

# Stop Trafficking !

Anti-Human Trafficking Newsletter



Awareness

Advocacy

Action

November 2018 Vol. 16 No. 11

This issue highlights the relation of cobalt mining abuses to the demand for cobalt in green energy uses.



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## Electric Cars, Smart Phones & Slave Labor



People around the world increasingly rely on rechargeable batteries to power their mobile phones, tablets, laptop computers and other portable electronic devices. The growing global market for portable electronic devices and rechargeable batteries is driving the growing demand for the extraction of cobalt, a key component in lithium-ion rechargeable batteries.

More than half of the world's total supply of cobalt comes from the *Democratic Republic of the Congo* (DRC). According to DRC's estimates, 20% of the cobalt currently exported from the DRC comes from artis-

anal miners in the southern part of the country. Artisanal mines do not utilize mechanized methods of obtaining ore. There are approximately 110,000 to 150,000 artisanal miners in this region, who work alongside much larger industrial operations.

These artisanal miners, referred to as *creuseurs* in the DRC, mine by hand using the most basic tools to dig out rocks from tunnels deep underground. Artisanal miners include children as young as seven, who scavenge for rocks containing cobalt in the discarded by-products of industrial mines, and who wash and sort the ore before it is sold.

The 2016 Report, "*This Is What We Die For*", jointly researched by Amnes-

"THIS IS WHAT WE DIE FOR"

HUMAN RIGHTS ABUSES IN THE DEMOCRATIC REPUBLIC OF THE CONGO POWER THE GLOBAL TRADE IN COBALT



## Awareness

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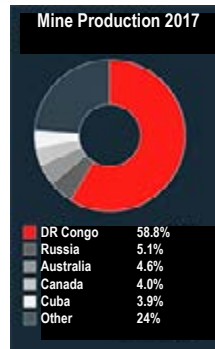
### Cobalt *cont. from pg. 1*

ty International and African Resources Watch (*Afrewatch*), examined the conditions under which artisanal miners extract cobalt and traced how this mineral is traded and enters the supply chain of multinational companies, including some of the world's wealthiest electronics companies.

The DRC is one of the poorest countries in the world and has suffered from decades of war and poor governance. Artisanal mining became a source of livelihood for many people when the largest state-owned mining company collapsed in the 1990s. It grew further during the Second Congo War (1998 – 2003), when President Laurent Kabila encouraged people to dig for themselves as the government could not revive industrial mining.

In 2002, the government published a new mining code in an attempt to revive the mining sector and attract foreign investment. The *Mining Code* established that artisanal mining can only take place within authorized *Zones d'exploitation artisanale* (Artisanal Mining Zones or ZEAs) where industrial or semi-industrial mining is not viable. Artisanal miners were driven out of many mining sites which were made available to major western and Chinese companies. However, as the government has created very few ZEAs in southern DRC, most artisanal miners end up working in unauthorized and unregulated areas or trespassing on land controlled by industrial mining companies.

Artisanal miners in the DRC work in a range of different ways and locations to mine cobalt. In some places, the miners dig deep underground to



- Graph showing proportions of cobalt mined in various countries.
- Kolwezi, DRC encampments of artisanal miners.
- Digging a mine shaft in the kitchen of a local house in Kolwezi.



access the ore. These miners, mainly adult men, work underground in tunnels and

use chisels, mallets and other hand tools. In other places miners, including many children, dig for cobalt in the discarded tailings (such as rocks left over from mining and refining processes) of the region's many industrial mines. They collect rocks containing minerals that lie on or near the surface, most often without the companies' permission. The stones they pick are then washed, sifted and sorted in streams and lakes close to the mines. Generally, women and children are involved in washing and sorting the ore.

The way these artisanal mining operations are managed and organized varies from site to site. For example, the adults and children who hand-pick stones on or near the surface of industrial mining concessions work for

themselves. They sell the ore to traders or intermediaries. By contrast, some miners who dig underground do so as hired laborers, earning a fee from the owner of the land where they work, while others work in teams or share their

earnings with mine owners. Some miners also have a business arrangement with an investor, who funds the digging of the tunnel and manages the sale of the product.

### Human Rights Abuses in Artisanal Cobalt Mines

*Amnesty International* and *Afrewatch* visited five mines in southern DRC and interviewed 90 people who have worked in the mines, including 17 children.

