2013

Good Shepherd Sisters –
Democratic Republic of Congo

GSS Research – Violence and abuse against women, girls and children in artisinal mining communities of the DRC

Acronymes

ACIDH	Action contre l'impunité pour les droits humains
ASM	Artisinal and Small Mining
CBO	Community Based Organisations
CERN	Commission épiscopale pour les ressources naturelles
CPA	Child Protection Advocacy
DDRRR	Disarmament, Demobilisation, Repatriation, Reinsertion, Reintegration
DFID	Department for International Development
DRC	Democratic Republic of Congo
DSCERP	Growth, Employment, and Poverty Reduction Strategy Paper
FGD	Focus Group Discussion
GECAMINE	Gécamines, Générale des carrières et des mines
GII	Gender Inequality Index
GSS	Good Shepherd Sisters
HIV and AIDS	Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome
IDPs	Internally Displaced People
KCC	Kamoto Copper Company
KML	Katanga Mining Limited
M and E	Monitoring and Evaluation
MDGs	Millennium Development Goals
MEAL	Monitoring, Evaluation and Learning
NGOs	Non Governmental Organisations
PRA	Participatory Rural Appraisal
PRSP	Poverty Reduction Strategy Paper
SGBV	Sexual and Gender Based Violence
STDs	Sexually Transmitted Diseases
UMHK	Union Minère du Haut Katanga
UN	United Nations
UNICEF	United Nations Children's Fund
YEJ	Youth Economic Justice

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INTRODUCTION

DRC has been identified as one of the worst places in the world to be born a girl. Whilst the country's constitution states that no form of discrimination is tolerated, women and girls are systematically disadvantaged which is enshrined in discriminatory articles of legislation in the Family Code and Labour Code and upheld by traditional practices such as early marriage, dowry payments and polygamy. Ranked 84 out of 86 countries on the 2012 Social Institutions and Gender Index, and is ranked 144 out of 148 countries in the 2012 Gender Inequality Index (GII) which reflects gender-based inequalities in three dimensions – reproductive health, empowerment, and economic activity.[1] Nearly two thirds of married women report being physically or sexually abused by their partner and this underlying problem is overlaid by horrendous incidents of sexual violence by men in uniform in conflict affected areas. In the specific context of artisinal mining communities, sexual violence by mining security police is widespread. Women and girls are particularly vulnerable to the lack of basic services across DRC. Children in the DRC are particularly vulnerable, 10.7% of all children are orphans (34% of these orphaned by HIV/AIDS); 15,000 children are conscripted into various armed forces before the age of 18; 26% of girls are adolescent mothers[2] and an estimated 40,000 children in Kolwezi alone are working in artisinal mines. Women, girls and children have little power to influence decision making at any level: household, local or national. Laws made to protect women, girls and children including the Child Protection Act of 2009 are rarely applied, and few know their rights under the law.

The objective of the Study was to understand the magnitude, nature and/or origins of abuse and violence against women, girls and children specifically related to the context of mining community of Domaine Marial of Kolwezi in the copper and cobalt belt of the Katanga Province of the Demographic Republic of Congo and analyse existing formal mechanisms in place to protect these vulnerable groups. The findings from the Study served to inform sustainable programming and approaches for GSS Congo to adopt in their programmes.

METHODOLOGY

The first phase of this Study consisted of a literature review of national level government, multilateral agency and NGO data on issues related to violence and abuse of women and girls and of child vulnerabilities in the DRC. Given the specific context of the artisinal mining communities in which the Good Shepherd Sisters were working in the literature review also focused on the degree of transparency in the management of natural resources and how and if wealth creation in this sector is reinvested into the country to benefit the populous and the most vulnerable in particular.

Photo 1: Problem Matrix with adolescent girls

The Study used a combination of qualitative and quantitative approaches in order to obtain a broader understand of the magnitude, nature and/or origins of abuse and violence against women, girls and children specifically related to the context of mining towns in the copper and cobalt belt of the DRC, with the specific purpose of identify sustainable solutions. This also involved an analysis of the mechanisms currently in place in place to address them.

[1] UNDP, Human Development Report 2013

[2] ODI, Child-sensitive social protection in DRC - A diagnostic study, May 2011

The methodological tools used were surveys, focus group discussions (FGDs), life history interviews through house visits, key informant interviews, PRA mapping exercises, and structured interviews. Interviews with key stakeholders, especially those with Government representatives served as a diagnostic of service provision and the state of current mechanisms for the protection of the vulnerable, while the qualitative and quantitative research undertaken at community level served to understand some of the realities facing women, girls and children in different contexts of vulnerability, as well as to map what social protection mechanisms (formal and informal) were available to the women, girls and children.

Photo 2: The Children map - our community now

Photo 3: The children's map - what we would like our community to be like

The research process was led by the consultant form the Scottish registered NGO, Youth Economic Justice, in full collaboration with the GSS Congo team. UN Children's Fund (UNICEF) and the project's steering committee, which included the Ministry of Social Affairs, Humanitarian Action and National Solidarity (MINAS) and the Ministry of Plan. UNICEF and members of the steering committee were actively involved in commenting on the research framework and instruments and site selection. They also provided feedback on initial findings in a restitution workshop conducted in October 2010. The study was validated by representatives from a range of government ministries, as well as other social protection actors, at a workshop held in Kinshasa in May 2011.

Document review: The document and literature review provided contextual analysis, and served to inform the development of the various research instruments which included the key informant questionnaires; the quantitative children, girls and women's questionnaire; the PRA mapping and problem analysis exercises; and the qualitative FGD questionnaires). Particular attention was paid to understanding and reflecting the range of vulnerabilities faced by women, girls and children within the context of the artisanal mining sector, which brought into play an analysis of the management of the mining sector and the actions of international mining companies and how these contribute to violence and abuse of women girls and children. An analysis of the legal frameworks legal frameworks related to child protection (Child Protection Act 2009) and an analysis of laws which discriminate against women and girls was also undertaken (Family Code 1999). This review process also included conducting interviews with local lawyers and with the Legal Aid Centre in Kolwezi. This involved the development of semi-structured interviews.

Photo 4: Problem matrix - adolescent girls

Ethical issues were taken into consideration in the design and execution of the quantitative research and the safety of respondents and the research team was paramount given the sensitive nature of the data being collected. To this end, the WHO Ethical and safety recommendations for researching, documenting and monitoring sexual violence in emergencies was used to inform the quantitative research tool design and guide the data collection process. A total of 52 documents were reviewed and the study design was encapsulated in a Study Protocol (Appendix 1).

Photo 5: Adolescent boys inspired by leadership

Fieldwork and sampling: Fieldwork was conducted in Domaine Marial and for the adolescent quantitative surveys the focus was on 2 specific quarters within Domaine Marial – Kanina and Kananga.

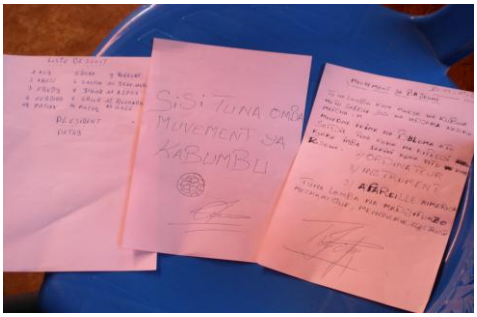


Photo 6 Adolescent boy's action plan for change

The scope and scale of the Study was agreed with GSS and in line with the budget provided by the donor. Sampling for both the quantitative and qualitative research was not representative of the population of the artisinal mining community as a whole; therefore a purposive sampling was adopted. The use of this sampling type served to focus on the vulnerabilities and social protection mechanisms available to specific population groups –women and girls victims of violence and abuse and vulnerable children.

With regards to the quantitative fieldwork, the identification of women and children was random, whilst the selection of adolescent girls was based on the girls already working in the GSS Congo programmes. This was largely due to the fact GSS Congo had already initiated interventions with girls in these areas and given the sensitive nature of the questions being asked, counselling services if required would be easier to administer. Also there was already a level of trust between the girls and GSS Cong, which it was felt would allow for more openness in discussing incidences of violence and abuse.

Photo 7: Training on implementing survey questionnaires

Photo 8: Quantitative survey for women

Definitions and measurement tools: The challenges facing international research on violence against women, girls and children is developing clear definitions, especially in relations to different types of violence, so that meaningful comparisons can be made cross culturally. Given that the way people think about violence differs between individuals and communities, the Study used the WHO definitions of violence and abuse and UNICEF definition related to age and child

vulnerabilities (Appendix 2). The results in the Study, therefore are more likely to underestimate than overestimate the true prevalence of violence and abuse.

The quantitative questionnaires were finalised following a process of discussion and consultation with the GSS Ministry Development Office in Rome as well as with the GSS Congo team. The questionnaires were then translated into French.

Interviewer selection and training: The willingness of women, girls and children to willingness to disclose violence and abuse is known to be influenced by the characteristics of the interviewers, especially in terms of attitudes and interpersonal skills[3]. The Study used interviewers who were known and trusted by the women, girls and children; and were selected according to the following criteria: emotional maturity, ability to engage with people; ability to show empathy; is non-judgemental; and has demonstrated skills in dealing with sensitive issues. All were trained and follow up sessions conducted.

Photo 9: Quantitative survey with adolescent girls

Sampling results: The quantitative sample included 30 children and 40 women and 40 adolescent girls. All were from the artisinal mining communities of Domaine Marial. The full outline of the sampling process is outlined in the Study Protocol (Appendix 1).

A second quantitative research was undertaken over a 5 week period which focused on children labour in the mines. This focused on 20 children between the age of 6 and 12 years of age. It measured the level of school absenteeism due to child labour; income earned; and motivating force behind children going to work.

Qualitative fieldwork was conducted in the same areas as the quantitative fieldwork, and involved 150 women, 50 adolescent girls, 100 children, 20 men, and 15 adolescent boys.

The qualitative fieldwork consisted of:

- House visits - interviews were conducted by the GSS Congo team and based these on semi-structured interviews designed to illicit life histories. These were conducted in the local language. These interviews were focused on women between the age of 18-50.

- Focus group discussions: 2 focus groups were conducted. The first was with a group of 15 men, specifically a sample of non violent men. The choice of interviewing nonviolent men was based on the rationale that, rather than looking for "causes" of men's violence (and then offer a "medicine" with future programmes), it would be more productive to study what creates "health"—that is, how do we understand men who, in spite of growing up in a violent socio-cultural context, do not become violent themselves. The second focus group was with the parents and carers of the children attending the informal school in the community. This was both male and female adults ranging from the age of 25-50. Both interviews were conducted in the local language.

[3] Watts C et al. Putting women first: ethical and safety recommendations for research on domestic violence against women. Geneva, World Health Organization, 2001

- PRA – Problem Matrix – a problem matrix was conducted with 2 women's groups (120 women, aged 20 – 60) 2 adolescent girls group (total 50 girls, aged 13-18). A problem matrix was also outlined with the parent's careers group (mix men and women). A

  The third PRA – Problem Matrix Exercise was with a group of adolescent boys. This was initiated by the boys themselves. The focus groups consisted of 12 adolescent boys aged 12-17 years.

  All the PRA – Problem Matrix Exercises were facilitated by the GSS Congo team and conducted in the local language (Refer to Appendix 3 for data).

- Mapping Exercise – This was conducted with the children in the community and involved the development of a map of their community as it is at present and then asking the children to project how they felt their community could be improved. This involved 100 children between the ages of 6 – 14 years of age. The exercise was conducted in the local language.

- Key informant interviews: Chef de quartier, church officials, local police chief, teachers, healthcare professional. .

  Key informant interviews conducted with government officials including the Deputy Mayor, and representatives from the Ministries of Education, Social Affairs, Environment, Planning, and Family, Children and Gender.

  Key informants from the donor and NGO community included UNICEF, international NGOs such as: World Vision, PACT International, Caritas, Lenten Foundation, among others; and local NGOs including the Salvatorian Sisters, the Legal Aid Centre, the Psychological Support Unit of the Notre Dame Sisters.

  Key informants from the mining industry included the representatives from Kamoto Copper Company (KCC) and African Minerals.

  The key informants were identified by the GSS Congo team in consultation with the research consultant. Interviews were conducted in French using a semi-structured questionnaire.

The data generated from the quantitative survey in relation to vulnerabilities facing children and violence and abuse against women and girls is indicative and not representative.

PROGRAMME DEVELOPMENT PROCESS

The data collected served to inform the development GSS Congo's programme in Domaine Marial, DRC. The process adopted the Logical Framework Approach. With the GSS Team a central problem was identified based on the research conducted at that point. This was identified as:

Breaking the cycle and abuse of women, girls and children in the artisanal mining community

The first analysis phase of the process included a:

1. Stakeholder Analysis, including preliminary institutional capacity assessment, gender analysis and needs of the targeted vulnerable groups and profiling the main stakeholders (Refer Appendix 4). This was then followed by an initial

2. Problem Analysis where the team profiled the main problems including cause and effect relationships. This was an initial brainstorm process (Appendix 5). Having undertaken the two exercises it was found that more information was required with regards to various stakeholders namely the mining industry. The initial problem analysis served as brainstorm of some of the contributing factors to abuse and violence against the target groups (women, girls, and children rather than a cause and effect relationship. It was felt that more information as required before this relationship could be clearly defined. The team identified the following contributing causes:

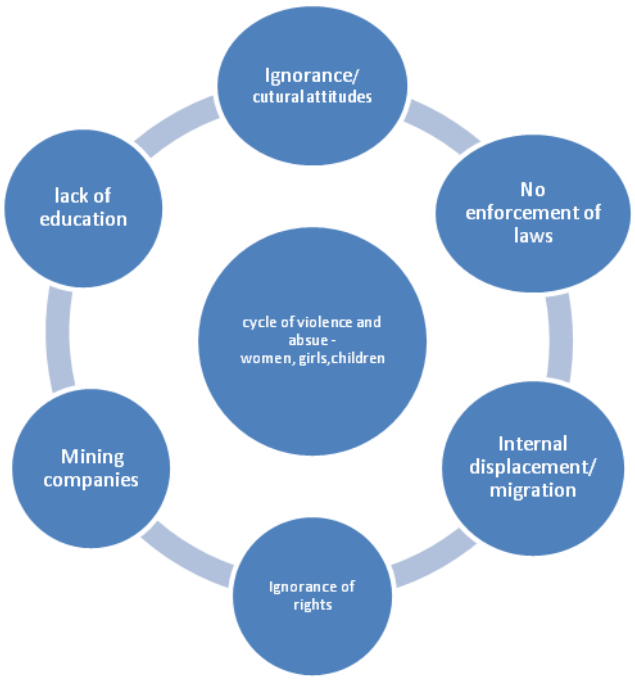


Diagram 1: Problem analysis brainstorm

Prior to the development of the final problem tree the analysis process followed an iterative learning process, rather than as a simple set of linear 'steps'. For example, the stakeholder analysis process was revisited and reviewed and refined as new questions were asked and new information came to light. This was the case before the final problem tree analysis was undertaken and before the logframe development process began. As a result of this process a more complex problem tree emerged with a clear cause and effect relationship (Appendix 6a).

3. Analysis of Objectives which identified the desired improved situation to be achieved in the future. This included developing solutions from the identified problems; and identifying means to end relationships.

4. Analysis of Strategies was undertaken comparing the different options to address a given situation. This stage took into consideration the core mandate and core business of the Good Shepherd Sisters and the findings from the analysis of GSS Congo's strengths and weakness in relation to the chosen strategies. Taking all this information into account the GSS Team selected the most appropriate strategy. Which were:

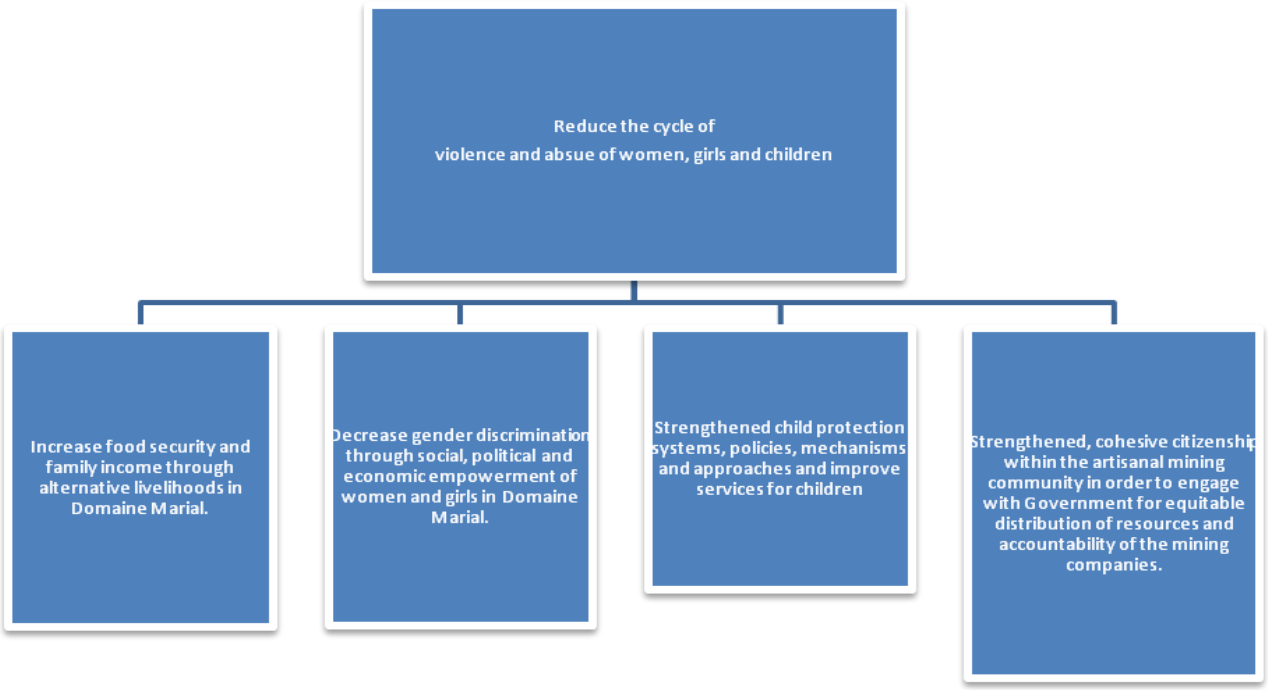


Diagram 2: Problem tree

In the Planning phase the results of the analysis were transcribed into a practical, operational plan ready to be implemented. In this stage:

- the logframe matrix was prepared, (Appendix 7) and
- activities and resource requirements were defined and scheduled, in a workplan (Appendix 8) and
- the budget prepared (Appendix 9).

This was once again an iterative process, and necessary reviews and revisions to the scope of project activities and expected results undertaken once the resource implications and budget become clearer.

The findings of the research outlined in this document served to inform the programme design and the development of the GSS Congo Strategy for the DRC.

FINDINGS AND RECOMMENDATIONS

Section I: Social And Environmental Context

Community Characteristics of Domaine Marial

Domaine Marial forms part of the agglomeration of unplanned satellite peri-urban centres surrounding Kolwezi city fed by the influx of people from rural Katanga but also from other towns and cities, including from neighbouring provinces, all drawn to these centres by the possibility of employment or work in the mines as artisanal miners.

The communities which make up Domaine Marial are connected to Kolwezi by the main arterial route connecting the DRC to Zambia. The road is not sealed, often becoming flooded during the rainy season which causes large part of the road being washed away or becoming severely potholed. Roads into the various communities are in greater disrepair which makes a number of the communities inaccessible except by four wheel drive vehicle.

Photo 10: Condition of the main arterial route road between Kolwezi and Zambia.

Overall the roads are not maintained or resurfaced. The poor district road infrastructure increases travel times and costs, and hence the costs of imported goods and services.

Transportation is limited with only one in four families reporting that they owned a bicycle. The majority of people walk. There is no public transport system which extends to the communities and private taxi owners charge 20USD to travel the 5 kilometres to the communities. This excessive figure is due to both the high price of fuel as well as drivers adding a fee for possible maintenance resulting from damage due to the poor road conditions.

Houses in the community are constructed from clay obtained from the many termite mounds that are found in the area. The clay is made into bricks ready for construction. Many of the houses do not have doors or shutters on the windows, using sacking or material as doors for protection against the elements and for privacy. The roofing consists of predominantly zinc sheeting held in place with large rocks. Although in half of the constructions other materials such as mud, plastic or cardboard sheeting or branches are used. Given that the wet season extends for nearly 6 months of the year, it is not surprising that the lack of waterproofing of houses was raised as a problem during the community consultation process. The children, and adolescent boys and girls reported that they were unable to sleep during the night as the floor on which they slept became inundated with water. As only one in four households has beds, the children and girls use their clothing as substitute bedding. This means that during the wet season children not only do the children not sleep, they are

obliged to wear wet clothing the next day. Only 65% of families own their homes, the rest are rent-paying tenants.

Photo 11: Clay bricks used for home construction

The average house has two rooms and houses an average family of 7 children. The communities are not serviced by basic infrastructure such as electricity, water or sanitation. Only 50% of houses surveyed have a pit latrine, of which half of these are traditional pit latrines. The remaining households have no facilities. Access to potable water is limited and the majority of households (65%) obtain their water from the river or one of its tributaries. Whilst this has a significant impact on young girls and women who are responsible for fetching and carrying the water, it is also a major health risk. The river is used for all forms of activities and the adolescent girls reported that they had to bathe and obtain drinking water from the same place where the carcases of dead animals were found, people were using as a toilet and taxi drivers and bus drivers washed their vehicles. Whilst this exposes the community, especially children to the threat of water borne diseases and the risk of cholera, the girls also complained that it exacerbated the genital infections they developed due to the lack of hygienic means to deal with their monthly menses. The lack of basic furnishing such as bed mats or beds is experienced by a significant proportion of families (70%). The adolescent girls also reported that when they sleep on the floor they are vulnerable to insect infestation such as termites, mosquitoes and caterpillars. It is obvious that mosquito nets are not used contributing to the high levels of malaria in the community.

1. Health

Malaria is by far the most common of the reported serious diseases in Kolwezi District followed by meningitis and measles. Ministry of Health figures for 2006 show that the Kolwezi district had 69,955 recorded cases of malaria of which 288 were fatalities. The figures for meningitis and measles for the same period were 187 reported cases, 20 fatalities and 2,079 cases and 22 fatalities respectively. Recent and reliable figures for HIV and AIDS are not available and the Ministry of Health figures for 2003 show that five out of 30 blood donors in a test were HIV positive (17%). In contracts other health centres run by the mining company *Gecamines* have revealed that figures stand at 4 -5% of adults tested. A partial explanation for the low reported HIV/AIDS infection rate is limited exposure to populations with high rates. This is partially attributable to the relative isolation of Kolwezi, poor access roads and the unattractive local economy, although the influx of workers from elsewhere and the rapid rise in the expatriate mining community is a risk for the spread of HIV/AIDS.

However, a number of large scale HIV and AIDS programmes have been implemented in the region by USAID, which include interventions in Kolwezi due to its location as a transport corridor, linking it to high HIV prevalence areas of Zambia and South Africa. The migratory nature of artisanal mining communities makes this a particularly vulnerable group. The qualitative research conducted with adolescent boys and girls revealed that HIV and AIDS was a concern in the community. The girls reported that in many instances girls are coerced into prostitution by the family in order to augment family income and in doing so were at risk of the disease. The boys were also concerned about the problem reporting that there was an increase in the number of men affected by HIV/AIDS and that

there was no medical care available to these men. The Salvatorian sisters who run a health centre, which includes a laboratory equipped for diagnosing HIV and AIDS, reported that the disease is a significant problem in the local artisanal mining community with prevalence rates standing at 7% of those tested. The lack of knowledge and use of condoms among women surveyed in the Study shows that there is a risk of the spread of the disease within the community (no women used condoms), when compared to the number of women who also reported that their husband had had a relationship whilst being married to them (40%) and the number which resulted in the male spouse having children with another woman (25%).

A consequence of the increase incidence in HIV and AIDS in the community has been the increase in HIV and AIDS orphans. The men, adolescent boys and girls reported that these orphans were badly treated within the community due to fear that they may catch the disease from the children. The discrimination against these children was also raised by religious leaders, the *Chef de quartier* and the local police chief, who reported a worrying trend within the community of accusing these children of witchcraft and sorcery. The usual term for these children *is enfants sorciers* (child witches) or *enfants dits sorciers* (children accused of witchcraft). These children have been accused of witchcraft and thrown out of their homes and are shunned by the community. Those interviewed reported that some of the children have been subjected to often-violent abuse during exorcisms, conducted by religious pastors from more extreme evangelical churches who spread this myth among the community.

Access to well equipped health services with trained staff and affordable drugs was a problem raised by all groups during the community consultation process. Kolwezi District has one hospital, six clinics, eight polyclinics, 101 'aires de santé' and 73 health centres. The latter also play the role of dispensaries although the community reported that medicines were not usually available and often too expensive to buy. Furthermore, women reported that healthcare workers in these health posts were usually badly trained and unable to provide the required health service. The Gécamines mining company, which is partially owned by the Government, operates one hospital (HPK in Kolwezi), a "VIP" clinic (also in Kolwezi) and several centres. The health centre closest to the project area is run by the government but it is deteriorating and understaffed and has very limited supplies. The community also reported that the staff at the health centre are badly trained and cannot provide reliable diagnoses of health concerns. Medicines are in short supply both at the hospital and health centres, due to limited funds. The women reported that overall their trip to the health centre or hospital resulted in the issuing of prescriptions with a long list of drugs which they could not find and which they could not afford. All health facilities charge for their services and in general services operated by Gécamines are more costly than those run by the State.

2. Education

Whilst the artisanal community houses people from varying educational backgrounds the majority are semi literate. The Study found that although 50% had received some form of education only 30% could read or write. With regards to the adolescent girls 57% attended primary school and on average attained level 4 primary school level. Of the 57% only 5% went on to secondary school and completed up to level 2 of secondary

Photo 12: The informal school classroom

school. Like the women, when the adolescent girls were asked if they could read and write only 35% of girls reported they could do so. These figures suggest that there are serious problems with girl's achievement in the education system. Children are also disadvantaged; all the children interviewed had never attended school until the inception of the informal education school that was started by the community.

Photo 13: Plastic containers used as seating in classroom

Kolwezi District had 18 nursery schools, 124 primary schools and 62 secondary schools in 2006. There is also a technical college, the '*Institut Superieur des Techniques Appliquees'*, and the University of Kolwezi). Twenty four primary and seven secondary schools were managed by Gécamines in 2003. Information for 2003 showed that there were 1.8 primary and high schools per 1000 population between the ages of 5 and 19 in Dilala where the project is located. However none of the children surveyed had ever attended school. Although basic primary education is free, the state does not deliver on this commitment. Discussion with the Ministry of Education revealed that teacher salaries are largely paid by parents and that equipment and text books have been supplied by UNICEF. Thus the children in the community do not attend the schools partially due to problems of access as well as poverty. Exploitation of child labour poses a significant barrier to educational attainment as children are made to supplement household incomes through working in the mines or as vendors in the market. Nevertheless, education for their children is a major concern for both women and men in the community. The commitment of families to the education of their children is evident in the fact that they have established an informal education school in the village of Kanina.

3. Infrastructure

No households have access to electricity and the majority do not have access to potable water. All the groups interviewed as part of the PRA felt that the lack of infrastructure and the associated services pose a problem to the community, especially with regards to access to potable water. All were realistic that these services would not be obtained in the short term and the provision of electricity was the responsibility of the Government. The men felt that a better short term strategy would be to conduct education programmes on water harvesting, management and purification. This was also shared by the adolescent girls who felt that knowledge of how to purify water would be of great benefit. Nevertheless, access to potable water was seen as a priority by all groups including children. The reported incidence of diarrhoea among children is significantly high as reported by the health centre staff as well as the children, 70% who reported that they had at least one diarrheal episode in the last week. The health centre worker also reported that schistosomiasis (bilharzia) is endemic, but cases are not reported and records are not kept by the Ministry of Health. Access to potable water also raises the problem of who obtains the water. Many of the villages are at least a kilometre from the river. The burden of fetching and carrying water often falls on the girl chid. The adolescent girls reported that the fetching of water was their responsibility.

Media access is limited to the use of battery powered radio of which one in five families have access. The availability of mobile telephones has provides a new and fairly inexpensive means of communication which the community is increasingly making use of with 40% of households owning a mobile telephone. Access to information is limited and knowledge of the outside world is limited.

4. Food security and hunger

The chaotic state of ASM sector has lead to the perpetuation of poverty as it attracts people away from other more sustainable livelihoods; compromises the level of education and skills for employment of young people; creates debt which can trap people into ASM; has little culture of savings; and inefficiently uses non-renewable resources with little revenue going to the state or being used in social investment. This is particularly evident in the agricultural sector in Kolwezi. Local farming produce has long been insufficient to meet local needs. The city is estimated to have imported 500,000 tonnes of agricultural products annually from 2004 - 2006[4].

Photo 14: Small vegetable plots in Kolwezi

The three pillars upon which food security is built: food availability (sufficient quantities of food available on a consistent basis); food access (having sufficient resources to obtain appropriate foods for a nutritious diet); and, food use (appropriate use based on knowledge of basic nutrition and care), are all beyond the ability of the artisanal mining community to meet. The surveys and the PRA exercises revealed that children including adolescent girls were surviving on one meal a day and in some cases the children had not eaten in two days (Refer to section on Child Protection). Teachers at the community school also reported that the children fell asleep or in some cases fainted in class because of lack of food. Malnutrition is reported to be widespread, particularly among children, and is associated with a diet consisting of mainly of cassava. When the children were asked what they had eaten at their last meals, those who could recall when they had eaten reported eating maize meal or cassava, some had vegetables such as manioc leaves or sweet potatoes with the maize meal or cassava and 90% of some children 8-12 years said they could not recall the last time they ate. The adolescent girls reported similar dietary composition of meals with only 10% having any form of protein in the form of fish with their maize meal. Hunger and malnutrition also affects the women who reported they eat one meal per day and the men reported that they suffered from hunger which affected their health and limited their ability to work.

[4] Occasional Paper No 35 Governance of Africa's Resources Programme, South African Institute of International Affairs. Natural Resource Governance, Boom and Bust: The Case of Kolwezi in the DRC, 2007 p5

Year round food security was identified as a significant problem by the men who reported that the urgent and pressing need to feed their families prevents them from engaging in alternative forms of livelihoods compared to artisanal mining which provides a quick and immediate source of income. The cost of food is also a problem, as a significant proportion of the commercially grown produce and meat products sold in Kolwezi come from other districts. The men felt that if alternative livelihoods were to be viable then diverse forms of farming needed to be considered so that year round food security could be assured. Furthermore, the men, women and adolescent boys and girls reported that they did not have the necessary skills and knowledge required for agriculture and animal husbandry, therefore training programmes need to accompany any alternative livelihoods programme in the community so that it is viable and sustainable. The simple allocation of goats or other small animals for household husbandry activities would not help the community in breaking its reliance on mining for survival. The lack of skills coupled with limited resources goes some way in explaining the limited use of agriculture within the community which the Study found. Of the households surveyed 15% were engaged in some form of agricultural production, 10% owned small animals such as chickens, pigs or goats and a further 10% owned a cow.

Photo 15: Insufficient arable land for vegetable growing

Having left their traditional homes, the artisanal mining community has no access to productive land for farming which could produce yields that could sustain them and their family and assure food security. Although 70% of those surveyed reported that they owned land (36% of which this was shared with someone else). These plots are small and insufficient for assuring year round food security. Land surrounding their homes is sometimes used by families to grow some vegetables which include maize, manioc and pumpkins. The majority of families do not have access to seeds or tools to be able to grow sufficient quantities to ensure food security.

