, Mutoshi, Uck & Luilu. Surrounding villages: Musompo, Tilwezembe, Tshala, Kabamba, Kamimbi, Kashala, Tshamundende; Samukinda, Kipepe, Samukonga, Kanyembo, Kisangama, Ndanzama. Pact collaborates closely with the DRC government on CL in artisanal mines and artisanal mining sites. Government involvement in the FCL is evident through the establishment

of the Provincial Committee for Monitoring and Early Warning on Artisanal Mining Sites (CPSA), the CISTEMA/National, etc.

Behavioral change is taken into account in the implementation of activities. The actions are also designed to highlight the danger linked to the presence of children in the mining sites, led by the members of the communities living in the mining sites and surrounding communities, thanks to awareness-raising and training on responsible positive kinship (these are present in all project sites).

The resources available seem to be limited to support children identified in the quarries and mining sites; younger children, ages 6 to 14, are considered eligible for formal education and remedial education, rather than for vocational education.

World Vision:

World Vision is a Christian relief, development, and advocacy organization that helps children, families, and communities worldwide thrive by addressing the roots of poverty and injustice.

In addition, World Vision is particularly concerned with well-being and transformative development. Its activities in Greater Katanga revolve around four major projects: *Education, Health, Livelihood, WASH and Child Sponsorship*. Their activities focus on advocacy and the eradication of WFCL. Thus, World Vision focuses on the following areas of intervention: identification, removal of children from sites, the orientation of children, registration of children, training of children in trades, education of children, and sensitization on CL. The following areas of intervention were cited for World Vision in the province of Haut-Katanga: (Kipushi and Kambove) Communities of the commune of Ruashi, Kasungami, Luwovoshi district, Kipushi city, Gbadolitem Kigoma. As for Lualaba, there are (Mutoshi), Kwango and Kimbaseke, etc. This list is not exhaustive because World Vision is active in several other provinces (Central Congo (Kisantu), Central Kasai (Kananga), North Kivu (Beni, Butembo) and South Ubangi (Gemena)) and in other parts of the country.

In 2019, World Vision officially launched its campaign to help reduce exploitation and WFCL in the DRC by 2023 by mobilizing all Congolese actors across all levels through a child protection campaign. This campaign specifically aims to contribute to the following four objectives: reduce the recruitment of children by the armed forces, reduce CL in the mining sector, reduce the economic exploitation of

children and reduce the sexual exploitation of children, including forced prostitution. Following the launch of this campaign in Kinshasa, it was recommended that each sub-office of World Vision in the DRC launch a similar campaign with a theme linked to the specific context of each area. For the southern zone, which includes the Provinces of Haut-Katanga, Lualaba, Tanganyika, and Haut-Lomami, the campaign aims to contribute to a 30 percent decrease in children aged 6 to 18 in mines by 2023 through education for their empowerment.

Bon Pasteur

Bon Pasteur's role is to promote community development and human rights through alternative livelihoods, social protection, economic empowerment, education, poverty eradication, advocacy, and most importantly, addressing the root causes of all forms of CL in mining communities. The aim is to create safe spaces for children. Bon Pasteur's areas of intervention are as follows: observation of children on sites, identification of children on sites, removal of children from sites, the orientation of children, registration of children, referral of children, training of children in trades, supervision of children, sensitization on CL. Bon Pasteur contributes to protection, child safeguarding, education of children, raising awareness of children's rights, and nurturing and integrating children into the formal education system.

Bon Pasteur has a primary and secondary school which also serves as a training center. Children released from mines at various sites in Lualaba are immediately directed to school or trade centers, or even to certain accommodation centers (Father Damien's Kwetu House Social Home, which cares for children aged 8 to 17 and works with social affairs, as well as the Commissioner for Gender, Family, and Child, a few NGOs, and the National Promotion and Social Service Fund (*Fonds National de Promotion et de Service Social/ FNPSS*)). There is a serious problem regarding work tools as they have not yet been developed. However, Bon Pasteur uses survey questionnaires, dialogues, collection sheets, notebooks, and photos to record information. Bon Pasteur is very active in Lualaba in the two municipalities of Dilala, and Manika, and more specifically in the districts of Kanina, Mukoma, Kabamba, Kapata, Tshala, Musonoi, and Kisote), as well as in the other territories of Lualaba, such as the Sector of Luilu, but less so in Haut-Katanga. This work is done on the ground through social workers and continues with various awareness campaigns on mining sites, and in churches and markets.