Chronic exposure to dust containing cobalt can result in a potentially fatal lung disease, called "*hard metal lung disease*." Inhalation of cobalt particles can also cause "*respiratory sensitization, asthma, shortness of breath, and decreased pulmonary function,*" and



Women and children washing and sorting ore.

Abuses *cont. pg. 3*





## Awareness

### Abuses *cont. from pg. 2*

sustained skin contact with cobalt can lead to dermatitis. Yet researchers found that the vast majority of miners, who spend long hours every day working with cobalt, do not have the most basic of protective equipment, such as gloves, work clothes or facemasks. The *DRC Mining Code and Regulations (2002-3)* provide no guidance for artisanal miners on safety equipment or how to handle substances which may pose a danger to human health, apart from mercury.

Children as young as seven were seen working alongside adults for up to 12 hours a day, sorting minerals and carrying heavy loads in exchange for the equivalent of US\$1-2. Many of the miners complained that they coughed a lot or had problems with their lungs. Researchers also spoke to women who complained of respiratory problems and pain as a result of carrying heavy loads and the physically demanding nature of the work. One woman described having to carry 50 kg sacks of cobalt ore and told researchers, “*We all have problems with our lungs and pain all over our bodies.*”

Artisanal miners work in mines which they dig themselves. Hand-dug mines can extend for tens of meters underground, often without any support to hold them up, and are poorly ventilated. There was no official data available on the number of fatalities that occur, but miners said accidents were common, as unsupported tunnels collapsed frequently. Between September 2014 and December 2015, the DRC’s UN-run radio station, *Radio Okapi*, carried reports of fatal accidents involving more than 80 artisanal miners in the former province of Katanga. However, the true figure is likely to be far higher as many accidents go unrecorded and bodies are left buried underground.

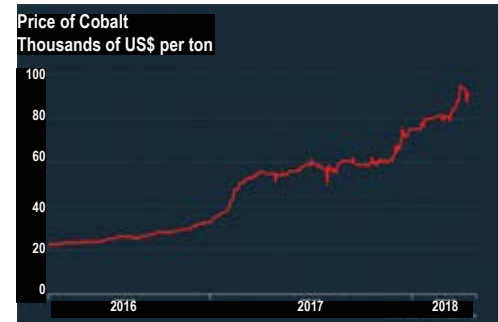
(<https://www.amnesty.org/en/latest/news/2018/05/phones-electric-cars-and-human-rights-abuses-5-things-you-need-to-know/>)

### ‘Time to Recharge’

Amnesty International put out another updated report in 2017 entitled, ‘*Time to Recharge: Corporate Action and Inaction to Tackle Abuses in the Cobalt Supply Chain.*’

The Report showed that a lack of ethical commitment throughout the supply chain allows abuses to continue.

- **The DRC government** has made only limited progress in following through on its commitments to tackle child labor and other abuses. Many officials appear more interested in keeping problems hidden from view than in improving health and safety conditions or enforcing the law.
- **Companies** still are not doing enough to verify supply chain information they receive from suppliers. And when abuses have been uncovered, they are not taking adequate corrective actions to address past harms. There is still a lack of complete and verifiable supply chain information and no system of third-party verification in place.
- **Suppliers:** To date, no smelters or refiners have disclosed a complete picture of which mines, traders and transport routes are supplying them with cobalt.



This is because no law currently requires them to do so, and too few brand-name manufacturers of electric vehicles or consumer electronics are looking closely enough at their suppliers.

- **Miners:** Even though the price of cobalt has increased exponentially, miners are not receiving a better price. They lack the leverage to demand better pay and working conditions, and traders and processors see purchasing cheap hand-dug cobalt as a quick way to boost their profit margins.

Responses from the companies evaluated in the Report can be found at these links:

