



**“Child Labor and Human Rights Violations
in the Mining Industry of the
Democratic Republic of Congo”**

Tom Lantos Human Rights Commission

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July 14, 2022



Thank you, Co-Chairs McGovern and Smith and members of the commission, for the invitation to speak before you today.

This hearing is taking place at a critical moment for the Democratic Republic of Congo, amidst extreme violence in the northeast, escalating regional tensions with the resurgence of the M23 armed group, and as we approach the next national elections, scheduled for 2023, which will be a critical test for the country's democratic trajectory.

As other witnesses have described, child labor and other serious human rights abuses in the mining sector remain widespread, and these challenges only become harder to address amidst rampant corruption. I would like to speak about the broader human rights context in the country today and the importance of supporting the rule of law, accountability for past and recent crimes, and democratic governance to create the conditions necessary to effectively address child labor and other human rights violations.

Many hoped that the human rights and security situation in Congo would improve when President Félix Tshisekedi came to power in January 2019, following a protracted, violent political crisis as former President Joseph Kabila held on to power beyond the end of his constitutionally mandated two-term limit. But three and half years later, we have yet to see meaningful progress on human rights or the systemic reforms needed to finally break the cycles of violence, abuse, corruption, and impunity that have plagued the country for decades.

The humanitarian and human rights situation across the country, and especially in the east, remains dire. Nearly 5.5 million people are displaced across the country, and one in three people are facing severe or acute food insecurity, [according](#) to the United Nations. Some 120 armed groups are still active in eastern Congo, including several groups that include fighters from neighboring Burundi, Rwanda, and Uganda. The Allied Democratic Forces (ADF), a Ugandan-led armed Islamist group with ties to the Islamic State (ISIS), has been responsible for some of the deadliest attacks on civilians in recent years. Many of these groups, as well as their backers among the Congolese political and military elite, control lucrative mineral resources, land, and taxation rackets. Many of them have also recruited children among their ranks.

To address the insecurity, Congo's government declared a "state of siege" and imposed martial law in Ituri and North Kivu provinces in May 2021, replacing civilian authorities with military and police officers, including those implicated in serious human rights violations. More than one year on, the security and humanitarian situation has deteriorated. Over 2,500 civilians have been killed by armed groups and government forces in the two provinces since the state of siege began, according to the [Kivu Security Tracker](#). Basic freedoms of expression and association have also drastically [narrowed](#).

Against this backdrop, the resurgence in recent months of the M23 – a rebellion originally backed by Rwanda and Uganda, and responsible for widespread war crimes a decade ago – has made a bad situation even worse. Since M23 fighters took control of several towns and villages in June, they have resorted to some of the same brutal tactics, and there are growing indications that Rwanda may be supporting the M23 once again.

Human Rights Watch has documented that M23 fighters deliberately killed at least 30 civilians in areas under their control since mid-June. In one of the worst incidents, in Ruvumu village on June 21, M23 fighters shot and killed at least 20 civilians, including two teenage boys, who they accused of having informed the Congolese army of their positions and hideouts. Some were killed as they attempted to flee while others were executed at close range. Civilians have also been harmed by apparently indiscriminate shelling by M23 forces. Two boys, ages 6 and 7, were killed when an M23 mortar round hit a playground in Biruma. A woman and a child were killed by M23 mortar fire in Kisiza and Katwa. And a shell allegedly fired from the Rwandan side of the border destroyed a primary school in Katale. Hours earlier, shells landed on Rwandan territory, seriously injuring a woman and her ten-month-old baby and destroying crops and infrastructure.

The failure to have held M23 commanders accountable for past war crimes has enabled them to commit new abuses today. The United States, under the leadership of the former [Great Lakes Special Envoy](#) Russ Feingold, played a critical role in ending the threat posed by the M23 in 2013, including by pressing Rwanda to cut its support to the group, which hastened the group's defeat and forced its leaders to flee to Rwanda and Uganda. But the M23's leaders remained at large, effectively shielded from justice by the Rwandan and Ugandan governments, even though many are on US and UN sanctions lists and wanted on Congolese arrest warrants for war crimes and crimes against humanity.

As in the past, competition over eastern Congo's lucrative resources and land may have played a role in the group's resurgence, and the role of Rwanda in supporting the group. Ugandan interests are also at play, with its forces deployed in eastern Congo to conduct operations against the ADF and some allegations that Uganda may also be supporting the M23. Both Rwanda and Uganda

have also been scrambling to get economic deals with Tshisekedi's government to help secure their interests in the region. The two countries have a long history of backing abusive armed groups responsible for widespread war crimes to gain control over resources across eastern Congo – and those responsible have never been held to account.

