

**Women in the
Artisanal Gold
Mining Sector
in the Democratic
Republic of Congo**



**PARTNERSHIP
AFRICA CANADA**

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Translated from the original French



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To undertake this study, PAC joined with several partners in the Great Lakes region:

- The Université de Kisangani and ARED, in Kisangani, Province Orientale, DRC
- The Université Catholique de Bukavu and RIO-ECC, in Bukavu, Sud-Kivu, RDC
- The Levy Mwanawasa Regional Centre for Democracy and Good Governance of the International Conference on the Great Lakes Region (ICGLR), Lusaka, Zambia

The collaborative research sought to identify the distinct nature of the participation of women and girls in the informal mining sector in two provinces in eastern DRC, with special reference to sexual violence and violence based on gender in the artisanal sector.

In parallel, and complementary to the field research, the Levy Mwanawasa Regional Centre for Democracy and Good Governance produced an analysis of the needs and experience of women and girls with respect to good governance in the extractive sector and to the implementation of UN Security Council Resolution 1325.

We are very grateful to these partner organizations for their excellent and invaluable collaboration, as well as to all the women and men who participated so generously in the field surveys.



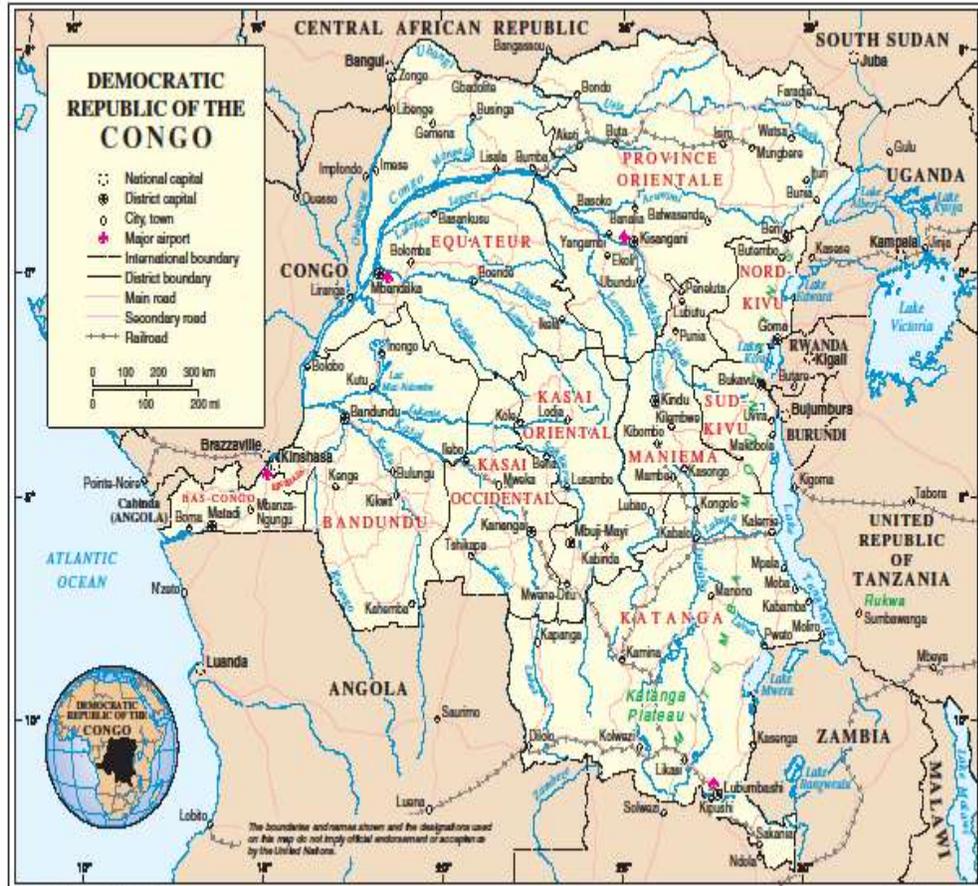
Partnership Africa Canada (PAC) is a non-profit organization that undertakes investigative research, advocacy and policy dialogue on issues relating to conflict, natural resource governance and human rights in Africa.

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Presentation

This summary report attempts to shed new light on, and to underscore the impact of the informal mining sector on the lives of women and girls in the Democratic Republic of Congo. Scarce attention has been given to this informal sector economy to date, even if women represent between 20 and 50% of the total population at mineral extraction sites in the Democratic Republic of the Congo (DRC)¹, a country that has an abundance of mineral reserves that have been at the center of numerous armed conflicts for more than 20 years. A number of initiatives have been set up to break the link between natural resource exploitation, conflict minerals and conflict, including a legal framework designed to counter the illegal exploitation of natural resources and a regional mechanism to implement these measures under the International Conference on the Great Lakes Region (ICGLR).

The current reform of mining laws in the DRC needs to take into account the female workforce, i.e. women's needs, interests and vulnerabilities, and to ensure that this sector can transform itself into a sustainable social and economic development engine that is free of violence. This implies an inclusive development process that affirms both men's and women's rights on an equal basis, where both men and women can exercise their right to free, informed, and prior consent in the control over and management of the community's resources.



Artisanal gold mining in Sud-Kivu. Credit: RIO-ECC

¹ World Bank, *Democratic Republic of the Congo. Growth with Governance in the Mining Sector*, May 2008, p. 58.



Introduction

In February 2013, Partnership Africa Canada and Carleton University (Ottawa, Canada) organized a workshop on the Economy of Sexual Violence and Conflict in Africa in Bujumbura, Burundi. The series of presentations and exchanges between Canadian and African academics and NGOs identified gaps in our basic knowledge about women and parallel economies in countries in conflict and post-conflict situations, and at the same time identified possible collaboration between academics and NGOs from Africa and Canada.