Compounding the food security problem and the lack of development is the absence of a culture of financial savings and the lack of financial management capacity within the artisanal mining community. Money earned is usually spent quickly and at times fecklessly. Of those surveyed 100% reported that they had no savings and when asked if in an emergency, families could survive for 4 weeks either by selling things that they owned, or by borrowing money from people they knew, or from a bank or moneylender, only 65% said they could survive. This reflects the immediacy of life in such communities. Stakeholders including the representatives from the Ministry of Environment and Planning, the local police chief, religious leaders and the *Chef de quartier* all reported that communities did not think beyond the present and their focus was solely on survival. Planning for the future – an essential prerequisite for any system of savings, does not feature prominently in the community.

During the PRA exercises both the men and women reported that they did not have any functioning revolving loan system in the community or micro-credit scheme. Interviews with other stakeholders revealed that micro-credit schemes have been implemented in the past in artisanal mining communities but they have been unsuccessful. What was noteworthy from the PRA exercise was that the men's group had some understanding that part of their problems was the lack of financial management skills and felt that if alternative livelihoods were to be successful this must be

accompanied by education on financial management and business management skills. Contrastingly, the women reported that their problems, whilst diverse in nature, could be solved with the provision of money. Income generation activities and the lack of revolving loan systems or a microfinance initiative were all linked to lack of money. When challenged as to why they did not have any income for income generation activities, they eventually raised the fact that they were not well organised into any grouping to support such activities.

A significant problem for the women, especially married women, is the lack of ownership rights. Traditionally land ownership resides with the men, although if women do have property the management of all property is entrusted to the husband. This limits their ability for economic independence and risks that assets which she may bring to the marriage can be sold or leased to other parties without her consent.

Photo 16: Men's meeting

All land in the DRC is vested in the State and its use can be granted by the State. Some land is managed by traditional leaders, and this role is officially recognized. Chefs de Terre allocate and authorize the use of small parcels of land, and may delegate this authority to Chefs de village for smaller agricultural plots for an informal annual fee. For bigger areas of land Chefs de Terre may allocate the land, but a temporary authorization for use has to be granted at a higher level. The artisinal mining community could apply for lease of fertile land, although at 5 kilometres from Domaine Marial, the problem is that most citizens do not have an understanding of their rights under the law, therefore are not aware that they have such a right even though this right does not assure right of tenure. Religious leaders and the representative of the Ministry of Environment, the ministry responsible for land allocation, confirmed that communities can apply for land to be allocated to them for farming, although this must be approved by the local Mayor. The problem is that the artisinal mining community is unaware of their rights under the law and is ill equipped to access these rights. This lack of knowledge of rights is one felt by most of the groups consulted during the PRA exercises. The men's group reported that the people are ignorant of their rights, and that there is a real need for rights education within the community.

5. Democratisation and Governance

The absence of an understanding of rights lies in the absence of a defined and well established democratic system in the DRC.

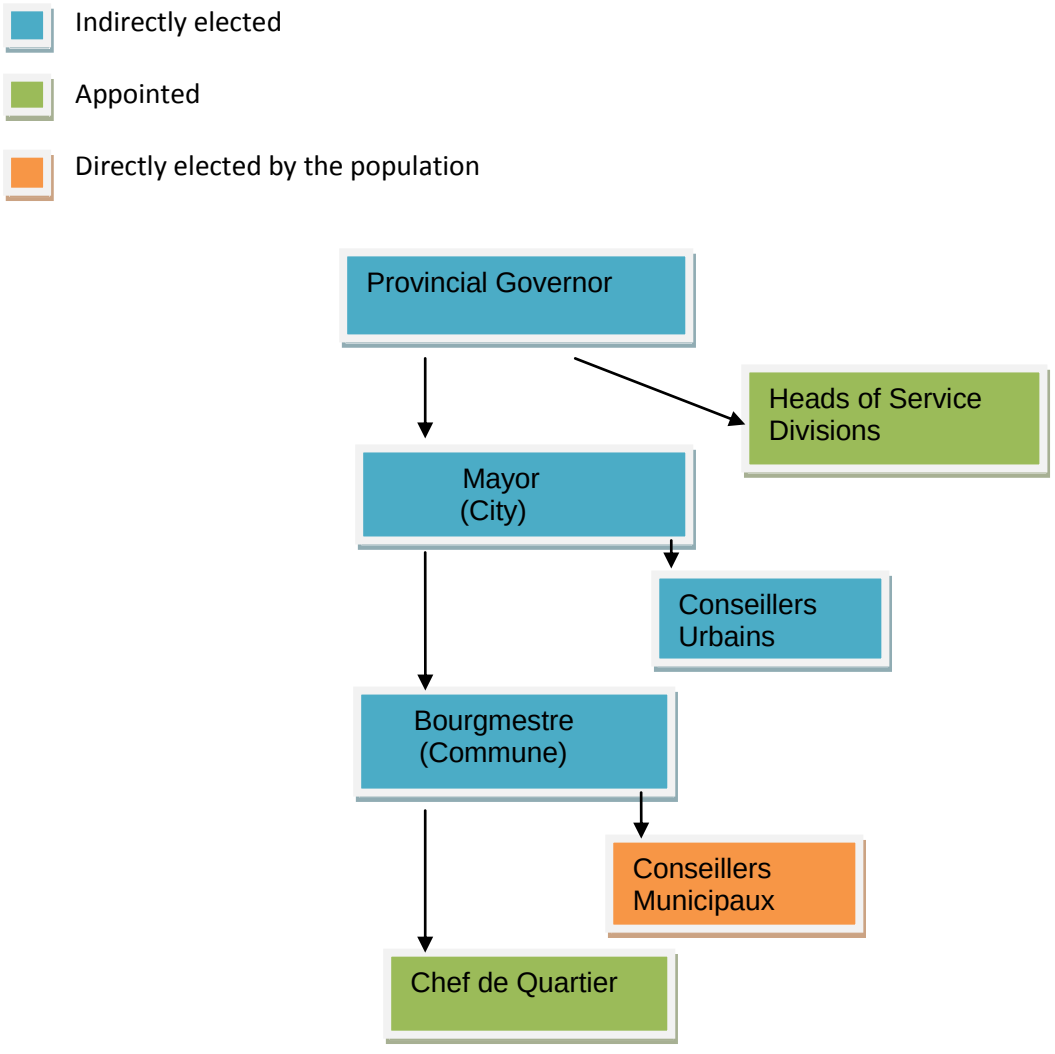
Being disenfranchised and marginalised by the government was a common complaint within the community. The men in particular felt that the government largely ignores the artisinal mining communities and that they were perceived by the residents of the more affluent communities in Kolwezi and by politicians as *violent, useless, and worthless*. They also felt that as the Government is corrupt and does not care about the community, they take no responsibility, as was evident in the lack of investment in basic infrastructure and services such as roads, sanitation, electricity, water, healthcare and schools.

The political system in The DRC requires some analysis in order to comprehend the problems of local governance. Colonialism, dictatorship and civil war have characterised much of the country's recent

political history. In 2005 a national referendum resulted in the approval of the country's constitution and electoral legislation approved by the transitional parliament, established the procedures for the general presidential, legislative and provincial elections of 2006-07, the first multiparty elections in the DRC in 40 years. Six years after the elections, progress on consolidating the structures and authority of the national democratic institutions and the decentralisation process has stagnated and local elections planned for 2009 have continually been postponed.

Under the constitution the political system in the DRC should be a decentralised system characterised by a mix of appointed posts and directly- and indirectly-elected posts. The 2006-07 presidential, legislative and provincial elections resulted in the installation of some elected officials who sit at the decentralised provincial level, namely the governor, vice-governor (under Congolese electoral law, governors/vice governors and senators are indirectly elected by the provincial assemblies) and the provincial assembly members (known as deputés). In addition, senators and national assembly members have a national mandate and serve in the capital Kinshasa, but represent their province or local-level constituencies.

Diagram 3: Organigram of the formal structure of the provincial and local government for urban areas relating to Kolwezi and the project site



Other key state officials are in place at the provincial and local levels that have either been appointed by the central government or the provincial governor such as the *Chef de quartier*. In urban areas such as Kolwezi, the mayor, the bourgmestres of each of the city's communes and their advisors should be elected, but in 2008 a number of local government posts nationwide were filled by presidential ordinance, thus bringing into question the government's commitment into holding local elections. The continual postponement of election means that the accountability relationship that democracy engenders between citizens and the leaders in closest proximity to them does not exist. This is particularly relevant to Katanga province with its vast mineral wealth, as unelected politicians such as the Mayor remain in control.

Furthermore, the decentralisation process which should have heralded in the constitutional requirement in Article 175 which requires 40 percent of provincial revenues to be retained at the source, rather than being sent to the central government, has not taken place. This is also a very contentious issue for resource rich provinces like Katanga. Discussion with representatives from various Ministries (Environment, Planning, and Education) on the decentralisation process and the link to control of revenue from the mines is met with a reluctance to comment and a standard reply that control of the mines lies with politicians in Kinshasa.

Civil servant, local politicians and the men in the community did not feel in a position to be able to hold local or provincial-level leaders accountable. The inability to hold local level government accountable has reinforced the traditional view of political elites as omnipotent. Focus group discussion with the men revealed a general lack of understanding of how the democratisation process changed the old relationship between the state and citizen. While there was an understanding that that their vote conferred power on the elected official, there was less understanding of the power the electorate had over the leaders. This lack of understanding shows that the electoral process has so far not generated the strong links between state and citizen, which has come about because the government has not invested in citizenship education initiatives.

The fact that local politicians are not currently elected makes them secure in the fact that they are untouchable. This has given rise to politicians feeling they do not have to serve the electorate. This was evident in discussion with the local Deputy Mayor. When asked questions related to how the local government saw the role of NGOs in addressing issues related to vulnerable women and girls in the community, the research team were told that he would have to stop the meeting and questions would have to be put in writing for the Mayor to respond. He then proceeded to explain that his role was to serve the Mayor and had done so for the last 5 years and was reappointed to the post because of his success. As for the women and girls in the community they he believed that girls were no longer listening to their parents which led to them becoming pregnant and women were neglecting their children and both needed to be re-educated and provided with skills so that they could support their families as they were unemployed. On mentioning that men were also unemployed as there were no longer as many jobs in the mines, his response was that the mining companies could not employ everyone. Although anecdotal, this encounter provides an insight into the mindset of politicians and who they serve. It also would seem to confirm the community's perception that the Government does not care about them. As long as positions in government remained appointed and not elected, and the electorate remains ignorant of democratic processes, the status quo will remain.

The entrenched nature of the "rules of the game" described above suggest that there are many challenges for local NGOs in trying to promote democracy and better governance at the local levels in Kolwezi. However, "business as usual" is likely to continue to neglect and disenfranchise the artisinal mining community instead of them being a powerful democratic force pushing their leaders for reform.

At the same time, the leaders at local level who live day-to-day with their constituents lack resources to implement state-funded community projects. Although they are susceptible to public pressure, they often cannot deliver, creating frustration on both sides. Being excluded and not being given sufficient resources by their superiors were common complaints at all levels of local government in Kolwezi. The *Chef de quartier* complained that he did not have the power or resources to do anything in the community, but was blamed by the community for the lack of development. He reported being frustrated by government corruption not only with the lack of resources for community initiatives but also that local politicians like him are often not paid. He also reported that in the absence of physical access to key decision-makers, he had repeatedly written letters to higher authorities about various pressing needs but has never received a reply.

Government failure to pay civil servants and service providers (judges, local politicians, police, teachers, heath care workers) a fair wage, on time, and consistently only serves to further entrench the system of corruption which permeates the society. Of further concern is that the payment of bribes is not looked upon as an act which circumvents the democratic process but an understandable means by which everyone can at least make a living, therefore no one is outraged that a police officer is paid a bribe as the attitude is that he also needs money to survive. For those in the lowest levels of the hierarchy, such as a police officer who has not been paid for months, taking a bribe is a matter of survival. For more senior members of the hierarchy, vast sums are said to find their way to offshore bank accounts or property investments in South Africa, Europe, or elsewhere.

The Study found that there was broad stakeholder acknowledgement that people needed to be educated on the roles and responsibilities of different actors in a democratic state, in particular the formal checks on executive power, at a level far deeper and more long term than the electoral education. Civic education should focus in particular on what citizens have a right to expect and demand of their leaders once in office.

Women's status in their communities requires particular attention if they are to be regarded as equal members of society. This would help them gain confidence and galvanise financial and political support around their eventual campaigns. Because of their low status in society, the women in the artisanal mining community also felt they especially needed to be educated in their rights.

6. Community Cohesion

The rapid increase in population in the project sites has resulted from economic migrants moving to the area in the hope of finding employment as artisanal miners. Some work in demand led service provision directly associated with work at the mines such as carrying water, selling food, and transportation. This has been further exacerbated with the war and continued conflict in the east of the country.

The ASM communities can best be described as fragile, volatile and dislocated. Of the households surveyed 85% have come to the area from either outer lying areas in the region or from other regions of the DRC. Population growth in the artisanal mining communities is largely due to economic migration. This phenomenon also serves as a barrier to communities working together as many of the miners leave the area for extended periods of time to seek work elsewhere in the region and country in response to the fluctuation in the global demand for minerals.

Whilst in the 1970's the population was of predominantly local Kaonde and Ndembo ethnic groups, ethnic diversity is now much broader. However in the absence of any census since 1984 it is difficult to ascertain the degree or range of ethnic diversity. The multi-ethnic composition of the

communities further complicates approaches to governance in communities as tribal values and practice vary significantly. The lack of any cohesive governance structure does not bode well for commitment to the community and fuels crime. The Chief of police acknowledged that the multi-ethnic diversity of the artisanal mining community has meant that the lack of understanding of rule of law leads to criminality within the community. Whilst the *Chef de quartier* reported that the community did not have a crime problem, this was contradicted by the men and the adolescent boys. The latter also reported that adolescent boys and young men were turning to crime in order to obtain alcohol, drugs and pay for sex. They also reported that mob justice was now taking place to deal with anyone who committed a crime which often resulted in the perpetrator being severely injured.

The survey results corroborate what the adolescent boys reported. The Study found that 75% of women surveyed were concerned about crime in the community and 45% reported that someone in their family had been a victim of crime within the last 4 weeks. In addition, the Study found that there were high levels of violence between men. Of the women surveyed 40% reported that their husband had been involved in a physical fight with another man in the last month.

The issue of ethnicity is not one to be ignored as ethnicity has been used in the past by politicians to fuel unrest resulting in xenophobia, community tension and antagonism. Kolwezi has in the past experienced large scale relocation of its population along ethnic lines. The Kasai who had settled in Katanga to construct the railway during Belgian colonial rule had, with the exception of the secession period (1960-1963), lived in harmony with the original Katangan population of the region. Under the Mobutu regime, however, the Katangese felt politically marginalised and criticised the Kasais for taking up too many jobs and management positions, in particular in the largest mining firm, Gécamines.

On 20 February 1993, at a meeting held in the Place de la Poste at Kolwezi, the Governor incited the Katangese to drive the Kasais out of Gécamines and take over the management positions in the firm. Forced displacement of the Kasais of Kolwezi, was undertaken by the local militia with the support of the gendarmerie and in collaboration with the municipal and provincial authorities. Between 24 March 1993 and January 1994 a total of 1,540 Kasai refoulés died due to lack of food and medicine or as a result of diseases contracted whilst in refugee camps. Many were helped to escape by both the religious sisters and the Salvatorian Fathers. By 14 January 1994, fewer than 5,000 Kasais remained in Kolwezi.

The fear that politicians will use inter-ethnic tensions exists to date. In November 2012, there were riots in Kolwezi as the artisinal miners held protest in response to the restriction on the number of artisanal miners given access to the mines. Discussion with the men revealed that inter-ethnic violence was of significant concern. They reported that there is concern and fear in the community that violence and crime will once again erupt as it did in the early 1990s, due to the restrictions imposed on the number of men who have access to the mines, which means that their only form of livelihood has been taken away. They also fear that in order to quell unrest against the government the politicians redirect these tensions by instigating blame along ethnic lines which will result in people resorting to violence amongst each other. The response of the local Government to these concerns is negligible. When asked what the Government was doing in response to the concerns of the miners the Deputy Mayor responded that the mining companies could not be expected to have jobs for everyone. In short, the politicians at closest proximity to the communities have no overall plan to address the increasing tensions in the artisanal mining communities.

The multi-ethnic composition of the community has contributed to the alienation and divisions felt by community members and the lack of cohesion which characterises the artisanal mining

community. The adolescent girls who had come from other regions of the country reported that they felt isolated and alone, as they often did not share a common language with which to communicate and were treated with suspicion by other community members. This feeling of alienation was also shared by the women, one in 4 of which reported that they did not know their neighbours. In addition only 55% of women felt that a neighbour would be willing to help them in the event that someone in their family suddenly fell ill or had an accident. Both the adolescent boys and girls also reported that there was a lack of role models within the community. There was a clear sense from these groups that they felt lost and ill equipped to deal with life as partners and the community failed to provide any guidance to the younger generation. Yet, during the community consultation process these groups proved themselves to be open to changing their community, especially the adolescent boys who specifically asked the research team to have a meeting in order to outline some of their concerns with regards to their community.

The lack of cohesion within the artisanal mining community was also felt to be responsible for why the community is reluctant to commit to development actions. The chief of police reported that this lack of cohesion and reluctance to collaborate with one another stems from people being jealous of one another, especially if one community member is seen as having more resources than the others. Also competition for limited jobs in the mines compromises community cohesion and fuels these divisions. That there is a real or a perceived reluctance to engage in projects that serve the community as a whole by community members was supported by the survey finding which showed that only 60% of those surveyed felt that most people in the community would be willing to contribute time, labour or money to a community project. The men also reported that there is lack of motivation on the part of the community to engage and commit to development activities which is partly due to idleness and a lack of cohesion within the artisanal mining community but also due to a sense of hopelessness and helplessness within the community. The issue of hopelessness and helplessness was particularly acute amongst the men. Discussion with this group uncovered a deep seated feeling amongst the men born of their inability to fulfil their traditional role as the provider for the family and having no outlet in the form of support groups or sporting and hobbies to be able to escape this mental pressure. In the absence of programmes to support and help the men, they are turning to alcohol and drugs which in turn leads to greater conflict both within the family and the community. The degree of alcohol abuse by men in the community was reported by several stakeholders (Police*, Chef de quartier*, religious leaders) as well as the adolescent boys and the women. That link between men's mental health, alcohol abuse and violence within the community and in particular the family is one which will require more detailed analysis and research.

Religious leaders also reported that the hierarchical culture of the society also contributes to stifling initiative. This may explain why only 2% of women reported that they were part of a formal women's group and men reported that there are no groups for men even ones which allow for sporting activities. The transient nature of the mining community and the men in particular also makes it difficult for people to commit to projects. This is mainly linked to their economic vulnerability as men leave their homes in the community to travel to other areas and regions in search of work. This also leads to men abandoning their families and resulting in single parent households led by women. As traditionally women are dependent on men economically, women are ill equipped to provide for their children once their husbands abandon the family. Although these women are entitled to child maintenance support (*alimentation familiale*) from their husbands, the lack of knowledge of their and their children's rights under the Family Code coupled with the inability to access the justice systems means that they are left with the burden to provide for their children whilst lacking skills that can lead to gainful employment or income generation. This may explain why mothers were found to be the predominant partner sending the children to work in the mines (Refer to Section - Child Vulnerabilities).

Despite the lack of community cohesion, the potential for leadership does exist among the adults in the community, but it is evident that suspicion within the community also stifles initiative. The arrival of GSS has served to galvanise the community around a common issue that the community see as a priority – schooling for their children. For a community that does not have a history of working together it is notable that the school has developed from a dream into a reality, if very basic and under resourced. The school buildings were donated by a community member, a school committee established and community members who are educated donate their time to teach children as well as conduct literacy classes for the women and English classes for the men. Part of the role of the committee was to raise some funds to undertake repairs to the school building and build an extra classroom as well as to initiate a school feeding programme. The partners donated the money but when the money was collected the school committee wanted GSS to take the money and guard it. The reason they wanted this is that they were afraid that they may be accused by the members of the community of stealing the money if they held the money overnight. This mistrust amongst community members was corroborated by the findings of the survey. When women were asked: In this neighbourhood 'Do most people generally trust one another in matters of lending and borrowing things? 70% replied no. This goes some way in explaining why leadership is so frail within the community.

7. Youth

Photo 17: The children's consultation process

Following the PRA session conducted with the village children a group of young boys approached the research team and expressed their concern that some elements had not been included in the community map that the children had produced as they had not thought of these things at the time. They asked if they could be granted a meeting to discuss these issues but also that they were concerned about the amount of drinking and alcoholism there was in the village. They then pointed out to the research team a group of men across the path in the compound opposite them saying that the men had just woken up and were having alcohol for breakfast. The boys said they did not want to be like the men and wanted things to change. The meeting was agreed to and scheduled into the research programme. Although the adolescent boys raised several social issues affecting their community (Refer to the Appendix 3), they also outlined the following about their community:

- There is a general lack of motivation on the part of the community and people in the community were idle
- There is no general support for children so the children have to work things out themselves
- There are no role models/leaders in the community.

Whilst the boys were discussing solutions to the problems they had

Photo 18: Boys meeting – action planning

identified, they raised the issue that no one co-ordinates activities especially recreational activities and they didn't know how to start up such activities. Present at the meeting was a retired scout master who had contacted GSS to donate his services and that of the scout movement to their work. He had attended the earlier meeting with the men's group. He had had stayed behind to listen to the boys after he was informed that the boys had requested the meeting. When the boys were discussing the difficulty in starting up recreational activities the researcher told the boys that the gentleman in the room was a scout master and to ask him what they should do. The boys enthusiastically approached the scout master who proceeded to tell them how they go about forming a co-ordination and planning group. After the discussion and motivational talk the Problem Matrix was completed with a statement of commitment by the boys. At the end of the meeting the boys informed the research team that they were going to hold a youth group meeting to discuss their plans. On leaving the village the researchers found the adolescent boys outside the meeting room conducting their own meeting with all those that had attended the earlier meeting participating in the planning. It was noteworthy that some of the youth fell easily into leadership positions and were facilitating the meeting. The potential for leadership does exist especially in the young, but in the absence of role models, coupled with the community sense of hopelessness, that potential is not nurtured into action taking and initiative.

8. The Mining Sector

Kolwezi owes its existence to the mining sector. The life of the communities around Kolwezi cannot be fully grasped without an understanding of the operations of these mines. This report will only focus on the aspects of the mining industry in DRC which have immediate implications for the communities in the project sites. Specifically, how changes in the extractive industry in DRC is effecting the lives of the artisanal mining communities; the social development requirements of mining companies under the Mining Code; and the role of government in requirements of the communities

Kolwezi was created in 1937 to house the headquarters of the Belgian company, Union minière du Haut Katanga, which, following its nationalisation in 1967 became Générale des carrières et des mines (Gécamines), a State mining company. Today Gécamines is known as Kamoto Copper Company (KCC) and is particularly relevant to the project site as they own the mining concessions closest to the site. Kamoto Copper Company is a joint venture, 75% of which is held by the Katanga Mining Limited (KML) company and 25% by Gécamines. It is the result of a merger in July 2009 of two former competitors: the former Kamoto Copper Company and the DRC Copper and Cobalt Project. KCC is particularly relevant to the project site as it is

The town sits upon the largest cobalt and copper deposit in the world yet it is marked by recession, unemployment and poverty. The recession began in the late 1990s, when Gécamines' financial and management problems caused a drop in production by nearly 90%. There were huge numbers of dismissals by the company as it became privatised in 2003. In 2003 alone 10,600 workers were dismissed. Presently, most of the mining operations in Kolwezi are joint ventures between the former State company and foreign multinational companies.

As part of the Government's initiatives for allowing private sector investment a new Mine Law and regulations were passed in 2002 and are encapsulated in the Mining Code. This action, together with high commodity prices in 2007-08, resulted in a renewal of investment in exploration and exploitation activities. This has not resulted in a positive economic outcome or improved well-being of the general population. Whilst the Mine Law and regulations of 2002 are consistent with international best practice, the Government's effective application of the Law has been assessed by the World Bank as wholly inadequate.

A. The Mining Companies:

The 2002 Mining Code 2003 Mining Regulation clearly state that to obtain an exploitation licence, a company must provide the mining registry with an impact study and an environmental management plan, as well as a plan detailing the project's contribution to the development of the surrounding communities:

> "The applicant shall draw up its application for an Exploitation Licence and lodge it with the Mining Registry, in accordance with Articles 35 and 37 of this Code. The application shall include:
> - the report on the consultations with the authorities of the local administrative bodies and the representatives of the surrounding communities;
> - the plan for the project's contribution to the development of the surrounding communities." (Article 69 of the Mining Code).

An open and transparent consultation process must be followed in the development of such studies. The law also details that the mining company must conduct information sessions to inform the local populous about the mining project including how the land will be transformed and the impact on the environment. Article 480 of the Mining Regulation states that the communities who should be involved are the inhabitants who live beside the mines, beside the operational sites, plants, electrical exchanges and also those who take drinking water from a river that will be affected by the company's activities. This is a point of contention with the mining companies. Interviews with representatives of African Minerals and KCC revealed that the mining companies felt the description to be ambiguous. Given that KCC cover more than 40 km^2, it is evident that mining companies dispute the clarity of the Article. Not only would this entail significant cost and time in conducting the required consultation process, it also means that economic and social development programmes they are required to undertake for the communities would involve whole catchment areas and require significant investment.

The objectives of the environmental impact studies and the community development plan are twofold:

1. "reduce the harmful effects of the mining operation or open pits, such as shocks, noise, dust, etc. on the activities of the human beings and animals who live around the area" (Article 452, point f of the Mining Regulation).
2. make a positive contribution, thereby improving the living conditions of the populations. This positive obligation is detailed in Article 425 e of the Mining Regulation: "The elaboration of the Environmental Management Plan of the Project must improve the well-being of the local populations by implementing economic and social development programmes and by providing compensation for the populations in the event of displacement from where they live."

This means that the company's corporate social responsibility policy should not be limited to the once-off construction of a school or hospital, that it should not be determined solely by the management bodies but rather it must be based on a regular, open and transparent dialogue with the populations in order to learn of their needs, and to put projects in place that correspond to their needs.

In addition, this dialogue should not be restricted to a single consultation prior to the completion of the project, but should continue throughout the mining operation, as yet again stipulated by the regulation. "The holder of a licence must maintain a constructive dialogue with the communities" (Article 477 d).

Although the Congolese law clearly states what is required, meeting with community members and stakeholders has revealed that KCC, who is responsible for the Dilala area where the project is located, had not conducted the necessary consultation processes nor had it maintained community dialogue. The community also reported that there was no evidence that any such programmes had been implemented. In interviews with representatives and the community liaison officers from KCC this fact was disputed and maintained that they were operating in the Kanina area and consulting the communities.

KCC had contacted GSS and made efforts to support their vocational education through the purchasing of a few sewing machines; an offer which does not conform to the requirements of the Mining Code. At a subsequent meeting with the representative of the Ministry of Planning we were informed that several of KCCs officers who were responsible for overseeing the community economic and social development programmes had been dismissed for defrauding funds destined for such programmes.

Several NGOs are currently working on the accountability of Government and Mining Companies under the Mining Code. World Vision Congo has conducted monitoring visits to inspect KCCs social development programmes. Most were found to be superficial programmes that brought no lasting benefit to the community. Interviews were also conducted with the Swiss Catholic Lenten Fund who had also investigated the same programme. Their research also found that there were consistent cases where there were gaps between what KCC claims to have put in place in terms of a dialogue process and the lack that the communities affected by the activities complain about.

The provision of water in Kolwezi and its surrounding *quarti*er, of which Dilala is a part, is a major problem. Stakeholders reported that they had approached KCC with regards to water provision to the community on several occasions but had never received any reply. During the meeting with KCC staff, they were asked about the issue of provision of water. They reported that they only drilled wells and had drilled a number of these in the communities, although none exists in the Dilala area. When asked if they provide infrastructure improvement or in more isolated quartiers where there was a possibility for water extensions, the community liaison officers said this was not KCCs remit, and that it was the responsibility of the Government to provide such infrastructure. Swiss Lenten Fund found similar results. Communities reported that they sent letters to KCC which:

*'They often do not respond to, considering that such investment is not within their remit. An analysis of the situation on the ground reveals, however, that the reality is more complex: in a country at risk, with a weak State and when the private companies have often contributed to the deterior*ation of *the infrastructure*, *they cannot simply close their eyes and deny any responsibility*.'[5]

Although the Mining Code and regulations are in place, lack of Government investment in regulatory bodies to monitor the mining companies, coupled with the fact that communities are largely ignorant of their rights under the Mining Code, allows mining companies to act with impunity.

B. Artisanal mining sector:

The artisanal and small-scale mining sector is the most important segment of the mining sector, not only because it produces the highest volume of mineral commodities, but also because of the people dependent on artisanal mining. The World Bank estimates that there are an estimated 10 million people, 16 percent of DRC's population, who either mine directly or are dependent on artisanal

[5] Glencore in the Democratic Republic of Congo: Profit Before Human Rights and the Environment. Chantal Peyer and François Mercier, Bread For All Catholic Lenten Fund, 2012.

mining for their livelihood. Kolwezi's 30,000 artisanal miners can be estimated to be supporting 750,000 for their livelihood, given average family sizes in the community.

The artisanal sector presents several challenges for the Government that are distinct from those in other segments of the mining sector which are outlined below:

C. Conflict:

First, there is significant potential for conflicts between artisans who occupy concession areas that industrial companies wish to develop and for which the companies hold the legal mineral rights. The activities of the artisanal miners are authorised by the Congolese Mining Code: "In the areas of artisanal exploitation, physical persons of Congolese nationality, who hold an artisanal miner's card, are authorised to exploit gold, diamonds, as well as other mineral substances." However, when the miners carry out their activity on private concessions, they must come to an agreement with the companies. If they fail to do so their activity will be considered as illegal, and may be pursued at any time.

In Kolwezi, thousands of artisans have invaded the concessions held by Gécamines and other companies. They extract the highest and best grade heterogenite and copper ores, and sell to various intermediary and smelting companies operating in the province. In some instances artisanal miners have been removed from the concession area scheduled for industrial mining operations. Forced removal of the artisans has caused significant strife and protests were held by the artisanal miners in Kolwezi in November 2012.

Interviews with the Deputy Mayor revealed no government plan exists on how to address the lack of work available for artisanal miners and that mining companies could not be expected to provide employment for everyone.

The difficulties of attracting artisanal miners away from the sector and into alternative forms of livelihoods are primarily economic: in spite of the dangers and dismal working conditions in the artisanal mining sites, the artisan believes that he can strike it rich. Indeed, the average remuneration for artisans in the principal mining areas is significantly higher than the GDP per capita or the revenues that a miner could earn in farming or some other occupation. Discussion with the Salvatorian fathers who have worked with the artisanal mining communities in Kolwezi for many years confirm that the immediate and substantial rewards from mining impedes progress on redirecting men into alternative livelihood programmes. A system whereby all year round food security is assured and diverse forms of alternative livelihood are initiated within the community to guarantee earned income would be a more sustainable approach.

D. Vulnerable groups:

The Study found that 45% of children work in the mines. Child labour laws exist in DRC but they are not enforced and under present circumstances, are not enforceable. The Study found that children earned between 1 to 5 USD during a school week and some earning as much as 15USD per week (Refer to Section – Child Protection). The Study also found that children were exposed to health and safety risk when working in the mines and were being taken out of school in order to work and earn money for the family.

