RISE CHALLENGE
RESOURCE-FUL EMPOWERMENT: ELEVATING WOMEN’S VOICES FOR HUMAN AND ENVIRONMENTAL PROTECTION IN CONGOLESE SMALL-SCALE MINING
Conflict and Gender Analysis

Disclaimer: The information and statements presented herein are those of the authors, and do not necessarily represent the wider Agency.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRANT INFORMATION</td>
<td>3</td>
</tr>
<tr>
<td>ACRONYMS</td>
<td>4</td>
</tr>
<tr>
<td>INTRODUCTION</td>
<td>5</td>
</tr>
<tr>
<td>CONTEXT</td>
<td>5</td>
</tr>
<tr>
<td>ARTISANAL MINING IN EASTERN DRC</td>
<td>5</td>
</tr>
<tr>
<td>CONFLICT DYNAMICS</td>
<td>7</td>
</tr>
<tr>
<td>IDENTITIES AND DEMOGRAPHICS</td>
<td>8</td>
</tr>
<tr>
<td>CORRUPTION</td>
<td>9</td>
</tr>
<tr>
<td>WOMEN AND GBV IN EASTERN DRC MINES</td>
<td>10</td>
</tr>
<tr>
<td>GENDER ANALYSIS</td>
<td>11</td>
</tr>
<tr>
<td>LAWS, POLICIES, REGULATIONS, AND INSTITUTIONAL PRACTICES</td>
<td>11</td>
</tr>
<tr>
<td>ACCESS TO AND CONTROL OVER ASSETS AND RESOURCES</td>
<td>13</td>
</tr>
<tr>
<td>PATTERNS OF POWER AND DECISION-MAKING</td>
<td>14</td>
</tr>
<tr>
<td>GENDER ROLES AND CULTURAL NORMS</td>
<td>15</td>
</tr>
<tr>
<td>PROTECTION ISSUES AND SEXUAL EXPLOITATION IN MINING TOWNS</td>
<td>15</td>
</tr>
<tr>
<td>GENDERED JOB OPPORTUNITIES</td>
<td>17</td>
</tr>
<tr>
<td>TRAJECTORIES: CAPACITY AND COPING MECHANISMS</td>
<td>18</td>
</tr>
<tr>
<td>IMPACTS OF COVID-19 PANDEMIC</td>
<td>19</td>
</tr>
<tr>
<td>NEXT STEPS</td>
<td>19</td>
</tr>
</tbody>
</table>
## GRANT INFORMATION

<table>
<thead>
<tr>
<th>GRANT UNDER CONTRACT INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Primary Implementing Partner</strong></td>
</tr>
<tr>
<td><strong>Other Implementing Partners</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Grant Title</strong></td>
</tr>
<tr>
<td><strong>Grant Start and End Date</strong></td>
</tr>
<tr>
<td><strong>Location of Implementation</strong></td>
</tr>
</tbody>
</table>

This grant was issued by the Catalyst Project (2018 – 2024), implemented by Resonance. The Catalyst Project worked closely with the United States Agency for International Development’s (USAID) Gender Equality and Women’s Empowerment (GenDev) hub to design, implement, and manage USAID’s Resilient, Inclusive, and Sustainable Environments (RISE) Challenge from 2019 through 2022. The goal of the global RISE Challenge is to address gender-based violence (GBV) in environmental programs.
## ACRONYMS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIDS</td>
<td>Acquired Immunodeficiency Syndrome</td>
</tr>
<tr>
<td>ASEFA</td>
<td>Action to Protect Women and Abandoned Children</td>
</tr>
<tr>
<td>ASM</td>
<td>Artisanal and Small-Scale Mining</td>
</tr>
<tr>
<td>CAF</td>
<td>Conflict Analysis Framework</td>
</tr>
<tr>
<td>CLS</td>
<td>Comités Locaux de Suivi</td>
</tr>
<tr>
<td>DRC</td>
<td>Democratic Republic of Congo</td>
</tr>
<tr>
<td>FARDC</td>
<td>Armed Forces of the Democratic Republic of Congo</td>
</tr>
<tr>
<td>GBV</td>
<td>Gender-Based Violence</td>
</tr>
<tr>
<td>GenDev</td>
<td>USAID’s Gender Equality and Women’s Empowerment Hub</td>
</tr>
<tr>
<td>HIV</td>
<td>Human Immunodeficiency Virus</td>
</tr>
<tr>
<td>HHI</td>
<td>Harvard Humanitarian Initiative</td>
</tr>
<tr>
<td>IFEDD</td>
<td>Initiative des Femmes Entrepreneures pour le Développement</td>
</tr>
<tr>
<td>IPV</td>
<td>Intimate Partner Violence</td>
</tr>
<tr>
<td>RISE</td>
<td>Resilient, Inclusive, and Sustainable Environments</td>
</tr>
<tr>
<td>SOFEDI</td>
<td>Solidarité des Femmes pour le Développement Intégré</td>
</tr>
<tr>
<td>STI</td>
<td>Sexually Transmitted Infection</td>
</tr>
<tr>
<td>USAID</td>
<td>United States Agency for International Development</td>
</tr>
<tr>
<td>VSLA</td>
<td>Village Savings and Loans Associations</td>
</tr>
<tr>
<td>WIEGO</td>
<td>Women in Informal Employment: Globalizing and Organizing</td>
</tr>
</tbody>
</table>
INTRODUCTION

In the Democratic Republic of the Congo (DRC), artisanal and small-scale mining (ASM) provides revenue to 16 percent of the population. More than two million people work in this sector, half of whom are women. While mining offers economic opportunities to workers, there is also a great risk of exploitation and abuse, particularly for women. According to a study undertaken by Harvard Humanitarian Initiative (HHI) and the World Bank, four in ten women stated that they were forced to trade sex for access to work or basic goods in mining towns. Thirty percent of women stated that they had been harassed by men in the mines, and only one out of seven women had discussed this harassment with others.