Impact Facilities (FCA – Fair Cobalt Alliance)

Unlike other organizations, IMPACT’s work on the ground is limited to four areas of intervention. These areas are: observation of children on site, identification of children on site, registration of children, and referral of children.

IMPACT focuses on programs supporting women’s economic empowerment. It also supports women’s associations and groups in communities in the artisanal mining sector in the DRC, Ivory Coast, Uganda, and Zimbabwe to identify and address barriers and opportunities for empowerment and economic security. Their current focus and theory of change is that if women’s economic empowerment is enhanced, cases of child labor (cross-sectorally) are likely to decrease. IMPACT is currently documenting this to design targeted and evidence-based programs in the cobalt sector (and in the gold sector).

It collaborates on a long-term basis with the following Government services: the Division of Social Affairs, the Gender Division, the Labor Division, and the Justice Division.

Regarding collection tools, only a few are used. The standard registration, survey sheets, and photographs are available (with prior authorization from the child or his or her guardian). It should be noted that, at the end of this study, none of these documents had been made available to us. Regarding case management, IMPACT intervenes by identifying beneficiaries and providing social assistance using a protocol that we were unable to access. It engages a variety of institutions, including hospitals, schools, social centers, and law firms, to guide the children.

The biggest concern about the tools for collecting information is that they are not uniform. Each organization organizes itself in its own way without considering what others are doing.

We note further that most cooperatives are reluctant to share information. However, their role in this process is extremely important at the local level, as a CLMRS cannot function without their participation upstream and downstream in the CLMRS process.

3.2.2.4 Use of Tools

The use of the tools provided by the Congolese regulatory framework, such as *the certificate of indigence*, *the social contract*, and the simplified and optimized **identification sheets**. The existence

of a tool for collecting information from the Division of Social Affairs (DIVAS) developed in partnership with UNICEF and distributed to several organizations at the local level facilitates the collection of information. Many other organizations just use dedicated survey questionnaires to collect information. This tool contains many crucial fields, including identification (organizational code, province, territory, district and health zone, and registration date); Identification of the survivor (Number, using codes such as the third letter of the survivor's name, birth order, year, health zone code, and organizational code; Profile of the survivor (date of birth, marital status, age, sex, and level of education; other acts that accompanied the incident; profile of the alleged offender(s).

There is also an identification sheet with information on the relevant NGO and its services; information on the child (child code, family name, first name, sex, age, girl or boy, address; information on the child's family; urgent needs expressed by the child; a brief description of the child's situation; actions to be taken and visa of the person in charge of the organization.

However, few organizations use these tools. The alignment of international NGOs with the government still poses many problems and is sufficient proof of the limitations of the monitoring system in the DRC. Punitive measures against international and local NGOs are not applied, although they could be used to ban non-compliant NGOs from operating in the DRC.

3.2.2.5 Collaboration between actors and parts of existing mechanisms

The various structures collaborate on an occasional basis with the following government services: Social Welfare Division, Provincial Labor Division, Provincial Division of Social Affairs; Provincial Division of Gender, Woman and Children; SAEMAPE, CPSA.

Each local or international NGO presents its action plan and the results of its work on the ground to the government. Unfortunately, international NGOs seem to forget their duties to report to the government. They also do not share information with each other. This lack of coordination constitutes a major obstacle to establishing a CLMRS.

There are numerous consequences at the local, national, and international resulting from the lack of information sharing. This situation weakens the FCLAM and the work of various actors. What emerges, as a result, is a lack of collaboration between the actors, each of whom works in isolation.

3.3 Significant challenges presented by parts of the existing mechanisms

One of the major challenges in implementing the CLMRS is the lack of communication between actors working in the same intervention sector and lack of alignment with government policy and vision. The actors work alone. Most hide information from others, and this results in duplication in the identification of children, incorrect statistics, and confusion about the real situation of CL on the ground. Some information or findings are even hidden from the government as many do not report to the government.

Concerning the areas of intervention of each actor, whether it be observation, identification, or registration, the difficulties are immense and constitute obstacles to the successful implementation of a CLMRS.

Moreover, the absence or lack of appropriate and uniform identification tools and the absence or lack of a reliable database or case studies are significant obstacles to establishing a CLMRS. Besides that, the lack of protection for children is an obstacle to the operation of an effective referral mechanism. All these factors pose numerous obstacles to the implementation of the CLMRS.