Forty-five percent of women surveyed worked in the mines, undertaking tasks such as quarrying, crushing or washing the minerals. Some women have lost their husbands to accidents and stay in the mining communities because they have no other source of livelihood. The women reported that they were also forced into prostitution in order to feed their families. The indirect effect of limiting

access to mines has been the breakup of families. Forced to migrate to other areas in search of work, many of the men are reported to abandon their families and begin a new life and new family elsewhere.

E. Health, safety and security:

Artisanal miners have no adequate safeguards with respect to health, safety, security, and environmental protection. Artisanal miners have no access to health care, and Government health workers rarely, if ever, visit the sites due to lack of transportation or difficult logistics.

The miners lack even rudimentary safety equipment such as proper footwear, hardhats, and protective eyewear and clothing. Working conditions are exceedingly dangerous. They descend into pits without proper shoring or ventilation. Trench cave-ins and suffocation cause many deaths. Though there are no reliable statistics community members reported that several men had lost their lives in the mines. Various stakeholders raised concern about the long term impact on the health of miners, in particular the women and children. The representative from the Ministry of Environment reported that there have been reports of foetal deformities linked to women's exposure to uranium. The tunnelling activities of the men also expose them to potential long term health risks as there may be uranium radiation given the presence of this substance in the region's sub-soils.

Children are also not immune from the health risks associated with the artisanal mining sector. The representative from the Ministry of Environment expressed concern that children will suffer arthritis and rheumatism due to the extended period they spend in pools of water in order to wash the minerals before they are sold. The effect of mining on children's health is not an area which has been researched in detail, but findings from the Study revealed that children are exposed to dust, gases, and high levels of noise which can all lead to longer term health problems (Refer to Section – Child Vulnerabilities).

Lack of effective coordination among various government ministries contributes to the lack of health, safety and security measures in the mining sites. The Ministry of Labour is not as effectively involved as it could be in enforcing labour regulations and the Ministry of Family Gender and Children do not act to ensure the prevention of exploitation of children in mines. Ultimately, the responsibility for health and standards should be shared by the Ministry of Mines in association with other relevant government ministries and departments who should be working together.

F. Extortion by government official:

Artisanal miners are frequently subjected to extortionist behaviour by government officials as well as criminal elements. An adequate system to guarantee the artisanal miner's legal rights does not exist, nor has the Government established the special artisanal mining zones provided for in the Mine Law of 2002.

During the consultation process with the community it was reported that extortion by government officials is a common occurrence in the artisanal mining sector. It is alleged that members of the National Security and Information Service, the national police, army, Mining Committee, Division of Mines, and SAESSCAM (Assistance Office for Artisanal and Small-Scale Miners) all enter the artisanal mine sites and extort payments. Both the men and the women in the community reported that in order to obtain access to mining sites to work they are forced to pay a bribe to officials.

The Mine Law of 2002 authorizes the Ministry of Mines to designate zones reserved for artisanal miners. No such sites have been designated in and around Kolwezi and of the 5 zones opened designated in Katanga province only one remains operational. Unfortunately this one areais too

small a surface area to accommodate the miners and is located some distance from urban centres and transport infrastructure.

G. Debt:

To mobilize finance for artisanal mining, the artisan is frequently indentured to middlemen and financiers who, while playing a legitimate and valuable role in the sector, often charge usurious rates or fail to give full market value for the minerals produced.

Many of the men reported that even when they gain access to the mining sites, artisanal miners still face exploitation by the négociant, broker, trading house, or comptoir to whom the artisan sells his product. The men reported that they may work all day to be then told that the materials they have extracted is worthless or of poor grade so are given less than the true value of what they have mined.

The public authorities bear a large part of the responsibility for the precarious situation of the miners. In fact, they have authorised artisanal mining without ensuring that enough open-pit mines are available to be operated legally. This lack of security of tenure for artisanal miners only serves to further fuel the conflict between them and the mining industry. Furthermore, no provision has been made for transitioning artisanal miners from the mining sector to alternative forms of livelihoods.

In addition the government has not invested in establishing, resourcing and raising capacity of supervisory institutions to ensure the mining code and regulations are implemented. To date the representative from the Ministry of Planning in Kolwezi reported that all such matters remain the remit of the central government.

The private companies are also responsible for the problems related to artisanal miners. By effectively refusing to address their responsibilities when the miners are on their site, even purchasing their ore at low prices via intermediaries, they contribute to a system that quashes peoples' human rights.

RECOMMENDATIONS

Recommendation 1: Civic education initiatives should be undertaken to teach citizens about their own power, in addition to the power of their leaders, with a special emphasis on the constitution and decentralisation laws. In particular, this should include what citizens have a right to expect and demand of their leaders once in office, and what recourse they have as citizens when leaders do not perform well.

Recommendation 2: Fostering a strong "accountability link" between leaders and the population must be the priority, and GSS needs to invest in building the relationship between the state and citizen in equal measure through establishing community based committees empowered to engage with local government and building their capacity in advocacy and lobbying skills.

Recommendation 3: To encourage greater participation of women in decision-making, interventions should try to make links between improving women's economic status in parallel to their political capacity-building. Women should be provided with education about their rights, the responsibilities of citizenship and how to hold government to account. The legal aid centre run by the Notre Dame Sisters provides a valuable opportunity for GSS to link in with this existing structure to undertake legal education of the community and the women in particular.

Recommendation 4: The young are the adults of tomorrow; therefore focus should also be on the inclusion of young people in decision-making through civic and citizenship education and engagement in youth parliaments in order to nurture the community leaders of the future. GSS has a significant opportunity to undertake these tasks with existing players including World Vision Kolwezi and the local scout movement who have already offered to be partners in such actions.

Recommendation 5: The Mining Code and associated regulations are central to the life of the communities surrounding mining sites and directly affect the rights of the most vulnerable: women, girls and children. Communities must be empowered to understand the provisions as laid out under the Mining code in order that they can hold the government accountable for: enforcing the 2002 Mining Code and the associated regulations adopted in 2005; ensuring the protection of their environment; and engaging with the mining companies so that they fulfil their social development responsibilities and take into account the interests of population. Links by GSS must be made with local partners already working in this area such as *Commission épiscopale pour les ressources naturelles* (CERN), *Action contre l'impunité pour les droits humains* (ACIDH) and World Vision Kolwezi to ensure full community engagement and effective advocacy for the respect of basic human rights.

Recommendation 6: Economic deprivation, unhygienic environments, lack of access to potable water coupled with the absence of any occupational health standards in the artisanal mining sector all act to seriously compromise the health and well being of community members especially children who are the most vulnerable. In the absence of a fully functioning state, GSS must decide what aspect of health provision is possible until such time that services can be phased over to the government. This must be in line with experience and should not replace the existing government structure that is in place locally. Efforts to strengthen the existing Government facility should be the priority. Therefore, health education initiatives could be a priority and be facilitated by partnering with the Salavatorian Sisters, who have an established health clinic and the necessary expertise in this sector. The issue of health is a crucial one for GSS if they are to address the issue of gender based violence/domestic violence of the women given the reticence by the women to discuss or report this violence. Interventions in health would provide an effective entry point for engaging the women and girls to discuss such issues and serve to refer them to the GSS counselling services (refer to section II of this report). The availability of affordable medicines can be facilitated through the development of a dispensary but these should be limited to non prescription drugs. Provision of first aid materials (antiseptic creams, headache tablets, bandages etc) and sanitary pads for adolescent girls should be considered.

Recommendation 7: The artisanal mining sector, especially in its current chaotic form, cannot provide a sustainable livelihood for the estimated 750,000 artisanal miners and their families in the Kolwezi district. Inter-generational dependency on the artisanal mining sector is harmful and exacerbates the risk factors associated with domestic violence. Alternative livelihoods must be explored which allow for year-round food security whilst also allowing for paid income. The alternative livelihoods programme must be linked to viable business plans and communities trained in financial management.

Recommendation 8: Inter-generational economic dependency on the artisanal mining sector serves to de-skill young people and rob them of their full potential. Alternative forms of livelihoods must be explored through vocational training programmes which respond to growing market demand. GSS must explore the potential markets and link these to the vocational training programme they seek to provide, in order to ensure that young people have the necessary skills and know-how to engage in the real economy.

Recommendation 9: The psychological and mental health needs of the men in artisanal mining communities require particular attention given their link to substance abuse and violence. GSS should explore the integration of mental health programmes into their counselling service provision. This should include support groups for men and sporting events which can serve to bring communities together.

Recommendation 10: The issue of women's ownership rights must be addressed in the context of a broader analysis of discriminatory clauses of the Congolese law. GSS should partner with existing structures such as the Notre Dame Sister's legal aid centre which is currently undertaking such a review. A consortia approach is a more effective approach to address issues related discrimination under the Family Code; therefore a joint advocacy plan should be elaborated between local partners.

Section II: Violence And Abuse Against Women And Girls

Summary

This research study, undertaken by YEJ on behalf of GSS in November of 2012, explored both violence against women and girls by male intimate partners and violence against women within the general community. The research used birth qualitative and quantitative data collection methods. The quantitative data used one sample of women in the Domaine Marial community whilst the data collected for adolescent girls was from 2 *quartiers* within the Domaine Marial area, Kanina and Katanga where GSS Congo have already initiated some interventions.

The research on violence by male intimate partners included physical and sexual violence, emotional abuse and controlling behaviours by current partners or ex-partners. It also took account of the current situation of the women interviewed and their lifetime experience. The research on violence in the community covered physical and sexual violence by non-partners within Domaine Marial, both recent and past. The definitions of physical and sexual violence adopted for this study are based on those used by the World Health Organisation (WHO) and are further defined in Appendix 2 of this report.

The overall findings of this study indicate that violence by a male intimate partner (also called "domestic violence") is widespread in the community.100% of women interviewed reported that they had experienced some form of violence and abuse from an intimate partner during their lifetime. 75% reported sexual violence from an intimate partner.

The levels of violence within the community were also high, with 75% of women experiencing some form of physical violence perpetrated by a man in the community and 50% of women experiencing some form of sexual violence from a community member.

These findings are consistent with those of a survey carried out in Katanga Province by PACT Worldwide, which revealed high rates of sexual and gender based violence in and around artisanal mining communities. The various forms of violence identified included: sexual assault and rape, prostitution, forced marriage (*le mariage précoce*) and domestic violence.

Figures 1 and 2 outline forms of violence experiences experienced by women both domestic and in the community.

Figure 1 – Domestic Violence

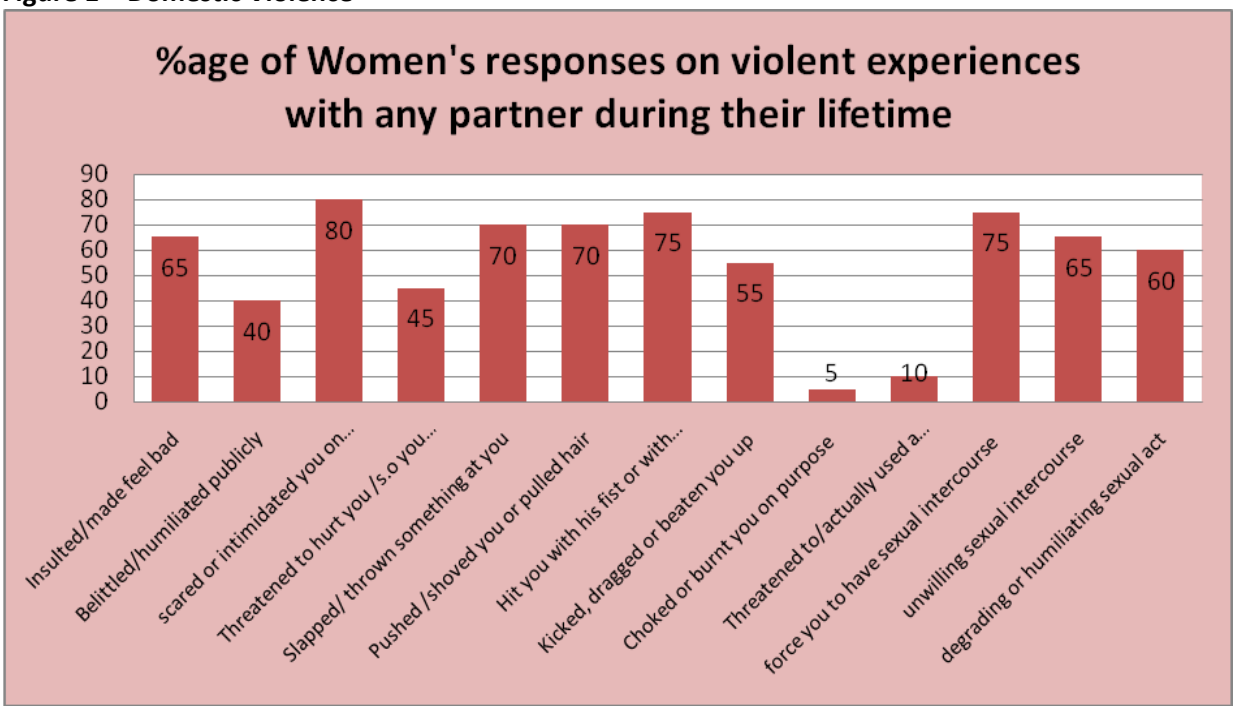
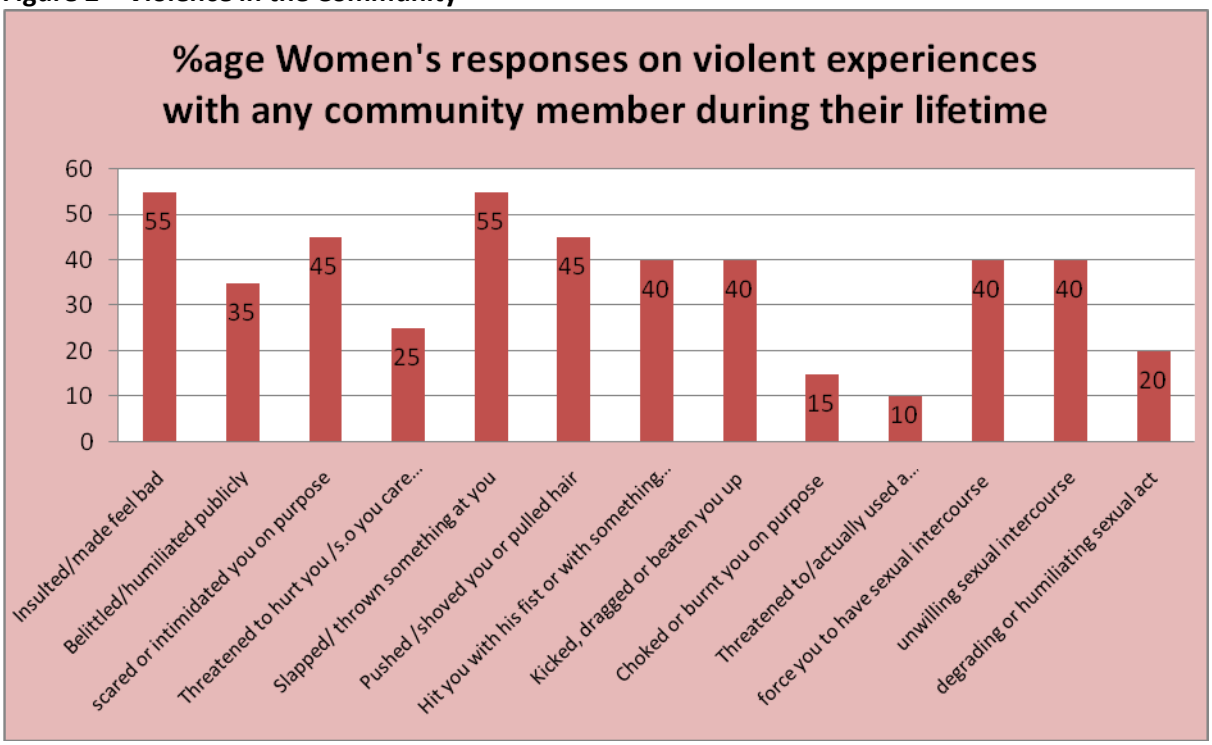


Figure 2 – Violence in the Community



Intimate Partner Violence

How was physical and sexual violence measured?
Prevalence estimates of physical and sexual violence were obtained by asking direct, clearly-worded questions about the respondent's experience of specific acts.

For physical violence, women were asked whether a current or former partner had ever:

- slapped her, or thrown something at her that could hurt her
- pushed or shoved her
- hit her with a fist or something else that could hurt
- kicked, dragged or beat her up
- choked or burnt her on purpose
- threatened her with, or actually used a gun, knife or other weapon against her

Sexual violence was defined by the following three behaviours:

- being physically forced to have sexual intercourse against her will
- having sexual intercourse because she was afraid of what her partner might do
- being forced to do something sexual she found degrading or humiliating

Information was also collected about the frequency and the timing of the violence, allowing analysis of the extent to which different forms of violence occurred within the 12 months prior to the interview versus the woman's lifetime. The findings shed light on how women's risk of violence changed over the duration of their relationships.

Acts, severity, and frequency of physical violence

The most common act of violence experienced by women (75% of those surveyed) was being struck with a fist. This was followed by being slapped by their partner (70% of the women surveyed).

The severity of a physically violent act ranked according to its likelihood of causing physical injuries. Being slapped, pushed or shoved were defined as moderate physical violence. Being hit with a fist, kicked, dragged, or threatened with a weapon; or having a weapon used against her were defined as severe physical violence.

Table 1: Experience of severe physical violence among ever-partnered women

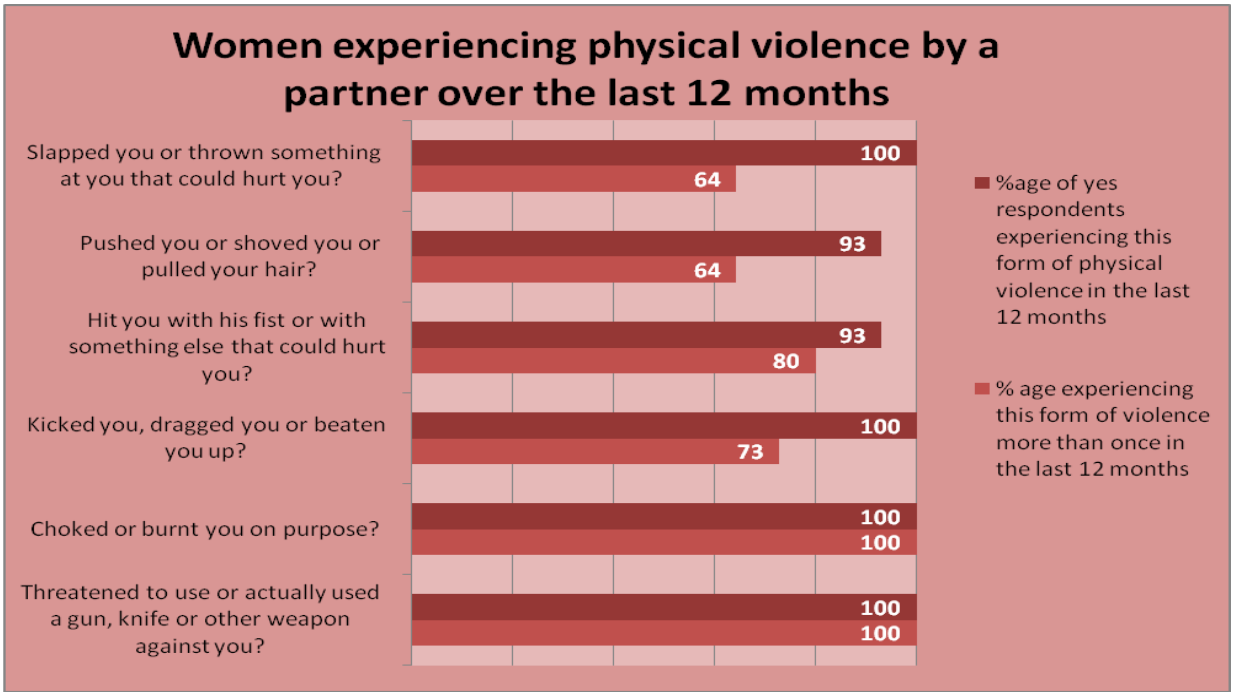
Hit with a fist	75%
Kicked or dragged	55%
Choked or burned	5%
Threatened with a weapon or having a weapon used against her	10%

Far from being an isolated event, most acts of physical violence by an intimate partner reflect a pattern of continuing abuse. The majority of women who had ever been physically abused by partners experienced acts of violence more than once, with nearly half of them experiencing violence many times, sometimes frequently. Including those who had experienced the most severe types of physical violence (choking, burning, and the threatened or actual use of a weapon), over half of women who had experienced a violent act in the past 12 months had experienced that act more than once.

It is probably that women continue to experience physical violence because they lack support mechanisms that might enable them to escape abusive relationships, even when they are subjected to severe physical violence.

Figure 3 – Percentages of women respondents experiencing physical domestic violence

Figure 4 – Percentages of women respondents experiencing physical domestic violence over the last 12 months



Sexual violence

While sexual violence was less frequent than physical violence, it was still considerably high. 80% of women reported that they were physically forced to have sexual relations during the past 12 months. 70% reported having sexual relations because they were afraid of what the partners may otherwise do to them. 60% reported being forced to do something sexual that they found personally degrading or humiliating.

The high frequency of sexual violence within marriages suggests that such violence, once established in a relationship, is sustained throughout married life. That sexual violence is often established as a norm within couples in DRC was established by psychologists at the Notre Dame Sexual Abuse Clinic in Kolwezi. Structured interviews with the chief psychologist revealed that there was a high prevalence of sexual violence and abuse within intimate partner relations, although it remained hidden to wider society. In the Notre Dame study, reports of women being forced by intimate partners to engage in sexual acts that they found degrading or humiliating was also reported. When such women were asked why they had accepted these acts over protracted periods of time, they reported that they felt that they could not deny their partners for fear of divorce. Also, in the absence of anyone to speak to or confide in, the women interviewed had begun to believe that such acts were normative.

Physical and sexual violence over the lifetime of a relationship

Figures 5 and 6 show the percentage of ever-partnered women who had experienced physical or sexual violence by a male partner during their lifetime.

Data on the frequency of violence reveals that the level of violence against women in intimate partner's relations is consistent throughout the life of the relationship. Conversely, sexual violence within the relationship tended to increase over time.

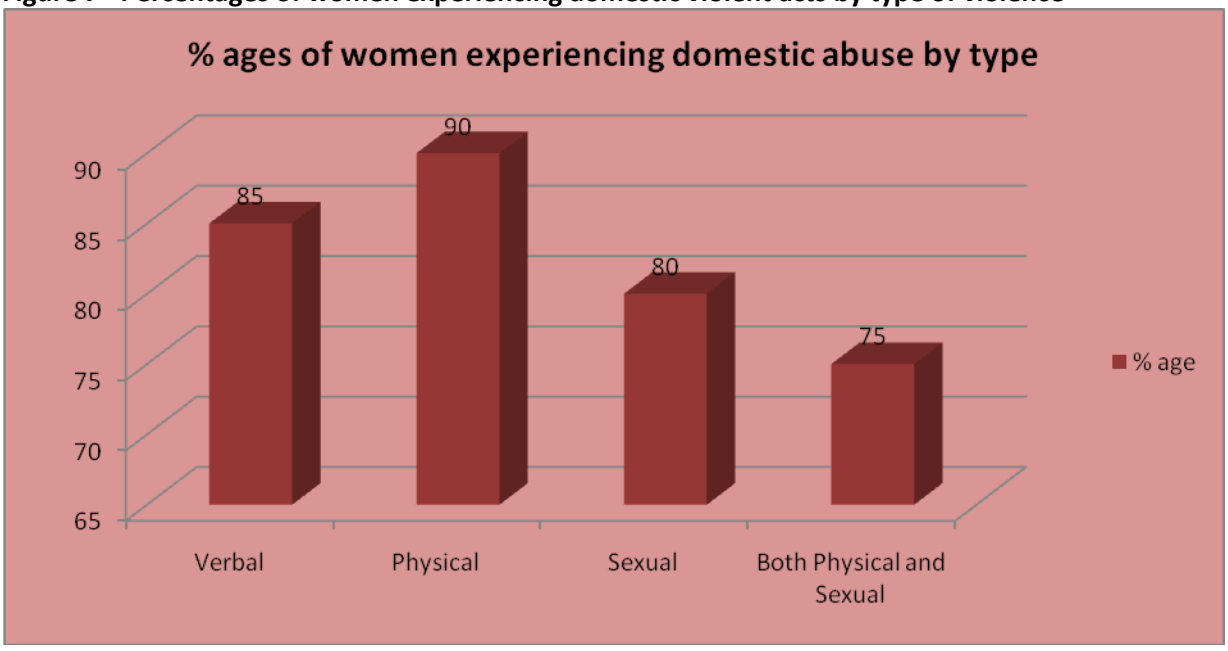
Figure 5 – Women experiencing domestic physical violence of the lifetime of a relationship

Figure 6 – Women experiencing domestic sexual violence over the lifetime of a relationship

Overlap between physical and sexual violence

This study included an examination of patterns of partner violence. As illustrated in Figure 7 the most common pattern is that women experience both physical and sexual violence. 75% of women who had experienced any violence by an intimate partner reported both physical and sexual violence.

Figure 7– Percentages of women experiencing domestic violent acts by type of violence



Acts of emotional abuse

Qualitative research consistently finds that women frequently consider emotionally abusive acts to be more devastating than physical violence. The specific acts of emotional abuse by a partner in the research included the following:

- being insulted or made to feel bad about oneself
- being humiliated or belittled in front of others
- being intimidated or scared on purpose (for example by a partner yelling and smashing things)
- being threatened with harm (directly or indirectly in the form of a threat to hurt someone the respondent cared about)

All (100%) of the women had experienced one or more of these acts of emotional abuse within an intimate relationship, 85% within the past 12 months. Those most frequently mentioned were insults and intimidation. Belittling and threatening were less frequent, although figures were still high with 40% of women experiencing being belittled and 45% experiencing being threatened with harm. Among women reporting each type of act, 80% had experienced the behaviour more than once.

Controlling behaviour

International research has found that men who physically abuse their partners also exhibit higher rates of controlling behaviour than men who do not. [6]

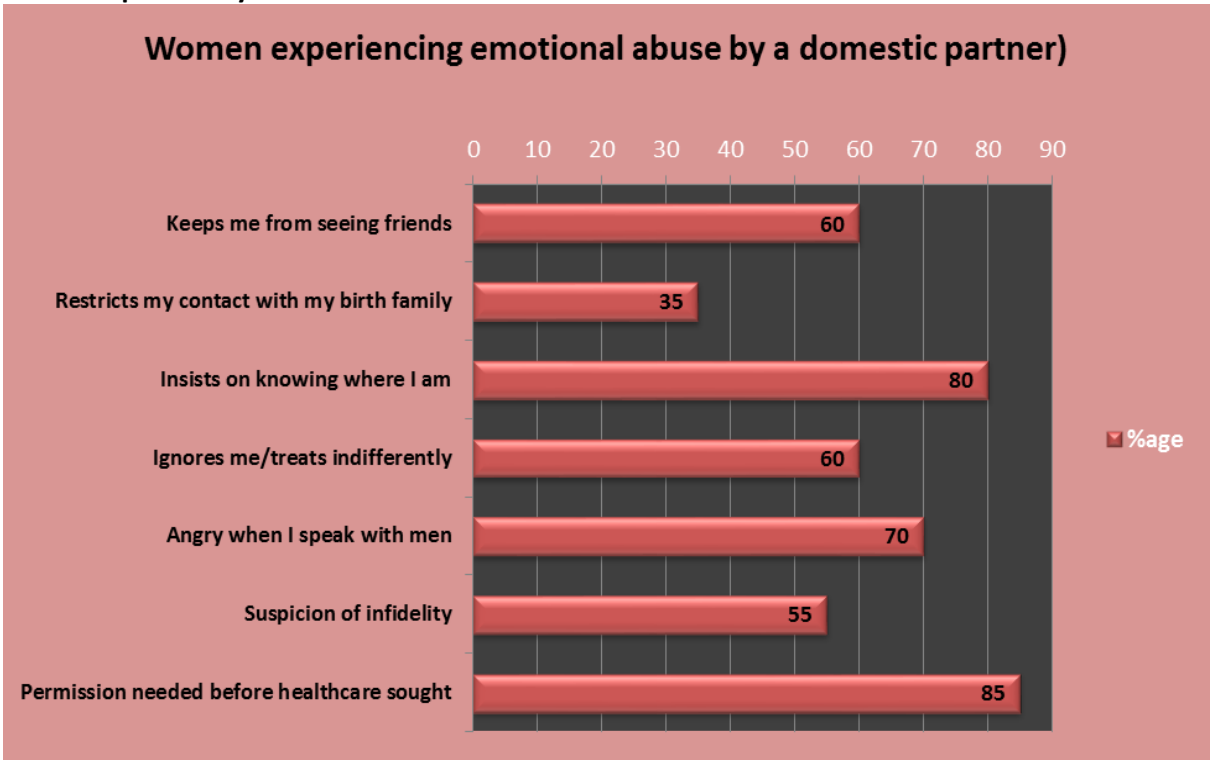
For the purpose of the Study undertaken in the DRC controlling behaviour by a woman's partner was defined as including:

- keeping her from seeing friends
- restricting contact with her family of birth
- insisting on knowing where she is at all times
- ignoring or treating her indifferently
- getting angry if she speaks with other men
- accusing her of being unfaithful
- controlling her access to health care

All 100% of women reported experiencing one or more of these behaviours by their partner. This suggests that the degree to which such behaviour is acceptable is high within the local culture. Figure 8 shows the degree to which each type of behaviour was experienced by the women.

[6] Heise L, Ellsberg M, Gottemoeller M. Ending violence against women. Baltimore, MD, Johns Hopkins University Press, 1999.

Figure 8 – Percentages of women experiencing emotional abuse / controlling behaviour by a domestic partner by form of abuse



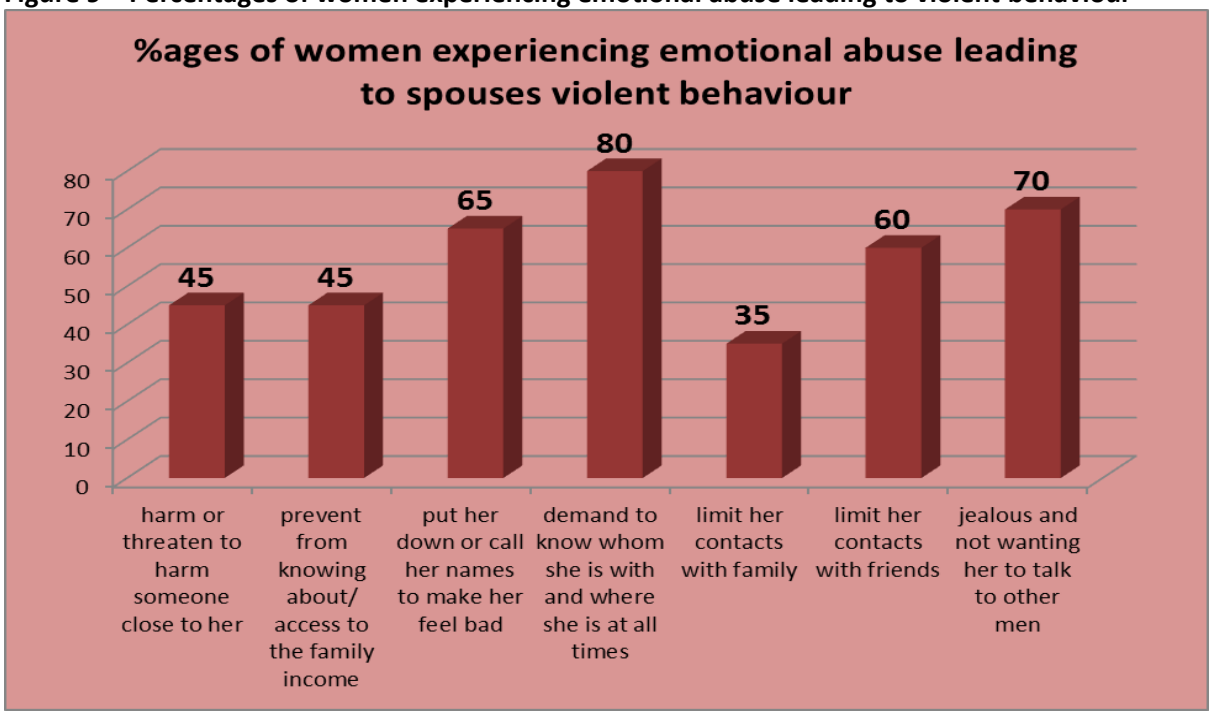
Research has found that while the use of psychologically abusive tactics is a form of abuse itself, it also appears to be an indicator of escalating severity of abuse into sexual and spousal assaults. The use of psychologically abusive tactics is a strong predictor of physical or sexual assault on female partners. The psychological abuse among the women in Kanina correlates in this way to the high levels of physical abuse found in the community.

