



Joint NGO Submission

UPR on the Democratic Republic of the Congo

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Report on the Protection of Human Rights in the DR Congo 2009 - 2013

General Remarks

Most of the important international human rights Conventions have been signed and ratified by the Democratic Republic of the Congo (DRC): The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the United Nations Convention against Torture and the Convention on the Rights of the Child (UNCRC).

During the first cycle of the Universal Periodical Review (UPR), the Congolese government received and accepted several hundred recommendations, concerning eight main issues:

- Protection of the population against the aggression of the national security forces and illegal armed groups,
- Ending of the displacement of hundreds of thousands civilians due to military fighting and attacks of militias,
- Ending of endemic sexual violence especially in the crisis areas,
- Ending of arbitrary arrest and illegal detentions,
- Ending of impunity for the perpetrators of severe human rights violations,
- Protection of journalists, human rights defenders, political opposition members and witnesses in court cases.
- Ending of the recruitment and deployment of child soldiers,
- Improvement of the labour conditions in mineral mines.

Unfortunately the DRC still has one of the world's highest rates in severe human rights violations. The government failed to achieve substantial improvements in all of the mentioned eight areas.

Military attacks and displacement caused by National Security Forces and illegal armed groups

The already precarious security situation in the eastern DRC has deteriorated to an alarming extent since 2009. This is due to the increasing amount and influence of illegal armed groups such as the PARECO, ADF-NALU (Allied Democratic Forces-Army For The Liberation Of Uganda), different Mai-Mai groups, FDLR (Forces Démocratiques de Libération du Rwanda) or the newly formed March 23 movement (M23), as well as the human rights violations committed by the Congolese Security Forces like the FARDC, the National Police PNC and the secret service SNR.

There is clear evidence that all armed groups, the National Security Forces as well as the militias, have attacked and looted villages, raped and killed civilians, burnt houses, destroyed property and recruited child soldiers in numerous cases. These attacks led to 2.5 million refugees, which are either internally displaced or now living in the neighbouring countries.

M23

The M23 was formed on the 4th April 2012. Since then there have been several violent clashes between M23 and FARDC in 2012 and 2013, which culminated on the 20th November 2012, when M23 took control of Goma for eleven days, but left the town as the DRC government finally agreed to negotiate with them. So far, the peace negotiations mediated by Uganda and taking place in Kampala, did not show any progress or even success. They have dragged on since December 2012 without any concrete results.

In a report published in July this year, Human Rights Watch accused M23 of having committed serious human rights violations, including the forced recruitment of soldiers and child soldiers. Reports by Human Rights groups claim that since March 2013 M23 rebels have killed at least 44 civilians and

raped at least 61 women and children in North Kivu. Human rights violations committed by M23 and FARDC are also recognized in the mid-term report of the UN Group of Experts (GoE) on the DRC.

From the 8th to the 15th March 2013, an inner fight split the M23. Forces loyal to their former leader Bosco Ntaganda opposed a group of forces loyal to Sultani Makenga. During this conflict, heavy fighting erupted approx. 20 km north of Goma, leaving about 150 members of the M23 killed and driving the local population out of their homes. Witnesses claim that Bosco Ntaganda personally ordered the execution of at least 34 M23 fighters who had tried to desert the militia. These witnesses also describe that Ntaganda and his executive Baudoin Ngaruye ordered the execution of several M23 fighters, who had been wounded during the battles.

On the 21st and 22nd May 2013 several grenades fired from M23 positions hit the Ndosho and Mugunga camps for internally displaced persons, where tens of thousands refugees had taken shelter from recent fighting. The grenades killed two civilians and injured at least ten.

When the M23 left Goma on the 12th to the 14th December 2012, they looted public buildings and FARDC barracks, stealing a substantial amount of vehicles, equipment and ammunition.

Obviously Rwanda still supports the M23 militia in the DRC by providing ammunition, equipment and other supplies. The M23 is also allowed to recruit new members from inside Rwanda.