With two years of funding (2021-2022) from the United States Agency for International Development’s (USAID) Resilient, Inclusive, and Sustainable Environments (RISE) Challenge, Action to Protect Women and Abandoned Children (ASEFA), in partnership with the HHI, implemented the Resource-ful Empowerment: Elevating Women’s Voices for Human and Environmental Protection in Congolese Small-Scale Mining project. The project aimed to build women and men miners’ understanding on social norms, gender-based violence (GBV), and safe and environmentally sustainable mining practices, and it documented a reduction on sexual coercion in mining towns.

As a first step in project implementation, the partners conducted a conflict and gender analysis. The results and learning from the analysis will be used to inform the project design and implementation. The Conflict Analysis Framework (CAF) is presented here (Figure 1). The analysis of each key element is presented in the write-up below.

FIGURE 1. CONFLICT ANALYSIS FRAMEWORK

CONTEXT

ARTISANAL MINING IN EASTERN DRC

Eastern DRC has been embroiled in protracted armed conflict since the late 1990s. During this time, ASM emerged as a powerful economic driver, though many forms of exploitation and abuse also occur within the sector. Unlike industrial mining, ASM is generally described as mining that occurs informally and with minimal regulation, often at the hands of laborers who have little formal training in mining and
are equipped with rudimentary technologies and tools.¹ This form of mining is highly commonplace in the DRC, with small-scale efforts overtaking industrial mineral extraction as the most common form of mining in the country. ²

Kelly, King-Close, and Perks (2001) describe how the protracted conflict in Eastern DRC has eroded the agricultural industry through displacement, mass looting, insecurity, and market deterioration.² As farming collapsed, mining arose, providing Congolese communities with a source of much needed income amidst an ongoing war.³ As ASM expanded, however, state, non-state, and traditional actors embedded themselves within the mining system, serving to entrench the industry in corruption, politics, and conflict.⁴

The provinces of Katanga, Kasai-Occidental, Kasai-Orientale, Maniema, and South and North Kivu are the most mineral-rich areas for ASM in the DRC.⁵ Every day, men, women, and children work in and around mines containing significant deposits of the world’s natural minerals, including coal, cobalt, coltan, copper, diamonds, gold, silver, tin, tungsten, and uranium.⁶ ⁷ The occupations available within ASM span the extent of the mining process, from extraction to marketing. Within the extraction process, typical jobs include mining, digging, pounding, and transporting raw materials such as earth and sand that contain minerals. As the minerals move to the processing stage, cleaners, counters, and porters are involved in the washing, sorting, and transporting of the minerals, which are then sold to individuals or companies. Throughout the process, people also work in the provision of goods and services to mining communities. Women, who are usually excluded from the most profitable mining jobs, often engage in these support functions, including running restaurants, transporting and selling food and beer directly at mining sites, and engaging in transactional sex.⁸ ⁹ ¹⁰

Despite the abuses and wide array of social and environmental concerns presented by the ASM industry (discussed further below), it is consistently labeled as a valuable source of income for Congolese communities, and efforts to mitigate abuses through the restriction of mining have had detrimental

¹ Some differentiate between artisanal and small-scale mining (Hayes & Perks, 2012). The Commonfund for Commodities (2008) says: “Artisanal mining as appropriate for higher value and lower volume minerals, which are smaller and shallower in the earth. The labor intensity is high, but requiring little skill, and with low individual revenue. Small-scale mining is defined as appropriate for resources in which some machinery can be cost-efficient, but high intensity labor is still used, and the revenue potential increases through the levyng of taxes and licensing fees.”


In 2012, the World Bank estimated that there were 2,000,000 miners working in the DRC, and a 2010 study estimated that 400,000 to 550,000 of those miners were located in the four northeastern provinces of Orientale, North Kivu, South Kivu, and Katanga. This activity supports 16 to 20 percent of the entire population of the DRC. Due to its informality and the lack of education required, ASM provides critical income to marginalized populations that traditionally struggle to find employment, such as youths, single or widowed women, orphans, internally displaced persons, and ex-combatants.

**CONFLICT DYNAMICS**

The lives of at least two million people depend on the artisanal mining sector in the DRC, a region affected by ongoing conflict for the past 20 years. At least 34 percent percent of people working in these mines have experienced some form of human rights abuse. The DRC is one of the world’s most important producers of the minerals used in the production of popular technology devices, such as cell phones and computers. In 2016, DRC exported $3.09 billion worth of minerals—representing 97.5 percent of the country’s exports and contributing 20 percent to the country’s GDP. Nearly 90 percent of the minerals that the DRC exports each year originate in artisanal and small-scale mines.

Many of the most mineral-rich areas in the DRC lie in areas also highly affected by long-term instability. The DRC has experienced political conflict since 1996, when an influx of refugees and armed actors fleeing the Rwandan Genocide entered the border region in the east of the country. Armed groups with shifting allegiances proliferated, committing horrific crimes against civilians. While the resulting instability has lasted until the present day, scholars have defined two distinct periods of conflict as the First Congo War (1994 – 1996) and Second Congo War (1998 – 2003). Over the decades of violence, millions of civilians have died, making Congolese conflict the deadliest since World War II.