In particular, it became apparent that there was a need to increase our understanding of the situation of women and girls in the informal extractive sector in eastern DRC, both to reduce the vulnerabilities observed and to take full advantage of the opportunities that are now present in the current conflict/post-conflict situation. In other words, it was felt that it was important to monitor how the introduction of the monitoring and certification systems in mining communities will impact on the lives of women and girls, and specifically to understand how women in the sector can eventually reap the benefits, or alternatively, how these same processes may introduce even greater levels of marginalization.

In May 2013, PAC partnered with two provincial universities and two NGOs – the Université de Kisangani and ARED in Orientale Province, and the Université Catholique de Bukavu and RIO-ECC in South-Kivu. The idea was to undertake a joint study to identify the distinct character of the participation of women and girls in the informal economy, and specifically in the artisanal mining sector in these two provinces in eastern DRC, with a particular focus on sexual and gender violence in the artisanal production sector.

The literature review, data collection and analysis took place between July and November 2013. Between February and the end of March 2014, the results and recommendations flowing from the research were disseminated to authorities in the two provinces with responsibilities for the mining sector and gender respectively, to elected officials in both provincial assemblies, to provincial commissions responsible for overseeing mineral resources, to government departments linked to the Division of Mines, to police department staff, to the Orientale Province Public Prosecutor's Office and finally to other researchers and to a multitude of human rights activists and institutions, as well as to women concerned about mining issues in the major centres of Kisangani, Bukavu and Kinshasa. A total of 23 private meetings² and three workshops bringing together more than 100 government and civil society representatives were organized.

The workshops allowed us to validate and improve the research findings and to expand upon the preliminary recommendations from 2013. The workshops and the meetings with the authorities attested to the unanimous desire to come to understand this complex and generally poorly regulated economic sector, and particularly the contribution and circumstance of women and girls within it. This awareness building exercise and consultation also revealed the need to expand the research to include other artisanal mining sites in order to deepen the knowledge base obtained in the initial field study, which it should be pointed out was conducted with very modest means.

² 10 in Kinshasa, 8 in Kisangani and 5 in Bukavu. See the list of those met in Annex A.



At the same time, and to complement the field study, an analytical study on the needs and experiences of women and girls from the perspective of the good governance of natural resources and the implementation of UNSCR 1325 was produced in partnership with the Levy Mwanawasa Regional Centre attached to the ICGLR.

The context of the DRC

Before getting into the subject of the study itself, it's important to stress on the one hand the generalized marginalization of women in the DRC and, on the other hand, to look into the national policies and regulations that oversee the exploitation and management of mines with specific reference to the involvement of women in the sector.

The place of women in Congolese society

From a socio-economic perspective, the situation of women in the DRC is very difficult. Women suffer from extreme poverty, generalized illiteracy, the absence of adequate health services, and a lack of policies and government mechanisms to advance their situation, while bearing the brunt of discriminatory practices and customs that weigh heavily against them.

For the last 20 years, the DRC has been caught up in a succession of concurrent wars, and multiple complex conflicts within which sexual violence has become a weapon of war for state and non-state armed groups in the DRC and neighbouring countries engaged in an unending battle to seize natural resources in eastern Congo. The scourge of sexual violence in the DRC remains an important concern for the African regional community and the international community for it constitutes a serious and massive violation of the rights of women and girls. The level of violence observed against women, girls and even very young girls is beyond imagination.

This violence affects the physical and psychological well-being of its victims. It destroys their ability to enjoy other rights and destroys the lives of families and communities. Congolese women continue to suffer and to pay a heavy price for the multiethnic and political conflicts that continue to reign in many areas of the country, and this amongst general indifference. This indifference is evident by the fact that women's rights are not taken into account in establishing security priorities, by the absence of urgent and effective measures to counteract the impunity afforded perpetrators of violence against women, and by the failure to establish the principle of compensation and material reparation for the physical and moral harm and damages perpetrated upon women and girls. In a largely rural country, where women are one of the major economic engines in providing for the food security of their families and of the nation, the socio-economic impact of violence against women is devastating. Women are denied economic and political power, access to land and property, and have their inheritance rights systematically flouted.



Be it by the UN Security Council³, or by the African Commission on Human and Peoples' Rights⁴, multiple "Women, Peace and Security" resolutions have been adopted. In 2006, the 11 member States of the ICGLR signed the Pact on Security, Stability and Development in the Great Lakes Region, which included the Protocol on the Prevention and Suppression of Sexual Violence against Women and Children⁵. There have been a number of positive forward steps in the DRC since then, particularly with the implementation of the 2006 Joint Initiative Against Sexual Violence, the 2009 National Strategy Against Gender-Based Violence, the RDC's ratification of the Maputo Protocol in that same year, and with the development of the Action Plan on UN Security Council Resolution 1325 on "Women, Peace and Security" in 2010⁶. Despite this, the lack of effective implementation of these legal instruments and the failure to take concrete and tangible action on the ground to offer effective protection for the rights of Congolese women against violence and discrimination is to be deplored.