Furthermore, international research has found that male spouses who demonstrate any of the following behaviours have much higher rates of assaulting their female spouses than those who do not. Behaviours include:

- harming or threatening to harm someone close to her
- preventing her from knowing about or having access to the family income, even if she asks
- putting her down or call her names to make her feel bad
- demanding to know whom she is with and where she is at all times
- limiting her contacts with family or friends
- being jealous and not wanting her to talk to other men

The quantitative data collection process found that the women experienced one of more of the above forms of behaviour as shown in Figure 9.

Figure 9 – Percentages of women experiencing emotional abuse leading to violent behaviour



Significantly, the study data revealed that the experience of physical or sexual violence, or both, in Kanina tends to be accompanied by other controlling behaviour by an intimate partner.

Do women and girls fight back?

The proportion of physically abused women reporting that they fought back against their partners was 39%. The level for adolescent girls fighting back in cases of violence and abuse (both in the family and community) was only 42% in Kanina and 18% in Kananga.

This study did not directly address the question of violence perpetrated against men by their female partners. However, all women were asked if they had initiated violence against a partner when he was not already physically abusing her. 32% of women reported initiating violence against their partner. 11% reported having done so more than twice during their life. This finding is quite significant because it does not mirror results from the Demographic and Health Surveys in other countries, which commonly show rates that range from as low as 1% in regional provinces in countries such as Bangladesh and Ethiopia to Thailand with a the highest rate of 15%[7]. This may be an indicator of the degree to which violence is pervasive in the local culture of Domaine Marial or in the specific culture of artisanal mining communities.

That violence is initiated by women against men was substantiated during the focus group discussion with the men. One of the participants stated that women committed acts of violence against men, including sexual violence, although men are too ashamed to admit that such acts occurred. Incidence of sexual abuse of men by women was also reported by the staff of the Sexual Violence Psychological Support Service run by the Sisters of Notre Dame in Kolwezi.

This finding suggests that the use of violence and abuse in domestic situations to resolve disputes is increasingly seen as normative and also extends beyond the domestic situation into the community.

[7] Preventing intimate partner and sexual violence against women: taking action and generating evidence / World Health Organization and London School of Hygiene and Tropical Medicine, 2001..

VIOLENCE WITHIN FAMILIES AND FRIENDSHIPS

Violence against women by non-partners

In addition to partner violence, this study also collected data on physical and sexual abuse by men and women other than a current or former partner. The data aims to explore:

- Non-partner sexual and physical violence since the age of 15 years
- Child sexual abuse before the age of 15 years
- Forced first sex

Physical violence since the age of 15 years

The study found that physical violence by someone other than a partner was experience by one in four women. In most instances, the violence was generally inflicted by the woman's boyfriend. This pattern may reflect in part that violence tends to start early in many relationships.

Commonly mentioned perpetrators for physical abuse by non-partners since the age of 15 years included other male family members, male friends of the family and female family members.

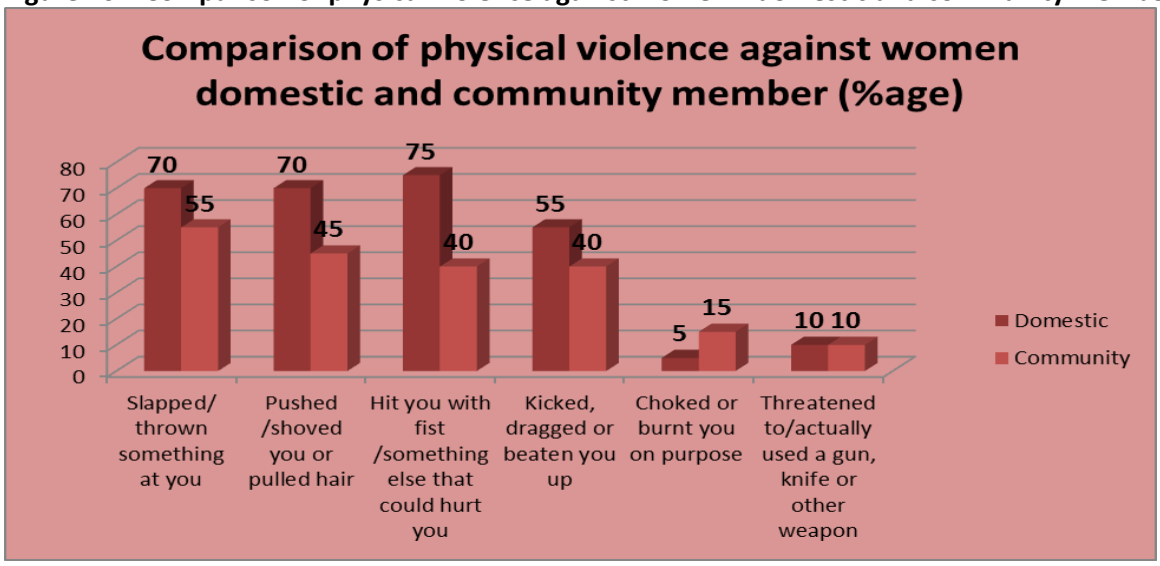
Sexual violence since the age of 15 years

Respondents were asked whether, since the age of 15 years, they had been forced by a non-partner to have sex or to perform a sexual act when they did not want to. The study found that one in four women were victims of such sexual violence. The perpetrators were predominantly boyfriends or strangers.

Comparing partner and non-partner violence

A common perception in DRC is that women are more at risk of physical violence from strangers than from partners or other men they know. The data shows that this is far from the case (Figure10) in the targeted community. In the community, partner violence constitutes the largest part of the violence experienced by women. Non-partner violence is largely perpetrated by another male in the family or a male known by the family.

Figure 10 – Comparison of physical violence against women – domestic and community member



Over 75% of women who had been physically or sexually abused since the age of 15 years reported being abuse by a partner.

Sexual abuse before the age of 15 years

Early sexual abuse is a highly sensitive issue that is difficult to explore in a survey. Women were asked whether anyone had ever touched them sexually, or made them do something sexual that they did not want to before the age of 15 years. Despite the sensitivity associated with this question, 30% of women reported some form of abuse.

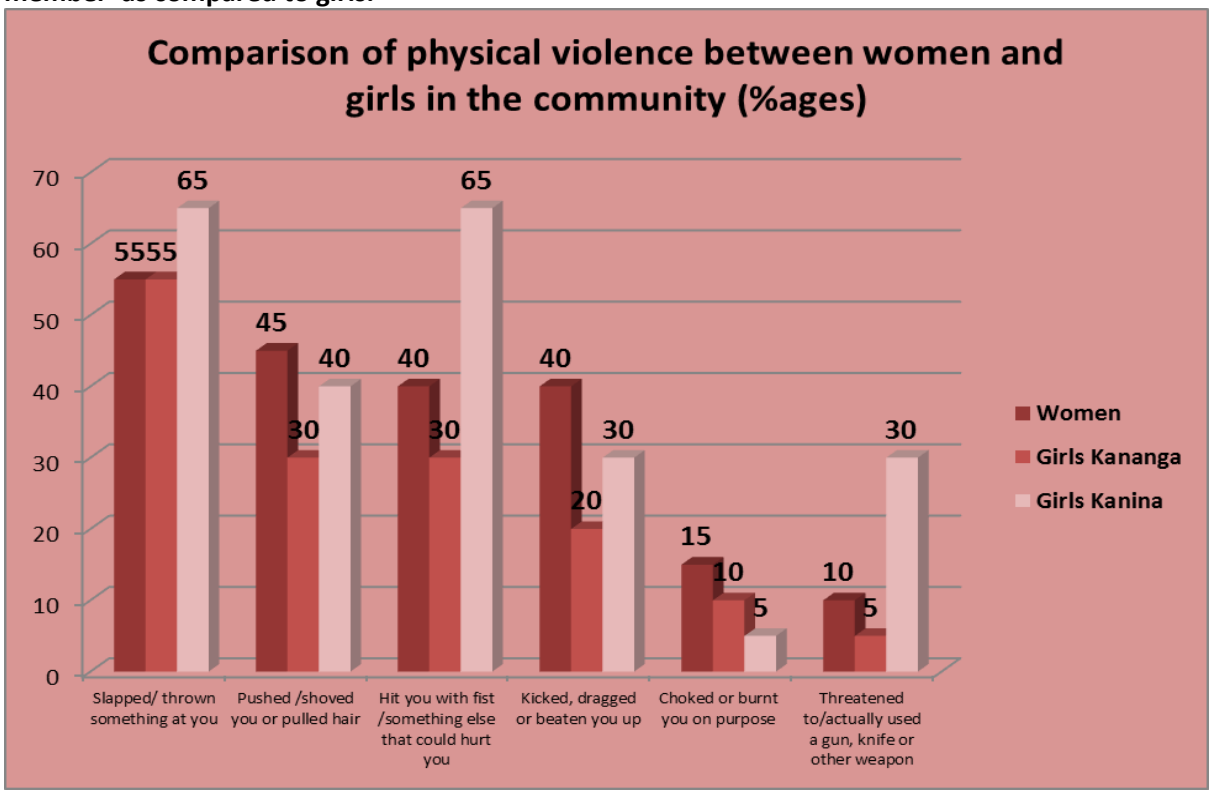
The most frequently mentioned perpetrators were male family members other than a father, stepfather (33%) and boyfriends (33%). Other noted perpetrators were teachers (17%) and male friends of the family (17%).

With the adolescent girls, sexual violence occurred as young as 12 years of age. Of the adolescent girls between the age of 12 and 16 that were interviewed, 35% of girls in Kananga and 40% of those in Kanina reported that a member of the community had attempted to have sex with them. In Kanina, 20% of girls reported having had a sexual encounter. Of these, 75% reported that they had been forced, hurt or threatened. In Kananga, all cases where sexual intercourse took place the girls reported that she had been forced (10%).

VIOLENCE BY COMMUNITY MEMBERS

With regards to violence in the community, the same data-collection methodology was used as for measuring violence and abuse by intimate partners.

Figure 11 - shows the percentage of women who experienced physical violence by a community member as compared to girls.



In terms of women's experience of violence in the community, 65% of women had experienced one or more of these acts, 65% within the past 12 months. Those most frequently mentioned were insults and intimidation with rate of 50% and 40% respectively. Among women reporting each type of act (15%), 44% had experienced the behaviour more than once.

Violence and abuse in the community is not solely levelled at women. Research undertaken with adolescent girls found that girls in the Kanina area experience higher rates of violence and abuse than those in Kananga. Also the violence perpetrated against adolescent girls in Kanina occurred both in the household and the community whereas in Kananga the violence was experienced mostly in the household. The issue of violence against children in the family is elaborated in more detail in the section on Child Protection but what the data reveals is that women and girls in artisinal mining communities are exposed to violence and abuse at an early age confirming that the subjugation of women and girls is in the fabric of the society.

In Kanina 95% of girls interviewed had experienced violence and abuse as compared to 85% in Kananga. In Kanina 55% of those who had experienced violence and abuse reported experiencing one or more acts of emotional abuse within the last 12 months. Unlike the women the most frequently mentioned act was insults and belittling with rates of 75% and 70% respectively for girls in Kanina and 45% and 30% for girls in Kananga. Of the 25% that had reported experience each type of act in Kanina, 20% experienced the behaviour more than once. In Kananga the 10% who experienced the act also experienced the behaviour more than once. This suggests that violence experienced by girls and women in the community is not an isolated occurrence but something that occurs at a young age and is sustained into adulthood.

Acts, severity, and frequency of physical violence by a community member

Woman and girls experienced similar levels of the less severe forms of violence in the community. However, women experienced higher rates of the more severe forms of violence (kicked or dragged, choked or burned, threatened with a weapon or having a weapon used against her).

Table 2: Forms of Physical Violence experienced by women and girls

Forms of violence	% Girls Kananga who experienced violence	% Girls Kanina who experienced violence	% Women who experienced violence
Slapped or thrown something that could hurt	55%	65%	55%
Pushed or shoved y pulled hair	30%	40%	45%
Hit with fist or with something that could hurt	30%	65%	40%
Kicked, dragged or beaten	20%	30%	50%
Choked or burnt on purpose	10%	5%	15%
Threatened with a knife or other weapon	5%	30%	10%

ATTITUDES TO VIOLENCE

While the baseline questionnaires revealed high levels of physical and sexual violence and abuse experienced by women and girls, it is significant that during the qualitative research, such acts were not mentioned as problems, but rather the following:

- Early marriage – so families gain dowry payments from prospective husbands – is common and leaves women ill-equipped to care for themselves and their family
- Being forced into prostitution in order to earn enough income to support the family was also cited as common.

Furthermore, during the community debriefing process, the women mentioned that they did not understand why they were asked about the violence they experience. This feedback illustrates that violence and abuse has become normative in the community over time and that it forms part of the fabric of family relations within the artisinal mining community.

Women's attitudes towards violence

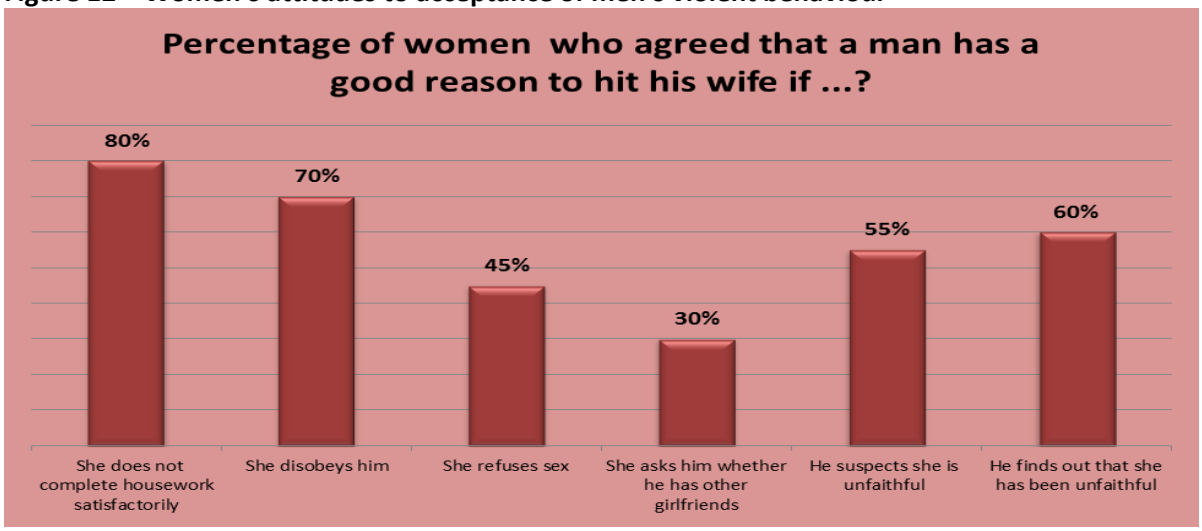
In addition to women's experience of violent acts, the Study investigated two important aspects of women's attitudes to partner violence:

- The circumstances under which women believe that a man is justified in beating his wife
- Women's beliefs about whether and when a woman may refuse to have sex with her husband

Women were presented with six different situations and were asked, for each of these, whether she agreed or not that the specific reason justified wife-beating. The reasons most commonly given included not completing housework adequately, refusing to have sex, disobeying her husband, and being unfaithful.

As can be seen in Figure 12, there is a high level of women's acceptance of different reasons, and generally with the idea that violence can be justified. Over three quarters of women said that justifiable reasons for violence exist.

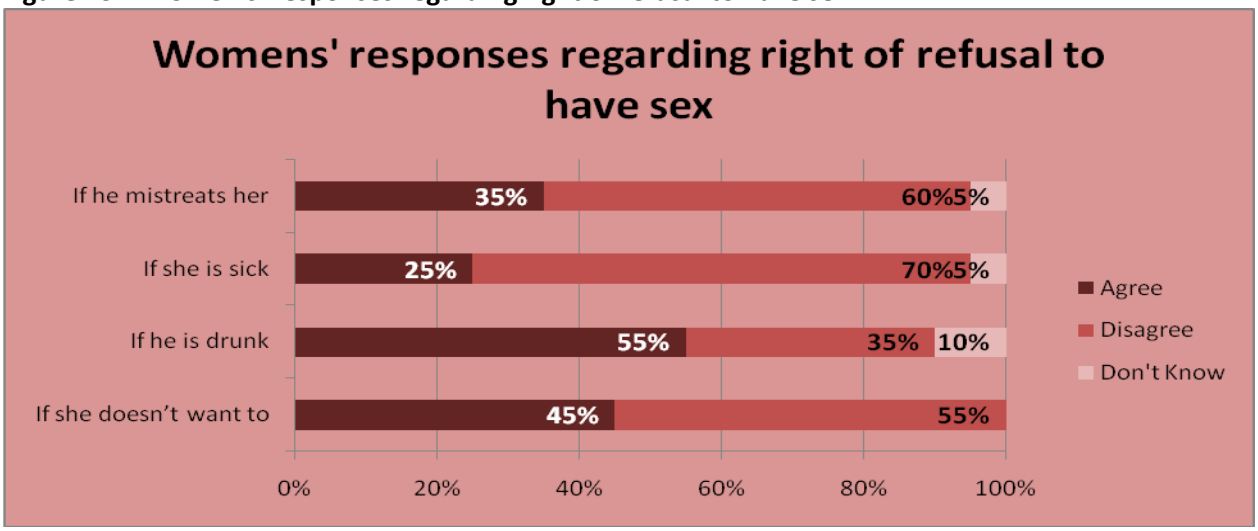
Figure 12 – Women's attitudes to acceptance of men's violent behaviour



Refusing sex

Women respondents were also asked whether they believed a woman has a right to refuse sex with her husband in a number of situations, including if she is sick, if she does not want to have sex, if the husband is drunk, and if the husband is mistreating her (Figure 13). As with physical violence, women made distinctions between the acceptability of different reasons to refuse sex.

Figure 13 – Women's' responses regarding right of refusal to have sex



A higher number of women (55%) felt they could refuse sex if the partner was drunk. Fewer women felt they could refuse sex based on: a woman's preference (she doesn't want it) 45%, the partner was abusive 35% or she was ill 25%.

The qualitative research also collected data related to women's attitudes to gender subjugation. The women were asked if they agreed or disagreed with the following scenarios:

- A good wife obeys her husband even if she disagrees.
- Family problems should only be discussed with people in the family.
- It is important for a man to show his wife/partner who is the boss.
- A woman should be able to choose her own friends even if her husband disapproves.
- It's a wife's obligation to have sex with her husband even if she doesn't feel like it.
- If a man mistreats his wife, others outside of the family should intervene.

Figure 14 – Women's Attitude to Men's Behaviour

Girls' attitudes to violence

The adolescent girls were also presented with a series of scenarios and were asked whether they agreed or not that the specific reason justified the violence. The examples were different to those given to the women and sought to be more relevant to the life of younger girls. The reasons included:

- Family problems should only be discussed with people in the family.
- It is important for a man to show his wife/partner who is the boss.
- Young girls should marry who their family says even if they do not want to get married.
- If a man mistreats a girl, others outside of the family should intervene.
- It is alright if man hurts a girl if the witch doctor says it is good.

It would seem that certain attitudes are learned early in the socialisation of girls. Like the women, both the girls in Kanina (70%) and Kananga (50%) believe that family problems should be kept in the family. The girls in Kananga (50%) believed that men should show their wives that they are the boss, although only 20% of girls in Kanina were in agreement.

Reponses from men

As part of the qualitative data collection process men were also given a series of scenarios and asked if they agreed or disagreed. The scenarios included:

- A good wife obeys her husband even if she disagrees.
- It is important for a man to show his wife/partner who is the boss.
- A woman should be able to choose her own friends even if her husband disapproves.
- Young girls should marry who their family says even if they do not want to get married.
- If a man mistreats a girl, others outside of the family should intervene.

The reaction to the statement: *It is important for a man to show his wife/partner who is the boss* raised queries as to why the question was even asked. It was felt that question did not need asking as female spousal subordination is normative. It was felt that a man did not even need to exert his authority over a spouse as male dominance in the family was a right. All agreed that obeying a husband was a mark of a good wife and that it was her duty to listen to her husband in terms of who she associated with.

The focus group also asked men if they were aware of violence against women and girls in the community. The men reported that the wearing of provocative outfits, especially among the younger girls, contributed to the girls and women experiencing abuse and rape. They also reported that parents no longer had control over their children who were increasingly being influenced by the media and acting disrespectfully. This was also cited as contributing to increasing incidences of violence against women and girls. With regards to forms of violence experienced by both women and girls in the community, the men felt that it was solely sexual violence. No mention was made of physical abuse, including hitting. The men did report that women hit and sexually abused men. They said that men were usually ashamed to report the violence they experienced as it would bring their masculinity into question by the society. The sensitivity of this issue was evident even within the group discussion as the men began arguing about whether it was possible that a woman could physically hit a man.

With regards to violence against children, the men felt that such violence was largely associated with women abandoning their children when they remarried or that the children's stepmothers did not want to care for their husbands' children from previous marriages.

The men also reported that increasingly parents are encouraging their children into prostitution and other forms of crime in order to increase family income. (Pressure by family to engage in prostitution was also reported by the adolescent girls.)

The men felt that there was breakdown in traditional values and norms which was contributing to the rise in violence and abuse. At the root of the problem, they felt, was the lack of parental responsibility for their children. They said that there was a great need in the community for parenting skills. (This recommendation was echoed by the adolescent girls' group.)

The data that emerged from the men's discussion illustrates the degree of discrimination and subjugation of women and girls within the society, and in particular within marriage. But overall the findings showed an acceptance of violence against women within the community. Women and men and the majority of adolescent girls agree with gender inequitable norms.

Responses from opinion leaders

The attitude of the men was echoed by other stakeholders interviewed. The religious leaders felt that a woman should listen to her husband and obey him even if he is wrong or if he beats her. Some religious leaders and politicians at higher level (Deputy Mayor) felt that women were to blame for the problem of family breakdown, resulting in an increase in the number of abandoned and orphaned children. Furthermore, they felt that women and girls were prostituting themselves which led to unwanted pregnancies which resulted in the eventual abandonment of children once they were older.

The growing mining industry and the issuing of mining licenses to international companies has seen a growing expatriate community which has fuelled the demand for prostitution, but instead of acting to protect women and girls, the politicians blamed the victims of this exploitation.

RISK FACTORS

An important aim of the GSS research was to investigate personal, family, social and economic factors that might protect a woman from violence or put her at greater risk. Taking an "ecological"[8] approach, the interviews covered a variety of factors at different levels and within different contexts of a woman's life:

- Individual factors included the woman's level of education, financial autonomy and access to social support.
- Intimate partner factors included use of alcohol and drugs, employment status and whether he was physically aggressive towards other men.
- Factors related to the immediate social context included the degree of economic inequality between men and women; attitudes towards gender roles and violence against women; the extent to which extended family, neighbours, and friends might intervene in domestic violence incidents.

[8] Johnson M. Conflict and control: images of symmetry and asymmetry in domestic violence. In: Booth A, Crouter A, Clements M, eds. Couples in conflict. Hillsdale, NJ, Lawrence Erlbaum, 2000.

Age

Age was not found to be a determining factor for levels of intimate partner abuse and violence. Younger women (24 to 29 years of age) were at equal risk of sexual and physical intimate partner violence and abuse to older women (30-47 Years of age).

A notable exception is that age featured as a risk factor for sexual violence against adolescent not married girls 12-17 years of age in the findings of this research. The high rates of violence against girls in Kanina – 75% reported having had a sexual relationship in which they were physically forced, hurt, or threatened – may be seen as a clear precursor to the violence experienced by adult women. This data also suggests that violence may tend to start early in most relationships.

Education

The GSS research did not find evidence that related levels of education to levels of violence. However, there was very little variation in education levels in Kanina which made it difficult to segregate data according to education. The level of education among the women and girls was generally low: the majority (70% women and 50% adolescent girls) were illiterate or semi-literate.

The majority of women (70%) had never attended school and could not read or write. Of the 30% that had attended school, half had only achieved primary school level education, with the average level of achievement being grade 4. The remaining 15% had achieved secondary level education, with the average level of achievement being Grade 2 secondary level.

Educational attendance and attainment among adolescent girls was lower than among the women. Of the girls who said they attended school, only 75% said they could read and write or read and write with difficultly. Comparatively, in Kananga, 67% said they could read and write or read and write with difficultly. Overall only 50% of adolescent girls have attended school and only 7.5% have attended lower secondary school.

The disparity between educational attendance and educational attainment is covered in more detail in the section on Child Vulnerabilities in this report.

Table 3: Educational attainment for adolescent girls

Quartier	Not educated	Average level of attainment (Primary)	Average level of attainment (Secondary)	No of girls who had to repeat class once or more than once
Kanina	40%	Grade 4	Grade 1	38%
Kananga	60%	Grade 4	Grade 1	67%

Similar studies in international development have consistently exhibited a parallel between secondary education and decreased risk.[9] The protective effect of education is generally accepted to start only when women's education goes beyond secondary school. Given the situation in Kanina, where secondary school attendance and attainment rates are lower among adolescents than among women, it seems probable that the next generation will be even more at risk of violence and abuse than their mothers.

[9] Jones A et al. Annual and lifetime prevalence of partner abuse in a sample of female HMO enrolees. Women's Health Issues, 1999, 9:295–305.
Tjaden P, Thoennes N. Extent, nature and consequences of intimate partner violence: findings from the National Violence Against Women Survey. Washington, DC, National Institute of Justice, Centres for Disease Control and Prevention, 2000.

Economic

The GSS research data found that only 60% of women worked. Of these, 58% give part or all of their earnings to their husbands. 42% reported that their husbands had taken their money against their will and 45% reported that their husbands had refused to give them money on repeated occasions.

Income was found to be a major stressor in the community for both men and women. Multiple researchers have found that partners' use of psychological and financial abuse elevates the risk of spousal assault upon women[10].

When asked to analyse the root cause of the problems the women faced in the community, the women initially cited only a general lack of money and linked this with their husband's inability to provide for the family. The problems stated included:

- 'Husbands are unemployed so do not have disposable income.'
- 'No financial means to start an animal husbandry enterprise.'
- 'Precarious employment in the area and all focused on mining. Often due to corruption, the men need to pay bribes in order to work.'
- 'Unemployment so no money to pay rent.'
- 'Women depend on men for income.'

However, as the consultation process with the women progressed, they came to look beyond the immediate issue of dependence on spousal income to the actual root causes of the poverty which threatens their well-being and that of their families. All the other groups (men, adolescent girls and adolescent boys) were able to differentiate between problems, causes and solutions. They recognised that there were many factors impeding their progress: lack of community cohesion; ethnic divisions; lack of role models in the community; inability to get the government to act in the provision of basic resources.

The women continually identified income both as their problem and the answer to their problems. When asked why they did not have any money, they stated that their husbands did not work, thus revealing the degree of women's economic reliance on men. During the consultation process, the women came to acknowledge that economic dependence on men was itself a problem for the women.

The police commander and the *Chef de quartier* both reported that income is a major risk to violence in the family. The police commander reported that women and men in the community are preoccupied with money and that disputes about money between husbands and wives are increasingly reported to the police as arguments turn violent.

The qualitative data found a direct link between economic well being of the family and exacerbation of violence and abuse of women by intimate partners. In 60% of cases economic factors (money problems, husband's unemployment and lack of food in the home) led to partner's abusive behaviour.

Both the adolescent girls and adolescent boys reported the economic dependence of women as a significant problem within the community. The economic dependence of women on men seems to start early in a woman's life. The girls reported that many of them entered into relationships with men as they saw this as their only means for long-term economic security. The adolescent boys

[10] Preventing intimate partner and sexual violence against women: taking action and generating evidence / World Health Organization and London School of Hygiene and Tropical Medicine. 2011.

reported how men and older boys used the economic dependence of women in the society as a means of coercing young girls into sexual relationships with promises of marriage. Traditional practices such as early marriage and polygamy also exacerbate their economic vulnerability and often lead to increased violence against women and girls. These issues are described in greater detail in this report.

Situations of risk

Risk factors that led to violence against women by intimate partners were identified by posing to the respondent a series of scenarios which tend to lead to her husband/partner's behaviour. These included:

- no particular reason
- when the man drank
- money problems /When he is unemployed
- difficulties at his work
- no food at home
- problems with his or her family
- she is pregnant
- he is jealous of her
- she refuses sex
- she is disobedient
- other

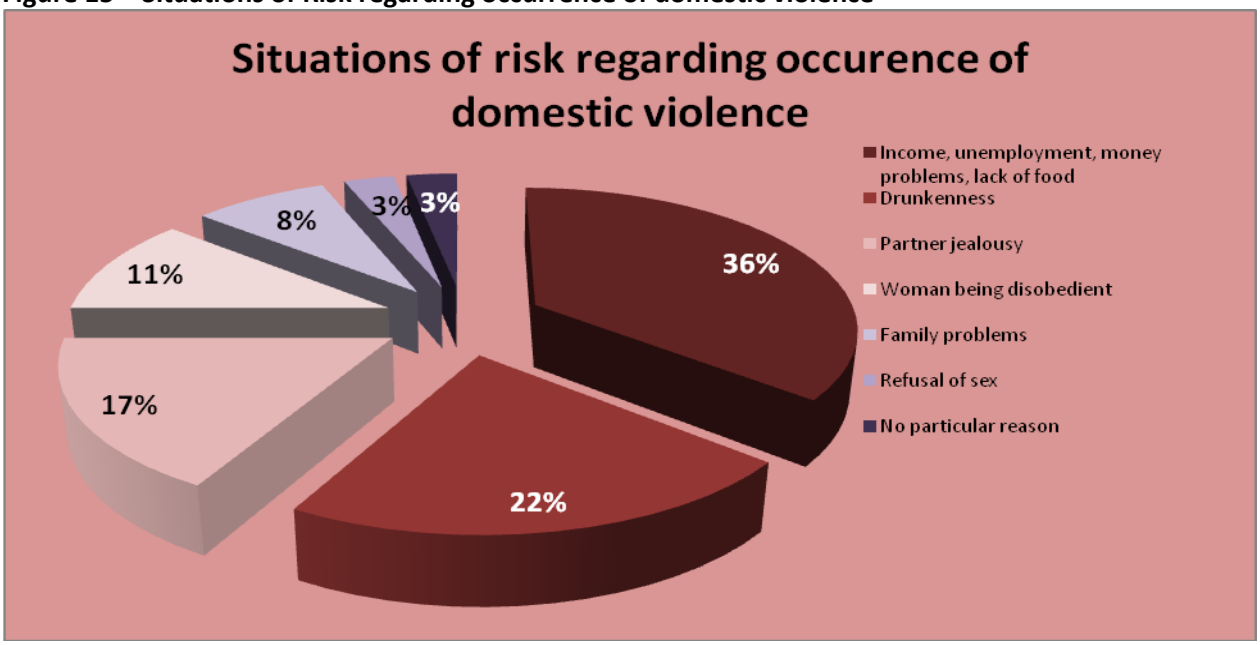
Certain socio-demographic characteristics are associated with a high risk of violence. Factors such as low income and alcohol abuse on the part of male partners have been linked to higher rates of physical or sexual spousal assaults against women. Research has established a strong link between alcohol abuse and spousal assault of women (Barnett & Fagan, 1993, Fagan et al, 1988; Leonard, 1999; Johnson, 2001).