Despite formal declarations of peace after the Second Congo War, the DRC continues to see new periods of violence. Since 2016, the Ituri, Kasai, Kivu, and Tanganyika regions have been most directly impacted, contributing to the majority of displacement within the DRC. According to the most recent available estimates from the United Nations Office for the Coordination of Humanitarian Affairs, as of December 2017, there were 4.5 million people internally displaced in the DRC. According to the United Nations High Commissioner of Refugee Affairs, as of February 2019, 826,000 refugees from the DRC were living in neighboring African countries.

During the Second Congo War and in the years after, armed groups—both government militaries and rebel groups—took control over many of the DRC’s artisanal mines and used the proceeds to fund their operations. Even after the formal end of the war in 2003, these practices continued. One estimate

---

15 D’Souza, “DRC Artisanal Mining, Key Issues, Challenges & Opportunities.”
16 Finding based on our own analysis of a dataset from 2014.
18 Artisanal and small-scale mining involves “formal or informal operations with predominantly simplified forms of exploration, extraction, processing and transportation. ASM is normally low capital intensive and uses high labor-intensive technology.”
19 The World Bank, “Democratic Republic of Congo: Growth with Governance in the Mining Sector.”
20 United Nations High Commissioner of Refugees, “DR Congo Emergency.”
found that armed groups earned more than $100 million from mineral sales in 2008 alone.\textsuperscript{21} The presence of armed groups, the remoteness of mining sites, the mobile nature of the work, and the lack of alternate livelihoods have raised high levels of concern in the international community that human rights abuses are rife in artisanal mining sites. In response, international advocacy groups, the United States government, and international organizations demanded that companies sourcing from these mines tighten their supply chains and keep mineral revenues out of the hands of rebel groups.\textsuperscript{22}

In two reports published in 2001 and 2003, the United Nations Panel of Inquiry was the first to document large-scale exploitation of resources by rebel groups, as well as the Congolese and foreign militaries.\textsuperscript{23} They found that the exploitation of natural resources, including trade of 3T minerals, was contributing to the funding of different parties to the conflict. Militias—such as the Rally for Congolese Democracy and the Mouvement pour la Libération du Congo—used looting, extortion, or illegal taxation along trade routes to pay for their expenses.\textsuperscript{24} In a 2013 dataset collected by the International Peace Information Service that surveyed 990 mines in Eastern DRC, the Armed Forces of the DRC, known by the acronym FARDC, was present in 36.9 percent of the mines. Non-state armed groups were present in 16.4 percent of the sites.

As a result of these findings, a prevalent narrative surrounding ASM in the DRC is that the wealth generated from mining fuels the ongoing conflict, through which women’s bodies are used as a battleground for any number of non-state armed actors, producing so-called conflict minerals that are inexorably linked within the minds of many in the international community with rape as a weapon of war.\textsuperscript{2} This prominent storyline offers an over-simplified version of reality, in which non-state or rebel armies exercise control over mines and every worker is essentially subject to slavery.

Other studies have presented a more nuanced and complex picture. A 2013 study found that most mining towns under the control of armed actors were being exploited not by rebel groups, but by the FARDC.\textsuperscript{11} A 2014 USAID-funded study found that women faced myriad challenges in mining towns and that the most pervasive forms of economic and sexual exploitation were a result of predation of local mining bosses and other local actors rather than armed groups.\textsuperscript{9} These findings suggest that any sustainable efforts to support women and other vulnerable populations in the mines would require a restructuring of the security sector and power structure of the mines.

IDENTITIES AND DEMOGRAPHICS

Like many other African countries, colonialism bureaucratically codified ethnic identities in the DRC by solidifying tribal associations and assigning them to specific geographic areas.\textsuperscript{25} As a result, over 200 distinct ethnic groups currently exist in the DRC.\textsuperscript{26} Traditionally, these ethnic identities have been used as a means of ascribing belonging and as an instrument of political affiliation.\textsuperscript{27} However, conflict in the

---

\textsuperscript{21} The Enough Project, “A Comprehensive Approach to Congo’s Conflict Minerals.”

\textsuperscript{22} Technology companies are required by US and EU law to report whether their products are made with “conflict minerals” under the 2010 United States Dodd-Frank Wall Street Reform and Consumer Protection Act and the 2017 EU Conflict Minerals regulation.


\textsuperscript{24} Nest et al., \textit{The Democratic Republic of the Congo - Economic Dimensions of War and Peace}.


DRC and its neighboring countries has created an environment in which the demographics of specific areas are constantly changing. In fact, more than one-third of the DRC’s population has been displaced since the war started in 1990.28 The lack of training needed to participate in ASM has created a low barrier to entry for those who wish to take part.29 This has enabled people from marginalized backgrounds, namely the internally displaced and women, to participate in this sector.30 Many war-affected groups and highly marginalized people—such as widows, people formerly associated with armed groups, and children without formal family structures—have sought work in mining communities. More information about the demographics in mining towns is provided in the Gender Analysis section below.

The demographics of mining towns are extremely fluid due the nature of ASM work. There is limited data on migration in and out of these towns.20 Mineral strikes can cause there to be a huge influx of people, while violence can cause huge migrations out of particular sites. For example, one population-based survey in the DRC from 2014 found that only 37.9 percent of those surveyed said they came from the community where they were interviewed and 13.2 percent had been in the community for less than a year. This culture of displacement, exacerbated by decades of violence in the DRC, can make it difficult to fully know the population of a mining site at any given time.20 Previous studies, however, highlight that people working in mining towns tend to be comparatively young with low levels of literacy. While women are vital actors in mining towns, some sites can be male dominated, increasing the vulnerability of the few women working in these areas.