FDLR

The Forces Démocratiques de Libération du Rwanda is (FDLR) still a threat to the local population in North and South Kivu, but their forces have declined to a maximum of 1400 fighters, due to a high surrender rate, and the lack of political and military leadership, means and resources. – Today the FDLR is divided. Maj. Gen. Sylvester Mudacumura wants to regroup and reinforce the armed struggle and attack Rwanda. A group of more moderate members favour demobilization and reintegration. In 2013, the FDLR deputy commander General Stanislas Nzeyimana, alias “Izabayo Bigaruka” has been arrested in Tanzania. A diaspora network in Europe was destroyed when the alleged FDLR members Bernard Twagiramungu, Felicien Barabwiriza and Jean Bosco Uwihanganye were arrested by German authorities in December 2012.

Despite their weakened powers, the FDLR have carried out several attacks on Rwanda in 2012 and 2013. On the 27th November 2012, at least 150 FDLR soldiers took advantage of the movement of M23 towards Goma and were able to cross the Rwandan border. The fighters targeted Rwandan army positions at Kabuhanga and Muti, in the Rubavu district. Up to 100 FDLR infiltrated Rwanda near Mount Visoke on the 2nd December 2012, and attacked a Rwandan army barrack near Kinigi, killing a park ranger. The mission allegedly was led by Col. Stanislas Gakwerere and Col. Pacifique Ntavunguka, alias “Omega”, acting on the orders of Sylvestre Mudacumura. Up to 30 FDLR fighters were killed during this operation according to Rwandan officials.

Since the rise of the M23 in North Kivu, the DRC government has stimulated a close collaboration with FDLR and some FARDC battalions for a joint fight against M23, according to deserted FDLR

members. Human rights defenders claim that FARDC and FDLR commanders regularly meet, and that Congolese soldiers supplied ammunition to the FDLR.

ADF-NALU

In 2013, the Allied Democratic Forces-Army For The Liberation Of Uganda (ADF-NALU) dramatically increased the danger to the local population. This Islamist rebel group led by Ugandan fighters has been operating north-west of the Rwenzori Mountains in North Kivu already for several years, after they were forced out of their original operation field in Uganda in around 2005. Even though they only consist of less than 800 fighters, the ADF-NALU regained power in 2013. They attacked the village of Kamango / North Kivu in July 2013 and at least eight civilians were killed. This triggered a wave of more than 75.000 refugees who left the region in panic when the National Army FARDC started to attack ADF-NALU positions during the next days. Before this attack, human rights groups reported that the ADF-NALU regularly recruited child soldiers, abducted women and girls and committed sexual violence against the local population.

The ADF-NALU is said to hold close ties to Islamist Al Shabaab militias who equip them with finances, weapons and ammunition.

Role of the National Security Forces

Throughout the DRC, state security forces have repeatedly committed crimes against humanity and war crimes while being under complete impunity. FARDC and PNC were responsible for unlawful killings, disappearances, torture, rape and engaging in arbitrary arrests and illegal detentions. Many reports prove that the national security forces were corrupt, acted undisciplined, lacked adequate training and did not receive their already small salaries on a reliable and regular basis. Even though the European Union Mission for Security Sector Reform in the DRC (EUSEC) provided biometric identification cards to soldiers to control the chain of payment, corruption within the FARDC has not been reduced significantly and many soldiers do not receive their payments or provisions.

In 2009 – 2013 the FARDC has carried out several missions against illegal armed groups like the CNDP, FDLR, M23 etc. But during these operations, the FARDC also committed violations of human rights laws and international humanitarian law. Just as the illegal armed groups, FARDC members perpetrated the local population systematically and with extreme violence.

For example, when FARDC units of the 391 Commando Battalion retreated from a battle with M23 and regrouped in and around the town of Minova, South Kivu province in 2012, more than 100 women and 33 girls were victims of sexual violence carried out by FARDC soldiers. At least 24 civilians were physically attacked, and human rights groups documented several cases of forced labor and the widespread looting of villages. Only twelve FARDC soldiers were suspended in connection with these incidents in December 2012. None of them has faced trial since.