In 36% of cases of violence, women reported that income (unemployment, money problems, and lack of food) was the determining risk factor. This was closely followed by partners who used violence followed by drunkenness (in 22% of cases).

Women's marital subjugation, born of cultural and legal discrimination, was also a cause for violence: partner jealousy contributed to 17% of cases of violence, followed by women being disobedient which lead to violence in 11% of cases, and women's refusal to engage in sex being cited as a reason in 3% of cases.

Family problems also served as a risk factor in 8% of cases, with 3% of responses indicating that violence occurred for no particular reason.

Figure 15 – Situations of Risk regarding occurrence of domestic violence



Alcohol, stress and mental illness

While violence against women is generally due to a combination of economic, social and cultural circumstances, the dire economic situation of most people living in Kanina, coupled with the potential for substance abuse, create an environment where violence against women is endemic. Economic challenges and alcohol are the most cited triggers of all cases or reported violence and abuse by partners, with economic factors accounting for 36% of cases and alcohol abuse for 22% of cases. The broader community consultation process also found that alcohol, as well as drug abuse, is a significant problem in the community.

The adolescent boys aged between 12 and 17 in the community requested a special meeting as they wanted to speak to the research team regarding some of the problems the community experiences that they felt were not being addressed by the other community groups. In particular, they raised the need to address alcohol in the community. The consultation with the young men revealed a number of substance abuse issues that are prevalent in the community. The young men agreed that both men and boys were abusing alcohol and that young men were using drugs. They elaborated that stealing, in order to buy alcohol and drugs were resulting in increased crime in the community. It had also led to incidents of mob justice that, in several cases, led to the perpetrator being severely injured.

The *Chef de quartier* also reported alcohol abuse as a growing problem in the community. He suggested that recent changes in the law prohibiting the sale of alcohol in bottles less than 750Ml has led to increased consumption, thus aggravating an already significant problem.

However, he said that men's increased drinking was primarily a result of the fragile state of men's mental health. Unemployed and unable to provide for their families, the men become overwhelmed by feelings of hopelessness and worthlessness. The *Chef de quartier* suggests that, feeling emasculated, men turn to alcohol to forget their problems, which in turn raises the risk of violence against women. The link between the state of the men's mental health and increasing levels of alcohol abuse in the community was raised repeatedly throughout the qualitative research phase. The men, the adolescent boys and the Franciscan fathers who work with the community and undertake outreach work to people suffering from mental health problems, all cited this link.

The Franciscan fathers are one of the very few organisations working to support men with psychological and psychiatric problems in the town of Kolwezi. Presently, no psychological support services exist to support mental health in Kolwezi. The only mental health services are located in the regional capital of Lubumbashi where the Brothers have occasionally taken some of their patients.

Furthermore, there is no co-ordination among health service providers. When patients are discharged from the psychiatric hospital in Lubumbashi, they return to Kolwezi where the health services have no access to medical records of the patient during their time at the psychiatric hospital. In this way, the patient returns to the setting which contributed to their mental health problems but without any access to support services, both in terms of health support or social work support.

Consultation with the men revealed that they experienced significant psychological stress due to societal expectation to support their families, including the extended family. Traditionally, men are seen as responsible for earning income to support their family while the female spouse stays at home to care for the children and take care of the household. Unable to fulfil this role, many men felt that they were failures. The inability to feed their children or provide for their medical needs – in particular to see their children die because of this perceived inability to provide – was identified as a major affliction to their psychological wellbeing. Many men stated that this sense of failure was the reason they often turned to alcohol abuse.

The men also explained that there was no other outlet or means of distracting themselves from their frustration and sense of failure than alcohol. This lack of a socially appropriate outlet for stress was noted by the *Chef de quartier* who felt that the men were so preoccupied with working or finding work, that they did not have time to come together as a community and socialise.

Traditional practices: polygamy and early marriage

During the PRA exercises, both women and young girls raised the issue of early marriage (*le mariage précoce)* as a concern. The women reported that it left them ill-prepared and ill-equipped to deal with the demands of running a household and bearing and caring for children, especially when they themselves were children.

Early marriage also leads to larger families, which both men and women raised as a problem during the PRA exercises. Significantly, neither group were able to see any way of addressing the issue of large families. Family planning is not a concept that women or men broached as a possible solution to high birth rates. The Study found that the average family in the community of Domaine Marial was made up of 8 children per family which reflects the national average. However, many families have up to 18 children. Such high birth rates are not unusual in other artisinal mining communities where women reported having up to 14 children.

Legislation imbedded in the Family Code contributes to the problem of early marriage.[11] By authorising girls to get married at the age of 15 years, the legislation in article 352 of the Family Code facilitates situations of forced or premature marriage. Moreover, the parental authority over children combined with poverty encourages parents to arrange the marriages of their daughters according to their own wishes, and to ignore the principle of free consent of the future spouses. The

11 For full details of the Family Code, see section 8 on the Legal Framework

practice of levirate and sororate [12] (marriage or sexual relations with the brother or sister of a deceased partner) also persists and violates the principle of the free consent of women. The result for young girls is that they enter marriage ill-prepared to care for themselves and their children, a problem that compounds with every child to which they give birth.

Other discriminatory articles under the Family Code are those related to payment of dowry, specifically Articles 361, 367, 382, 388, 426, 543 and 579. The law insists on the symbolic and compulsory nature of this practice. According to the law, without the dowry, marriage is impossible. One or several donations must be offered to the woman's family as a validation, a proof of the union. The law does not stipulate the value of the dowry, in order to avoid abuses. Because the husband pays a dowry, the Congolese legislator institutes the husband as the head of the family. To regulate such a discriminatory practice through legislation, instead of abolishing it altogether, symbolically preserves the discriminatory myth of male domination over women. This attitude permeates Congolese legislature despite the fact that it contradicts the Congolese Constitution of 2006. Article 14 of the Constitution provides that "the State shall have the duty to ensure the elimination of all forms of discrimination against women and ensure the respect and promotion of their rights." Although women and girls, especially those under the age of 18, are protected by law against forced marriage (Penal Code article 174.6.f.), the practice of dowry enables situations of forced marriage, since the dowry payment constitutes an agreement between the future spouses' families.

The girls raised their concern regarding the pressure from their families to enter into early arranged marriage (*le mariage précoce*). Of particular significance is that the majority of girls in both Kanina and Kananga agreed that forced marriage of young girls is a form of violence. Early marriage is a common practice in the DRC and an estimated 74 percent of women between 15 and 19 years of age are married, with the highest rates in rural areas. The legal minimum age for marriage under the Family Code is 15 for women and 18 for men. The incidences of early marriage of girls as young as 13 years old are also very common. These children are forced to enter into sexual relationships with men as old as 65 in an attempt to ensure their own financial security. The girls' family also receives a dowry payment as part of the marriage custom. So the financial motivation for the family is also very strong. Within the artisanal mining community – where poverty is acute and hunger a fact of life – families are increasingly seeing their daughters as a source of income.

The adolescent girls reported that families see dowry payment as a means of raising income for the family. Although the law does allow women the right to refuse marriage, the women and girls do not know their rights. And more importantly, the PRA qualitative exercise found that even if women and girls were aware of their rights, the pressure from family, the threat of exclusion from the family, and their own sense of economic vulnerability and reliance on men for economic security, locks them into the this traditional discriminatory practice.

The official matrimonial system in DRC is monogamy. However, polygamy is widely practiced by men in total impunity, due to poverty and demography: women being a majority. In 2000, the Committee on the Elimination of Discrimination against Women (CEDAW) cited concerns regarding the persistence of customs and practices, such polygamy, which represent a violation of women's fundamental rights. The Committee recommended that the government adopt legislation forbidding the practice. This action has now been taken, but the practice persists and seems to be growing, especially among the wealthy elite.

[12] Customs or laws regulating marriage following the death of a spouse, or in some cases during the lifetime of the spouse. The levirate decrees a dead man's brother to be the widow's preferred marriage partner. This practice serves to perpetuate the line of a man who died childless. Often, the brother who marries his sister-in-law is a proxy for the deceased and no new marriage is contracted, since all progeny are acknowledged as the seed of the dead man. The sororate decrees the marriage of a man to his deceased wife's sister or, under so-called sororal polygamy, to the wife's younger sisters as they come of age.

Polygamy was identified as a problem by both adolescent girls and boys. The practice of polygamy serves to increase the economic vulnerability of women and children. They stated that polygamy resulted in the economic vulnerability of women, which in turn led to neglect and/or abandonment of children in the community.

Furthermore, many men move around the region in search of work. This transient nature of the artisinal community leads to family breakdown or men remarrying and having to support several families. The result is that there are a high percentage of female-headed households. This, in turn, leads to a greater dependency ratio of children to adults, with the women carrying a greater burden to provide for their children than in standard nuclear joint-spouse households. Such family structure also results in diminished access to resources in such households due to the limited household assets, such as land (normatively accessed through males), and unequal access to employment and fair wages by virtue of being women and subject to economic discrimination.

Families are protected under the Family Code, which obliges men to care for and support their children and spouse through maintenance payments. However, women do not know their rights, are not able to access a legal mechanism to resolve disputes, and, lastly, even if they did pursue maintenance payments through the law, they may find that the spouse cannot provide maintenance as unemployment levels are high.

The consequences of dowry, early marriage and polygamy are that women are forced to remain in subordinate roles. This contributes to their low level of political participation; lower levels of education, skills and work opportunities, and increases women and girls to gender-based violence.

Domestic violence and children

Research has documented an important negative effect of domestic violence on children, even if the children are not themselves abused: male children who see their mother being abused by their father are at a higher risk of becoming abusers in their intimate relationships as adults, while female children are more likely to enter abusive spousal relationships as adults. This may in some way explain the high level of violence and abuse in the artisinal community. 55% of women reported that children were present or overheard when their mothers were being beaten. In 73% of cases the children were exposed to the violence and abuse several times or often.

With regards to the effect on the child at the time, women reported that their children had run away from home, whilst others showed psychological signs of distress such as bed wetting, thumb sucking and experienced nightmares, whilst one in five were timid and withdrawn and one in four were reported as showing signs of aggression towards their mother or other children.

VIOLENCE AND WOMEN'S HEALTH

The role of partner violence in women's injury and ill-health has become a major public health concern globally. This study collected a range of data about each respondent's current physical and mental health, and about illness and use of health services in the month prior to the interview. Women who reported having experienced physical violence by an intimate partner were asked about the forms and frequency of different injuries and the health care they received, if any.

Although a cross-sectional survey cannot establish whether violence causes particular health problems (with the exception, obviously, of injuries), the results of the Study strongly support other

research[13] that has found strong associations between violence and the physical and mental symptoms of ill-health.

Injury resulting from physical violence

Respondents were asked if they had experienced injury as a result of physical violence by an intimate partner (a) once or twice, (b) three to five times, (c) more than five times. The prevalence of injury among ever-abused women was 50%. Injuries were associated with severe physical violence. 10% of ever-injured women reported that they had been injured more than five times.

Although the majority of injuries were classed as minor (bruises, abrasions, cuts, punctures, and bites), certain more serious injuries (such as broken teeth) were relatively common. At least 30% of ever-injured women reported injuries to teeth. Nearly a third of ever-injured women reported that they had lost consciousness as a result of partner violence, which gives some indication of the degree of violence experienced by women in the community.

Intimate-partner violence and physical health

Although it is a subjective measure, self-reported health is considered to be predictive of illness in a population-based survey. This Study recognises that the sample is too small to give accuracy to the data but in the absence of any reliable medical records in this field, self reporting by the women was the only option available, but signals a need to greater research in this area. Thus in this study, although the sample was small, it provides indicative data. (Additional and on-going research and monitoring in this area would be beneficial.)

The study asked respondents whether they considered their general health to be excellent, good, fair, poor, or very poor. Respondents were further asked whether they had experienced a range of health problems during the four weeks prior to the interview and to describe the severity of the condition.

As all the women surveyed had experienced some form of abuse, it was not possible to compare if good health correlated to a lack of physical or sexual partner violence.

Intimate-partner violence and mental health

In general, mental health problems, emotional distress and suicidal behaviour are common among women who have suffered partner violence[14]. In the study, emotional distress was identified through symptoms such as crying easily, inability to enjoy life, fatigue, and thoughts of suicide in the four weeks prior to the interview.

The level of psychological distress among the women was high, with 45% of those interviewed reporting that they had at some stage considered suicide. 45% of women also reported that their partner's behaviour had affected their physical or mental well being. These figures, although high was supported by the findings of interviews with adolescent girls. When asked if they had ever lived in a household where someone had been depressed, mentally ill or suicidal, the levels reported by the girls were also relatively high: 25% in Kanina and 30% in Kananga.

[13] Landenburger K. A process of entrapment in and recovery from an abusive relationship. Issues in Mental Health Nursing, 1989, 10:209–227.

[14] Krug EG et al., eds. World report on violence and health. Geneva, World Health Organization, 2002.

The qualitative data showed that mental health problems among men were also a significant problem. Mental illness was attributed to the stress of the precarious economic situation coupled with the cultural pressure on them to provide for their families. For more detail, see the section *Alcohol, stress and mental illness* in this report.

The survey data found that men control women's access to health care by demanding that their wives request permission to access health services or by restricting income to pay for services. This deprives women of fundamental freedoms. In a community where food security is precarious and hunger widespread, it is inevitable that the most common health related problem for women is maternal malnutrition and associated anaemia. As in many parts of rural DRC, the artisinal mining communities are characterised by high maternal mortality and infant death rates, low rates of contraceptive use and poor health services.

The questionnaire data revealed that 50% of women had at some stage used methods to avoid getting pregnant, of which only half of these (25% of women surveyed) were currently using some form of contraceptive. The methods include oral contraceptives as well as abstinence. No one reported using condoms, which, given the high levels of HIV and AID in the country, would tend to indicate that both women and adolescent girls in the community are not protected against the risk of transmission.

The data also uncovered an alarming trend of young men providing adolescent girls with unknown medicines to avoid pregnancies. The adolescent girls reported that they took the medicine but were not sure what the effects of the medicine would be, trusting their partners that the medicine was indeed a form of contraceptive. Furthermore, the researchers found that the women and girls understanding of safe forms of contraceptives or family planning were low. Both men and women reported that large families are a major problem in their lives, but when asked for a solution, women felt that stopping early marriage would be a means to reduce family size whilst the men felt that nothing could be done as having children was an inevitable part of life.

As reported by the heath centre nurse, a large number of health facilities are run by Christian groups. Government run health centres are few; and when they are accessible, they are poorly equipped and staff are not adequately trained so they cannot help the women with their medical problems.

The people around Domaine Marial depend on the local hospital in Kolwezi for medical services if they can afford to go. There is a double cost associated with accessing medical treatment from the hospital as the people from Domaine Marial also have to pay for transport to and from the hospital, which is about 20USD. The women who had attended the hospital reported that they were not satisfied with the service as they were often prescribed drugs which were not available at the hospital dispensary and which they could not afford. In short, access to functional health services is extremely limited as is access to affordable medicines. It is not surprising that both the survey and the PRA exercise found that health care is a major concern for the women and adolescent girls as well as all the other groups which were consulted: children, adolescent boys and men.

COPING MECHANISMS

Who women and girls tell about violence

In 55% of cases, the interviewer was the first person that abused **women** had ever talked to about their partner's physical violence. In contrast, only 45% of physically abused women who had told someone about the violence and abuse had told more than one person about their experience. These were predominantly menders of the immediate or extended family (parent, uncle sibling) or

the husband's family. In fewer cases the women turned to someone in the community (neighbour, friends, members of a women's group and priest) and even fewer turned to a service provider (health care worker, lawyers and police).

In comparison 45% of **adolescent girls** had never spoken to anyone about their situation prior to the interview. Of the 55% that had told someone only 10% had told more than one person about the violence or abuse. Unlike the women, the girls preferred to seek help from people of similar age such as siblings, friends and cousin followed by an adult family member (parent, grandparent, aunt/uncle) and only rarely did they seek help from an adult outside the family (neighbour) or an authority within the community (priest, doctor or healthcare worker).

Healthcare providers

It is significant is that only one in 18 women and one in 29 adolescent girls told health care personnel about the violence and abuse they experienced. This is consistent with what was reported by the healthcare centre nurse. Her experience was that the centre did not receive referrals regarding gender based violence, unless it was a serious matter where medical treatment was required. The nurse stated that if any cases of violence against women or girls occurred, they were usually referred to the police rather than to the health centre. With regards to any mental health problems arising from domestic violence, the health centre is not equipped to assist with the exception of listening to the person. The medical system does not provide any psycho-social support or referral system.

Health centre workers confirmed that domestic violence goes unreported. They are aware that domestic abuse does occur and had seen physical evidence of this abuse when women came to the centre for unrelated medical treatment. Such women were often identified only because they were withdrawn and attempted to hide the physical evidence of the abuse (often bruising to the face or arms). The women's behaviour in such instances was to cover the bruises and not reply when asked how they had been sustained. Health centres are not called upon to register or pursue evidence of violence and abuse to women because domestic violence is not a crime. Knife injuries requiring stitches were the main injuries reported to police and in turn referred to the medical centre. The health centre reported that such referrals from the police were infrequent and totalled two or three per year in a community of 30,000.

The police

The Study found that cases of violence and abuse were referred to the police although these were very few and related mostly to extreme cases of sexual violence (gang rape). This was only one in 20 cases for women and 1 in 40 cases for adolescent girls. Interviews with the health care nurse and police revealed that the health centre is not the first service provider women or their families turn to in instances of violence. The matter is usually reported to the police. The health centre is only contacted when the police request a medical report to assist in their enquiries. In such cases the police act as a mediator helping families to come to some form of arrangement, which is usually financial. As such no punitive measure is ever enacted against the perpetrator of the violence. The local police commander confirmed that this was how such complaints were dealt with by the police. Even in cases of sexual violence, including rape, the police are the first service to which families turn. As with physical violence, the police do not on the whole investigate the crime but act to mediate an arrangement between the families.

Lack of support services

Staff at the psychological clinic operated by the Sisters of Notre Dame which support women who have been sexually abused reported that the true extent of violence and abuse is impossible to estimate due to the absence of any formal mechanism to collect such statistics in the formal health system. The resident psychologist substantiated the report of from the health centre that there is no formal reporting system for violence against women and girls within the health system. As reported by other service providers, the Sisters of Notre Dame explained that instances of violence or sexual abuse are resolved between the families rather than through the judicial system.

Although NGOs are the only provider of social services in Kolwezi, most of these (other than the Sisters of Notre Dame) focus on the provision of social welfare support to children rather than women. It was felt by the sisters that the major cause of violence against women and girls in the society is the culture – '*a culture where it is instilled from childhood that women are worthless and men are the kings.'*

The lack of any co-ordinated services has been identified in other areas of the country as a major problem in addressing violence and abuse against women and girls. It is for this reason that the United Nations Organization Stabilization Mission in the DR Congo (MONUSCO) conducted two meetings in Kolwezi in 2012. The aim of the meetings was to discuss with medical practitioners, psychologists, police and government representative from the Ministry of Family, Gender and Children the establishment of a committee to oversee the establishment of an inventory of violence and abuse against women and girls and to begin to co-ordinate resources.

Who tries to help

Women respondents reported having told family and friends about their partner's violence, and it is notable that some support was provided by these people. However, 56% of physically abused women who had told someone reported that no one had tried to assist them. For the most part, the people that tried to do something were those within their immediate family or that of their partners.

It is not clear whether this reporting within the family (and occasional attempted assistance) improved the situation. In some cases, family members condoned the man's violence or suggest arrangements that prioritize the needs or well-being of the family over the woman's safety. This attitude was evident during discussions with a religious leader who, although very cognisant of the fact that domestic violence does occur, advised the women who came to him to put up with their husbands behaviour and placate them for the sake of the children.

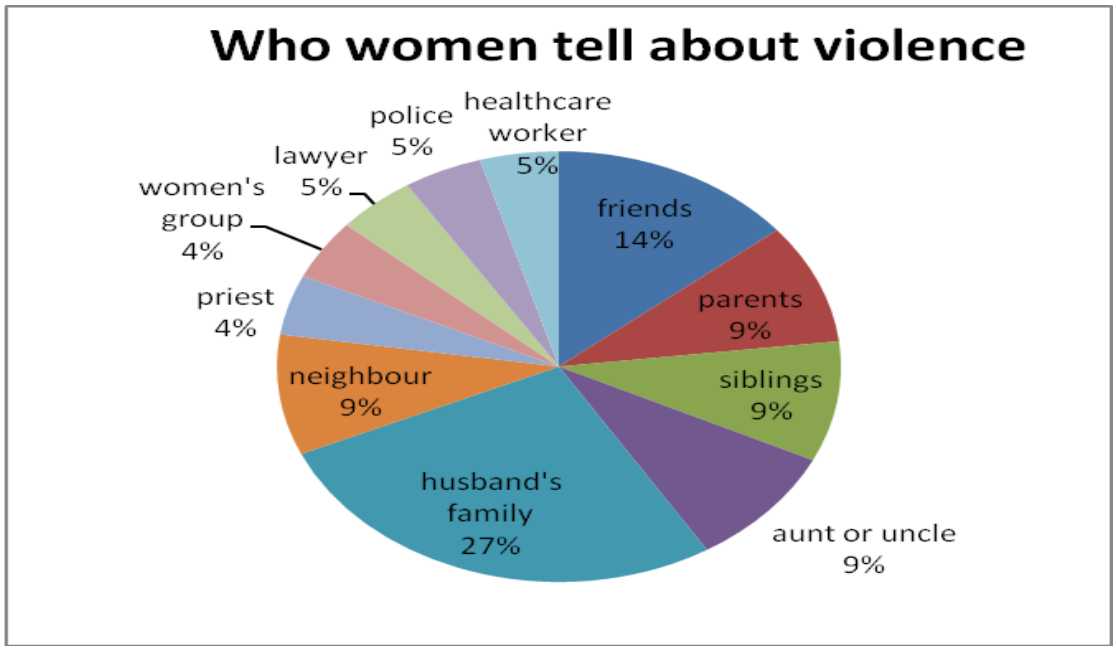
Seeking help from authorities

Women

Research in many countries has shown that informal networks such as family, friends, and neighbours usually provide the first point of contact for abused women, rather than more formal services[15]. This finding is supported by the results of this study, which asked respondents about their use of different formal services (health services, legal advice, police) or whether they had contacted people in positions of authority (shelter, women's nongovernmental organizations, local leaders, religious leaders). The study found that even when women told someone about the physical abuse, a much smaller proportion of women sought help. Indeed, the majority of physically abused women reported that they had never gone to any of these agencies.

[15] Rose L, Campbell J, Kub J. The role of social support and family relationships in women's responses to battering. Health Care for Women International, 2000, 21:27–29.

Figure 16: Who women tell about violence



The finding that more women had talked informally to someone than had sought formal help may in part reflect that an individual's response to violence may take time to develop. In some cases, it may take years before a woman starts to challenge or question the violence in her life, and even longer before she seeks help. The low use of formal services also reflects the limited availability of services. In this context, the lack of services coupled by an absence of any knowledge on the part of the women that they can find redress for their abuse under the law also contributes to under reporting. Only in 5% of cases did physically abused women contact the police, and only in 4% of cases did women seek help from religious leaders. None of the women sought help from health care services or from local leaders. Only in 5% of cases did women report that they sought medical attention, of these women, 75% stayed in hospital for more than 2 days. Most of the women who received medical help said that they eventually told the medical staff how they had obtained the injuries, but that they did not receive any support other than treatment for their injuries.

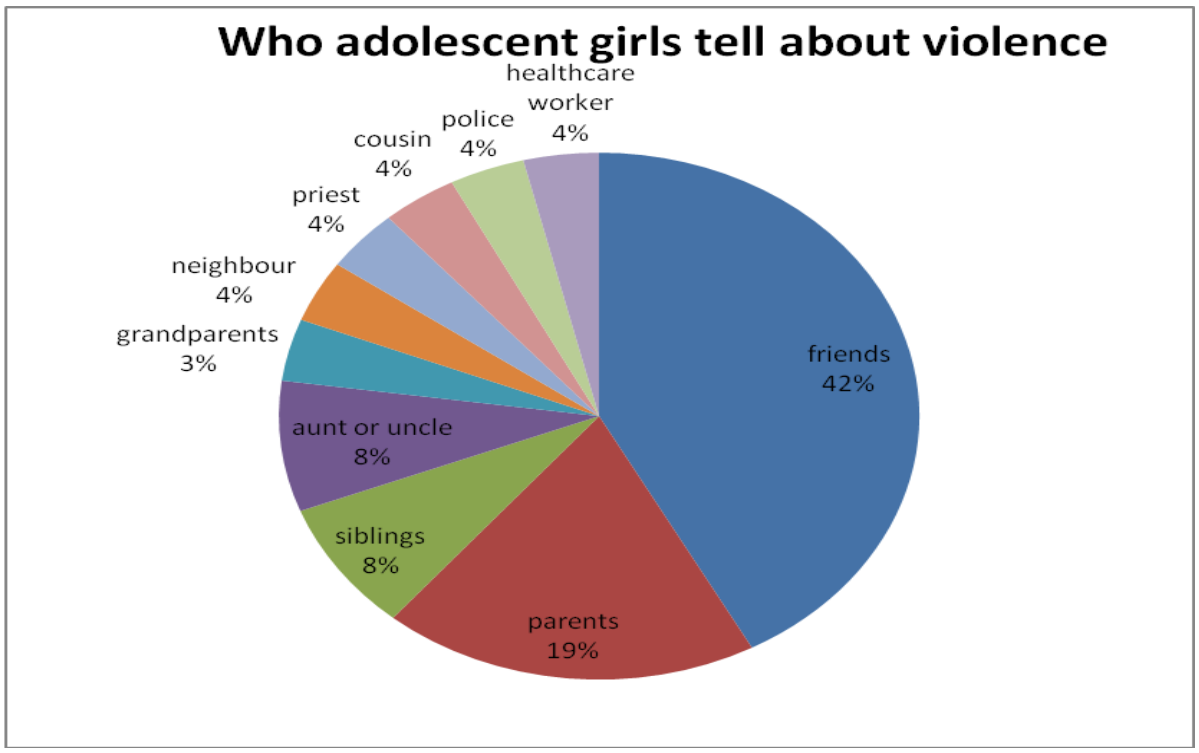
In one to one discussions with the women, the research team found that the reason women did not seek help was either that they considered the violence normal or not serious, that they feared consequences such as further violence, or that the husband would leave them and they would no longer have any economic support. The fear of losing what they consider their only economic security is a strong fear among women and also shared by the adolescent girls. This finding is consistent with the reports of the staff at the psychological support unit.

Adolescent girls

With regards to adolescent girls, access to and assistance from care services was lower than that for women, representing only 4% of cases. Although there were cases of reporting violence and abuse to service providers (police and healthcare) the adolescent girls did not perceive reporting to service providers as a means of seeking assistance for their problem, but rather a requirement in order to report severe cases of sexual assault. In one of the incidences the girl, who is now 17, reported that she had been gang-raped by a group of men as she was walking to Kanina to go and live with her aunt. She was so badly beaten that she could not walk and it took her a week to arrive in Kanina. Once she arrived at her aunt's house, her aunt reported the incident to the police but nothing happened. Her family also made her wait two weeks before taking her to the hospital to seek treatment for injuries to her leg from the beatings she had received. The injuries were so severe that a part of her leg bone had to be cut away and she now walks with a permanent and distinct limp as

one leg is shorter than the other. Following her operation, she could not walk at all. She did not receive any physiotherapy, but taught herself to walk again. She reported that she had to learn to walk so as to earn money because her extended family could not afford to feed her.

Figure 17: Who adolescent girls tell about violence



Unlike the women, when adolescent girls talked about the violence and abuse they had experienced they chose to share the experience with friends, followed by their parents and siblings.

During the PRA qualitative exercises conducted with the girls, their feelings of isolation and their inability to turn to any adult when they had problems were raised as a major problems. Many reported that they felt isolated and lonely. Some felt isolated because they had migrated from another area and came from a different ethnic group. Others stated that no one cared about them and that they had been abandoned by their family. Even those that lived in a family setting reported being neglected. They reported that they often felt overwhelmed by the responsibility of caring for their siblings without the support of adults. Without parental guidance and support, it is understandable that girls would not turn to adults within the service providers for help, but rather to those they could trust including siblings and those closest to them in age.

LEGAL FRAMEWORK

The Democratic Republic of Congo ratified international legal instruments notably the Universal Declaration of Human Rights, which dedicates the principle of equality between men and women in its first two articles. The DRC established the Ministry of Advancement of Women in 1980 and ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in October, 1986 and came into force in November 1986. Other international and regional legal instruments to which the DRC is committed include:

The preamble of the 2006 promulgated DRC Constitution upholds the principle of equality between men and women. The articles 5, 14 and 15 set up the foundations of legitimisation of any policy of equality and equity in the RDC.

Article 14 of the Constitution provides that the State shall have the duty to ensure the elimination of all forms of discrimination against women and ensure the respect and promotion of their rights. The State must *take measures to address all forms of violence against women in public and private life*, and assure the *full participation of women in the development of the nation* particularly guaranteeing the *right to significant representation in national, provincial and local institutions*. The State must guarantee the application of the principle of parity between women and men in these institutions, by regulating the application of these rights.

The DRC is also signatory to various international and regional legal frameworks specific for the protection women and young girls' rights, including the *Convention on the Rights of the Child* and the *Rome Statute* of the International Criminal Court. The DRC state adopted the *Solemn Declaration on Gender Equality in Africa* in 2004 thus proposed to monitor on gender mainstreaming. The DRC has recently, in 2009, ratified the *Protocol on the Rights of Women in Africa*. The DRC also signed the *SADC Protocol on Gender and Development*, a legally binding agreement compelling to hasten efforts towards gender equity in the country. It has also ratified the Convent Protection of Civilian Persons in Time of War (1961) and the African Charter on Human and Peoples' Rights (Ratified - 28/07/1987).

However, all these legal frameworks are not having an impact on the lives of women, as the law is rarely implemented, and only sometimes applied for those who can afford to pay to access the legal system. Interviews conducted with the lawyer from the Sisters of Notre Dame legal aid centre revealed that cases can take up to two years before they brought before a judge. Furthermore, married women can only have recourse under the Family Code if their marriage has been registered under a civil authority and the *livret de famille* issued. The legal aid centre has also been working with the judiciary to promote the rights of women, they reported that judges are reluctant to support changes to discriminatory clauses in the law which disadvantage women due to their own patriarchal attitudes. Corruption of the judiciary is also widespread as the government repeatedly fails to pay its civil servants, further disadvantaging poor and disadvantaged women who have the least resources in the society.

Despite the provisions contained in article 51 of the 2006 Constitution, Congolese legislation remains discriminatory towards women. The following review of the legislation only makes reference to those areas of law which most immediately affects the life of the target community.