CORRUPTION

Corruption has long been a problem in the DRC and its presence has played a large role in all sectors and in the government. In particular, clientelism, rent seeking, and patronage have damaged fair trade and competition within the country.23 When assessed by Transparency International’s 2022 Corruption Perceptions Index, the DRC came in 166th out 180 countries in terms of corruption.31 This corruption has been exacerbated by the lack of transparency cultivated by the government and the culture of impunity for those found participating in corrupt actions.32 As it stands, the state provides very few economic benefits or social benefits to its citizens. The recurrence of mass rapes in the DRC is very illustrative of this point. Despite decades of mass rapes, the government has failed to implement measures to protect women and girls from this violence.33 This impunity has been one of the driving factors for the continued perpetuation of this behavior.

In the artisanal mining sector, corruption manifests in many different ways, from illegal taxation of mining goods to forced labor.34 ASM workers also frequently experience extortion and extensive bribes due to the marginalized status of many of the workers and their limited formal education.27 Furthermore, the perception of ASM work as illegal has also limited foreign aid and government protection for those who

---

28 Republic of the Congo - Settlement patterns | Britannica
https://www.britannica.com/place/Republic-of-the-Congo/Settlement-patterns
participate in artisanal mining, exposing participants to an even greater risk of abuse. Work from national and international actors is needed to begin addressing the problem of corruption in the DRC and to build a society of equity and justice.

**WOMEN AND GBV IN EASTERN DRC MINES**

Acts of discrimination and exploitation in mining areas can range from subtle—a lack of representation among mining authorities, political disenfranchisement, exposure to occupational health hazards without proper access to health services, and illegal taxation—to extreme—sexual violence, child labor, and debt bondage. While the latter abuses often receive the most attention, the former are perhaps the most pervasive.

A USAID survey in artisanal mining towns in northeastern DRC found that while labor trafficking, sex trafficking, and debt bondage were reported by survey participants, the quantity of reports were relatively low and many of the perpetrators were described as family members, mining bosses, other miners, or government officials, as opposed to armed actors from a particular group. For example, six percent of participants reported witnessing forced marriages in mining towns. In 68.5 percent of cases, the perpetrator was a family member, compared to the FARDC perpetrating forced marriage in 5.6 percent of cases. One-quarter of those surveyed said they had witnessed people being forced to do labor in the mines. In these cases, half of the time, the perpetrator of forced labor was the mine owner, followed by family members (20 percent) and then armed groups (four percent). Other types of abuses were much more common, such as restricted freedom, predatory lending, and work under threat or without pay—fully one-quarter of those in mining towns reported working without pay at some point.

Women are among the most vulnerable to economic exploitation. Often excluded from the highest paying jobs, many women are relegated to occupations such as sorting, gathering, washing, cooking, selling goods, and/or engaging in transactional sex. Women are paid less than men for the same amount of work or level of effort, and are excluded from high-level conversations that ultimately dictate their circumstances. The reasons behind this discrimination are culturally embedded. As the social norms of the DRC shifted in response to the conflict, many women were forced to become wage earners, either due to the loss of husbands or male family members from conflict, or the failure of their traditional income earning strategies. This shifting workforce, however, did not alter the traditional and socially entrenched patriarchy that prevents women from engaging in more productive employment.

Moreover, common superstitions perpetuate the belief that women working in mines are a form of bad luck. Hayes and Perks (2012) provide the example of the prevalent belief held amongst miners in Orientale and Katanga provinces: if a woman enters a mine, the minerals will vanish. These norms and taboos are perpetuated by a lack of education regarding mining laws and codes. Kelly, King-Close, and Perks (2014) provide the example of a law within the mining code dictating that pregnant women cannot engage in hazardous or heavy labor being interpreted or wielded in order to prevent women from engaging in any mining activity at all.

These norms contribute to the GBV experienced by many women in the ASM industry in the DRC. Another primary contributing factor is the culture of impunity for perpetrators, which is compounded in

---

37 Even with a very broad definition of human trafficking being used, only 6.7% of respondents reported an experience with human trafficking.
ASM communities by the remoteness, the high number ex-combatants and security actors working in the mines, and the alcohol and drug consumption. Kelly, King-Close, and Perks (2014) found that women reported sexual harassment, rape, and forced performance of sexual favors, while USAID’s report found that 7.1 percent of female survey participants experienced forced sex within the past year. Moreover, many men in mining communities in Eastern DRC believe rape to be the woman’s fault.

Kelly, King-Close, and Perks (2014) demonstrate that women in the ASM community may employ a more multi-dimensional definition of rape than non-consensual sex, sometimes coming in the form of men failing to pay after sex or forcing the woman to have sex even if a price has not yet been negotiated. Moreover, the authors establish that for many women, sex is frequently a necessary component of employment in ASM, either as a profession in and of itself, or in trade for access to opportunities or security. Responses to the USAID survey highlight the additional vulnerability implicit in this kind of transactional sex work, as women who reported ever having engaged in sex work were significantly more likely to also report sexual violence. Mahy (2011) support these findings, reporting on the complex dynamics between sex, employment, and power in ASM communities.