In 2010 FARDC soldiers arrested five persons, including two youth under the age of 18, who they suspected of having attacked the MONUSCO barracks in Kirumba, North Kivu, killing three peace-

keepers. During their detention at the headquarters of the 12th FARDC Sector in Kasando, Lubero Territory, the soldiers tortured the individuals with up to 120 whip lashes each and burning their feet and hands to obtain confessions.

In February and March 2013 in Kitchanga, North Kivu, the 812th regiment of the Congolese army attacked a group of APCLS (Alliance des patriotes pour un Congo libre et souverain) rebels, who have a Hunde ethnic background. During the operation, more than 80 civilians were killed, more than 500 houses burnt and a local hospital was destroyed. According to the UN Office for the Coordination of Humanitarian Affairs, the fighting temporarily displaced up to 100.000 people, but was not able to overpower the targeted militia.

Also, the National Congolese Police Forces (PNC) haven been accused of hundreds of cases of arbitrary arrests and illegal detention. Torture and other cruel, inhuman, or degrading treatment or punishment was common at police stations or prisons. The Congolese state security forces include the Rapid Intervention Police and the Integrated Police Unit and operate under the Ministry of Interior. They have the responsibility for law enforcement and public order in the DRC. The National Secret Service ANR, overseen by the president's national security advisor, is responsible for internal and external security. All state security forces generally lack training and regular payment. Obviously a systematic network of fraud and corruption pervades all PNC levels of hierarchy. The existing mechanisms to investigate abuses by PNC forces are inefficient, especially if investigations misconduct by mid- and high-ranking officials.

Many reports from the UN Joint Human Rights Office or human rights defenders describe that PNC staff tortured civilians or prisoners, organized and participated in actions of fraud, extortion, illegal taxation or looting.

For example, 20 PNC agents burned 89 homes and looted 47 others in Sankuru, Kasai Oriental Province, as a revenge for the killing of a PNC officer by the local population in February 2010. In the same month members of the same police brigade looted two schools and destroyed parts of the local hospital. Six policemen were arrested, but some of them escaped before the start of the trial. No verdict has been spoken so far.

In September 2010, members of the Republican Guards (RG) arrested and beat three civilians in Goma after their vehicle was involved in a traffic accident that damaged a military vehicle, even though the RG have no authority to arrest civilians. In detention the victims were beaten, their property stolen and they were kept in solitary confinement for several days.

Conditions in Prisons and Detention Centres

The conditions in Congolese prisons remained life threatening throughout the whole country. Due to a lack of funding, staff, training and equipment the standards are very poor. The inmates of the often overcrowded detention centres do not have access to sufficient food, drinking water, sanitation facilities or even daylight. Abuses, beatings, rapes or even torture committed by other inmates or guards are daily practice. The harshest conditions exist in smaller detention centres in rural are-

as, where tens or even hundreds of detainees are kept in one room, often with no access to daylight, mattresses or drinking water. Therefore the rate of deaths in detention is very high. Authorities often deny the detainee's access to visitors or even lawyers. There is still no effective or reliable system to monitor detention facilities except from the services that the International Committee of the Red Cross offers, and authorities very rarely investigate the allegations of inhumane prison or detention centre conditions.

Impunity

During the first cycle of the UPR, most recommendations for the DRC asked the Government to overcome the severe and widespread impunity that prevails in all parts of the country. Nevertheless hardly any success has been made in this regard. Especially crimes committed by members of the national security forces remain without consequences for the perpetrators. The government rarely prosecutes or disciplines members of the FARDC or PNC for abuses against civilians.

Justice institutions, especially the military courts still face shortages of judges and prosecutors, with only 350 of a required 818 military magistrates being deployed in 2012. Magistrates, prosecutors, and investigators do not receive adequate training and can hardly lead their investigations due to a lack of funding. Political and command interference are common, and magistrates who tried to investigate crimes that had a connection to high ranking FARDC officers were threatened, as were witnesses providing information to judicial officers. When political and administrative authorities assert influence on judicial procedures, they force judges to refuse opening an inquiry or to bring military personnel suspected of human rights violations to justice or to release people who have been arrested. Judges often receive threats when they try to open a criminal investigation.