By the same token, it is clear that the inferior status afforded women in today's Congo is a source of violence rooted in attitudes that make women vulnerable, ignorant of their rights and exposed to extreme poverty. While unquestionably more evident in conflict situations, gender based and sexual violence have their roots in long traditions and practices that have painted women as being inferior, and in the abuse of power that is exercised at all levels of society, including in the family. On the one hand, Congolese law and customary practices continue to relegate women to a state of subordination. Articles 448 and 450 of the DRC's 1987 Family Code continue to consider married women incompetent (i.e. minors) in legal terms, while an 18-year-old single woman enjoys full legal capacity. Article 448 stipulates that a married "woman must obtain authorization from her husband for all legal actions that require a fee or service that she is to provide in person". The property of a married woman belongs to her husband - without any reciprocal provision⁷. Article 454 dictates that a wife does not have a choice of residence, i.e. she "is obliged to live with her husband and to follow him wherever he sees fit to reside (...)" . And finally, women require their husband's authorization to

³ UN Security Council Resolution 1325 in 2000 - incorporated a gender specific perspective into peacekeeping operations and provided for women's participation in key institutions and decision-making bodies; Resolution 1612 in 2005 dealt with Children in Armed Conflict; Resolution 1674 in 2006 addressed the Protection of Civilians in Times of Armed Conflict; Resolution 1756 in 2007 focused on the specific situation of conflict in the Democratic Republic of Congo and insisted that the gender specific needs of women, youth and girls be taken into account in conflict resolution; Resolution 1820 in 2008, called for effective measures to prevent and punish acts of sexual violence as an essential means for promoting and maintaining peace and security in the DRC; and Resolution 1888 in 2009 intended to protect women and children from sexual violence during conflicts.

⁴ The 2006 adoption of a resolution that called upon the Government of the Democratic Republic of Congo to adopt measures to guarantee the security of women and girls and to implement Congolese legislation on sexual violence. The 2007 adoption of an important resolution on women's and girls' rights to recourse and to compensation as victims of sexual violence, which called upon the signing States to establish effective and accessible compensation programmes, and to provide information, rehabilitation and compensation to victims of sexual violence, while pointing out that the impunity enjoyed by the perpetrators of sexual crimes simply perpetuates the vicious cycle of sexual violence.

⁵ It should also be noted that five other Protocols of the Pact address sexual violence: The Protocol on Democracy and Good Governance (The Protocol on Democracy), The Protocol on the Protection and Assistance to Internally Displaced Persons (The Protocol on Displaced Persons), The Protocol on Non-aggression and Mutual Defence in the Great Lakes Region (The Protocol a Non-aggression), the Protocol on Judicial Cooperation (The Protocol on Judicial Cooperation) and The Protocol on the Management of Information and Communications (The Protocol on the Media).

⁶ The Plan of Action on 1325 was revised in March 2013.

⁷ In reality, the marriage settlement confers on the husband precedence in the management of his spouse's property.



undertake commercial activities and to perform legal acts, while article 3(c) of the Labour Code allows a husband to oppose a wife's contracting her labour for employment.

Despite efforts by Congolese civil society and international pressure to establish the principle of sexual equality that is proclaimed in Articles 12, 14 and 15 of the 2006 Constitution, these unequal laws have never been amended or repealed. Prior to the adoption of the new law on sexual violence in 2006, Congolese law made little reference to sexual violence. Rape was categorized as indecent assault and was not penalized when it occurred between spouses or in circumstances where a woman was not impeded from expressing her refusal! Beyond molestation, Congolese law criminalized prostitution, pimping and pornography. Other crimes of sexual violence fell outside national law.

In addition, the customary practices of certain ethnic groups still oblige a widow to marry the brother of her deceased husband. This practice of inheriting wives exists among several ethnic groups including the Bashis, Bembes, Baviras, Fuleros, and the Legas of South-Kivu. Women and girls in a number of ethnic groups in this same province are barred from eating chicken, including eggs and offal, or the best parts of the goat, while cow's milk is reserved primarily for men and boys until they have had their fill.

In some groups, women are considered as the common property of the clan. Some traditional chiefs still exercise the right of "cuissage", i.e. the right to demand sexual relations, most often with a young virgin. So the sexual relationship imposed on married women in some communities is not seen as violence against women, or those close to them. As for the application of the 2006 law, a number of barriers still stand in the way. The large majority of sexual violence cases are still to this day resolved by friendly agreement between the family of the perpetrator and that of the victim. The victim is not involved in the negotiations and her needs, interests, and even more so security are not taken into account in the discussions. Most prefer to cover over the crime, rather than resort to the courts. There is still a lot of education that needs to take place in the country, and particularly in the rural areas, to change attitudes on women's rights. It goes without saying that these behaviours are also linked to the impunity afforded perpetrators, which is still the norm, as well as to the climate of insecurity that prevails despite efforts to stabilize and re-establish peace in the DRC.

The Mining Code

The generalized insecurity, the lack of respect for women's rights, violence against women and the impunity of the perpetrators of violence are certainly no less evident in the mining sector. "Wars have taken everything from women, they are largely impoverished and destitute". (UNDP DRC, 2006:14).

The industrial and artisanal mining sectors in the DRC are currently regulated by the 2002 Mining Code. The Mining Code regulates artisanal mining by limiting it to individuals with Congolese nationality, to individual foreigners that have chosen to live in the country and to legally recognized corporations headquartered in the country whose purposes involve the purchase and sale of the mineral product of artisanal mining. (2002 Mining Code: 8). The Mining Code makes reference to individuals, which by definition includes both men and women.

At the same time, the Mining Code identifies and clearly specifies those individuals that are not entitled to be involved in mines or quarries. This involves persons for whom the exercise of their functions is incompatible with mining, such as officials or agents of the State, members of the judiciary, the Armed Forces, the Police and Security Services, the information services, as well as employees of public institutions capable of undertaking mining operations. However, this same prohibition does not apply to any stake that these people may have in mining companies. (2002 Mining Code: 8-9).