The collection of information in a fragmented manner, with each organization using its own data collection tools, constitutes a limiting factor for implementing a CLMRS, which aims to be a system bringing together several actors. This demonstrates the need for a consultation to harmonize the information relating to the information collection tools of most actors in favor of an effective standardized tool.

The absence of a clear and uniform referral mechanism for all actors in the artisanal mining sector on CL constitutes a major limitation for establishing an effective CLMRS.

It is important to note that the government of the DRC, with UNICEF's financial assistance, has created a referral mechanism with adequate tools. However, this mechanism and its tools are unknown to the different actors, preventing its use. Some partners find it rudimentary and prefer to use alternatives when it is simpler to adapt and modernize the government's tools if necessary.

Several reports have been published by many local and international organizations on the different areas of intervention related to CL in artisanal mines. However, the striking disparities in their data has led to a lack of credibility in the quality of the information released. Hence, it is critical to harmonize these tools for an effective and valid CLMRS projection.

3.4 Opportunities for the development of a Child Labor Monitoring and Remediation System (CLMRS) in the DRC

It is clear that several opportunities exist for the implementation of the CLMRS, given that parts of the different mechanisms were observed in the field. The harmonization of data collection tools could be advantageous to the CLMRS implementation. It is also crucial that the DRC government asks its partners to align themselves with the FCLAM policy instrument and monitor compliance to better manage the interventions. This political will, from top government officials, represents an excellent opportunity to create and implement a CLMRS.

Collaborating and sharing information could contribute to the creation of a database and a website for the released of reports and studies, as well as the establishment of an efficient and reliable database for a more efficient CLMRS.

4. Conclusion

Based on the analysis conducted through this study, we can state incontrovertibly that the CLMRS does not exist in the DRC, and even less so in the artisanal mining provinces. However, parts of the mechanisms are implemented by some partners, such as Pact, Bon Pasteur, UNICEF, and others, as mentioned in this study.

Moreover, many potential partners already have an understanding of the CLMRS. They may have been involved in CL initiatives at different levels, whether through policy dialogue or direct action. They may have worked together before. From another point of view, CL could be a completely new field of work for some of them.

The absence of data collection tools and the lack of databases and websites channeling information from projects implemented by different partners constitutes an obstacle to establishing a CLMRS.

Future partners must grasp the context and factors influencing CL to determine their potential role in the fight against this phenomenon. The CLMRS strategy should be developed *through a consultative process* to ensure the widest possible support from stakeholders. When consulting with partners, it is necessary to consider their diverse attitudes, philosophies, and approaches to development and synchronize *standard information-gathering* toolkits.

It is important to invite all the actors in the two provinces to a consultation to allow them to define how they will collaborate to set up the CLMRS. This is the key to a new work strategy to identify real statistics on CL in the two provinces.

The implementation of the CLMRS requires the availability of financial resources, and this remains a major challenge for the DRC. To do this, international NGOs could contribute to strengthening the government's efforts. However, when it comes to projects, international NGOs are often limited in terms of defined budgets and project end dates. Thus, relying on projects would be a limiting factor for implementing the CLMRS. Establishing simple systems that are well-integrated into the existing governance/management structures that have a sustainable financial source (through the private sector, for example) and that cover all operating costs is crucial for a CLMRS.

5. Stakeholder Workshop for Presentation of Study Results (Kolwezi);

A stakeholder consultation workshop on developing the CLMRS for the mineral supply chain in the DRC took place in the city of Kolwezi, in the province of Lualaba. Several stakeholders took part in this meeting.

During this workshop, Mr. Polycarpe Kumasamba, a National Expert in CL from the ILO's COTECCO project, presented the CLMRS as a best practice demonstrated to work for the ILO in various countries. The presentation described the different aspects of the CLMRS in order to promote understanding of the said system, collect opinions and considerations, and solicit input for a more cohesive implementation of the CLMRS.

The second presentation focused mainly on the findings of the consultant Martin MPINDA at the end of the baseline study on the existing mechanisms. It consisted of presenting the realities in the DRC, the gaps in the management of FCL, and the challenges encountered for comprehensive participation by all actors using the CLMRS.

The consultant demonstrated that, to date, there is no comprehensive CLMRS system. The actors have set up mechanisms that represent parts of the CLMRS.

At the end of the discussions, several questions were raised:

- Who funds this process?