Within this environment, human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS) and other sexually transmitted infections (STI) may be more prevalent in mining towns. Superstition often replaces education about the spread of disease, increasing the likelihood of high STI prevalence rates in ASM communities. Populations working in and around mines are at risk for a great number of other health risks due to structural issues, exposure to minerals, ergonomic concerns, and a lack of sanitation and safety equipment. Health issues include, but are not limited to, mining disasters, mercury exposure, radioactive material exposure, gastro-intestinal disease, malnutrition, infection, lung disease, bone and muscle injuries, and heat stress. Pregnancy, reproductive concerns, and injuries due to GBV are also issues of concern for women specifically, especially given the general lack of access to adequate healthcare.

GENDER ANALYSIS

LAWS, POLICIES, REGULATIONS, AND INSTITUTIONAL PRACTICES

The Congolese government consists of three main branches—executive, judicial, and legislative. The executive office is led by the president, Félix Tshisekedi (2019 – present), while the legislative branch is led by the Senate and National Assembly. Finally, the judicial branch is overseen by the Supreme Court. Although the national assembly is currently led by a woman, Jeannine Mabunda, only 16 percent of the senate, none of the provincial governorships, and none of the nine constitutional court judge appointments are held by women. This lack of equality has been due to the state’s failure to provide robust mechanisms through which parity provisions could be enacted.

Violence seems to be a hallmark of the political process in the DRC. During former President Joseph Kabila’s term, the president eliminated dissent by having security forces kill peaceful protesters and

extending his term past the two-term limit by delaying elections.\textsuperscript{42} When elections finally did happen in 2018, human rights violations, violence, and voter suppression were widely reported.\textsuperscript{23}

While Article 14 of the DRC’s 2006 constitution prohibits gender and ethnic discrimination in government and judicial proceedings, this law has gone largely unenforced.\textsuperscript{21} In fact, there are still divisions along ethnic lines where the president’s group and dominant ethnic groups continue to have majority representation in the political process. Furthermore, although Article 13.3 of the constitution states that “each political party’s list [should be] established in consideration of the equal representation between women and men, and of the promotion of handicapped persons,” Article 13.4 states that “the non-realization of the equality between men and women during upcoming elections does not make [a] list inadmissible,” thereby providing a loophole through which political parties can continue discriminating against women.\textsuperscript{23 43}

Additionally, the following articles demonstrate clear discrimination against women:

- Article 148: Provides the delivery of the family registry booklet (livret de famille) only to the husband during the celebration or the registration of the marriage. Concerning the replacement of a lost family registry booklet, the Family Code allows only the husband to request another.\textsuperscript{44}
- Article 165: Stipulates that the wife must live at the domicile of her husband, instead of establishing that the married couple chooses together its home.\textsuperscript{49}
- Article 215: Limits the abilities of the wife, contradicting the Convention on the Elimination of All Forms of Discrimination Against Women Article 15.1, which requires state parties to grant women equality with men before the law.\textsuperscript{49}
- Article 444: Stipulates that “the husband is the head of the household. He must protect his wife; the wife must obey her husband.”\textsuperscript{49}
- Article 445: Provides that “Under the direction of the husband, the spouses work together, in the interest of the marriage, to guarantee the moral and material responsibility of their marriage.”\textsuperscript{49}
- Article 448: Provides that “the wife must obtain her husband’s authorization to effect legal acts for which she must present herself in person.”\textsuperscript{49}
- Articles 490.2 and 497.2, 515, 524, and 531: State that regardless of the type of legal agreement under which the marriage was concluded, the management of all property is entrusted to the husband.\textsuperscript{49}
- Articles 361, 367, 382, 388, 426, 543, and 579: Address the dowry and insist on the symbolic and compulsory nature of this practice.\textsuperscript{49}

The mining industry makes up 15 percent of the DRC’s mining industry, yet the informal nature of ASM has caused it to be historically unregulated.\textsuperscript{45} In an attempt to address this issue, former President Joseph Kabila signed a new mining code into law on March 9, 2018 to formalize the sector and protect the often-marginalized workers in this sector. However, the widespread ignorance and misinterpretation

\textsuperscript{45} Technology companies are required by US and EU law to report whether their products are made with “conflict minerals” under the 2010 United States Dodd-Frank Wall Street Reform and Consumer Protection Act and the 2017 EU Conflict Minerals regulation.
has opened vulnerable populations, namely women, to extortion and exclusion from mining activities. For example, ignorance of how the law and the mining codes relate to women mean that women are often told they are not allowed to work in the mines. Women’s right to work in mines and related jobs is enshrined in the law. However, this widespread misconception means that women often feel that they must hide their participation, must pay or exchange sexual favors for the right to work in mining towns, and are less likely to report abuses or use redress mechanisms.

The following are the articles in the new mining codes whose misinterpretation or omission has led the exploitation of vulnerable groups:

- **Article 5:** Although at first glance, this article appears to prohibit pregnant women from working in artisanal mines, in actuality, it only limits their participation in physically taxing work such as the transportation of heavy loads. The misinterpretation of this article has been used by some to ban the participation of women in any mining activities.² ⁴⁷
- **Article 26:** States that artisanal mining can only be carried out by Congolese national cardholders. This article opens vulnerabilities to those whose nationality may come into question and those who may not have the social or financial connections to obtain such a card.⁴⁸
- **Article 28:** Prohibits exploitation of mining products. Ignorance of this law has led to the illegal taxation of those who are unaware of the provisions of this article—for example, women have reported they are often asked for illegal taxes from a multiplicity of groups.⁴⁹
- **Article 71:** Mandates that those with a permit to demonstrate that they have the capital to carry out the project they intend. Given their limited access to financial resources, this article may be used to further exclude women from mining work²
- **Article 97:** States that all those who apply for a small-scale mining permit, provided that they are legal, have the right to be granted one. Ignorance of this provision can lead to the unlawful denial of permits or illegal taxation of applicants during the process.⁴
- **Article 115:** Prohibits anyone other than those with an artisanal operator card, valid dealer card, or buyers to hold the transportation of products for artisanal exploitation. Knowledge of this article could protect people from being illegally taxed or extorted in order to transport mining products from excavation sites.⁵

**ACCESS TO AND CONTROL OVER ASSETS AND RESOURCES**

Although the informal nature of artisanal mining has provided an avenue for those who have traditionally been marginalized to find employment, the sector has also been rife with inequality.² In mining towns, an individual’s access to work is largely determined by their sex, social status, and access to capital.