The UN has tried to integrate military prosecutors into joint investigation teams which consist of UNJHRO officers and Congolese military prosecutors and investigators. They are supposed to follow allegations of rape and other abuses from human rights groups especially in remote areas. The UNJHRO officers provided the military prosecutors and investigators with transportation and they received field training in technical areas, such as forensics, witness protection and interviewing, as well as child protection. But so far, these projects failed to improve the security standards in the DRC significantly.

Human rights defenders and members of the civil society have for a long time asked to install new mechanisms to support or sideline the weak national justice system. After a long process trying to establish a National Independent Human Rights Commission (CNDH), on the 21st March 2013 the law No. 13/011 was finally adopted by Congolese parliament. The CNDH will have the mandate to follow up the protection of human rights in all provinces by a board of nine members who are supposed to represent men, women, vulnerable groups as well as different ethnicities and regions.

A second demand was the creation of mixed courts, where Congolese and international judges would hold joint trials in cases of national importance. The Minister of Justice and Human Rights presented a bill on the

formation of special courts responsible for the prosecution of genocide, crimes against humanity and war crimes staffed with Congolese and international members. But on the 22nd August 2011, the Congolese parliament rejected this bill.

The most prominent case for flagrant impunity has been the trial against the murderers of the renowned human rights defender Floribert Chebeya, who was found dead on the 3rd June 2010, after he had followed an invitation to the office of the Inspector General of the PNC, Major General John Numbi the evening before. Although a number of witnesses described how Chebeya and his driver entered the building and the corridor to the office of Numbi, the highest ranking police officer in the country has never been charged for the killing of Chebeya. He was only questioned as an eye-witness to the case. Numbi has been suspended from his position within the PNC, but never faced trial himself.

After the parliamentary elections of November 2011, judicial authorities opened an investigation into election-related violence under international pressure. But so far, the investigation has made little progress. In late 2012, several government officials and members of the PNC tried to cover up evidence, denied access to witnesses and institutions and intimidated witnesses and family members of the victims. Bosco Ntaganda, former military chief of staff of the National Congress for the Defence of the People (CNDP), who was wanted by the International Criminal Court (ICC) for war crimes, recruitment of child soldiers and crimes against humanity, escaped to Rwanda and asked to be transferred to the ICC in The Hague on the 22nd March 2013. Prior to his surrender he had been leading an armed mutiny in North Kivu as the head of the M23. The Congolese security had been unable and unwilling to arrest him for many years.

Sexual Violence

In June 2008 the UN resolution No. 1820 called all fighting parties in the DRC to immediately halt all forms of sexual violence against women and girls and to act for their protection. The DR Congo also ratified the „Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)” or the “International Covenant on Civil and Political Rights (ICCPR)”. Since then sexual violence is regarded as a war crime, a crime against humanity or as a means of genocide and can be prosecuted by national courts or the ICC in The Hague. In November 2009 the Minister of Gender, Family and Children launched the Government’s Action Plan on Combating Sexual Violence. Nevertheless the numbers of rape have not declined, and thousands become victim of sexual violence every year.

Mainly the female population of the DR Congo still suffers from massive sexual abuse and violence, but also men and boys become victims. The perpetrators come from different armies and rebel groups, but also from the national security forces. Especially women and girls in rural areas are targeted by the armed groups, during their work on their fields, when they fetch water or walk to markets. Often, they are seen as members of an “inimical group”, or their families are accused to support one of the conflicting parties, so that the women get “punished” as a substitute for their

family or village. In some cases, husbands, fathers or children are killed in front of the women, or the women get raped in front of their families.