Some strategies to apply:

- ✚ Biometric identification of children;
- ✚ Retrieve the child's information from the database (regardless of their origin, know how to detect errors and determine the movements of a child from one site to another, etc.);

Management of Migration Flows: how to distinguish information on children in the database -

Proposals

- A necessary synergy of all actors through good awareness and excellent communication;
- Teaching certification unit: The Congolese government must establish its authority. Censoring teachings, etc.
- A consultation framework by the Government, overseen by the provincial government: who does what? How? Where?
- Coordination of the process by the Congolese government
- The reports of different partners that do not reach the Government constitute impediments!
- Do partners bring their reports?

The government has a policy! Before starting a project, all partners come to the government to seek permission. This meeting is an achievement! It's a starting point! We must take the initiative at heart and start afresh. Large organizations tend to smother small organizations! The government has many partners! The government made promises of action under Alliance 8.7, having considered the issues and acknowledging the interventions and efforts of its partners on the ground, etc., asking NGOs to try to set up the CLMRS through their coordinated initiatives.

To implement the above, the following must be done:

- We must come together and connect what has already been done;
- It is not about changing what the other partners are already doing but about aligning based on a coherent scheme, the CLMRS that works with our local realities;
- Existing organizations should be grouped according to their key areas of intervention;
- Proceed with the harmonization of the standardized form tools

Our remediation interventions can be compared to the overall data. Therefore, we can conclude that:

- Everything that has already been done contains answers.
- Use the same platforms as the experts! It is a question of connecting them so that there is a flow

chart!

- The Congolese government must assume its responsibilities: guide actions, set needs and areas of intervention, and the level of intervention for each sector!
- To effectively identify children: detect influencers among children to teach them brainwashing methods.

Participant-specific questions for setting up the CLMRS

- Are you convinced that by sticking together, we could get there?

Answers: yes

- Could this diagram, as presented in the report of the field surveys on the CLMRS, be useful to us?

Answers: yes

- Do we agree to develop the same work tools for the CLMRS? The same information?

Answers: yes

- What are the tools for identifying children in the CLMRS to build the database?

We need to have a big picture that presents identical information

Database management:

Creation of the survey information database

The major resolutions of the Kolwezi stakeholders' consultation included the harmonization of information collection tools and the subsequent creation of a database. This database could be a critical component of an effective CLMRS in the artisanal mining sector for the FCL in the Greater Katanga region of the DRC. However, there are prerequisites for this to exist, specifically harmonizing the data collection tools of most actors to create a standardized, effective final tool. Consequently, it is essential to combine the resources of all involved parties to conduct substantive work that identifies the pertinent overall information to be retained. Sensitizing the actors through a general workshop could serve as a useful starting point in conjunction with specific surveys for this purpose.

- Each partner must be able to enter information in the database and see the database, but with limited access and authorization for access;
- Each partner must be able to see the information;

- Different levels of access must be defined: primary, secondary, and tertiary level, etc., but without any possibility of accessing it without authorization;
- The database must provide the profile of each child;
- As long as the database is standardized, the movement of children across sites can be tracked;
- Group all the children by zone;
- An indication should be given when a child has become an adult;

Managing the mobility of children (migratory movements, etc.)

- Set up a fingerprint system to avoid repetition when identifying children;
- Standardize tools;
- Set up a reliable database;
- Connect sites based on data.

Other strategies:

- Strengthen cooperatives (training and technical and financial support);
- authorization of sites;
- sticking identification numbers and electronic chips;

Etc.

Next steps

- How do we develop the tools?
- At some point, we have to define standard tools (reach an agreement on the tools to use)
- Presenting information;
- Harmonizing information;
- Produce a new standard tool for the CLMRS;
- Establish a reliable database;
- The commitment of each organization is essential.

Let's remember that we have taken a big step. The database is a process! We count on your commitment

- together we always win. We must take into account our local realities.

Workshop Recommendation

This consultation is an achievement, a starting point for implementing the CLMRS. It is recommended that we take the initiative at heart and make a fresh start. There is a need for a system to help us observe, identify, refer, and reintegrate children into everyday life. Following this fruitful discussion, the following recommendations were adopted:

1. Achieve the harmonization of standard tools at all levels of the CLMRS: identification, registration, awareness and referral
2. Everyone will align with the government mechanism so that we have effective standard tools;
This will:
 - Easily provide information for the database;
 - Facilitate cohesion and synergy between the different partners;
 - Facilitate data sharing;
 - Enable the government to set clear benchmarks.