<https://www.amnesty.org/en/documents/afr62/7418/2017/en/>

<https://www.amnesty.org/download/Documents/AFR6274182017ENGLISH.PDF>



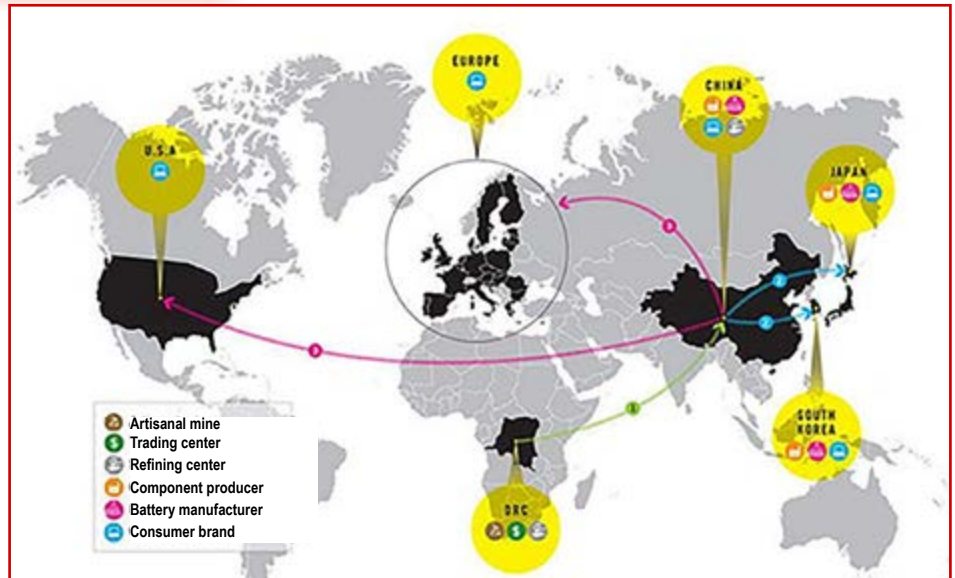


## Awareness

### The Cobalt Supply Chain

Miners and traders transport cobalt ore from artisanal mines in Kolwezi to a market at Musompo, where minerals are traded. Independent traders – most of them Chinese – buy the ore, regardless of where it came from or how it has been mined. In turn, these traders sell the ore to larger companies in the DRC, which process and export it. One of the largest such companies is *Congo Dongfang Mining International* (CDM). CDM is a 100% owned subsidiary of China-based *Zhejiang Huayou Cobalt Company Ltd* (*Huayou Cobalt*), one of the world’s largest manufacturers of cobalt products. Operating in the DRC since 2006, CDM buys cobalt from traders, who buy directly from the miners. CDM then smelts the ore at its plant in the DRC before exporting it to China. There, *Huayou Cobalt* further smelts and sells the processed cobalt to battery component manufacturers in China and South Korea. In turn, these companies sell to battery manufacturers, who then sell on to well-known consumer brands.

*Amnesty International’s* (AI) researchers identified battery component manufacturers who were listed as sourcing processed ore from *Huayou Cobalt*. AI also traced companies listed as customers of the battery component manufacturers, to establish how the cobalt ends up in consumer products. In seeking to understand how this international supply chain works, as well as to ask questions about each company’s due diligence policy, AI wrote to *Huayou Cobalt* and 25 other companies in China, Germany, Japan,



South Korea, Taiwan, UK, and the USA. These companies include some of the world’s largest and best known consumer electronics companies, including *Apple Inc.*, *Dell*, *HP Inc.* (formerly *Hewlett-Packard Company*), *Huawei*, *Lenovo* (*Motorola*), *LG*, *Microsoft Corporation*, *Samsung*, *Sony* and *Vodafone*, as well as vehicle manufacturers like *Daimler AG*, *Volkswagen* and Chinese firm *BYD*. Their replies are found in the AI Report.

### Neglect of Due Diligence by Companies

The UN *Guiding Principles on Business and Human Rights* set out the responsibility of companies to respect international human rights in their global operations, including in their supply chains. This requires, among

other things, that companies carry out human right’s due diligence “to identify, prevent, mitigate and account for how they address their impacts on human rights.” A practical guide for how such due diligence should be carried out for supply chains has been provided by the *Organization for Economic Cooperation and Development* (OECD). Its *Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas* (OECD Guidance), lays out a five-step process for all companies involved in the mineral supply chain to follow. Companies that purchase cobalt, or components containing the mineral, have no excuse for not conducting due diligence. Research for the AI Report demonstrated that companies along the cobalt supply chain fail to conduct adequate human rights due diligence.

The table below indicates the AI ratings of due diligence by companies.