The Family Code

The law which most affects women is that under the Family Code, although provisions under The Family Code seek to protect women in the domestic setting various articles impose marital subjugation.

The Family Code, promulgated in 1987 and renewed in 1999, contains several discriminatory clauses. Many provisions are incompatible with the Convention on the Elimination of All Forms of Discrimination against Women. The following are relevant examples:

Article 148.1 provides the delivery of the family registry booklet *(livret de famille*) only to the husband during the celebration or the registration of the marriage. This does not allow for both spouses to enjoy the same rights and responsibilities during the marriage or during its dissolution. Concerning the replacement of a lost family registry booklet, the Family Code allows only the husband to request another. This is a significant problem as without the *livret de famille* women cannot claim her and her children's rights to support if the husband should leave or divorce her.

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. This denies women the same rights under laws relating to the movement of persons and the freedom to choose their residence and domicile.

Articles 444 – 448 of the code place married women in a position of dependence and submission to their husbands, to the extent that they cannot affect any legal act without their husband's consent.

Article 444 stipulates that "the husband is the head of the household. He must protect his wife; the wife must obey her husband". And 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". Furthermore, if the husband is deemed absent by a court or if he dies, the wife must share the running of the household with one of her husband's relatives.

In relation to inheritance rights, article 758 gives preferential treatment to the children of the deceased but does not discriminate between women and men within the second category of heirs. However, following the death of a husband, in many traditions; wives must share the running of the household with a male relative of the deceased – in part to compensate for women's lack of ability to sign legal acts. But this opens women up to the possibility that family members may the property.

Article 448 provides that "the wife must obtain her husband's authorisation to effect legal acts for which she must present herself in person". However when the person accused is the husband himself, the husband consent is no longer required, in conformity with article 451.1 of the Family Code.

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. DRC law is weak in terms of supporting the financial independence for women. Married women do not have the legal right to sign certain acts and contracts without the prior consent of their husbands. Women have very limited access to land. By law, the right to lands or concessions can be given to men and women without distinction but traditional attitudes and customs that discriminate against women remain strong in this area. Legally married women in the DRC do not have access to property or lands, since everything must be administered by their husbands. Moreover, they must seek a court order to prevent mismanagement of property, should such a situation arise. Similarly, as Congolese wives cannot sign any legal acts without the authorisation of their husbands, they have virtually no access to bank loans and bank accounts.

Articles 361, 367, 382, 388, 426, 543 and 579, which concerns the issue of dowry, insist on the symbolic and compulsory nature of this practice. Without the dowry, a marriage would not be possible. The dowry could be used as a pretext by the husband to mistreat his wife or for families to sell off their daughters.

The Labour Code

Previously the labour law stated that women obtain marital authorisation before accepting a salaried job, it also discriminated against women as the law sanctioned the reduction of mothers' wages during maternity leave. Subsequently, Act No 015/2002 of 16 October 2002, regarding the Labour Code, included language to reinforce anti-discrimination measures for female workers. Article 1 removed the husband's ability to oppose his wife's hiring. However, article 6 of this law, which treats the "ability to contract", creates confusion. This provision states that one's ability to offer his/her services is determined by the laws of his/her native country, or if that country is unknown, by Congolese law. By referring the ability to contract back to common Congolese Law, the Family Code is effectively enforced; article 215 of the Family Code limits the married woman's ability

to exercise her independent decision to take a salaried job. Moreover, article 448 states that a woman must obtain her husband's authorisation for all activity of a legal nature.

Violence against Women

Violence against women in DRC occurs in different forms and in a context widely influenced by socio-cultural factors, discriminatory laws, ethnic conflicts, wars, bad governance to name a few. The reality is that offenders are rarely arrested by the police even when there is a report. As reported by the police as part of this study, if families report acts of violence or sexual violence, the Police see their role as helping the parties find reach and an agreement for compensation rather than pursuing the matter through the legal system. Even when perpetrators are arrested, the offenders are rarely processed.

Sexual Violence

Article 15 of the DRC constitution state that authorities shall take care in the elimination of any form of sexual violence used as a weapon of destabilization or of dislocation of the family.

In 2006, a new sexual violence law was passed, which broadened the definition of rape to include male victims. Laws 06/018 and 06/019 set out the modalities for the implementation of the above mentioned rights, thus amending and complementing the Code and Congolese Criminal Procedure through the integration of the rules of international humanitarian law on sexual violence offences. The amendments made to the new sexual violence law, inter alia, include male rape victims, clarify the offence of sexual violence and define new forms of violence liable to criminal sanctions. The law criminalises rape and also addresses sexual slavery, sexual harassment, forced pregnancy, and other sexual crimes not previously covered by law.

Rape is punishable by a prison sentence of five to twenty years, and indecent assault is punishable by prison terms between six months and twenty years, depending on the age of the victim and whether violence, ruse or threat was used.

However there is a lack of political will in the judiciary regarding the 2006 laws on sexual violence, and interference by the executive and or judiciary powers in judiciary matters.

Violence occurring within the Family

Domestic violence

Physical violence in the family often is committed by a husband against his wife. The fact that some husbands believe they have correctional power over their wives allows them to be violent with their wives. In such cases, the perpetrators often remain unpunished. Indeed, unfortunately, women do not report them fearing to be repudiated.

Concerning women victims of rape, judges often tend to display a discriminatory attitude regarding their complaints. The question of evidence is aggravated by the fact that for cultural reasons, women abstain from complaining, or they submit a complaint some time after the facts, rendering it difficult for forensic doctors to collect evidence of the offence. The right of women to submit a complaint for acts of ill-treatment or any other offence is subject to the authorisation of their husband (in cases involving married women). Article 448 of the Family Code expressly provides that "a woman must obtain the authorisation of her husband to effect all legal acts for which she must present herself in person". However, when the author of violence is her husband, the woman is not obliged to seek his permission in order to take action against her husband, in accordance with article 451 of the Family Code.

The Penal Code does not punish violence more severely when it occurs between spouses. There is no aggravating circumstance in the case of murder or of intentional bodily harm toward her/his spouse. Moreover, the new law on sexual violence makes no specific mention of sexual violence within marriage.

By authorising girls to get married at the age of 15 years old, the legislation in article 352 of the Family Code facilitates situations of forced or premature marriage. Moreover, the parental authority over children as well as poverty encourage parents to arrange the marriage of their daughters according to their own wishes, and to ignore the principle of free consent of the future spouses. The practice of levirate and sororate also persists and violates the principle of the free consent of women.

The new Penal Code reform concerning sexual violence includes in its article 174.6.f. on forced marriage, that "a person exercising the parental authority on a person and who would give her or obligate her to contract a marriage, will be punished from one to twelve years of penal servitude and with an amend of minimum 100.000 Congolese Francs . This penalty is doubled when the victim of forced marriage is aged of less than 18 years old."

RECOMMENDATIONS

The findings of the community needs assessment coupled with those of the quantitative survey highlight the need for a comprehensive response by a wide range of actors, from local health authorities and community leaders to national government. As the Study found, violence against women and girls is specifically endemic in culture of artisinal mining communities.

Violence against women and girls is a big problem in the DRC. It has multiple causes, some of which are cultural whilst others serve to fuel the risk of violence and abuse of women and girls. Whatever their cause these must be tackled and will require behavioural changes in men and female empowerment. It also requires concerted efforts by NGOs to engage with Government in order that violence and abuse of women and adolescent girls is addressed at all levels. This is a major challenge for GSS Congo, as a comprehensive approach to tackling violence and abuse effectively needs to sit on a platform of existing multi-sector services which do not exist in much of DRC and especially in the artisinal mining communities in Kolwezi.

The ultimate challenge for GSS is to prevent and eventually eliminate all forms of violence, including violence against women. The immediate task is to support and offer choices to those women and girls living in violent situations or who have suffered any form of violence in a context where service are not available, democratic structures for government accountability do not exist and the government corruption operates with impunity .

If GSS is to eliminate violence and abuse in the communities of Domaine Marial, the approach chosen in the short term may need to include some form of service provision. However, it is important that the state takes responsibility for the safety and well-being of its citizens. In this regard, the relevant government ministries, in collaboration with GSS Congo need to give priority to developing and implementing a replicable informal referral systems and social work support model which can be transferred for adoption and uptake by Government as they begin to take responsibility for their citizens and establish required essential services.

Recommendation 1 - promote gender equality and women's human rights.
The Governments should strive to harmonize their legislation in particular the Family Code, Labour Code and the Sexual Violence Act with these commitments and bring about the necessary changes in national laws, policies and programming. Advocacy for gender equality and human rights, and monitoring of national progress towards international commitments, needs to be part of the programme if the root causes of abuse, violence and discrimination is to be addressed in the DRC. GSS Congo alone cannot take on this task, coordinated action by coalitions or alliances of NGOs and community based organisations from different sectors will be a more effective approach than identifying the issue with a single small NGO. The Sisters of Notre Dame's legal aid office is a good lead partner in such work given that they are active in working with the judiciary and reviewing the legislative framework to identify clauses which discriminate against women. GSS Congo as part of the Catholic Church can advocate for change through the Catholic Peace and Justice Commission as well as through its international platform.

Recommendation 2 - Promote women's economic empowerment
Women's access to education – in particular keeping girls enrolled through secondary education – and to safe and gainful employment should also be strongly supported as part of overall anti-violence and abuse efforts.

However, as with any other attempt to address equity and equalisation of gender roles, programming focused solely on women can quickly alienate them from the broader society and make men and adolescent boys even more resistant towards change. Especially concerning sexual violence against women, the roots are often found in male feelings of powerlessness and social marginalisation. By focusing on women alone, efforts could produce violent backlashes and make women more insecure than before. Thus any efforts to address gender issues in the artisinal mining sector need to be within a broader framework for change where all parties find their interests represented. Alternative livelihoods and food security programmes must involve all parties.

Economic transition activities do present challenges, though easily overcome if recognised at the outset. Of greatest importance is ensuring income is available during the initial transition period as artisanal miners are used to earning income on a daily basis. When presented with business opportunities where initial income will not be generated, creative solutions to bridge the earning gap must be identified and supported. It is essential that alternative livelihoods programmes area accompanied with detailed business plan in order that food security measures and alternative livelihoods actions provide economic viability to the degree that communities reduce their reliance on the artisinal mining sector which represents a quick and well paid source of income if erratic and precarious in nature.

Recommendation 3 – Community education as a strategy for addressing gender inequality and gender based violence
The study found an acceptance of violence against women among the artisinal mining community in Domaine Mariale. Women, men and a large number of adolescent girls agreed with gender inequitable norms. These findings would support that any programme which seeks to redress gender base violence must address the attitudes of both women and men.

Recommendation 4- Using reproductive health education as an entry points for identifying and supporting women in abusive relationships, and for delivering community based informal referral and counselling services.
Local reproductive health services (including antenatal care, family planning services, post-abortion care and services dealing with sexually transmitted infections) give these services a potential advantage for identifying women in abusive relationships and offering them referrals or support

services. However, given that such services are not available in the programme area or are under staffed and resources, GSS Congo could provide educational programmes on reproductive health and personal hygiene as an entry point for to identifying and responding to violence and abuse. Recognizing that identification is not enough, an informal community based referral systems needs to be put in place to ensure that appropriate care, follow-up and support services are available.

Recommendation 5 –Strengthen informal support systems for women living with violence.
The Study found that few women sought help and support from formal services or institutions (e.g. social workers, counsellors, shelters). This reflects many factors, one of the most important being simply the lack of such services in DRC and in artisinal mining communities in particular. In addition, women lacked confidence that existing services and authorities would make any difference to their situation. This highlights the need for better and more accessible support services where women can safely disclose their experience of violence.

While formal services offered by health or justice-related institutions should be expanded or improved, other models of service provision should also be explored, building on the existing sources of informal support to which women often turn. They could include sensitizing religious leaders and other respected local persons to the problem and trusted groupings such as women's groups, and encouraging them to become involved in providing support, for abused women. Training and orientation of such organizations on the issues involved, and the complexities of responding to violence would be required.

Since abused women are most likely to seek help from informal networks of friends, relatives and neighbours, strengthening these networks is important so that when women do reach out to friends and family, they are better able to respond in a sympathetic and supportive manner. Media activities highlighting the extent of violence and promoting the role of friends, neighbours, and relatives, as well as interventions to reduce the social stigma around violence may all help to reinforce constructive responses.

Recommendation 6 - Develop, implement and evaluate programmes aimed at primary prevention of intimate-partner violence and sexual violence.
Preventing partner violence requires changing the gender-related attitudes, beliefs, and values of both women and men, at a societal as well as at an individual level. The DRC is a society emerging from protracted war and conflict, the traditional structures which governed culture and social practice are either eroded or significantly diminished. Though past culture and social practice did not promote respect and equal opportunity for women, traditional structures had some positive influence and change. The artisinal mining communities have merged the traditional authoritarian elements of the society with the general disorder which dominates the artisinal mining communities. Thus promoting gender equity becomes complex as societies naturally evolve by grounding constructed roles and responsibilities in local leadership structures. The multi-ethnic composition of most these communities further complicates approaches to gender issues, as tribal values and practices vary significantly, and occur within the void of an overarching traditional or functioning democratic governance structure.

Prevention efforts should include public awareness activities which include the mass media, to challenge women's subordination, and to counter the attitudes, beliefs and values – both those of men and women – that condone partner violence as normal. An important objective is to eliminate the barriers that prevent women talking about the problem and providing services in a context where government support services do not exist. This involves reducing the stigma, shame and denial around partner violence against women, and strengthening informal support networks; and

encouraging family and community members to reach out to and support women living with violence; whilst at the same time influencing government to commit to services that address violence and abuse against women and girls.

Recommendation 7 – Prevention programmes must focus on interventions which engage men and adolescent boys.
Men and adolescent boys should be part of a prevention programme. Training/sensitization activities targeting men and adolescent boys coupled with a local media strategy can encourage men who are not violent to speak out against violence and challenge its acceptability. This will help counter notions that all men condone violence and provide alternative role models of masculine behaviour to those usually portrayed by the media. Communication strategies and training programmes should be explored including community-based approaches (e.g. legal literacy programmes, HIV/AIDS community mobilization, local media initiatives) and activities to target specific risk factors for violence such as alcohol and drug use as well as mental health problems. Communities need to be encouraged to talk about partner violence and to challenge its acceptability. Overall, there is a need to strengthen primary prevention efforts.

Recommendation 8 - Sensitize legal and justice systems to the particular needs of women victims of violence at the local level.
All those in the criminal justice systems (police, investigators, medico-legal staff, lawyers, judges, etc.) should be trained and sensitized to consider and address the particular needs and priorities of abused women, particularly those faced with violence by a partner or ex-partner.

GSS Congo alone would be unable to address this recommendation. The Sisters of Notre Dame already have started work in this area. GSS Congo would be best placed to support an expansion of the sensitization work of the Notre Dames legal aid centre by facilitating the implementation of those activities into the Domaine Marial area. This would ensure that the best placed organisation is conducting the required action but would also reduce any likelihood of duplication of interventions.

Section III. Child Vulnerabilities

Introduction

The DRC has the potential to be one of the wealthiest countries in the world given its mineral wealth. However, the majority of the Congolese population has not benefited from these natural resources due to persistent and protracted conflict, mismanagement, corruption and illegal trade. Corruption, the lack of investment in social sectors, limited capacity and an inability to provide basic services to significant parts of the country are at the heart of weak governance. The reform of governance across the extractive industries is a key initiative to improving the likelihood that wealth generated in the extractive industries will reach the national budget and be channelled to the many development programmes that are currently severely underfunded.

The 2006-08 and 2012-2016 DRC Poverty Reduction and Growth Strategy Papers (PRGSP) and the 2009 revision each acknowledged that the country does not have a national policy on social protection. The system is one where diverse ministries are responsible for responding to the needs of vulnerable groups. The few social protection mechanisms that exist are ineffective in terms of design, financing, reach and implementation. The ’s stance on social protection and the protection of the most vulnerable remains one that is characterised by the lack of a consolidated approach across

responsible Ministries, an absence of an informed national strategy, limited programming and low prioritisation of social protection, and very limited funding. In short, the most vulnerable groups in society – women, girls and children – will remain unprotected.

Economic Vulnerabilities

Data obtained through both the quantitative findings of the surveys targeting women, girls and children, as well as the qualitative PRA exercises and interviews, revealed that income poverty emerged as the key trigger for economic vulnerability effecting children and adolescent girls. Economic vulnerability was also identified as being the consequence of many other risk factors, such as low earnings, unemployment, spending household wealth on health costs and limited access to education.

Interviewees also spoke about family break down and death as an important source of economic vulnerability. The work of artisanal miners is extremely dangerous. The absence of any form of occupational health and safety standards and enforcement measures has led to a number of deaths in the mines. The death of the earner often leads to the destitution of women and children in the community. In economic terms, the death of a male income provider has a significant impact on all household members, particularly on children.

Unemployment of adults was also referred to as a significant economic risk factor. Respondents spoke about the limited opportunities adults, especially mothers, had to generate an income for their families in order to provide for basic needs. This was evident in the children's mapping exercise where they included in their map the need for a sewing enterprise for their mothers so that they could earn an income. The realisation of the need for paid employment is very vivid in the minds of the children and adolescents in the community. Unemployment in the community is linked to food insecurity, hunger and malnutrition. The impact of food insecurity on the community is particularly severe for growing children. Lack of potable water, non-optimal feeding practices for infants and poor food quality are key reasons for children's malnutrition – all of which are exacerbated by unemployment in the community. In many areas and in the schools in and around Kolwezi, school meal programmes are being implemented and supported by the World Food Programme (*Programme alimentaire mondial - PAM*).

In the children's mapping exercise, the presence of food crops and community gardens featured prominently as an important part of their community. The children felt that they would like this activity to expand within the community. Both the qualitative and quantitative data showed that hunger was a significant problem within the community. Of the children interviewed, only 85% could recall the last time that they had eaten and only 10% could recall what they had eaten at that meal. With regards to the quality of the food, of those children who could recall what they ate, the diet consisted of maize meal with vegetables (manioc leaves). Malnutrition was reported as the most significant problem affecting children in the artisinal mining community by the health centre nurse. Teachers at the informal school reported that children often fell asleep during class and sometimes fainted due to hunger.

The adolescent girls also reported that hunger was a problem. Of those surveyed, 50% had not eaten in the last 24 hours, 40% had not eaten in 2 days and 10% could not recall when they last ate. In terms of the quality of food: 42.5% ate a cereal on its own (maize meal, rice or couscous); 22.5% had a cereal with vegetable (maize meal and sweet potato or manioc leaves; 2.5% had soup made from vegetable leaves; 10% had only vegetables (manioc leaves or sweet potatoes; 12.5% had some form of protein in their maize meal (fish or meat); and the remaining 10% could either not recall what

they ate or were given some food by a friend when they attended the vocational training centre initiated by GSS Congo.

Figure 18 – When girls in Kanina indicated they had their last meal

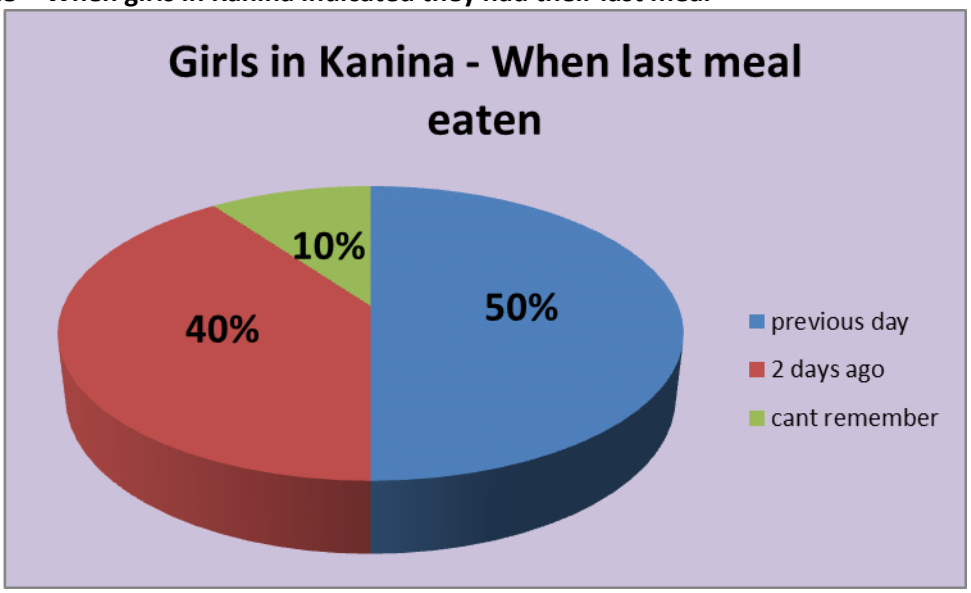
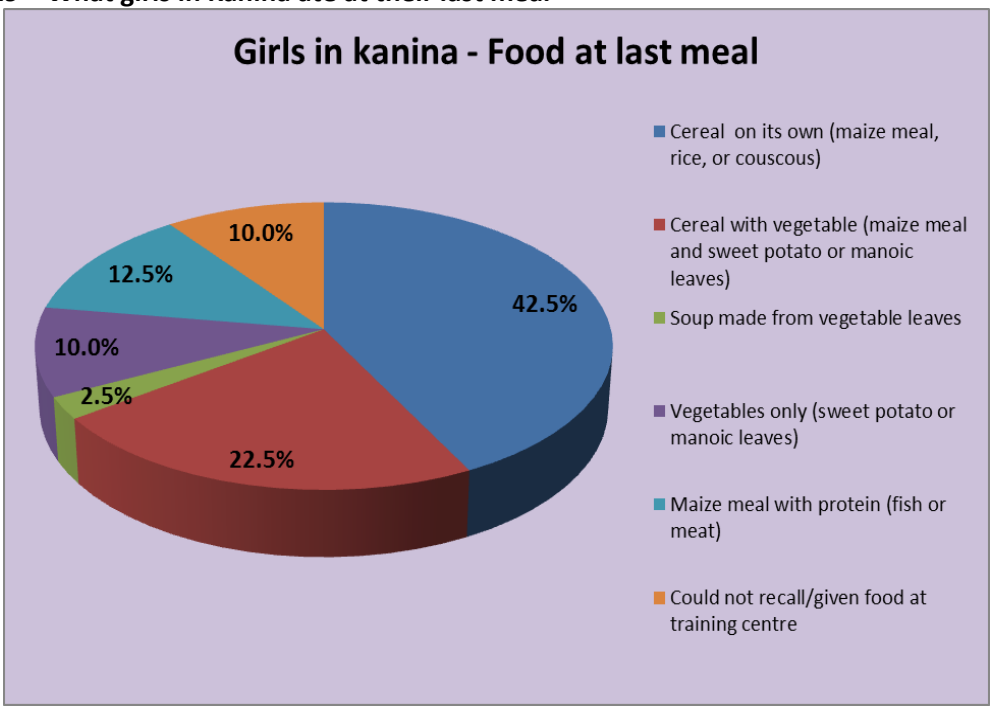


Figure 19 – What girls in Kanina ate at their last meal



Income poverty also emerged as the key underlying factor triggering vulnerability and limited capacity to meet the basic needs of children and adolescent girls. Many of the children and adolescent children reported that they did not have clothes. Many used their clothes as bed mats, sleeping on their clothes at night and wearing them during the day. This proved extremely problematic during the wet season because houses leaked or flooded and wet the clothes they lay on during the night.

The inclusion of literacy training, a sewing centre and income generation activities for their mothers in the mapping exercise undertaken by the children reflects the level of awareness the children have of the need for income, especially in relation to their mothers, and of the relationship between their

mother's level of education and their level of well being. It also supported the reports by both the children and adolescent girls that along with hunger, the lack of basic needs, such as clothes, was a problem.

Social Vulnerabilities

A common source of social vulnerability affecting children and adolescent girls is family breakdown. 45% of children and 60% of adolescent girls reported that they came from a single parent/carer household. Whilst the mother was the dominate carer and head of single parent households for children, it was the extended family – grandparents, aunts and uncles – who took up this role in the case of the adolescent girls.

Table 4: Primary carers of children and adolescent girls

Carers	Children	Adolescent girls
Both parents	50%	40%
Mother	30%	25%
Father	5%	0
Extended family (grandparents, aunt, uncle)	10%	30%
Alone	5%	0
Taken in by community member	0	5%

Family breakdown within the artisinal mining community is closely linked to both the economic pressures faced by the communities and the ethnic divide which pervades the community. Economic migration and movement of the men in search of work often results in men abandoning their families and starting new families elsewhere in the country. Under the Family Code, such families are entitled to claim financial support (*Alimentation familiale*) from the absent father. However, the lack of knowledge of women about their rights, coupled with a lack of access to the law and judicial corruption, means that such rights are rarely realised.

Adolescent girls reported that economic vulnerabilities resulted following various forms of family breakdown and lack of family cohesion:

- Parents remarry after the death of the spouse and the new spouse does not want the children from the previous marriage. Therefore the children are forced to live with their grandparents who are very old and cannot care for them.
- Parents divorce and the children are abandoned by both parents and left to fend for themselves.
- Fathers have many wives (polygamy) none of which he fully provides for.
- Step parents who do not want the step-children.

The children and girls reported that when they are taken in by a new family, the new family often physically abuses them as they are seen as a burden to the family. Abuse took the form of depriving them of food, exploiting their labour and taking away the child's personal items.

Ethnic divisions come into play during inter-ethnic marriage. In such cases, the new spouse refuses to take in the children from the previous marriage due to their ethnicity. The children are therefore left to fend for themselves in the streets. Many such children are found in market places and around commercial enterprises in Kolwezi hiring themselves as labourers or begging in order to gain income to survive. Abandonment due to ethnicity is particularly acute in the programme area. 80% of

orphans identified by the Franciscan fathers in Kolwezi reported that they had been abandoned by their family due to their ethnicity once their parent had remarried. Concern regarding child abandonment of this type was also expressed by the *Chef de quartier*, the local police chief and religious leaders. All reported that family breakdown exposes children to a life on the street. Coping mechanisms for these children include the search for paid income, but community members or extended family have, at times, taken responsibility for such children. No formal system exists for supporting abandoned children to reintegrate back into the family. Some attempt had been made by the Franciscan fathers, but the intervention was small in scale and relied on the efforts of a single Father.

Economic deprivation due to lack of income was found to be a major contributing factor leading to exploitation of children and minors. The study found that both children and adolescent girls were forced to provide for themselves as parents and guardians were unable to provide for their children and daughters who are hungry. Coping mechanisms varied across the groups: while adolescent boys reported an increase in crime amongst their peers, the adolescent girls resorted to the traditional reliance on men as economic providers. The adolescent girls reported that girls swapped sexual favours in return for a promise of marriage and its associated link to increased economic security.

The expansion of the international mining community with its introduction of foreign workers also fuels demand for prostitution. Both community and religious leaders reported that adolescent girls are the group most at risk of commercial sexual exploitation. The adolescent girls reported that there is overwhelming pressure placed on them from the family to support the family economically, so they are pushed into prostitution which opens them up to the risk of STDS and HIV/AIDs.

In addition, the adolescents interviewed reported their lack of respect for authority, which led to engagement in socially risky behaviours, such as paid sex among the adolescent girls, and gang crime, drug and alcohol abuse, and the exploitation of young girls for sex in the case of the adolescent boys. Furthermore, the Study found that there was less respect for parental authority among young people and children because parents were not able to provide them with support. The children and adolescent girls reported that they felt they were not supported by the adults, that the adults failed to provide good role models, and that the young people and children were increasingly taking the role of adults as carers and providers.

One of the most frequently identified social risks in the artisinal mining community was excessive drinking and alcoholism. While this was mainly a problem among the men, the Police Chief reported that on several occasions men reported their wives to the police due to excessive drinking. This was also identified as a risk factor for domestic violence. The adolescent boys and girls felt that money spent on alcohol served to reduce the family's ability to pay for basic needs or for services that could benefit children and young people, such as school fees and health services. Alcohol was also identified as a contributing factor to violence in the family and in the community, as was the increase use of drugs. Mental health was also cited as a social risk. Increasing pressure on men to earn sufficient income to feed their families has given rise to mental health problems among the male population. The Study found some evidence that mental health exacerbates violence within the family, but further research needs to be undertaken in this area. Further research is also required regarding the link between mental health and economic vulnerability of the family as men increasingly become incapable of working.

The economic problems have also led to a rise in crime within the community. Men and adolescent boys are those most susceptible to crime which respondents identified as being linked to unemployment, lack of opportunity and idleness, as well as a lack of programmes to help address these extreme challenges of poverty and disillusionment. Both children and adolescent girls

reported that they lived with someone that had committed a crime and had gone to prison. The loss of the major income earner within the family due to incarceration increases the economic vulnerability of children and adolescents. Although, Article 70 of the Child Protection Act of 2009 stipulates that the State will provide for the food and health needs of children who have one or both parents in prison, the law is rarely applied.

Table 5: Number of minors who live in households where adults show the following risk factors: alcohol and drug abuse, mental illness and incarceration

RISK FACTOR	CHILDREN	ADOLESCENT GIRLS
Alcoholism and drug abuse	45%	60%
Mental illness	10%	25%
Prison	20%	45%

Children are particularly vulnerable to accusations of 'witchcraft' in the artisanal mining community. Those most at risk are orphans, especially those orphaned by HIV and AIDS. Religious leaders, as well as community leaders, reported that pastors from evangelical churches were largely responsible for fuelling the belief in 'witchcraft' targeted at children. In Domaine Marial the *Chef de quartier* reported that this was a significant problem that resulted in the children being physically abused by members of the community following accusations of 'witchcraft'.

Child Vulnerabilities

Education

Basic Education

Years of conflict and mismanagement have left an entire generation uneducated. The quantitative survey showed low school attendance, none of the children surveyed had ever attended school before the establishment of the community informal school which was established by the community with the support of GSS Congo. Only 60% of adolescent girls reported having ever attended school. The average attainment level was Grade 3 primary school level. None had ever attended secondary school. Figures from the local Department of Education in Kolwezi show that school enrolment is low, with only 26,457 children in the entire district enrolled in primary school. Figures for the period 2008-09 show that only 66.3% of boys and 53.2% of girls are enrolled in primary school. Of those enrolled, 60% are male and only 40% are female. This may be explained by the findings from the quantitative data collected as part of the Study which revealed that gender-based discrimination within families means that boys' education takes precedent over that of girls.

In qualitative interviews, adults, young people and children concurred on the importance of primary education. The quantitative data also found that schooling was important to the children. When asked what they wanted for the future, 100% of children responded they wanted to go to school. In the mapping exercise, the informal school featured in their vision of their community. The barriers to education identified by children and adolescent girls related to poverty or social vulnerabilities, which exacerbate economic vulnerabilities within the community which included family breakdown and the need to care for family members.

Table 6: Reasons given by children and adolescent girls for not attending school (% of children not attending)

REASON GIVEN	CHILDREN	ADOLESCENT GIRLS
FAMILY POVERTY	70%	75%
FAMILY BREAKDOWN	10%	-
NEED TO EARN MONEY TO SURVIVE	15%	5%
NEED TO CARE FOR FAMILY MEMBERS	-	5%
DEATH OF FATHER	-	10%
ORPHANED	5%	5%

In contrast, limited access to schools and their high costs were identified as major challenges and barriers to education by parents and carers' in the community. While basic primary education is legislated as free in the DRC, the government has repeatedly failed in the provision of education. The number of schools is insufficient to provide for demand. The low level of teacher's salaries, and the irregular payment to teachers, is also a major contributor to limited access to education, resulting in the under-education of children whose parents do find the money to pay for top-up teacher fees. At present the Catholic Church provides the means by which payment to teachers is affected. The central government is responsible for the transfer of funds each month to the provinces and regions, after which the Catholic Church (through Caritas) takes the money and distributes the payments at the school level. Interviews with the representatives from the Catholic Education Department and Caritas in Kolwezi revealed that payments are often delayed or never affected because they do not receive the funds from the central government. The Catholic Church is the one then left to investigate the cause of the failure by the government to transfer funds for the payment of teachers In effect the Catholic Church has not only become the means by which the government effects payment to teachers, but has also become a de-facto accountability mechanism in the payment of teachers.