---

⁴⁷ Kelly, J.T., Ausubel,E., Becker,S., Blake,M., Zibika,J, (pending). Understanding and Reinforcing Women's Vital Roles in MINING Communities. (Due Diligence)
⁴⁹ Nest et al., The Democratic Republic of the Congo - Economic Dimensions of War and Peace
Access to the most profitable mining activities is often a function of social status, with women being excluded from the most lucrative opportunities. Women are often left to carry out accessory tasks such as transporting food and alcohol to and from the mines, running restaurants, and participating in transactional sex work. According to partner organizations in North Kivu, South Kivu, and Maniema, the level at which women can participate in mining activities varies largely from town to town. While some exclude women from the mines altogether, others choose to limit their involvement by withholding key resources. In addition to their marginalization from lucrative mining activities, women are often the subject of economic and sexual predation by various actors. While it is traditionally believed that rebel armies controlled all aspects of mining towns, the FARDC, local mining bosses, and other local actors have proven to be common perpetrators of exploitation in these towns.

Additionally, responses from community partners in the North Kivu, South Kivu, and Maniema found that there were often limited training programs and poor access to financial opportunities afforded to women in these environments. However, the extent of these limitations largely varied both between and within provinces. For example, in North Kivu, while some towns went as far as denying women access to mining sites altogether, others controlled their participation in lucrative activities such as extraction or restricted access to key resources such as wells. All sites noted that these inequities were further exacerbated by armed actors who often exploited women in these towns, both sexually and in terms of their physical labor. Partners in Maniema further cited weak relationships among women’s organizations and their constituents as a mechanism for continued abuses of women and their children in these towns. Furthermore, women’s susceptibility to extortion and their general poverty requirements to pay bribes or illegal fines to access mines serve as a large barrier to participation for women in these towns.

PATTERNS OF POWER AND DECISION-MAKING

Despite making up a sizable portion of ASM communities, women are often left out of conversations regarding decisions that affect their lives. This disenfranchisement from obtaining adequate representation in mining leadership has often left them vulnerable to exploitation by various actors. Furthermore, the poor financial situations of many of these women is often exacerbated by constant discrimination and harassment.

The presence of Comités Locaux de Suivi (CLS) organizations have begun to address some of these issues. CLS organizations oversee complaints and incidents in mining towns and provide recommendations. While they are wildly successful in some mining towns, the full adoption of CLS has not been universally embraced. Some report the lack of transparency and knowledge of CLS as reasons for their underutilization. Another reason may be that women are often excluded from positions of leadership in the CLS. Recommendations that local chiefs and women sit on CLS leadership boards have been proposed as a way of increasing reporting and usage in these organizations. In South Kivu, the increased presence of women’s organizations has also begun to address the lack of representation of women and the differential application of mining law. These cooperatives have provided women greater access to capital and protection in these towns. However, women’s groups have yet to ameliorate the

disparities faced by women in these settings. Going forward, restructuring power in mining towns is needed to protect and empower vulnerable populations.

**GENDER ROLES AND CULTURAL NORMS**

Traditionally, the Congolese ideal of masculinity was defined by a man’s success in providing for and protecting his wife and children. Women’s femininity, in contrast, was dependent on her ability to fulfill the role of wife, mother, and productive family member. These roles have been challenged by the prolonged violence experienced in the DRC since the 1990s. The war and the instability that followed have made it difficult for many men to provide for their families and thus fulfill their masculine roles.

At the same time, this conflict has often forced women to become the primary breadwinners in many households because of the loss of their husbands and male relatives or the inability of their husbands to find work. One study found that 39 percent of surveyed women in South Kivu province were the only income earners in their households, and 72 percent contributed at least half of the household income—although the study did not identify whether women retained full or partial control over the income that they brought home. In the Ituri province, 11 percent were the sole breadwinners, while 68 percent earn at least half of their household income. However, while there has been a shift in the economic structure of families, the engrained patriarchy in society has not changed. In fact, the strain, humiliation, and frustration often experienced by men due to a lack of employment have led to increases in violence as a means of asserting masculinity, especially towards women.

In addition to the violence, men have often prevented women from participating in the most lucrative income-generating activities to further limit their ability to exercise economic influence. Taboos have been a key mechanism for the facilitation of these constraints. For example, in mining towns, superstitions that it is unlucky for women to work in mines have excluded women from performing extraction work, which is the most lucrative part of the mining process. Understanding and combating these taboos is essential in increasing women’s accessibility and mobility in mining towns.

**PROTECTION ISSUES AND SEXUAL EXPLOITATION IN MINING TOWNS**

Sexual exploitation in mining towns is extremely common, and can take many forms, including: forced prostitution, intimate partner violence, non-partner sexual violence, sexual harassment, forced marriage and other forms.