By virtue of this disposition in the Mining Code, women are not prohibited from the artisanal exploitation of mineral resources. In fact, there are no dispositions specifically related to women anywhere in the Mining Code. The Mining Code is mute on the involvement of women in the exploitation and management of mineral resources, on the protection of their rights on mining sites, on the question of violence in general, or of sexual violence specifically, as well as on the penalties against those that would perpetrate such violence. We hope that this study will contribute to deepening the reflection on the process for amending the 2002 Mining Code, so that the new Mining Code will take the specific situation of women into account.



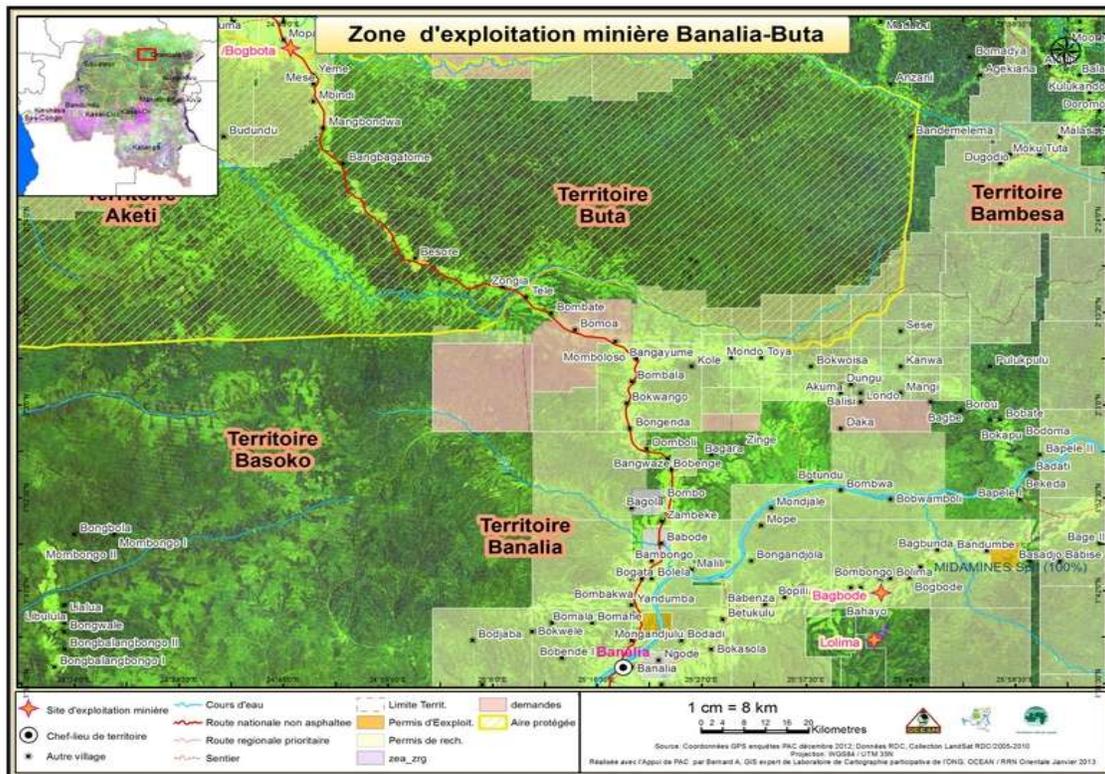
Artisanal gold mining in South-Kivu. Credit: RIO-ECC

The study on women in the artisanal gold mining sector

Research team and site descriptions

The study focused on three mining centers, one in Orientale Province and two in South-Kivu. In Orientale Province, the research team was composed of Bibiche Liliane Salumu Laumu Omeiyaka, the main researcher, a lecturer and researcher at the Université de Kisangani and a leader of the NGO ARED, and Matthieu Mamiki Ke'bongo Bongo, also a lecturer and researcher at the same university.

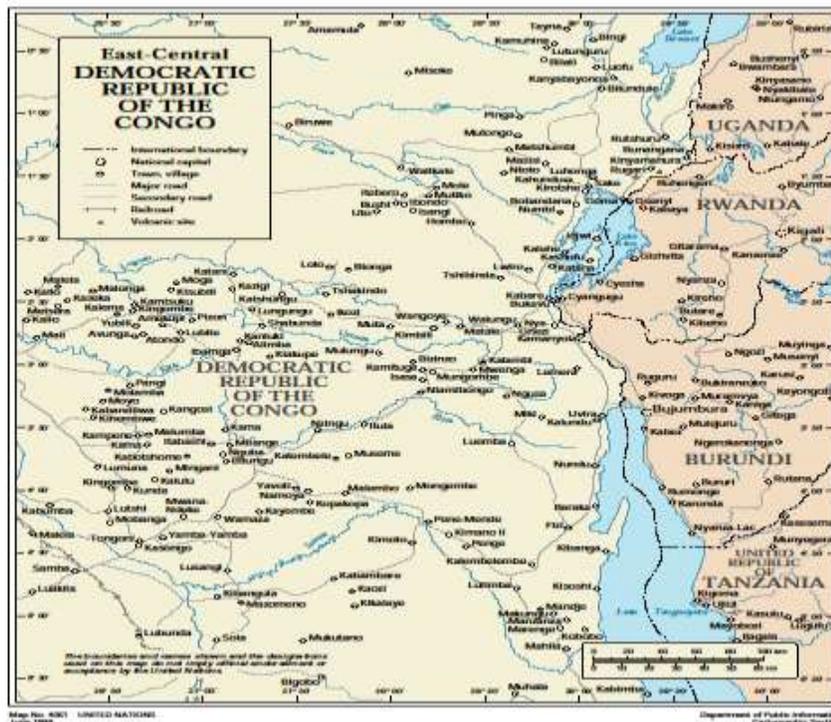
The field study in the Canon, Lukusa, Mowela and Ndinda sites, all located in the Mangi mining area and part of the Banalia territory, took place over a twenty day period in October and November 2013. Located 255 kilometers north of Kisangani, Mangi is an important gold mining centre that was developed by the indigenous Baboa of Kole before the arrival of the Belgians. The Belgian colonizers seized the site in 1942 and appointed Cléophas Mozambe, who was not native to the area, its head. Between 1967 and 1970, Mozambe exerted his position to become the heir of mining projects throughout the entire area by obtaining a provisional prospecting licence and then an artisanal mining permit from Orientale Province officials. To this day, he holds title to a concession estimated at more than 50 square kilometers, which stretches from Mangi Center towards the border with the Bas Uele territory. At the beginning of the 1980s, he created SOMAFILS, the Mozambe and Sons mining company, currently managed by Gaston Mozambe, one of his sons.