Sexual violence remains a cause of major concern, especially in the eastern part of the country. Due to difficult circumstances for scientific research, the estimated numbers widely vary. Research results by the John Hopkins Bloomberg School of Public Health in May 2011 claimed that in the DRC more than 400.000 women and girls a year are victims of sexual violence. This number is 16 times higher than previously estimated by the United Nations. It is difficult to collect numbers, as many victims and their families do not have access to or avoid contact with the local police or justice system. A feeling of shame as well as cultural taboos and especially the lack of protective institutions and a dysfunctional justice system have caused a situation, in which the great majority of cases stays secret, is not punished, and where the victims receive no support.

Sexual violence is not perpetrated by one particular group. National and governmental actors like FARDC and the PNC, but also rebel groups such as the M23, Mai Mai and other militia are involved. The events that have taken place in Walikale in 2010 are an alarming example. From the 30th July to the 2nd August 2010 at least 380 women, men and children were raped in several villages in Walikale territory in North Kivu by a group of armed men belonging to FDLR, but also by members of Mai Mai Cheka and other small armed groups.

In November 2012, during the fighting between FARDC and M23 near the town of Goma in North Kivu, FARDC soldiers allegedly committed at least 135 cases of sexual violence in Minova, while their units retreated from the front lines. The victims included 33 girls aged between 6 and 17. The FARDC soldiers attacked villages and houses, looted the belongings and raped the women and girls, as a report by the United Nations Joint Human Rights Office (UNJHRO) describes.

Situation of IDPs and Refugees

As a result of the failing national security sector and the persistent activities of illegal armed groups, the population of the eastern provinces of the DRC still suffer from severe displacement. During the military clashes in eastern DRC since April 2012, the number of internally displaced persons (IDP) rose to more than 2.6 million in June 2013. The military clashes between FARDC and M23 have uprooted up to 40.000 people. The attacks of the ADF-NALU in early 2013 drove up to 70.000 people into refugee camps behind the Ugandan border.

Access to water and health services is also extremely difficult, as during the fights up to 80 per cent of the provincial health centres were looted. As a consequence, cases of diarrhoea and other infections emerge in the camps, due to shortage of clean water and latrines. Humanitarian access is often hardly possible. In most cases, people have been forced to leave their homes as the clashes between the FARDC and the various armed groups or between the armed groups intensified.

The living conditions in the make-shift refugee camps are a cause for great concern. Some of the IDPs are living with host families and/or relatives. But the number of informal camps or sites is

growing, especially in North Kivu around Goma. The IDPs live there in absolute poverty, without access to drinking water, health care or sufficient food supplies. Many IDPs had to leave their homes repeatedly, leaving behind their agriculture, harvest and livestock. The local population regularly experiences looting, rape and killings by troops who are looking for food and booty. As the FARDC and the local police are part of the problem of the attacks against civilians, the population is left with hardly any protection against the perpetrators. Human rights groups, international humanitarian organizations and the UN offer support in the refugee camps. But the number of up to 2,6 Mio refugees and IDPs cannot be addressed in an adequate manner.

Recruitment of Child Soldiers

On the 4th October 2012, the Congolese government signed Resolutions 1612 (2005) and 1882 (2009), an action plan adopted by the UN Security Council to end child recruitment. The plan called for concrete steps for the release and reintegration of children used by the state security forces and the prevention of re-recruitment. In this regard the UN peace mission MONUSCO conducted measures for disarmament, demobilization, repatriation, resettlement and reintegration of soldiers, including child soldiers.

Despite these efforts, many different armed groups in the DRC still recruit children. The UN Group of Experts documented the recruitment of children in the provinces of Katanga, North Kivu, Orientale and South Kivu. In early 2013, armed groups abducted at least 200 children, approximately 20 % of them girls. Most cases were recorded in North Kivu, Katanga, Orientale and South Kivu. But some rebel groups even recruited in Rwanda, the Central African Republic and South Sudan.

The M23 rebel group repeatedly recruited child soldiers, often as an attempt to compensate for the loss of combatants in the battle or by desertion. In most cases the children are abducted by force and have to serve as carriers, cooks, helpers but also as combatants in military action. Girls in most cases are abused as “wives” of soldiers, as sex slaves or cooks and carriers.