RATING	COMPANIES
All possible actions taken	None
Adequate action taken	Apple - Samsung SDI
Moderate action taken	Dell - HP - BMW - Tesla - LG Chem
Minimal action taken	Sony -Samsung Electronics - General Motors - Volkswagen - Fiat-Chrysler - Daimler - Hunan Shan-shan - Amperex Technology - Tianjin Lishen
No action taken	Microsoft - Lenovo - Renault - Vodafone - Huawei - L&F - Tianjin B&M - BYD - Coslight - Shenzhen BAK - ZTE



## Advocacy

### The Cobalt Industry Must Become an Advocate for Its Workers

It is true that many of those who dig or pick cobalt ores by hand in the DRC do so because they have no alternative sources of income. Many children take part because there is no one else to take care of them. School fees are expensive and many children are not even getting one meal a day. Mining has both detrimental physical and mental effects on children, which is why it is considered to be one of the worst forms of child labor. *Amnesty International* calls for children to be removed from mining areas. The DRC government must take steps to address the economic, educational, psychological and physical health needs of children.

Companies should not stop purchasing DRC cobalt or cut out all artisanal cobalt in favor of industrial suppliers. The Congolese people who engage in this grueling and hazardous work do so because they have few other options to escape poverty. Cutting out cobalt from the DRC simply will not happen, given how much of the world's cobalt is found there. It would also make these people's lives even more precarious.

Instead of focusing on how to secure 'safer' sources of cobalt, companies should be using their leverage over suppliers to ensure that it is mined safely and responsibly—whether by hand or by machine.

(<https://www.amnesty.org/en/latest/news/2018/05/phones-electric-cars-and-human-rights-abuses-5-things-you-need-to-know/>)

*"This is a crucial moment for change. As demand for rechargeable batteries grows, companies have a responsibility to prove that they are not profiting from the misery of miners working in terrible conditions in the DRC.*

*The energy solutions of the future must not be built on human rights abuses."*

Seema Joshi, Head of Business and Human Rights, Amnesty International



### Remediation Guidelines

In 2018 the *International Organization for Migration* (IOM) published a report entitled, 'Remediation Guidelines for Victims of Human Trafficking in Mineral Supply Chains.'



The report provided a brief background on human trafficking in the mining industry and then outlined the responsibility of businesses for remediation, based on the review of existing international standards and guidelines. Finally it set forth operational remediation processes, outlining practical steps that downstream companies and their upstream partners can take to assist and protect victims of exploitation.

The following types of remedies may be provided to victims of trafficking: **Restitution**, which is concerned with restoring the victims to the original situation before the violation of their rights occurred.

**Compensation**, which is money paid to a trafficked person in an attempt to remedy the damage the person suffered as a result of being trafficked. Compensation has the potential to reduce the risk of re-trafficking by providing victims with financial assistance to rebuild their lives.





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### Remediation *cont. from pg. 5*

**Rehabilitation and recovery**, which can include medical and psychological care, legal and social services, such as shelter and counseling, as well as assistance for the victim's voluntary return and reintegration into his/her community of origin.

**Satisfaction**, which is a non-financial measure that involves verifying and acknowledging the violation of the victim's rights and taking steps to ensure the violation stops.

**Guarantees of non-repetition**, which require comprehensive measures against traffickers, protection of victims from re-trafficking and prevention of future violations.

The IOM established the following principles of assistance:

- Do no harm;
- Rights-based approach;
- Non-discrimination;
- Self-determination & participation;
- Individualized assistance;
- Gender sensitivity;
- Child-centered assistance;
- Continuum of care;
- Informed consent;
- Confidentiality, privacy & protection of data;
- Accountability.

Companies in the cobalt supply chain should undertake and publicly disclose their due diligence practices. Companies also have a responsibility to undertake remedial action if human rights abuses have occurred at any point in an existing or past supply chain. The company must, in cooperation with other relevant actors, such as its suppliers and national authorities, remediate the harm suffered by people whose human rights have been abused.

## Advocacy for Children Trapped in Labor Trafficking

Concrete guidance on how to respond to child victims can be found in the OECD's 'Practical Actions for Companies to Identify and Address the Worst Forms of Child Labour in Mineral Supply,' as well as in a 2018 Report of the International Organization for Migration (IOM) entitled, 'Remediation Guidelines for Victims of Human Trafficking in Mineral Supply Chains.'

Remediation plans for child victims should consider the following:

- Removing the child safely from the mine; additionally, employment or livelihood opportunity could be offered to an adult member of the child's family;
- Clarifying identity, assessing age, arranging accommodation and determining the child's needs;
- Talking to the child and to the parents or legal guardian to ensure they understand what is happening and why;
- Safely reporting the case to the appropriate government agency for protective action;
- Enrolling the victim in an appropriate school or vocational training or apprenticeship scheme, or arranging payment of a stipend during the exploratory phase and remediation program (equivalent to the amount the child was earning while employed);
- Enrolling the child's family in an existing social protection program to help address the root causes of child labor (for example, cash transfer programs, school feeding programs and other measures to mitigate income gaps for the family);
- Identifying an appropriate accommodation facility, if needed;
- Consulting with the parent or guardian of each child in the design of the specific remediation program for each child;
- Obtaining signed agreements from the parent or guardian of each child and all parties to the remediation, and setting out the elements of each child's remediation program (remuneration, school, etc.) and the duties of each party in ensuring the success of the remediation.