The Banalia-Buta corridor, including Mangi
Cadastre Minier de la RDC (CAMI), PAC and OCEAN, January 2013

A number of ethnic groups live in the Mangi area. In addition to the Baboa of Kolé, there are the Kéré (Mozambe's family), the Baboa of Bas-Uele, the Lokele of Isangi, the Mbole of Opala, the Ngelema and increasingly the Yira (Nande) that trade in basic commodities and buy gold. The choice of Mangi as the focus of the study was based on its relative importance in the region, but also because of PAC's on-ground presence, as it was in the process of carrying out a pilot project on the traceability of gold via the identification of miners⁸. Being able to provide the researchers with the logistical support of the local PAC coordinator, along with motorbikes, helped facilitate the task and provide security to the researchers while they were in Mangi.

In South-Kivu, the research team was deployed to two territories. One research team composed of Gabriel Kamundala and Ariane Badesire, both of whom were attached to the Centre d'expertise en gestion minière de l'Université catholique de Bukavu - CEGEMI-UCB. Under their supervision, Alfred Bora Uzima, David Katindi and Hubert Bwimba conducted the surveys in the Fizi territories. The team also included Véronique Minyego and Didier Bimule, who had conducted surveys in the Mwenga territory, under the supervision of Odile Bulabula, the Assistant Coordinator of RIO-ECC, a non-governmental organization.



⁸ The Mangi pilot project ended in February 2014. PAC envisages extending the project to a second pilot site in eastern Orientale Province.

The Kamituga mining centre, which includes a total of 10 quarries in the Mwenga territory some 180 kilometers from Bukavu, was selected for the field study, that was conducted in July and August 2013. The survey was concentrated in the Kalingi (also known as Calvary) sites and in Mobale, two former SOMINKI company sites⁹ and in the Mbala/Mababu and Mbala/Airport sites, which were discovered more recently. Kamituga is part of the largest of the six chiefdoms that make up the territory. The chiefdom of Wamuzimu¹⁰, the main centre of which is Kitutu, has a surface area of 5,061 square kilometers and an estimated population of 150,000 people. Kamituga, one of the former SOMINKI company concessions, is one of the most important gold mining sites in the province. With the 1996 war that severely affected the region, SOMINKI was forced to put an end to industrial mining and to leave the entire concession open to artisanal miners, who were already active on its periphery. However, since 2011 the concession has been owned by the Banro company, which has prospected side by side with the artisanal miners ever since. Artisanal gold mining is the backbone of the economy of the region. The area's basic supplies largely come from Bukavu, while Kamituga depends on neighbouring groups¹¹ for its agricultural produce.



Véronique Minyego, a researcher with RIO-ECC, interviewing women about their work in the artisanal gold mining sector, South-Kivu, DRC. Credit: RIO-ECC.

Misisi was chosen as the mining site in the Fizi territory and the survey took place in Misisi Center on the Lukindja River and in Miba. Situated approximately 400 kilometers from Bukavu, Misisi is the government centre for the Ngandja sector. The population of

⁹ There was industrial exploitation of mineral resources in Kamituga in the past under the MGL and SOMINKI mining companies.

¹⁰ The economy of the chieftaincy is premised on subsistence agriculture (cassava, maize, rice, bananas, peanuts and palm oil) and the small-scale exploitation of minerals, i.e. gold, cassiterite and coltan.

¹¹ A single grouping involves individuals from several villages and communities.



Misisi is estimated at about 30,000 and comprises people from the Bahemba, Bazimba, Bashi, Bavira and Babembe groups. Women and men from Burundi and Tanzania are also present. The Ngandja sector is the largest of the 4 sectors that make up the territory. It covers 7,100 square kilometers in surface area. Unlike Kamituga and the bulk of the mining sites in South -Kivu, the indigenous exploitation of gold here dates back to the period after the independence of the DRC and until quite recently was not being mined by industrial mining companies.

The mines administration oversees artisanal mining in the three mining sites studied. On the other hand, the traditional local chief in Misisi continues to play an important role in the gold sector.

Methodology/sampling

Data collection techniques involved a combination of participant observer, individual and group interviews. The questionnaires that had been prepared allowed for the collection of basic quantitative and qualitative data.

A total of 6 group interviews were organized in Mangi, 5 with women and girls in the mining camps and 1 in Mangi Centre with the members of the Women's Committee, a group that was developed to celebrate March 8. In terms of individual interviews, 80 women and girls were interviewed in the 4 mining sites, i.e. 22 in Canon, 18 in Mowela, 28 in Lukusa and 12 in Ndinda.¹² Semi-directed individual interviews were also conducted with the administrators of the five mining sites, a police chief attached to the Mangi national police sub-station, a mines inspector, two Banalia special police assigned to the protection of women and children (PSPEF) and the person identified as the focal point representative for civil society for the Kole-Mangi territory.