While salary payment is intermittent, teacher salaries remain low and have not increased since 2004. The average pay is USD45 per month increasing to USD 70 per month for that of a regional co-ordinator responsible for the supervision of all schools. In order to augment salaries, teachers have (since the 1990's) begun to demand that parents contribute to the payment of their salaries. The current cost has been set at 8,000CF (9USD) per child per month. Failure to pay has resulted in teachers taking strike action. The payment of basic education by parents has had a negative impact on the quality of education because, in order to increase their salaries, teachers and schools are increasing class sizes, some taking in more than 100 children per class. At 8,000CF per child this is quite a profit. While the quality of education is severely compromised, the system of parental payment for schooling has led to a system of extortion and corruption in the provision of basic education in the DRC and in Kolwezi in particular.

Efforts made to pay school fees can lead to adverse coping strategies, such as child labour, the selling of assets, and preference given to the education of boys over girls. Even requiring parents to pay a limited amount for schooling is sufficient to push them back on these coping strategies. Despite the informal school being largely free and relying on community contributions, the need for school kits has been presented as a reason for why children attending the informal school are still sent to work in the mines.

The Catholic Church has also been working to achieve universal free basic education in the DRC. They work at national level through the *Conférence Épiscopale Nationale* to hold the government accountable for their commitment to the provision of free basic education. Representatives from the Ministry of Education in Kolwezi reiterated that basic education is free, but that the underpayment of teachers has led to parents paying for the service. Both the Catholic Church and the State have

worked to stop parents paying for their children's education but this has largely failed given that the State has not increased teacher salaries in the last eight years.

Representatives from the Ministry of Education also reported that school teaching materials and school books for children have until recently been provided by UNICEF. UNICEF has since changed their policy on basic education in the DRC. In order to help promote greater access to education for the poor, UNICEF has introduced income generation programmes for parents in order to meet school supply costs. At the same time, they continue to negotiate with the government to increase spending on basic education.

The realisation of the government 's commitment for universal basic primary education must continue, but in the interim UNICEF with the Ministry of Social Affairs has introduced an informal education system based on the *Programme Nationale de rattrapage scolaire – du niveau primaire'* which was initiated in 2007. The programme was specifically designed by UNICEF for the situation in the DRC where basic education is still not free. It is a socio-educative programme specifically designed to target those children who are marginalised, abandoned and illiterate. It also targets those children who require specific child protection. The programme is a national programme overseen by the Ministry of Social Affairs and in line with the law – *Loi – cadre de l' enseignement nationale No 86-005*. At the annual completion of the curriculum, the children are tested and if they pass they go on to the next level. Once they have completed all classes, which usually takes 6 years, the children are issued with a certificate of primary education.

A critical child protection challenge lies in the actual abolition of school fees. This would reflect real recognition of a significant source of vulnerability for households and children in particular, as well as a genuine prioritisation and commitment to education. Eliminating fees in government schools would be a first step in the provision of education to the poorest and most vulnerable. In the face of weak governance, poor accountability and weak institutions, financing remains only one of the challenges. Another challenge is ensuring that transfers from the government to cover these costs reach schools. This is a complex task as reported by Caritas in Kolwezi, who is responsible for enacting the payments of classroom teachers.

Vocational skills training

The dominance of the mines in the region has resulted in schools and vocational educational schools educating students for working in the mines, thus providing a tailored work force to serve the requirements of the mining sector. Even today the school curriculum is heavily focused on education for and about the mining sector. Vocational skills developments do not respond to a contextual need of businesses and sectors beyond that directly related to mining. In this context, girls have largely been ignored in relation to vocational skills development.

Religious leaders and representatives from the Catholic Education Department in Kolwezi reported that the lack of investment in girls' education serves to make them even more vulnerable to exploitation and abuse. The *Chef de quartier* also reported that investment in girls vocational education is required if the cycle of poverty and abuse of girls is to be broken. This has been echoed by the adolescent girls, many of whom felt that they had missed out on too much formal schooling to be effectively reintegrated into the formal education system. Literacy and numeracy levels among the adolescent girls surveyed are low. Only 30% reporting that they could read and write with difficulty. The remaining 70% were illiterate.

The adolescent girls identified vocational skills development that leads to earned income as a priority. They also felt that the skill development programme should be linked to a recognised educational system because a formal degree or certificate would give them greater status within the

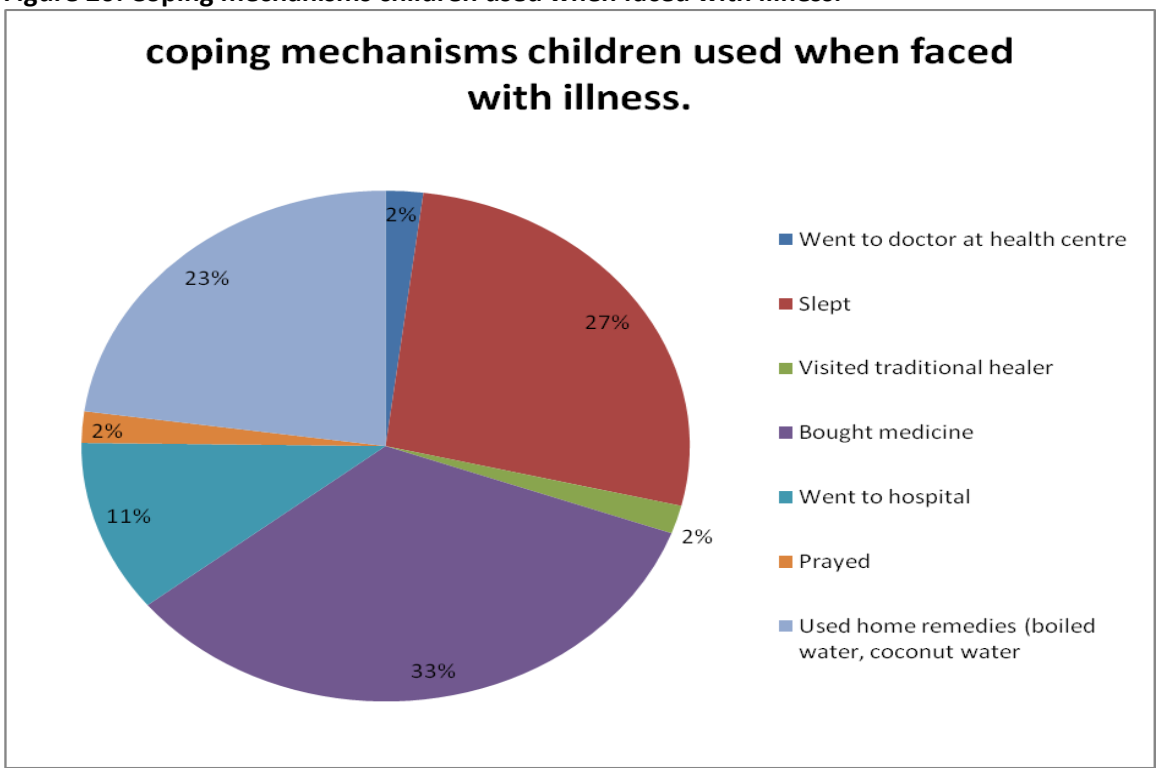
community and open up employment possibilities. At present, there is only one vocational skills school in Kolwezi. It accepts students who have completed basic education and who can afford to pay the school fees. GSS Congo has effectively liaised with the Ministry of Social Affairs which oversees vocational skills development as part of the informal education process. Like the formal vocational skills education programme, the informal system provides students with a formal accreditation certificate at the completion of their studies called a *certificat d'aptitude*. Alongside vocational skills development, there is a need to raise the girls' literacy and numeracy skills and to provide business and financial skills development to support longer-term enterprise development when the girls graduate from the vocational skills programme.

Health

With regards to health services, the Study found that the use of health centres was not common among the children. The main reason why children did not go to the hospital was the cost of the consultation (66.6%), followed by distance from the health centre (22.22%). Usually, they dealt with the health problem themselves without seeking medical assistance (11.11%). This was supported by the qualitative data findings, which underscored the high cost of health clinics and medicines. The local health centre is not used as the community complained that it was too far away, ill-equipped, rarely staffed and that staff were not qualified. In the event of a serious medical matter, the hospital in the town of Kolwezi was where the children were taken rather than the local health centre. Only 15% of children reported that they were taken to the hospital for a medical consultation when they were ill. 66% of these children were unable to be treated at the hospital once they were there because their parents did not have sufficient funds to pay for the consultation.

The most common forms of ailments reported by the children were fever (85%), diarrhoea (80%) and headaches (100%). Figure 20 illustrates the various forms of coping mechanisms children had when faced with illness.

Figure 20: Coping mechanisms children used when faced with illness.



Health provision was a concern for all groups interviewed. The children's mapping exercise revealed that children were concerned with health issues and saw the provision of a health centre in the community as a priority. This was also true of the adolescent girls. Although a health centre exists it is not locally situated and very rarely staffed with qualified health professionals. Most make use of the central hospital situated in Kolwezi town. Even if they do go to the hospital, they are rarely satisfied with the service as interviewees reported that they are usually issued with a long prescription for drugs that are not available and unaffordable even if they are available.

Specific health issues related to adolescent girls included sexual and reproductive health and personal hygiene. The girls reported that they suffered from genital infections caused by the products they use as substitutes to sanitary pads. These infections were exacerbated as they wash in the local river which is polluted with the carcasses of dead animals. The government has repeatedly failed to address the issues of sanitary pads in the DRC national budget to meet the menstrual hygiene needs of girls. The failure on the part of the government means that many young girls miss up to one week of school per month, leaving their education to fall behind that of boys. Also, the incidence of genital infections caused by the use of inappropriate substitutes for sanitary pads can lead to longer term reproductive health problems. None of the girls reported ever using sanitary pads. The girls also lacked any knowledge of reproductive health and contraceptive methods, yet they reported that the young men with whom they were in a relationship provided them with medicine, in tablet form, in order to prevent pregnancies. Of concern is that fact that the girls did not know what this medicine contained and that it was not prescribed by a medical doctor.

Health concerns for children extend beyond those related to malnutrition and childhood diseases. Given the high incidence of child labour in the artisanal mining community occupational health merits significant consideration. The Study relied on children's self reporting on occupational health. The findings, although subjective, show the need for further research in the area of occupational health among children, especially longitudinal studies for the long-term effect on health.

Concerns' regarding the effects of poor occupational health on the longer term health of children, women and girls was expressed by the representatives from the Ministry of Health and the Ministry of Environment. Of particular concern are health hazards related to the handling of toxic minerals such as uranium. The Ministry of Environment reported that there has been an increase in the incidence of cancer and foetal abnormalities which have been associated with exposure to uranium. Other concerns were the possible rise in the incidence of arthritis and rheumatism among women and children in the future due to the long periods of time spent in water to wash the minerals, a task largely undertaken by women, girls and children. The Study also found that children were exposed to the following hazards, all of which can affect the development of children: cuts and bruises, eye problems, skin irritations and fatigue. The children reported being exposed to: extremes in heat; dust, gas and fumes; and loud noise. The work that they carry out in relation to these occupational hazards included: crushing rocks to extract minerals; quarrying; and carrying rocks.

More detailed research needs to be undertaken with regards to the mental health of adolescent girls in the community. The girls reported that they are burdened by the cultural expectation that they take on the care of their parents and fear the future as they are unsure how life will unfold. They reported that they felt life seemed hopeless. The girls also reported that they felt isolated because their parents do not play an active role in educating the girls in life skills and because they were trapped in a downward spiral of ignorance and lack of life skills. Some of the girls also reported feeling isolated because they came from another part of the country and did not speak the same language. When asked who they talked to about their problems, the girls responded that they kept things to themselves (45%). If they did discuss their problems, they usually spoke to their friends

(25%). Overwhelmingly the Study found that problems were not discussed. 70% of adolescent girls agreed that family problems should only be discussed within the family. None of the adolescent girls who were interviewed had ever sought help from any service provider. Even in the 15% of cases where the girls had been sexually abused, none of these girls sought help from a medical professional or the police.

Child protection vulnerabilities and deficits

Orphans and vulnerable children (OVC)

Community members and leaders, as well as adolescent boys and girls identified orphans as the most vulnerable group within their community. The situation of orphaned or abandoned children is particularly difficult: although they may be taken in by a family member, they are often marginalised in the household and are frequently mistreated.

A total of 50% of the children surveyed and 60% of the adolescent girls surveyed qualified as orphans or vulnerable children. Family breakdown and rising mortality rates driven by both conflict and the HIV pandemic, have led to a rise in the number of OVC in the artisinal mining community. Some evidence exists that unrelated family members have taken in some of these children and care for them despite the fact that such caregivers are already stretched financially. During the PRA exercise with the adolescent girls, one of the girls reported that she was a refugee and was taken-in by a family in the community. Although the family could not afford to feed her or meet her basic needs, they still looked after her. The poverty and deprivation in the family was so acute that she did not have any clothes to come to the meeting but the adoptive mother had gone out and borrowed some clothes so she could attend. Although such children have the right to assistance under Article 41 of the Child Protection Act the law is never applied, and the populous has no knowledge of their rights.

In instances where the girls were living with the extended family, many reported that they were often abused, money they earned was taken from them, and food was sometime withheld even when it was available. The adolescent girls stressed that children in such settings needed to be monitored as the adults could not be trusted to share resources evenly in the family and those who missed out the most were the orphans.

Although the Child Protection law makes provisions for orphaned children, no action plan has been elaborated for the operationalising of the law to date. Pursuant of the Act, such children should be referred to social services under the Ministry of Social Affairs, Humanitarian Action and National Solidarity (MINAS). This body should be working locally with the police, but such structures and associated personnel are rarely in place at local level. Furthermore, at local level, there is no budget allocated to undertake the work and available staff are rarely trained to fully understand their role in protecting children. UNICEF, working jointly with MINAS and the Ministry of Gender, Family and Children (MGFE), has elaborated a National Action Plan in Favour of Orphans and Vulnerable Children (OVC), but action remains limited.

Both children and adolescent girls and boys reported that a programme which cared for the orphans in the community was a priority. The stated that these children require not only provision to meet their basic needs, but also a place where they can go to talk about their problems. The Study found that many children and adolescents were shouldering the burdens of adults and had experienced extreme trauma in their lives. There were a number of cases of child-headed households, orphaned refugee children and incidence of gang rape.

One adolescent girl retold how, on being orphaned, she travelled to Domaine Mariale to join her extended family. On the way, she was ganged raped by a group of youth who subsequently beat her so badly that she was unable to walk. Dragging herself, it took her a week to reach her family where she was made to wait a further two weeks before she was taken to hospital to have her broken leg attended to. Unable to reset the leg, the doctors were forced to cut the bone, which has left her with a permanent limp. Immediately after the operation, despite being unable to walk, she would drag herself to the mine in order to earn enough to eat. Determined to walk again, she slowly taught herself to walk. The Study was the first opportunity she had had to speak about her experience and receive counselling.

Articles 74, 75 and 76 of the Child Protection Act clearly outline the ministries and inter-ministerial bodies responsible for child protection. Reintegration of children into the extended family and the provision of psychosocial support and research for child protection lie with the Ministry of Social Affairs. Although supportive of the work of GSS Congo, the Ministry of Social Affairs does not have the resources or trained staff to implement the services pursuant of the legislation. Furthermore, they do not have any articulated formal mechanism for identifying, supporting and reintegrating children back into the family setting. Much of this work is currently undertaken by NGOs and churches, most of them located in larger towns and cities.

Child labour

Child labour is widespread in the artisinal mining community. Overall, 70% of children aged 8-12 years and 65% of adolescent girls aged 12-16 interviewed were involved in child labour. The Child Protection Act forbids children under the age of 16 (Article 50) from working and specifies that those between the age of 16 and 18 can only undertake light work (Article 54).

Figure 21 – Types of work undertaken by children

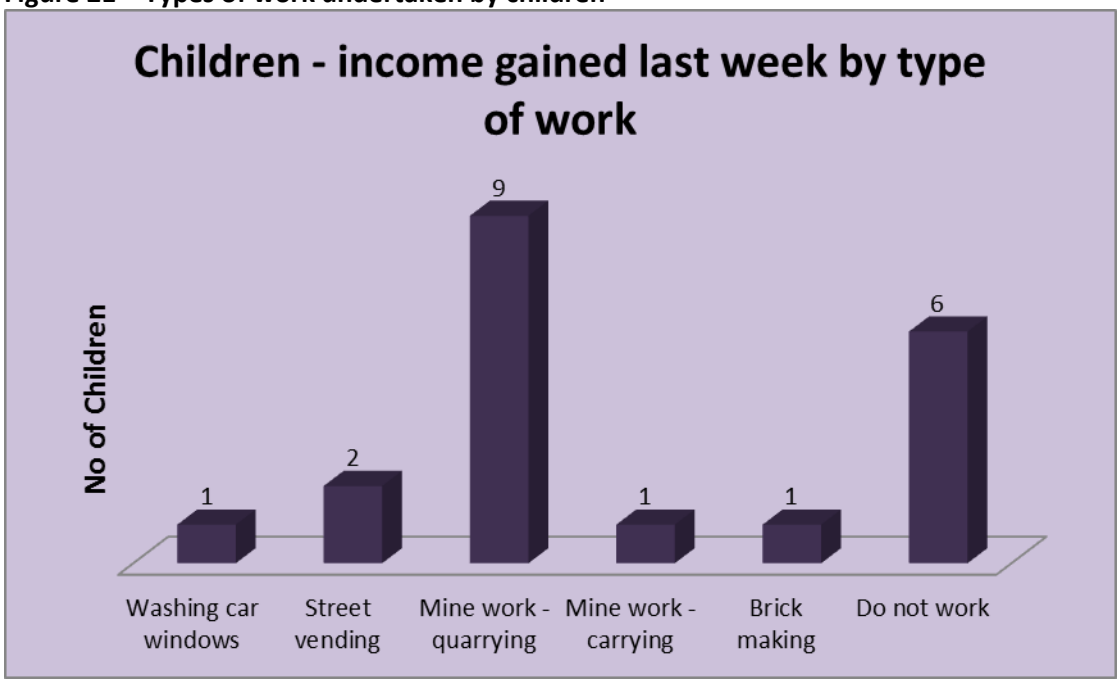
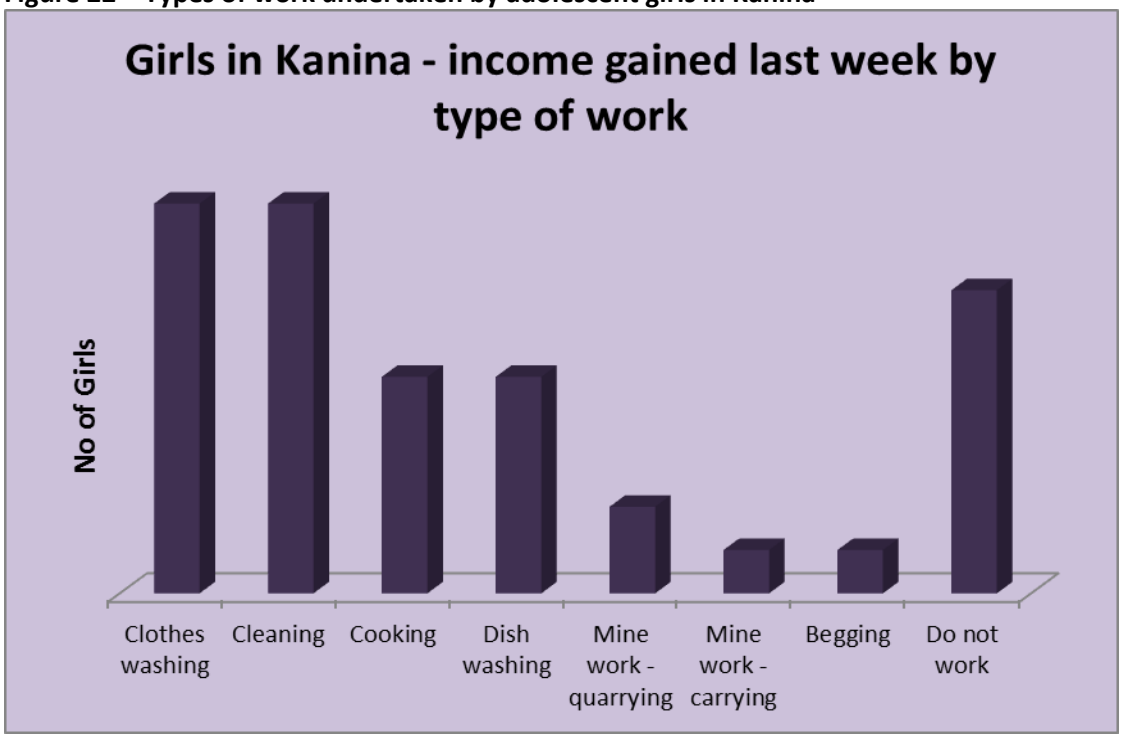


Figure 22 – Types of work undertaken by adolescent girls in Kanina



Poverty is a driving force behind child labour. It is estimated that of the 100-140 thousand people involved in mining in Katanga province, some 50,000 are children (SwedWatch, 2007). In Domaine Marial, children undertake a variety of work which includes brick making, working in the mines (quarrying, breaking stones, and carrying rocks), vending in local markets and washing cars. Adolescent girls undertake mainly domestic duties (washing clothes, cleaning, cooking) as well as some work in the mines.

The Study found that the children were told to go to the mines predominantly by their mothers (47%), followed by their fathers (21%). In 14% of cases, the children went on their own accord to earn money. It is notable that when children were sent to work, they did not do so to accompany a parent, but in most cases went to accompany siblings (40% of cases) or friends (28% of cases). They only accompanied their mothers in 16% of cases and their fathers in 7% of cases.

Figure23 – Those who asked Children to work in the mine

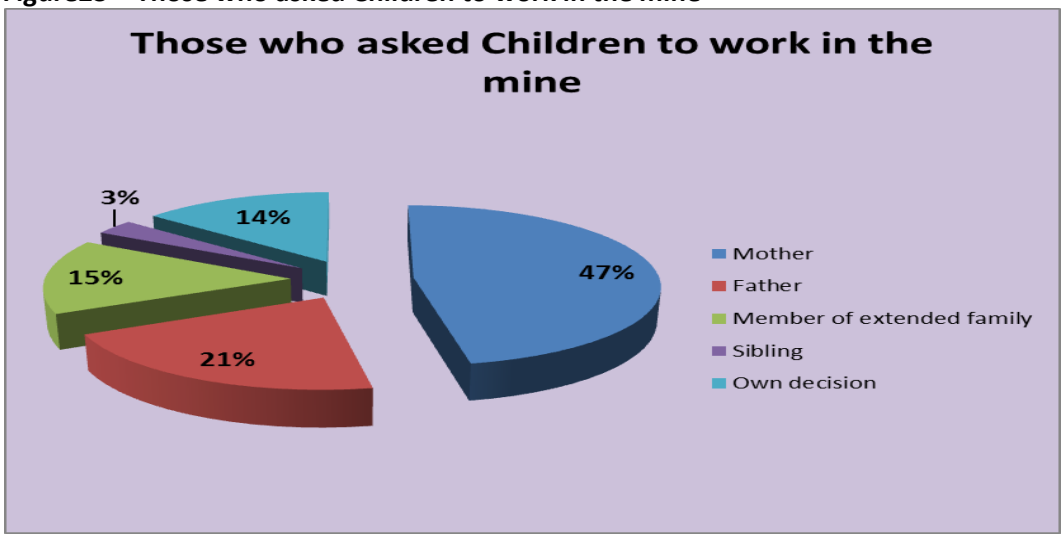
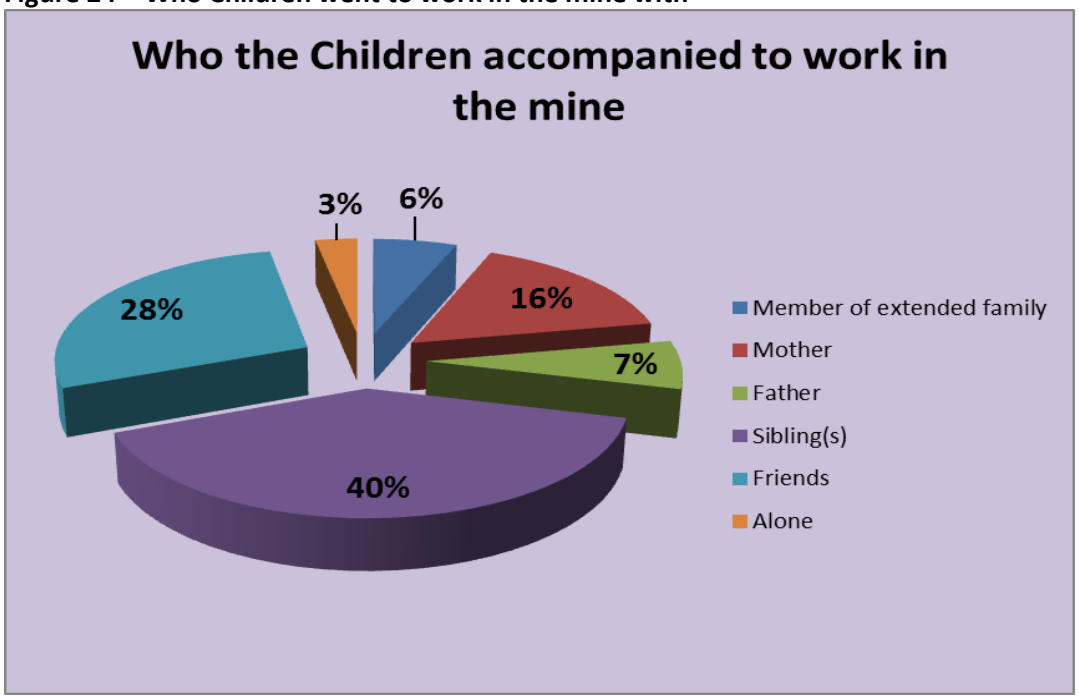
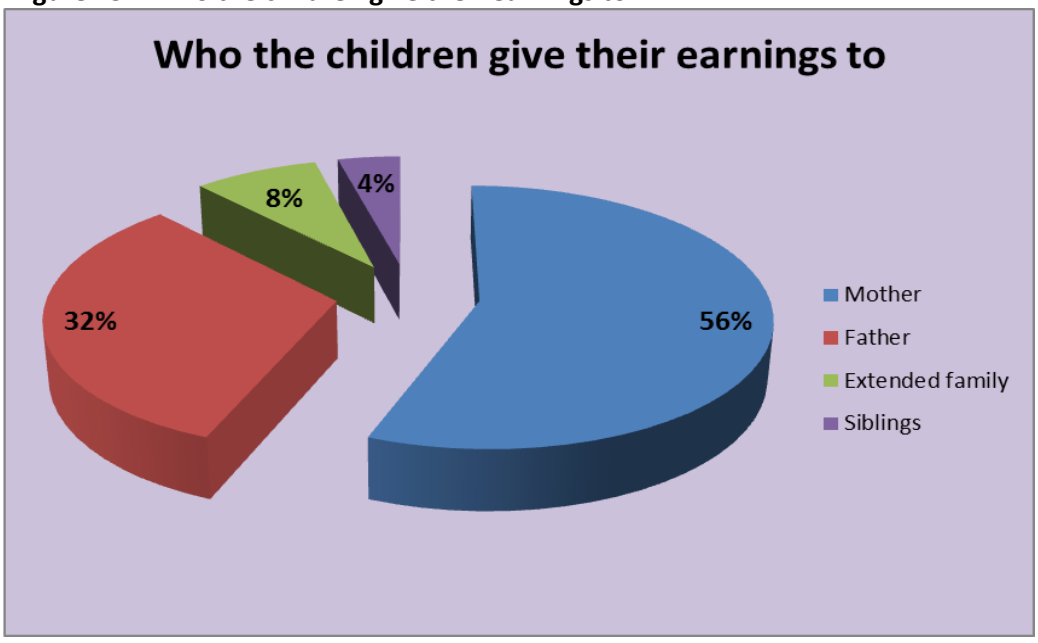


Figure 24 – Who Children went to work in the mine with



The money earned by the children was significant. The lowest weekly amount earned by an individual child during the 5-week period over which the data was collected was 500CF (USD 0.54).The highest earned in a week was 14,600CF (USD 15.89). Given that the average earned per week among the working children was 3450CF (USD 3.75), the children serve as significant contributors to family income when compared to that of the adult artisinal miner which averages at 200USD per month. The majority of children give the entire amount earned to their families, with mothers being the main beneficiaries (56%) followed by fathers (32%).