Without systemic reforms by the Congolese government and meaningful progress on accountability, it is likely that this cycle will continue, and eastern Congo will remain a battlefield for the region's political disputes, proxy wars, and efforts to control lucrative natural resources. These much-needed reforms include a [vetting mechanism](#) to remove those responsible for serious human rights abuses and support to armed groups from the Congolese security and intelligence services, as well as an internationalized judicial mechanism to investigate and prosecute those most responsible for war crimes, crimes against humanity, and other serious human rights abuses committed in Congo over the past three decades, no matter their nationality or rank. Systemic reforms are also needed to fight corruption and build an independent judiciary.

Ensuring that the upcoming elections are free, fair, timely, and credible – and that the outcome reflects the will of the people – will also be critical. This is especially important after the last [elections](#), when the results were the outcome of a backroom deal, and not a reflection of which candidate received the most votes. Having leaders in power who are accountable to popular needs and demands and who are viewed as the legitimate leaders by the Congolese people, could go a long way in empowering and emboldening them to implement the systemic reforms that are needed.

The United States played a critical role in pressing Kabila to step down at the end of his mandate and in supporting the calls of Congolese demanding an end to his abusive and corrupt administration, including by imposing targeted sanctions against those responsible for human rights [abuses](#), [corruption](#), and [undermining democracy](#). The United States has also thrown its support behind President Tshisekedi since he came to power in 2019, despite the disputed election results.

While Tshisekedi's administration has made many promises of reform, there has been little action to show for it. In some cases, it appears that many of the same corrupt and abusive practices and systems that characterized the Kabila administration have continued with new leaders at the helm.

Despite some positive steps taken during Tshisekedi's first year in office to release political prisoners and allow those in exile to return, [repression](#) against journalists, [activists](#), government

[critics](#), and peaceful protesters has escalated over the past two years. Previous speakers have also referred to continued corruption and a lack of transparency in the mining sector.

In eastern Congo, security forces in January 2022 killed an activist from the LUCHA youth movement who was protesting the state of siege, and over a dozen activists who also protested the continued killings remain in [detention](#) today. Several journalists have received threats after reporting that was deemed critical of the Tshisekedi administration or its response to the security situation in the east. On April 9, a human rights activist in Fungurume near Kolwezi died in suspicious circumstances – and his body was brought to the morgue by police officers – soon after he had denounced the embezzlement of mining royalties. On April 22, police violently dispersed a sit-in at the parliament building in Kinshasa organized by political opposition supporters calling for a consensus around the electoral law, injuring at least 20 protesters and arresting six of them.

This repression may worsen in the coming months, especially given the [tensions](#) around the upcoming electoral process, including the lack of consensus around the electoral commission appointments and the new election law, the perception that Tshisekedi loyalists have been placed at the top of other key institutions - including the [Constitutional Court](#), which is responsible for confirming election results and resolving electoral disputes, and fears about whether elections will actually be held on time by the end of 2023.

Given this deteriorating situation, and the potentially devastating consequences across Congo and the broader region if not checked, it is time for a new approach and high-level engagement from the US government.

This should include the appointment of a new, well-resourced Great Lakes special envoy to help lead and implement a new strategy to address the security, humanitarian, human rights, and corruption challenges facing Congo and the region.

The US should also take an unequivocal stance in support of free, fair, credible, and timely elections in Congo and provide significant financial and other support to international and national election observation missions, including those led by the Catholic and Protestant churches. The US should stand ready to call out any problems in the election process and reject any attempt to prevent people's votes from being counted.

We hope that Congress will urge the Biden administration to maintain and expand the targeted sanctions regime against those individuals responsible for serious human rights abuses, including in the context of upcoming elections, as well as any senior officials from across the region found to be supporting the M23 or other abusive armed groups.

Congress and the administration should speak out against the repression of activists, journalists, and protesters, and provide support to pro-democracy and anti-corruption activists, human rights groups working in the mining sector, whistleblowers, coalitions fighting impunity, and independent media outlets.

We also urge you to call on President Tshisekedi's administration to make concrete public commitments and take action towards implementing systemic reforms, including an ambitious [plan](#) to close the impunity gap in the country, with a vetting mechanism for the security and intelligence services, an internationalized justice mechanism, and a comprehensive reparations program. Should the Congolese government make such commitments, Congress should ensure that the US is able to provide financial and technical support to these mechanisms.

The US should also press for accountability and support to transitional justice mechanisms and an effective demobilization program to be central in ongoing regional discussions regarding the threat posed by the M23 and other armed groups.

The United States has significant leverage in Congo. That influence should be used now to demonstrate full support for the Congolese activists, victims of rights abuses and their families, and others who have sacrificed so much and waited for far too long to see justice and to live in a country where their fundamental rights are respected.

Thank you.