Returning from the field, additional interviews were carried out in Kisangani with the Colonel responsible for the PSPEF and the provincial level head of the Division of Mines. A lawyer was also consulted to learn about the circumstances and fate of cases of sexual violence transferred to the Public Prosecutor's office in Kisangani by the PSPEF in Banalia. Additional information to complete the study was drawn from a review of available literature.

The research teams in South-Kivu mostly relied on individual interviews to gather the data they needed. In total, 222 women and girls¹³ were interviewed, 103 in the mining sites in Kamituga and 119 in the sites in Misisi.

Difficulties encountered in the data gathering and observation phases

Besides the heavy rains, remoteness and problems accessing the sites, the difficult housing conditions, the problems obtaining supplies in the sites, and the general climate of insecurity in the region, the teams noted the following difficulties during the data collection phase.

¹² 5% of these were between 15 and 20 years of age, 45% were between 21 and 30, 36% were between 31 and 40, 10% between 41 and 50 and finally, 4% were over 51.

¹³ The average age of the women interviewed in South-Kivu was 36 years of age.

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- Communicating proved to be more complicated than anticipated at a number of levels. A good deal of energy had to be devoted to generate interest in the research among people at the sites, particularly women and girls, who asked how the research would be of benefit to them and what would they be getting in return once the interviews were over. Conducting interviews with people that are illiterate, or near illiterate, with little access to general information also imposed certain limitations. In order to ensure that the persons being interviewed understood the questions, and that their responses were properly understood in return, it was necessary to devote more time than projected for the interviews and to devote greater effort to explaining, interpreting and listening. Having the resources needed to carry out a preliminary site visit to introduce the objectives of the research to the site administrators and to those living and working the areas would have certainly facilitated making contacts and helping people understand the value and relevance of the research. This first visit would also have also allowed us to better target the level of the individuals to be interviewed, and as a result to take the various constraints into account in designing the questionnaires.
 - The researchers noted that people had a reluctance to speak openly about their situation, and noted much going unsaid and some suspicion. This is an informal milieu that is governed by internal rules and arrangements specific to each site, where government services related to the Division of Mines and to the protection of citizens are inadequate or simply nonexistent. It is an environment where everyone is there for their own short-term gain, and where the weaker and poorer people are disorganized, exploited and overtaxed by State and non-state actors, more often than not illegally, and where human rights and national laws are not respected.
 - One needs also take into account the difficulties of obtaining official statistics on those living in the artisanal mining sites. On the one hand, we were able to confirm that the Provincial Division of Mines does not have recent statistics on the informal mining sector. It is therefore difficult to develop a reliable statistical portrait and even more so to obtain statistics that differentiate on the basis of sex and age. At the same time, the team observed a steady and constant movement of people from one location to another, and between one operation or quarry on the same site and another, a factor that added a certain degree of difficulty to the work.
 - On the other hand at the more local level, the teams were faced with the reluctance of the mine administrators to supply information about the operations of the mine sites and on those living there, be these workers and/or transients. In the case of Mangi, the team learned of the existence of an internal regulation prohibiting women from participating directly in activities related to mineral extraction, which runs directly counter to the Mining Code. The team asked those in charge to see the regulation, but to no avail. This regulation did not appear to be official, as the team witnessed many women, both old and young clearly involved in the extraction process. Nonetheless, the supposed regulation did allow those in charge to decide whether or not women could participate.



Research findings

Finding 1

The overall portrait suggests that women and girls in mining areas are undereducated, with access to education being extremely limited and not encouraged. The team also observed the very high rate at which women and their children are abandoned by their husbands, who were mostly miners. Unlike the men, women of all ages are responsible for meeting the essential needs of numerous dependents. Ignorance of sexually transmitted diseases, HIV-AIDS and reproductive health is commonplace among both women and men.

Finding 2

Women play an important role in artisanal gold mining in the three mining sites, and are engaged in mineral extraction and related activities. There are no internal regulations preventing women from performing mining tasks in Kamituga and Misisi. Despite regulations that prohibit women from performing mining tasks in Mangi, many women become involved after making arrangements with those managing the site. The tools that the women use to extract gold are rudimentary and require a good deal of physical effort

Women perform a range of tasks in the gold extraction process. There are “twangaises”, or grinders, that manually grind sand and rock in metallic mortars. This largely feminine task is most evident at the Kamituga mine site. In Misisi, the grinding task is carried out by men with crushers that are assisted by the “bongueteuses”, who initially hammer the stone down to more a manageable size.

There are “transporteuses”, or women that carry the sand and stone from the extraction site to the crushers at all three sites, as well as “hydrauliques”, who carry water to cool the crushers. There are the “songeuses”, who prepare the ground-up sand to be washed by wetting it with water to make mud and the “laveuses” who then wash the sand. These can be found at the washing points in small streams. For their part the “bizalu”, recoup the discarded sand that is then re-washed by the “twangaises”, so that the gold that is extracted can be sold. Very few women are “bosses”, or “CEOs”, that is to say owners of gold pits. Those that are, are represented by a man who serves as a manager of the pit. Other women serve as “souteneuses”, that provide support throughout the difficult phase of digging the gold pit, which involves handling fuel, digging equipment, food, and whatever else is necessary to pay the diggers. Very few of these operations possess grinding machines.