According to the Group of Experts, the FDLR militia has recruited child soldiers among the Rwandan refugee population in the DRC, and among Congolese Hutu populations. In their respective area of control, other armed groups like the Mai-Mai, Nyatura, PARECO or others persuade local children and youth to follow or they abduct them.

In August 2013, MONUSCO was able to free 82 minors from the hands of the Mai Mai Bakata Katanga militia in Katanga province.

The national army also recruited and abused children as fighters. In April 2013, UNICEF took charge of 19 children from the 812th regiment of the FARDC, who were freed at Camp Bobozo in Kananga, Kasai Occidental Province. The regiment had forcefully recruited the children in North Kivu and abducted them to Kasai.

Violence related to National Elections 2011

In November 2011, the presidential and legislative elections were marked by repeated assaults against opposition party members and their supporters by national security forces. The National Police and President Kabila’s Republican Guard as well as members of the secret service used violent force to disperse political demonstrations and meeting of oppositional groups and parties. Aside from members of the opposition and of the critical civil society, journalists and human rights activists faced severe oppression in the pre- and post-election period. Even though international and national election observers criticized the elections as lacking in credibility and transparency, President Joseph Kabila was declared winner in the end.

Human rights defenders reported that at least 57 opposition party supporters have been killed by security forces in November and December 2012.

Further reports state that at least 150 other people were killed during the electoral phase, and their bodies were dumped in the Congo River or in mass graves near Kinshasa. The capitals prisons are still filled with hundreds of people who were accused of opposing the government. Obviously the Republican Guard and the police were responsible for hundreds of arbitrary arrests and illegal detentions. Torture or even killings occurred frequently. In the Kivu Provinces, in Katanga and the Kasai, members of the opposition were threatened, intimidated or attacked. Many described that regular voters were pressured, intimidated or even forced to vote for the government.

Threats against Journalists, Human Rights Defenders and Members of Civil Society

The 2009 UPR recommendations strongly advised the DRC government to respect the rights of the independent judiciary, the free press and the civil society. Nonetheless, numerous journalists, human rights defenders and witnesses of court cases are still at risk of threats, intimidation and other violations of their rights in DRC. The democratic space is often limited due to threats and assaults by security and intelligence officials under the command of politicians.

On 27 May 2011 the National Assembly debated a draft law in Parliament regarding the protection of human rights activists. By a Ministerial Decision of 13 June 2011, the Minister of Justice and Human Rights established a protection cell for human rights defenders which shall be created within the Ministry of Justice and it should cooperate with the authorities and civil society organizations to follow up on individual cases. Despite this undertaking, no bill for a national law has been put forward by this day, and cases of violence, harassment and threats against human rights defenders continue to be daily practice.

The murder case of Floribert Chebeya is the most blatant example for the persecution of human rights activists. The following court hearings are accused of being highly controversial. On 23 June 2011, the Military Court of Kinshasa/Gombe rendered its judgment. Four policemen were convicted, including three in absentia, and sentenced to death penalty, and a fifth to life imprisonment. Three of the accused were acquitted for lack of evidence. All those convicted launched an appeal.

The main suspect for the crime, General John Numbi, Inspector General of the PNC, has never been charged.

Many more cases exist : On 23 August 2009, Bruno Koko Chirambiza, journalist at Star Radio, was shot in Bukavu in South Kivu by a group of unidentified men. Chirambiza is the third journalist to be killed in Bukavu in the past four years, allegedly for his human rights activities. The circumstances of the murders of the journalists Didace Namujimbo (murdered on 21 November 2008) and Serge Maheshe (murdered on 13 June 2007) were never ascertained.