Women’s vulnerability to violence in artisanal mines is well-documented. A Women in Informal Employment: Globalizing and Organizing (WIEGO) report discusses how “women are concentrated at the base of the economic pyramid as self-employed informal workers due to gender discrimination and segmentation in the labor market.” Research from around the world shows the vulnerability that women face—both in the workplace and at home—when they are financially insecure, and especially when they are working in the informal sector. WIEGO also insists that the discrimination and violence that women experience at work are inextricably linked with women’s similar experiences at home, as both are manifestations of patriarchal and misogynistic norms that limit women’s economic and bodily

---

56 Carleton University, IMPACT and Development Research and Social Policy Analysis Centre (DRASPAC), “Women in Artisanal and Small-Scale Mining in Democratic Republic of the Congo.”
freedom.

TRANSACTIONAL SEX

A 2014 population-based study found that fully one-third of women in mining towns had to exchange sex for money or other goods in mining towns at some point while working in the mining sector, and 18.1 percent identified themselves a sex worker by profession. In contrast, only 0.3 percent of men stated they had ever engaged in sex work, and no male respondents stated that sex work was their profession. Despite being common, women in mining towns state that it can still be stigmatized. Women who engage in sex work are also vulnerable to a host of other negative outcomes.59

For example, women who reported engaging in sex work were also far more likely to report being vulnerable to a range of other forms of exploitation. Women who reported having ever engaged in sex work for money also reported exchanging sex for food, access to work, or protection. Sex workers had 12.5 (p=<0.001) greater odds of having to exchange sex for access to work and 9.7 (p<0.001) greater odds of having to exchange sex for protection. Women reporting engaging in sex work also reported 1.5 greater odds of being held somewhere against their will at some point since working in the mining sector (p=0.042); and 1.93 times more likely to report having witnessed a forced marriage (p=0.036). Sex workers were not more likely to report having to work in the mines for free or to work in mining to pay off their debts.

FORCED MARRIAGE

Forced and early marriage is relatively common in the DRC. While statistics for mining towns are lacking, this is likely a practice that occurs in mining settings, as it occurs elsewhere. According to the 2014 DHS survey, ten percent of girls were married before age 15 and 37 percent of girls were married before age 18.

INTIMATE PARTNER VIOLENCE (IPV)

There is a dearth of data on IPV in mining towns, but rates of IPV in the DRC as a whole are quite high. Unpublished qualitative work conducted by HHI in 2019 found that some focus group respondents in mining towns in Eastern DRC described conflict between spouses or partners. The most common

---

The scenario discussed was men becoming angry when they know or suspect that their wives are engaging in transactional sex or sex work if they come home late or with more money than usual. Some women say men will kick women out of their homes or beat their wives in these situations. This scenario illustrates the difficult decisions women must make to provide for their families, sometimes at great personal risk.

Additionally, feedback from local implementing partners in North Kivu, South Kivu, and Maniema—Initiative des Femmes Entrepreneure pour le Développement Durable (IFEDD) and Solidarité des Femmes pour le Développement Intégré (SOFEDI)—reported that women miners are abused by military members, police officers, head of mining squares, and public service agents for monetary and sexual gain. Reports for North Kivu cite that some actors go as far as capturing and enslaving women to rape them and force them to participate in the physically demanding tasks associated with mining work. Other agents reportedly enrich themselves by illegally forcing women to pay fees to gain access to the mines or key resources.

**GENDERED JOB OPPORTUNITIES**

Research shows that work distribution in the mines is very gendered. This trend is consistent with the literature on women in the informal sector more broadly, which discusses how women are largely “concentrated at the base of the economic pyramid in more vulnerable activities/tasks as self-employed workers.”60 Most studies have found that women in the mines largely work in the service industry as food vendors for mine workers or in restaurants. Others work in support roles in the mines by pounding, sorting, washing, sifting, and processing minerals. Very few women work as diggers or in any management or leadership role in the mine, which are largely considered men’s jobs. In addition, a 2014 population-based study of men and women working in ASM found that women often were subjected to sexual exploitation and abuse in order to gain these relatively low-status jobs.

In the current project, many people discuss specific roles that men and women are or are not allowed to take on, though they often do not frame it as gender discrimination. Instead, both men and women often talk about women’s physical abilities, saying they are not strong enough to work in certain jobs. As a result, women generally seem to be excluded from working as diggers altogether. Several women’s focus groups talk about their limited choices of jobs, explaining that they do whatever they can to provide for their families. In several focus group discussions, women even explain that they are “accused of being witches when they approach the mining tunnels,” which means they do not even have the option of being a digger. This accusation means that women are excluded from mining tunnels and—as a result—many of the most lucrative jobs. The accusation means that women are widely perceived as bringing “bad luck” or “curses” to mining tunnels.

Since women are not allowed to be diggers or own a mine site, they are relegated to support roles. Women talk about selling juice and food to the miners as saleswomen, as well as doing jobs like pounding the ore, washing the minerals, sifting through the sand, transporting the minerals, and selling minerals to traders. In some cases, women even follow men who work in the mines and try to find any minerals that the men might have missed. Men, on the other hand, largely occupy the roles directly associated with the mining operation itself, including both managerial positions (e.g., traders, heads of mining sites) and jobs that require more strength, such as diggers, carriers, masons, woodworkers, drillers, and machinists. Children as young as 15 are allowed to work in the mines, but only in jobs that are not physically demanding. Physically demanding jobs and jobs that entail greater physical risk are only available to those 18 years or older.