Once mining activity ceases, those involved retire to the mining camps erected nearby. Women carry out a range of productive activities in the camps. They are small traders, or operate restaurants. Some trade in gold, and others produce and sell local alcoholic beverages. Prostitution, as a source of additional income, is common. Prostitutes are called “diggers without shovels”. Some of the women in Mangi are also involved in agriculture.


Finding 3

Habit and custom take precedent over national laws when it comes to human rights in the mining sites, and this has negative consequences on the lives of women and girls. Many women suffer from various forms of gender-based or sexual violence, including rape, premature marriages, forced marriage and the prostitution of underage girls. There is no support structure for the victims of violence and no police service. There is a high proportion of abandoned young single mothers. In the context of extreme poverty and general ignorance of human rights, there are cases of women with numerous children who have 'sold' their daughters for the equivalent of two cartons of cigarettes.

Finding 4

The persistence of socio-cultural obstacles that subordinate the status of women and girls compared to their male counterparts, devalues and interferes with the ability of women to participate in activities related to artisanal gold-mining, thereby hindering their economic empowerment. Women that work directly or indirectly in the mines do not have control over their income.

Finding 5

The women are faced with a series of abuses on the part of men, which exacerbate their vulnerability. Women's labour is systematically undervalued compared with that of men for the same work in mine sites. Body searches are carried out by men, often in public view, after every work shift with the aim of preventing women hiding gold in their clothes. Cheating and other scams practised by men are other widespread forms of discrimination against women. In this milieu credit is frequently used, but women are often on the losing end of such arrangements. Once they have found gold, men do not readily repay their debts, or simply do not repay them at all, whether it be to women who have provided various goods and services or to women who have worked in the mines.

Finding 6

It was observed that some mine operators interpret the 2002 Mining Code to the detriment of women's participation in mining operations, as in the case of Mangi.

Finding 7

Women's capacity to adapt to changes in the work environment is one of their greatest assets from the perspective of survival. Where necessary, women work alongside their husbands in the mines, while simultaneously seeing to the needs of those that are dependent on them.

Finding 8

From the perspective of the longer-term viability of women's involvement, women's lack of access to capital is a major obstacle to their participation.



Finding 9

The lack of a structure regrouping women that work in the mines hinders their development and maintains their isolation.

Finding 10

The women affirm that they want to work directly in artisanal gold-mining. Of the 119 women and girls interviewed in Misisi, 96 work directly in the mines.

Conclusions

The integration of gender in all levels of the structures and practices surrounding the governance of resources in the artisanal gold sector is far from a reality in the DRC. By virtue of their limited education, lack of access to information, cultural barriers with which they are faced, the violence that is perpetrated against them and laws that remain discriminatory, women have enormous difficulties in having their rights recognized.

The third Millennium Development Goal is to “Promote Gender Equality and Empower Women”. Moreover, taking account of the UN resolutions on Women, Peace and Security, as well as the norms and commitments of the DRC on the national, regional, or international levels, it’s clear that while the regulations, or laws, regulating the mining sector in the country are not discriminatory, they do not take into account UNSCR 1325, other related resolutions, or the ICGLR instruments on the protection and promotion of women’s rights. Similarly, the absence of a gender sensitive legal framework for the mining sector militates against the effective, or sustainable, protection and promotion of the rights of the women working in the sector.

On the other hand, it is important to underline that on October 29, 2014 the National Assembly adopted a draft law on the rights of women and equality. The draft law was championed by women’s organizations with support from their allies in civil society and political groups. The law seeks to end all forms of discrimination against women and ensure the protection and promotion of their rights. When the law is implemented it will undoubtedly have a positive impact on women in both the public and private spheres.

Recommendations

Two sets of recommendations were developed. The first series is a direct product of the research and the on-ground awareness building and consultation activities that occurred. The second series is the product of the analysis undertaken by the Lusaka based Levy Mwanawasa Centre for Democracy and Good Governance between January and March 2014.

1. Recommendations from the on-the-ground research

- Expand the research to other mining sites in Orientale and South-Kivu provinces in order to consolidate a quantitative and qualitative data base on the most significant direct and indirect (goods and services) activities carried out by women in mine sites.

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- In collaboration with civil society, lobby the mining authorities for a gender specific employment policy.
 - In collaboration with civil society, lobby public authorities for the demilitarization of mining sites and for strengthening the Congolese National and Mining police, both in numbers and in gender specific competence, specifically for the recruitment and training of female staff attached to the Special Police for the Protection of Children and Women (PSPEF).
 - Advocate for a more dynamic SAESSCAM (Small-scale-mining technical assistance and training service) structure, so that it implements its mandate of accompanying and guiding the artisanal mining sector by integrating the gender perspective.
 - Promote the creation of a one-stop window for income generating services (e.g. the DGRAD, DGI and other services available in the provinces) to put an end to the harassment of women performing direct and indirect activities in the artisanal mining sector and to train these services from a gender-based perspective.
 - Organize meetings, or workshops, in collaboration with civil society organizations involving women and men that work in the mining sector and including traditional chiefs, mine operators and mine inspectors, in an effort to revisit the rules and procedures for mine sites to ensure that women's participation in mining is on an equal footing with that of men.
 - Train women in women's rights, and to exercise leadership, advocacy and entrepreneurship in the mining sector.
 - Educate, train and support women so that they can organize themselves into associations, mutual savings groups or cooperatives, and support them in local development, leadership and revenue generation initiatives designed to overcome their isolation and give them the collective strength that will allow them to improve their living conditions and the lives of their families.
 - Organize awareness building days at the mine sites about:
 - The Convention on Children's Rights, particularly on the rights to education and to a safe and sound environment, with the aim of finding solutions to the problem of girls and boys working in mining operations.
 - Women's rights with a view to crafting solutions to the problem of discrimination against women and girls.
 - Sexual and gender based violence, and on the transmission and prevention of sexually transmitted diseases and HIV-AIDS.
 - Reproductive health for women and men, including young people.
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- In consultation with mining communities, advocate with the central and provincial governments for the development of support policies for girls and boys (minors) working in artisanal mining.
 - Advocate with the relevant authorities to ensure that women in the artisanal mining sector are given equal consideration in the “Basket Fund” procedure manuals, as well as in the list of criteria for identifying community projects eligible for funding.
 - Advocate with national and provincial public mining authorities for artisanal mining exploitation zones where women are systematically involved in the process of granting concessions so as to ensure their full and complete participation on an equal footing with the men.
 - Advocate with national mining authorities to obtain their assurance that a gender approach will be taken into account during the evaluation and validation processes for mine sites.
 - Work with the elected members of the Provincial Assemblies with the aim of passing legislation comprising realistic provisions favourable to women and girls in mine sites.
 - Circulate information on the existing mining regulations and mining code, and ensure that the revised code incorporates a gender perspective, and particularly provisions for the rights of women in the artisanal mining sector.
 - Advocate for the inclusion of specific recommendations on women in the artisanal mining sector that take into account their vulnerability in plans for the implementation of Resolution 1325, at the national and provincial levels.
 - Mobilize the human, material and financial resources needed to implement the above mentioned recommendations.