On 24 July 2009, the human rights defender and researcher Golden Misabiko was arrested following the publication of a report by his organization ASADHO/Katanga on the clandestine exploitation of the Shinkolobwe uranium mine. Misabiko had described that members of FARDC, PNC and the military court had been involved in the illegal trafficking of Uranium. He was later sentenced to one year’s suspended prison sentence on counts of “threat to national security” and “defamation”. Misabiko’s colleagues Emmanuel Umpuda, Timothée Mbuya, Grégoire Mulumba and Dominique Munongo continue to receive threats from unknown perpetrators because of their endorsement of the above mentioned ASADHO/Katanga report. In February 2011, the president of ASADHO Jean Claude Katende received some death threats after he had held a press conference, during which he denounced attacks against members of the political opposition that had been ordered by the Government.

On 1 October 2009 a group of unidentified armed men invaded the house of Rebecca Agamile, who was working for SOFEPADI – an NGO which promotes and protects women’s rights in Bunia, Orientale province. They threatened her and her daughter and tried to rape them. Witnesses claimed that the threats were linked to a report of SOFEPADI which informed the International Criminal Court about human rights violations in the area.

In July 2009, the Minister of Communication publicly called three international human rights NGOs (Human Rights Watch, The International Federation of Human Rights Leagues (FIDH) and Global Witness) as “humanitarian terrorists”, following the publication of critical reports by these NGOs.

Labour Conditions in Mineral Mines

The mining industry offers a living for hundreds of thousands of households in the DRC. In the Katanga and Kivu provinces, almost every family is connected to the trade with coltan, tin, gold, copper or diamonds. During the last decades the formerly highly profitable and technically highly functional mining companies have been destroyed because of a lack of political stability and expertise. Today, the workers have to extract the resources by artisanal production methods. They dig the stones with pure manpower, with the simplest tools. Often tunnels are not protected from collapses or landslides and the oxygen distribution is not secured. The market prices for the mined ore -and therefore the income of the workers- are so low that the workers and their families suffer from insufficient nutrition. The low income of the workers additionally leads to high Child labour rates. Girls and women are often forced into commercial sexual exploitation. In many mines the

owners of the mining concessions install a system of debt bondage that ties the workers to their mines. Workers are forced to ask for a credit to buy the tools and equipment needed for their work. The interest rates are so high and the paid wages or market prices for the minerals are so low that the worker never becomes able to leave the circle of debt.

Malnutrition, exhaustion, injuries and work related diseases, the crowded working and living conditions and the lack of health care and clean drinking water cause a high mortality rate within the mining worker community. Especially children suffer from respiratory diseases and eye infections due to the polluted air. Deformed muscles and bones are common in children because of the heavy loads they have to carry.

As most mines are occupied either by corrupt national security forces and politicians or by illegal armed groups, the mining regions suffer from frequent armed conflicts between rivalling groups. Illegal militias install roadblocks, impose taxes, control and tax local markets and even loot or destroy villages and agriculture to force compliance of the local population.

Rights of Indigenous People

In many cases the living conditions of the approx. 600.000 indigenous people, so called “pygmies”, in the DRC are precarious. Most of the people live in the dense forests in remote areas of the country. In the recent years, thousands have been displaced due to military clashes or an influx of war related IDPs into their resident areas.

Indigenous people rarely find access to justice, education, health care and land possession or land registration. Therefore they are often subject of expropriations and forced displacements. Due to a lack of education and integration into the civil society, the indigenous people have hardly any connection to economic or societal decision making processes or access to local or national political representation.

As most of the indigenous people retrieve all their subsistence from the natural rain forests, any interventions in the eco system or the professional logging of timber harm their living conditions.

Congolese laws do not offer any specific protection to those groups or their living areas. As they do not enjoy legal protection for their traditional living habits, they have encountered a series of conflicts, especially with the security forces of the National Parks, where some clans of indigenous people live, harvest and hunt since many generations. also Illegal armed groups do not respect the living conditions of the indigenous people as well. Especially in the Kivu provinces, where militias and FARDC are fighting for the domination of areas rich in profitable mineral resources, the indigenous people suffer from displacement or even attacks and killings to clear their land for the exploitation of tin, copper, coltan and other minerals.