Children crush minerals for cobalt in the DRC, 2009/11/14  
The Carter Center/G. Dubourthoumleu



Action

## What Can You Do?

As a consumer, you have an important role to play by demanding that brands be more accountable and transparent. You can push big brands to produce ethical batteries and verify how human rights have been respected in their supply chain.

Companies need to carry out ongoing checks to identify where the cobalt they use comes from and whether there are risks associated with its extraction, transport, sale or processing. Companies should demonstrate publicly that their investigations have been thorough enough and that they are taking adequate steps to address any problems they find—including by providing remedy to those who have suffered harms in the past.

You can also demand that the U.S. government legally require companies that mine, process or use cobalt to perform and disclose their due diligence practices. The government should also ensure that all policies promoting the use of electric vehicles require their rechargeable batteries are ethically

mined, manufactured and recycled. (<https://www.amnesty.org/en/latest/news/2018/05/phones-electric-cars-and-human-rights-abuses-5-things-you-need-to-know/>)



**Toll-Free 24/7 Hotline  
National Human Trafficking  
Resource Center  
1.888.3737.888  
Text “BeFree” (233733)**

## CNN on Cobalt Mining

For the CNN Pictorial Report on Cobalt Mining in the DRC, go to: <https://www.cnn.com/interactive/2018/05/africa/congo-cobalt-dirty-energy-intl/?iid=EL>

## U.S. Government Provides Apps to Track Forced Labor Products

Recently the *U.S. Bureau of International Labor Affairs*, with the *Department of Labor*, released two new apps to raise awareness and help track instances of child and forced labor throughout the world.

“*Sweat & Toil: Child Labor, Forced Labor, and Human Trafficking Around the World*” compiles data and documents on child labor and forced labor worldwide. The mobile app contains data for 135 countries and enables users to research countries’ efforts to eliminate child labor; search child labor data; review national laws and ratifications of international agreements; review strategies governments can utilize to end child labor; and browse more than 135 different types of goods and products that have been produced with child or forced labor. Users can filter their searches by the type of goods or the form of exploitation.

“*Comply Chain: Business Tools for Labor Compliance in Global Supply Chains*” helps companies identify risks of child or forced labor in their own supply chains. The app also provides companies and industry groups with practical and detailed guidance on how to implement the eight critical elements of a social compliance

## Informative Web Sites: (Each contains information related to human trafficking)

### Amnesty Reports

<https://www.amnesty.org/en/latest/news/2017/11/industry-giants-fail-to-tackle-child-labour-allegations-in-cobalt-battery-supply-chains/>  
<https://www.amnesty.org/download/Documents/AFR6273952017ENGLISH.PDF>

### IOM Minerals

<http://publications.iom.int/books/remediation-guidelines-victims-human-trafficking-mineral-supply-chains>

### CNN 2018 Report

<http://money.cnn.com/2018/05/01/technology/cobalt-congo-child-labor-car-smartphone-batteries/index.html>

### 2018 Goods from Child & Forced Labor

<https://www.dol.gov/sites/default/files/documents/ilab/ListofGoods.pdf>

system, using best practices from companies that have already implemented the system.

## Download ILAB Apps:



### ILAB’s Sweat & Toil App:

**Android:** <https://play.google.com/store/apps/details?id=gov.dol.child-labor&hl=en>

**iPhone:** <https://itunes.apple.com/us/app/sweat-toil-child-labor-forced/id1018240593?ls=1&mt=8>



### ILAB’s Comply Chain App:

**Android:** <https://play.google.com/store/apps/details?id=gov.dol.complychain>

**iPhone:** <https://itunes.apple.com/us/app/comply-chain/id1271454169?mt=8>

**Stop Trafficking!** is dedicated exclusively to fostering an exchange of information among USCSAHT members, organizations and concerned persons, collaborating to eliminate all forms of human trafficking.

To access back issues, go to: <http://www.stopenslavement.org/past-issues-chronological.html>  
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