1. Recommendations from the Levy Mwanawasa Centre analysis document

To the Government of the DRC:

- Establish an institutional and legal framework for the mining sector that incorporates the Protocol Against the Illegal Exploitation of Natural Resources and the Regional Initiative Against the Illegal Exploitation of Natural Resources, and which also integrates the gender dimension more generally and that takes into account Resolution 1325 and other related resolutions, as well as the ICGLR instruments on the protection and promotion of women’s rights in particular.
- Ensure the effective implementation of existing measures like the Kampala Declaration, the Goma Declaration and the ICGLR Protocols to effectively counteract sexual and gender-based violence, particularly by combating the impunity afforded the perpetrators of such crimes, and by ensuring victim access to justice.

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- Revise discriminatory laws in the DRC that represent an obstacle to the empowerment of women and to economic development more generally.
 - Involve women in the peace negotiation and peace building processes.
 - Identify strategies and conduct awareness building campaigns for the education of girls at the secondary school and higher levels.
 - Appoint women to decision-making positions in the mining sector and ensure their involvement in projects and programmes related to the sector.
 - Translate the documents and laws on the protection and promotion of women's rights into national languages.

To civil society, and specifically women's organizations:

- Ensure a regular review of the implementation of Resolution 1325, other related resolutions and the ICGLR instruments on the protection and promotion of the rights of women in the context of the mining sector.
- Conduct awareness building campaigns to generate greater female participation in all areas of national life, including the mining sector.
- Conduct information and awareness building campaigns on the ICGLR's Regional Initiative Against the Illegal Exploitation of Natural Resources.
- Advocate for women's participation in the peace negotiation and peace building processes.
- Translate reports on the implementation of Resolution 1325 and on other related resolutions, and the ICGLR instruments on the protection and promotion of women's rights into national languages, and publish these to ensure greater involvement by women in the follow-up of the recommendations.
- Popularize the national, regional and international instruments on the protection and promotion of women's rights.
- Mobilize the human, material and financial resources needed to implement the above mentioned recommendations.



Annex A: People met in DRC

Kinshasa

Joseph Ikoli, Directeur du Cabinet adjoint, Ministère des Mines
Eric Mukandila, Conseiller en charge des mines, Cabinet du Premier Ministre
Baudouin Hamuli Kabarhuza, Coordonnateur national de la RDC auprès de la CIRGL
Marie-Claire Badidila, Directrice adjointe du Coordonnateur national CIRGL
Marie Brault, Première secrétaire coopération, Ambassade du Canada
Charles Mbuyi wa Mpoyi, Promines
Richard Robinson, Extractive Industries Adviser, USAID
Élise Muhimuzi, Directrice, Synergie, Paix et Développement
Danny Singoma, Directeur exécutif, CENADEP
Geneviève Kizekele, COCERTI
Joseph Bobia, Coordonnateur du Réseau Ressources Naturelles

Kisangani

Paulin Odiane Doune, Ministre provincial des mines
Jeanne Alasha, Ministre provincial de la santé, actions humanitaires, affaires sociales et genre
Albertine Uzinga, Conseillère du ministre provincial en genre
Dieudonné Fikirini, Chef du Protocole de la ministre
Jean-Pierre Etikolay, Directeur adjoint du Cabinet de l'Assemblée provinciale
Philippe Kamango Masikini, Assemblée provinciale
Godeliève Anina, Élisée Mago et Aisha Kwaza, députées de la Province Orientale
Colonelle Marie Bagalet, Police spéciale de protection de l'enfant et de la femme
Charlotte Ngungi Biala, Chef du Bureau genre de la MONUSCO
Marie-Rose Maagwambo, Conseillère en genre du Gouverneur, Province Orientale
Myriam Inyenday, Centre multifonctionnel pour la promotion de la femme

Bukavu

Adalbert Murhi Mubalama, Ministre provincial des Mines
Patrick Mzee Somora, Ministre provincial du Plan
Mwanza Nangunia, Ministre provincial de la Santé, Genre, de la Famille
Emmanuel Mubalama Ganywa-Mulume, Assemblée provinciale du Sud-Kivu
Teddy Bosulu Nkulufa, Procureur Général de la Cour d'appel de Bukavu