---

TRAJECTORIES: CAPACITY AND COPING MECHANISMS

As the sections above make clear, there is clear gender and sex discrimination in the mines, with women occupying lower-paying support roles. Yet, despite the high levels of discrimination and abuse they face in the mines and mining towns, women have found multiple creative avenues to support themselves and each other in these difficult contexts, including through creating rotating savings and loans groups, self-organizing into associations, sharing the burden of childcare among each other and with family members, and banding together to protect individuals targeted for harassment.

In an unpublished qualitative study conducted by HHI in 2019, women described creating “mutual support networks” to support each other in the face of extreme difficulties. These networks mean women help each other with work, childcare responsibilities, food, money, work equipment, childbirth, and other medical situations. The saleswomen selling food and drinks will take turns working, only sending as many women as can provide for the expected demand from the miners that day so there is no wasted food.

Community partners also reported that self-organizing by women has promoted social support and feelings of inclusion among women members and has helped women gain more lucrative opportunities in mining. Under the DRC’s mining code, anyone who wishes to mine using semi-industrial equipment must join a cooperative to which members pay a range of entrance fees and taxes, and depending on the size and intent of the cooperative, either enjoy profit-sharing and protection.6 The development of these cooperatives has begun to ameliorate some of these inequities by promoting greater awareness of the law and providing greater access to income-generating activities.

It is important to note that Kelly (2013) reported that certain mining communities perceive cooperatives as being embedded within the hierarchy and failing to represent many within the community. Smaller, trade-specific groups known as associations are thought to be more beneficial for marginalized communities. For example, Kelly, King-Close, and Perks (2014) reported the example of the “Association of Free Women” representing women involved in sex work. Members of the group expressed the critical role it has played in their access to healthcare, financial stability and social support. Situations like this one may be rare throughout mining communities in Eastern DRC. The USAID survey found that less than 20 percent of workers in the lowest paying trades, such as potters, food venders, and sex workers, reported belonging to a community group, compared to 50 percent of mining team leaders and 25 percent of miners.6 Additionally, 25 percent of men reported belonging to groups, compared to 17 percent of women.6

Additionally, multiple NGOs across the DRC have implemented Village Savings and Loans Associations (VSLAs). Through the VSLA model, members pool their resources, usually through a monthly contribution, and then can take out loans to cover both daily and emergency expenses, including medical care, tools, or the necessary inputs to start a new business.61 One 2016 study in the DRC found that women who had participated in VSLAs “reported a continued increase in per capita food consumption, an increase in economic hours worked in the prior seven days, and an increase in access to social resources.”62

61 “How VSLA Groups Are Creating Hope in the D.R Congo”; “Tuungane.”
IMPACTS OF COVID-19 PANDEMIC

Partners in South Kivu report that the pandemic has limited the movement of people between mining towns thereby decreasing trade. These new constraints have resulted in large fluctuations in the daily currency. Travel in North Kivu has been highly restricted, and the national government has banned meetings of 20 people or more.

The evolution of the COVID-19 pandemic presents a challenge to the successful conduct of the RISE grant in Eastern DRC. Travel restrictions and confinement policies within field locations threaten to reduce or eliminate the possibility of field visits. This remains the case with local consultants and international partners, as in-country transit, face-to-face interviews, and focus groups can pose infection risks. The “do no harm” principle must be paramount for countries with outbreaks of COVID-19.

Given this, the project partners proposed to confer with the Catalyst Project, implemented by Resonance, and USAID on a regular basis throughout the inception and field phases. Decisions on whether and when to go to field locations will need to be made as the pandemic evolves but must begin with a “do no harm” approach and follow emerging guidance on data collection during the pandemic. Notable guidance currently available includes:

- Impact Initiative’s Standard Operating Procedures for Data Collection During COVID-19
- United Nations Population Fund’s Guiding Principles for adapting evaluations during the pandemic
- World Bank Independent Evaluation Group’s Guidance on adapting evaluation approaches during the pandemic

NEXT STEPS

The goal of the Resource-ful Empowerment: Elevating Women’s Voices for Human and Environmental Protection in Congolese Small-Scale Mining project is to create materials and protocols for a “Resource-ful Empowerment” teaching kit aimed at reducing sexual harassment and abuse in mining towns while teaching environmental best-practices across nine mining communities.

Using the findings from this gender analysis and promising practices from the Living Peace Curriculum and the Passages project, the project will create, implement, and evaluate two versions of the newly developed evidence-based, scalable curricula. Each version will aim to reduce sexual harassment and abuse and promote environmental best practices in mining towns in the DRC. The core curriculum will focus on human rights and Congolese law, women’s protection, gender norms, and measures for mitigating mining’s environmental impact, particularly erosion and landslides. The interconnectedness curriculum will cover the same topics, but also includes additional emphasis on the links between people in mining towns and the links between people and the environment. The project theorizes that the additional interconnectedness module may help improve both environmental and human outcomes. Both curricula will use context-appropriate pictures to allow women and men with varying levels of literacy to easily understand its messages.

63 Passages is a five-year USAID-funded project (2015-2020) that aims to address and change social norms to achieve improvements in family planning programs and sexual reproductive health. With its focus on normative change, this project applies evidence-based practices to scale up global interventions and builds programs and services especially targeted for younger adolescents.

64 The Living Peace methodology and curriculum developed by Prumundo is being implemented in the Democratic Republic of Congo. The project aims to promote equitable gender norms and reduce sexual and GBV. Living Peace’s curricula have been assessed in numerous impact evaluations around the world and are considered to be very promising.