Figure 25 – Who the children give their earnings to



Figures 26 and 27 – Total earned each week by each child and average weekly earnings in Congolese Francs and US Dollars

Figure 26 – Congolese Francs

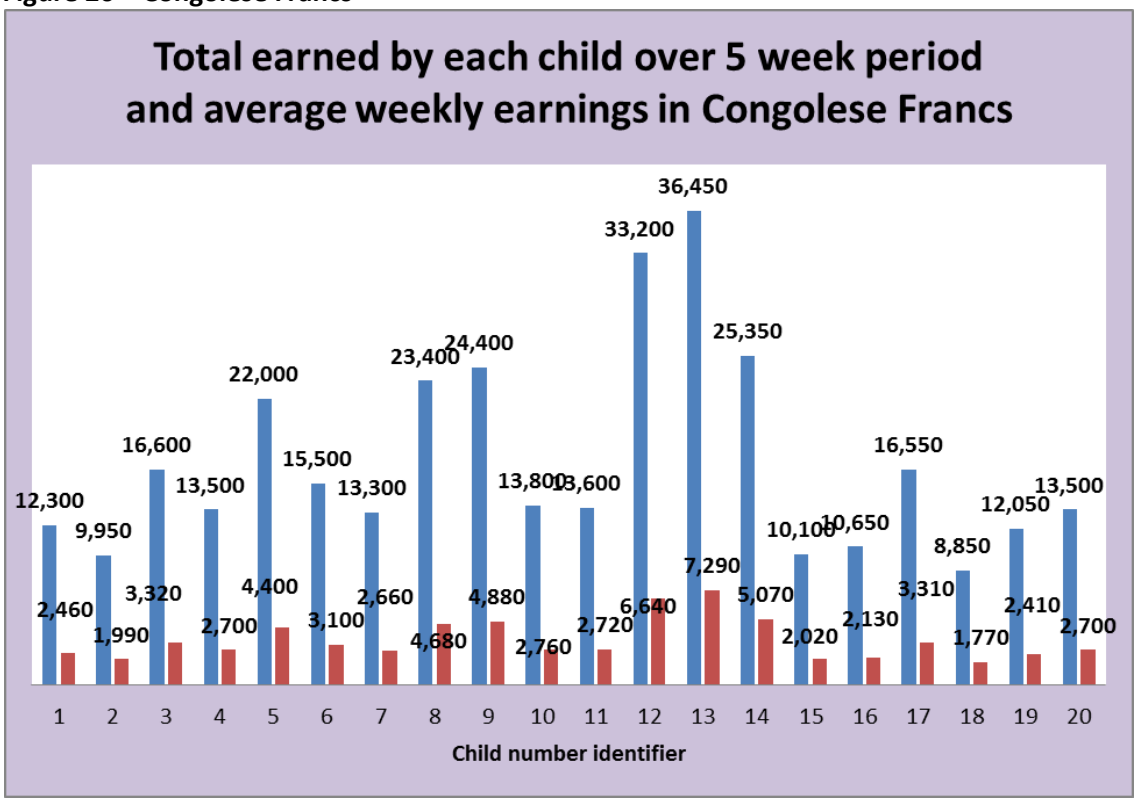
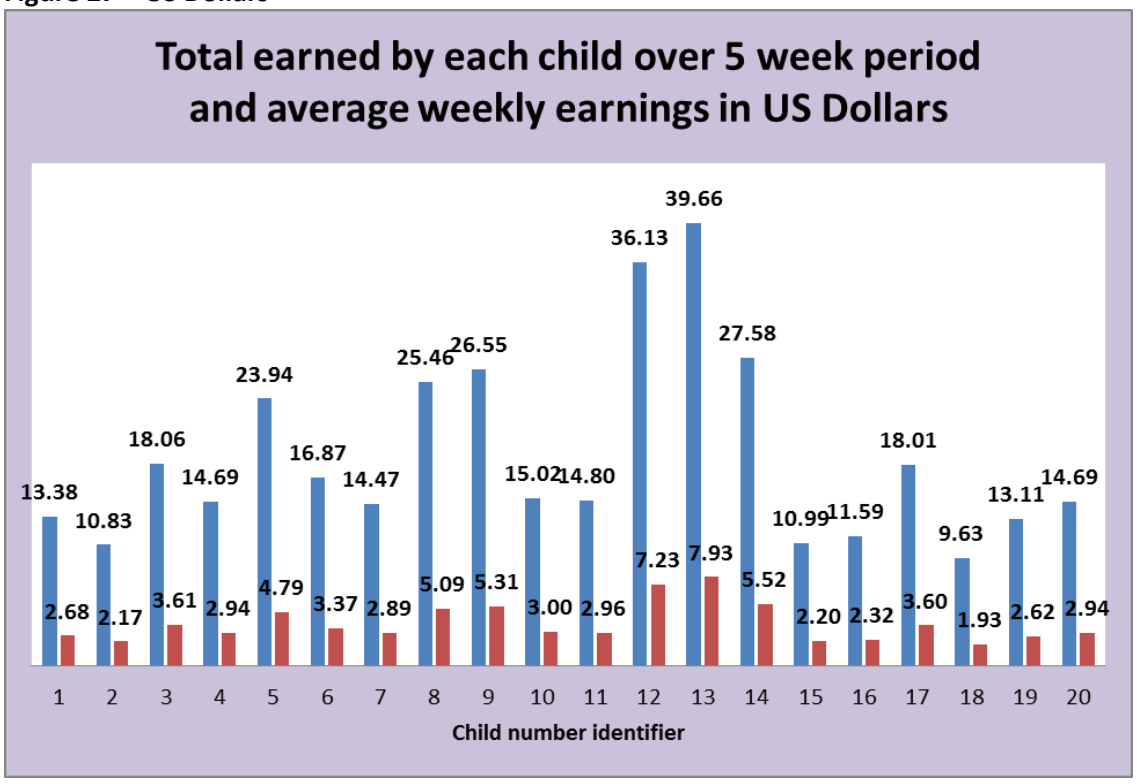
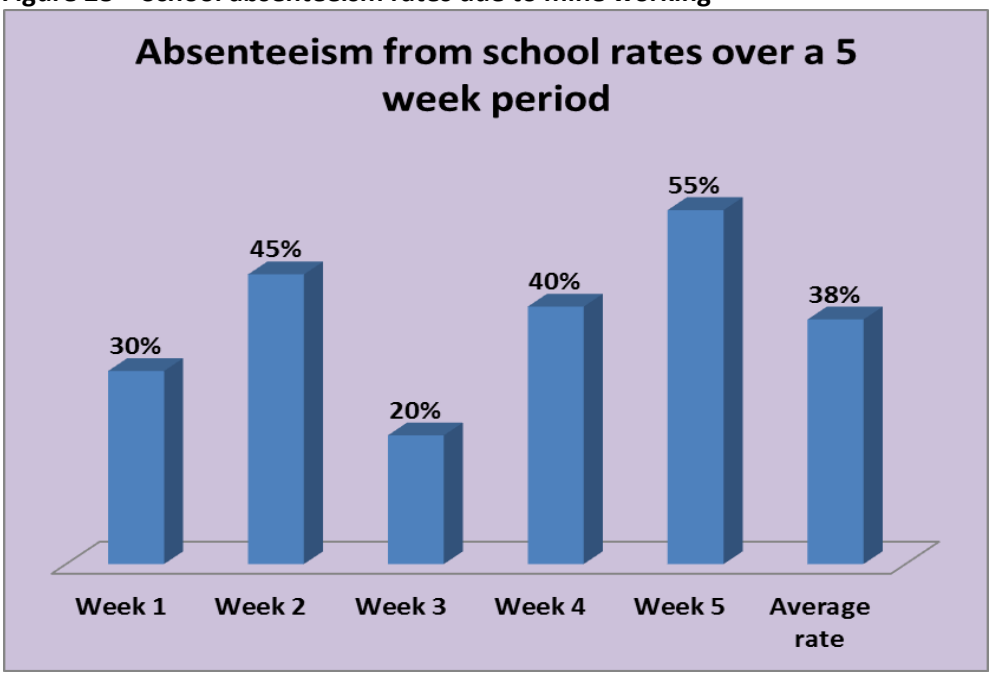


Figure 27 – US Dollars



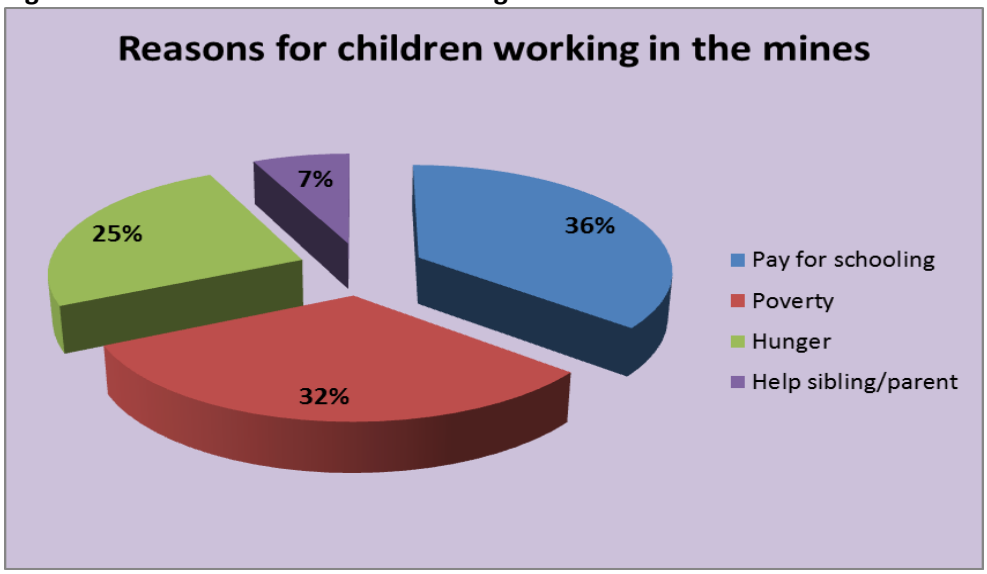
The exploitation of children's labour has profound effects on children's development and learning. Over a 5-week period, teachers surveyed the level of absenteeism among the children who consistently worked in the mines. The volunteer teachers found that between 50% and 75% of those children who worked in the mines missed two or more days of schooling per week. Despite the efforts of the community to provide free community informal education to their children, income poverty is resulting in disrupted education for those children whose families continue to rely on the earning power of their children. Absenteeism was higher amongst girls than boys, further exacerbating gender disparities in educational attainment.

Figure 28 – School absenteeism rates due to mine working



Paradoxically, the main reason given by the children for being sent to work in the mines was in order that they could pay for their schooling (36% of cases), followed by poverty (32% of cases), hunger (25% of cases), and to help a sibling or parents when they went to work in the mines (7% of cases).

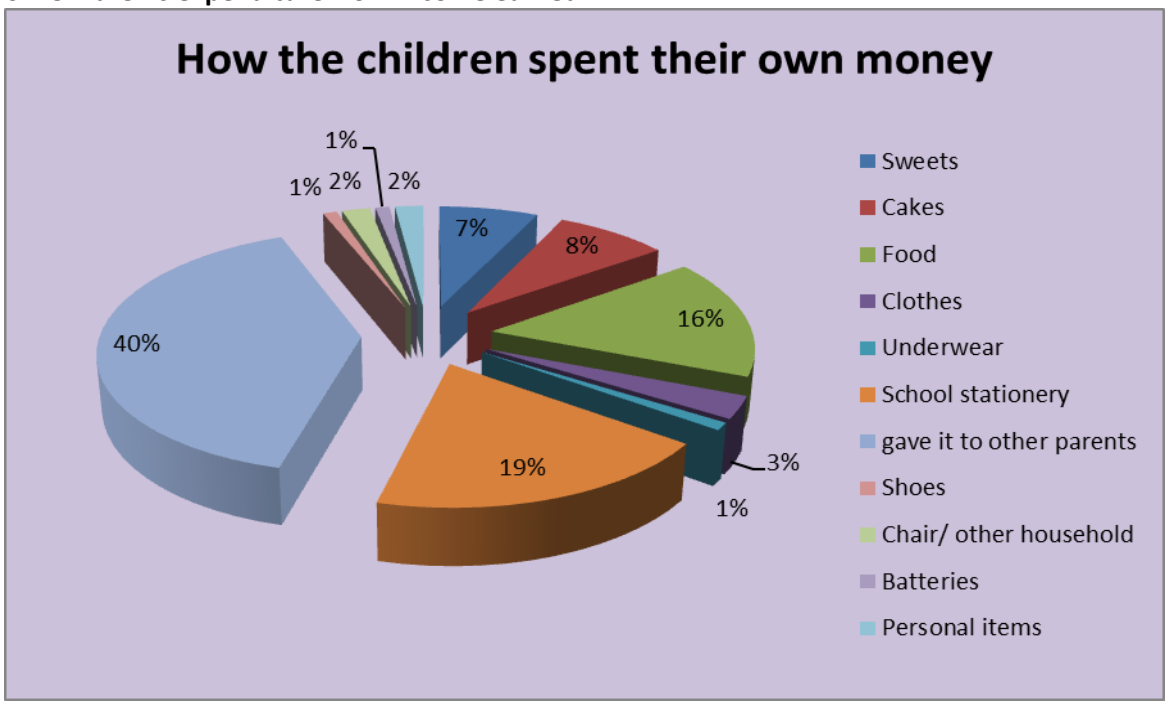
Figure 29 – Motivations for mine working



All the children gave all or the majority of their earnings to an adult or older sibling. In some instances the child was allowed to keep some of their earnings; this was usually in cases when the father had asked the child to go and work rather than the mother. The percentage of children keeping a small amount of their earnings per week ranged from 20% of children per week to 55 % per week. The average amount that children kept for themselves was 416 CF (USD 0.45), although in one exceptional case a child was allowed to keep 4000 CF (USD 4.35) which was used to buy a chair they could use when they went to school.

The purchases of the children give an insight into their needs. Like all children, a significant number spent their money on lollies and cakes (7% and 8% of cases respectively), but the children also used their money for basic needs such and clothes, underwear and shoes (20% of cases) and items for school (19% of cases). However, in the majority of cases, the children bought food such as maize meal (16% of cases).

Figure 30 – Children's expenditure from income earned



The data obtained would suggest that, unless the informal school includes a school feeding programme and that the income generation activities to be implemented among the mothers cover the loss of income currently earned by the children, the children's education will continue to be interrupted.

The Study also found that children suffered psychological and physical abuse when engaged in work. 40% of children reported that they were constantly shouted at, 50% that they were repeatedly insulted, and 35% that they were beaten physically.

There are a number of NGOs in and around Kolwezi that seek to address child labour in the mining sector. Many work with families and communities focusing on rights education and, to date, have had limited success. GSS Congo's more integrated approach of addressing family economic vulnerabilities and facilitating access to services such as education and health whilst at the same time educating parents and engaging with government, has a greater likelihood of reducing family dependence on child labour. World Vision Kolwezi is presently embarking on an advocacy programme related to children working in mines as well as a community education programme. GSS

Congo has an opportunity to work with World Vision Kolwezi as part of an NGO consortia addressing the issue of child labour. This would strengthen advocacy outcomes.

Physical and psychological abuse

Although the law does not prohibit the use of corporal punishment in the family, Article 57 states that *'family discipline is administered so that the child will be treated with humanity'* and that assault and battery of a child is punishable by 3 to 6 months jail. Nevertheless, the Study found that children were exposed to varying degrees and forms of punishment including both physical and psychological violence.

75% of children reported having been insulted and made to feel bad by a parent or adult member of their household. 70% reported being humiliated or belittled in front of others. The levels among adolescent girls were 75% and 55% respectively. Insults and abuse were recurrent, with 35% of children reporting that they had been insulted as well as humiliated more than once in the last 12 months. The adolescent girls reported similar experiences in terms of the frequency of such abuse (65% and 70% respectively).

Figure 31 – Children experiencing verbally abuse/threatening behaviour in the home and frequency

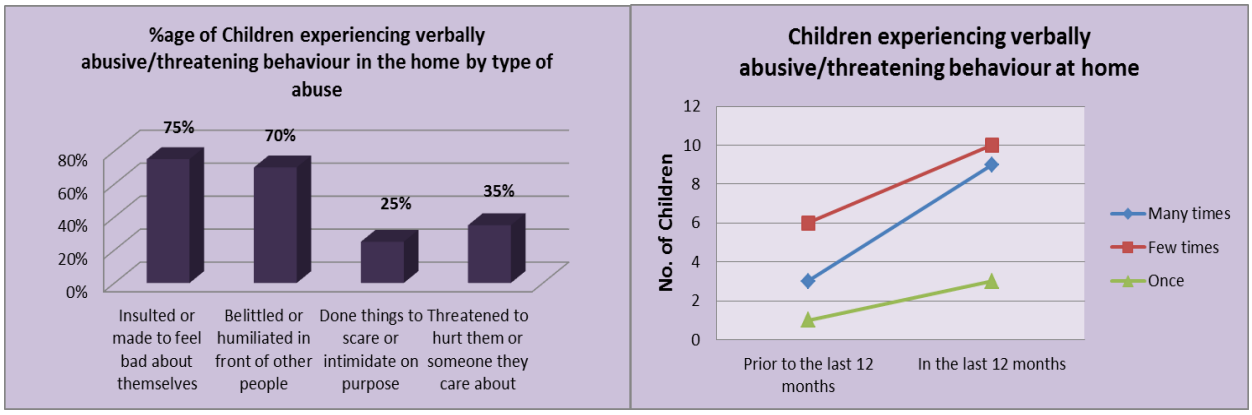
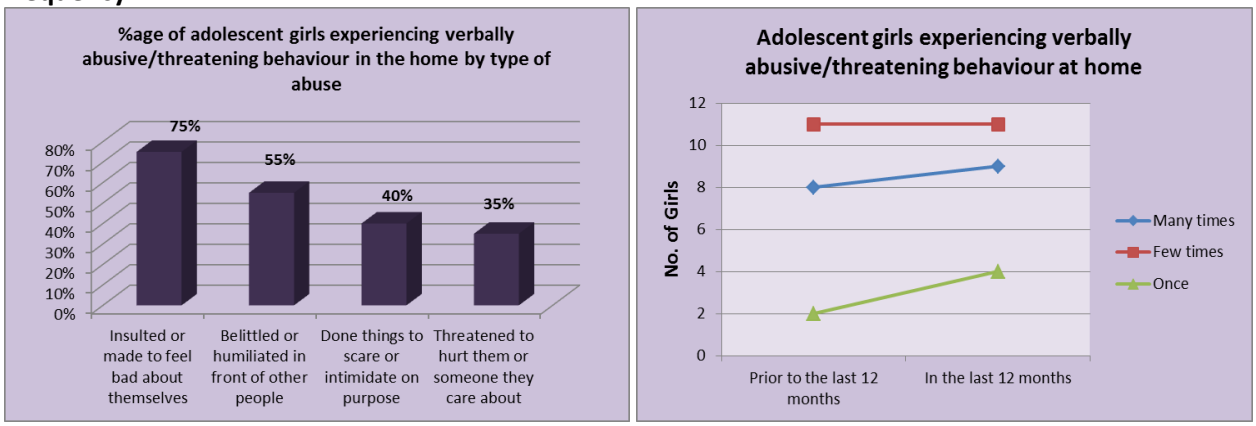


Figure 32 – Adolescent girls experiencing verbally abusive/threatening behaviour in the home and frequency



The most common forms of corporal punishment within the family among the adolescent girls were being slapped or having something thrown at them that could have hurt them (65% of respondents) and being hit with a fist or with something else that could hurt (60% of respondents). Once again,

these forms of violence within the family were not isolated cases, with the incidence of these forms of violence occurring more than once in the last 12 months being 60% and 50% respectively.

Among the children, the most common forms of corporal punishment were being slapped or having something thrown at them that could have hurt them (70%) and being kicked, dragged or beaten (65%). Once again, these forms of violence were reported to be normative, as is clear given the level of frequency at which they occurred in the last 12 months (35% for both forms of punishment).

Figure 33 – Children experiencing physical abuse in the home and frequency

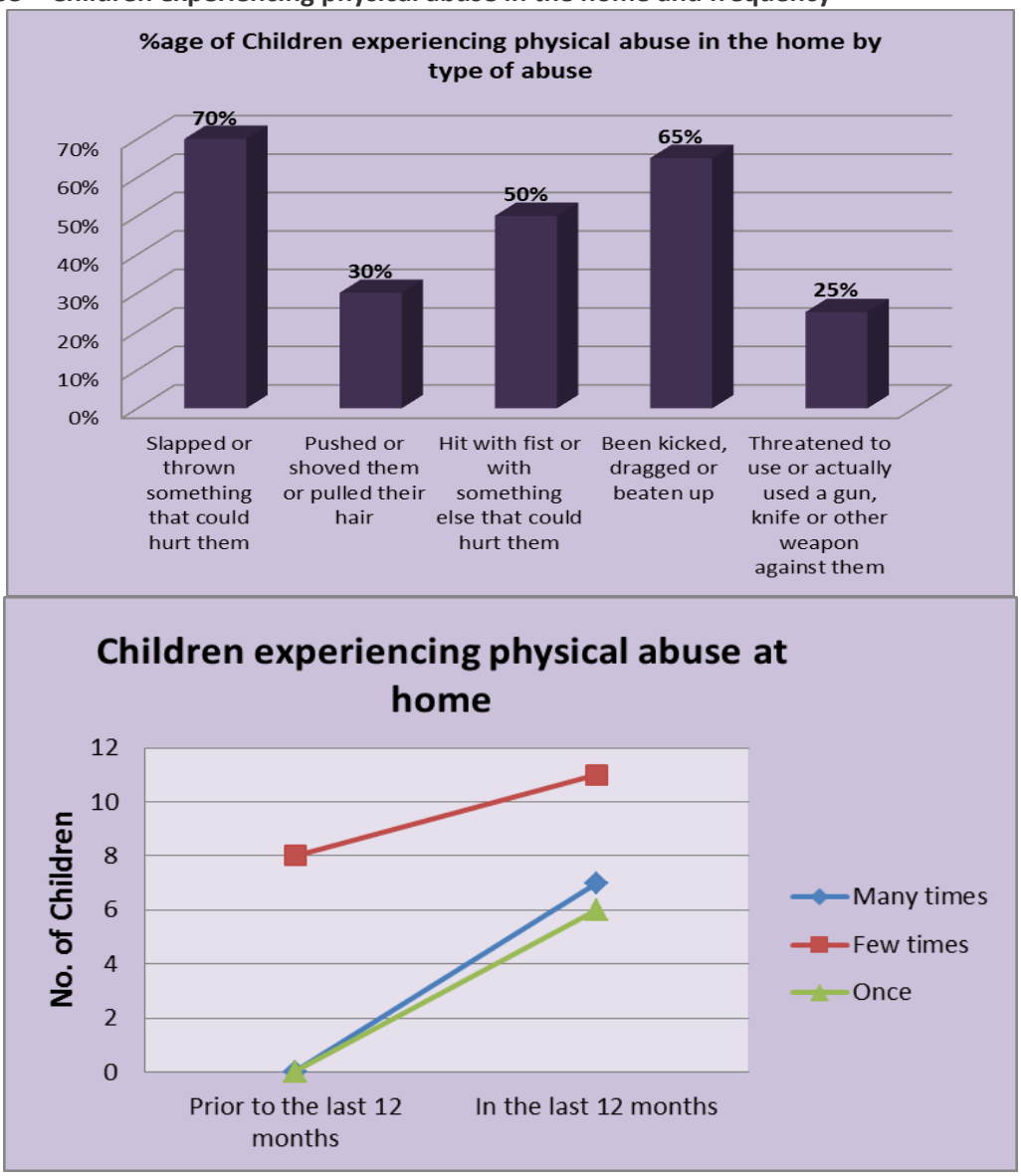
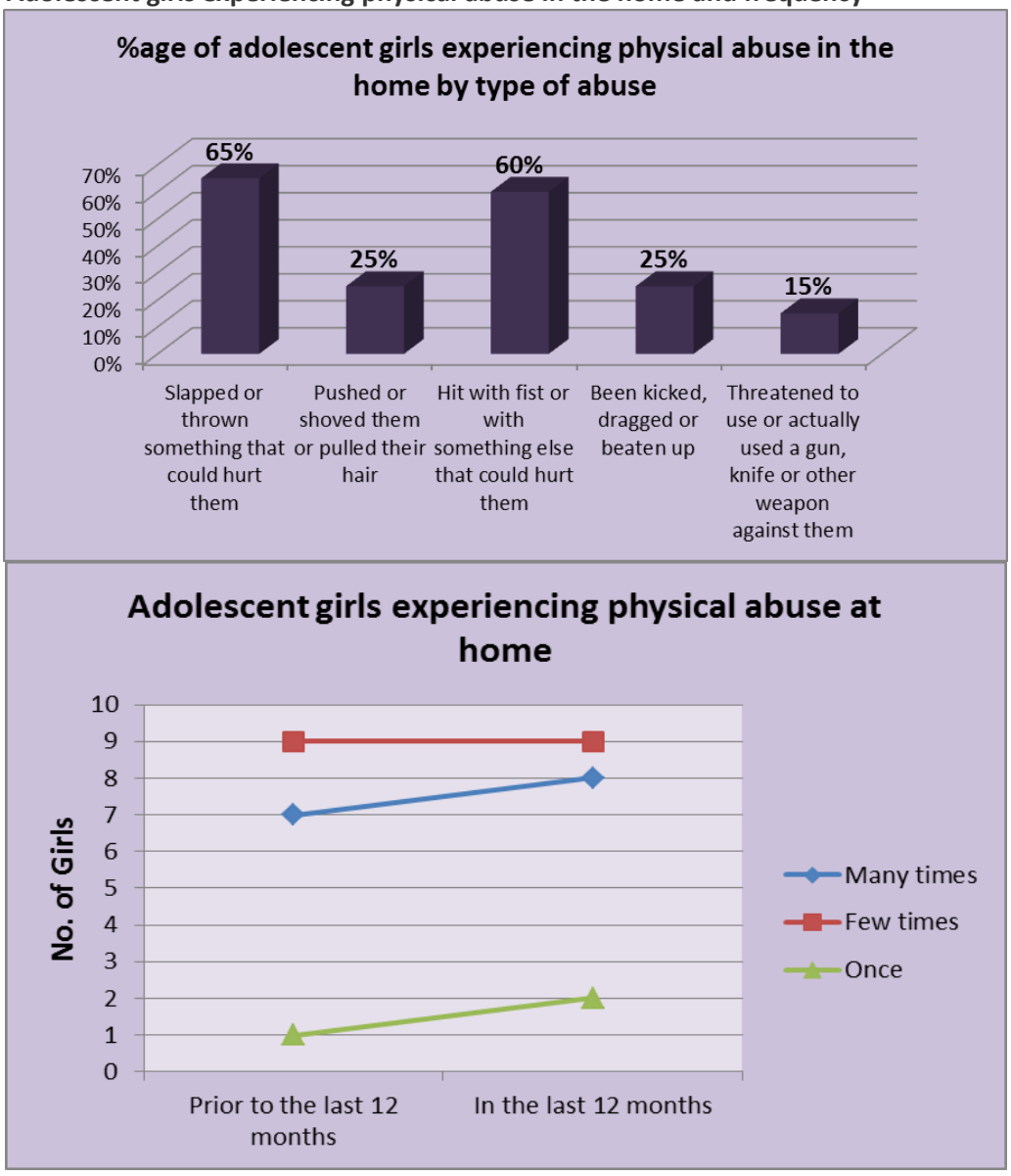


Figure 34 – Adolescent girls experiencing physical abuse in the home and frequency



The psychological and physical violence against children and adolescent girls goes some way to explaining the lack of trust these groups have towards adults. During the quantitative PRA exercises, both the adolescent boys and girls reported that adults did not serve as role models and that parents resorted to throwing the children out of the family rather than discussing matters with them. The adolescent girls reported that they have to take on the role of mothers and are overwhelmed by having to deal with the needs and problems of their siblings. They also feel very alone and have no-one to talk to or take care of them. Adolescent girls also reported that they were being exploited by the adults in order to meet the economic needs of the family and that there was pressure placed on them by the family to turn to prostitution.

While children and adolescent girls are subjected to various forms of corporal and psychological abuse in the family, similar levels of such violence also occurred within the community. For children, the most common form of psychological abuse in the community was being belittled or humiliated in front of other people (80%) followed by being insulted or made to feel bad about themselves

(65%). The same experiences were shared by the adolescent girls in the community, although the rates differed (70% and 75% respectively).

Figures 35 and 36 –Verbal abuse and threatening behaviour in the community

Figure 35 - Children

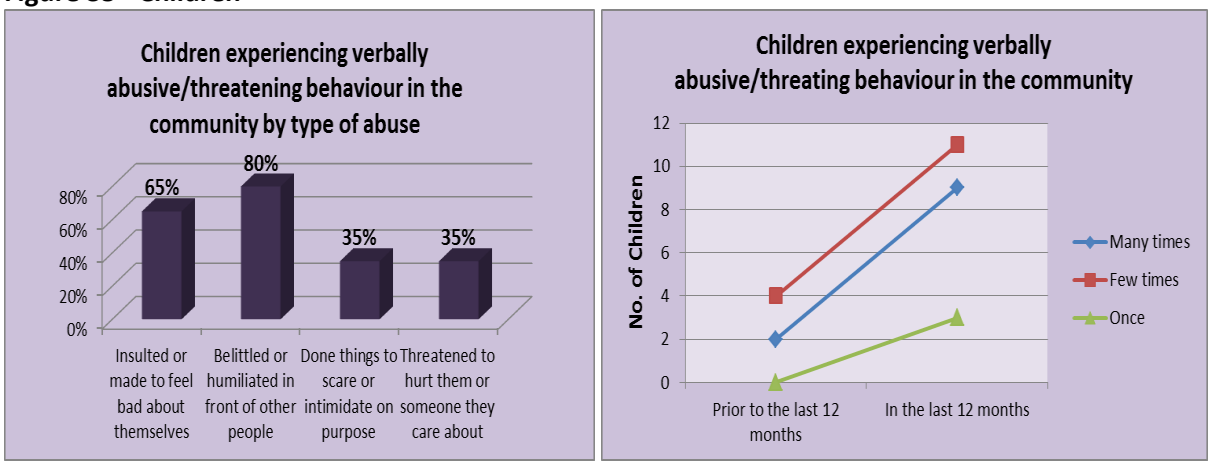
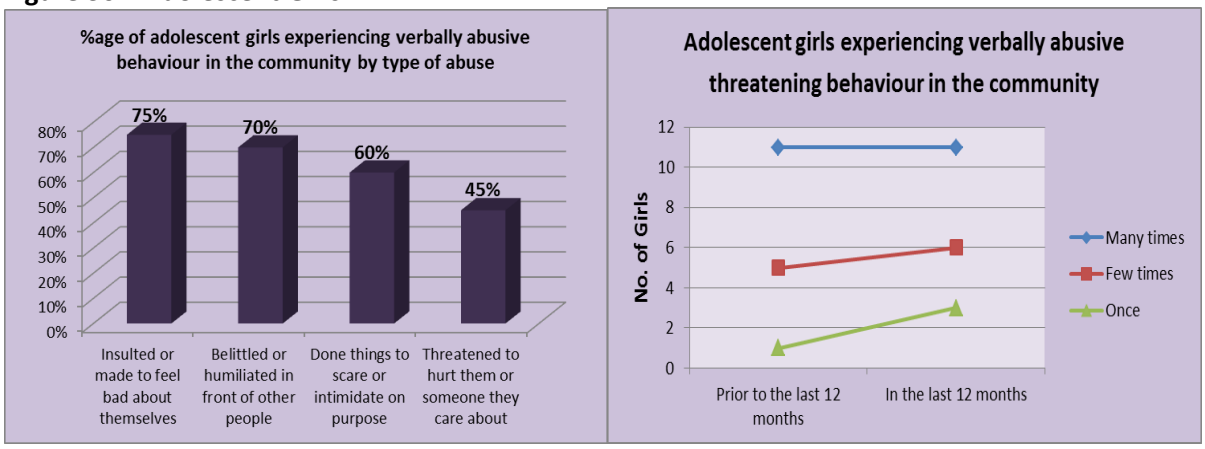


Figure 36 – Adolescent Girls



In terms of physical violence against children perpetrated by community members, the children reported that the most commonly used forms of violence included being slapped or having something thrown at them that could have hurt them (70%) and being hit with a fist or with something else that could hurt them (50%). The same forms of physical violence were experienced by the adolescent girls (65% and 60% respectively).

Gender Based Vulnerabilities

Early Marriage

Another common source of vulnerability facing children, as identified by young people and women interviewed, was early pregnancy. In the case of girls, this sometimes happened as a result of early sexual relationships with young men their age, but the most common source of pregnancy included:

- entering into relationships for financial support and subsequently becoming pregnant
- being married young because the girls are orphaned and see marriage as a means of economic security

- entering into marriage at a young age because they see marriage as a solution to the lack of family support and economic security.

A strong link exists between a girl's first sexual encounter (sometimes in early marriage) and economic security. Women and girls felt they must submit sexually to men as this was the only means by which they are assured any form of long-term economic security. The low education rate among the girls also contributes to economic dependence on men. Young girls were concerned about their lack of education and vocational skills development and saw this as an area of priority for their development. The girls identified skills training, in areas such as sewing, knitting, hairdressing and other income generating activities, as a priority for achieving economic independence.

Early arranged marriages, '*le mariage précoce',* were reported to be frequent in the community. Although it is illegal under the Family Code and the Child Protection Act to marry before the age of 15, girls as young as 13 have been married. Reasons for this included economic dependence on men. The adolescent girls also reported that *le mariage précoce* occurred because families profited from dowry payments made to them for their daughters. As the family of the male spouse is responsible for the payment of the dowry, girls are effectively being 'sold off' by their families. While it is illegal to force a minor to marry, dowry payments are legitimised under the Family Code. Furthermore, the legal discrepancy between the minimum age for marriage of girls (15 years of age) compared with that of boys (18 years of age) also serves to perpetuate gender disparities and discrimination. During the qualitative data collection process, both women and girls reported that, due to the tender age at which girls are married, they are ill prepared to take on the responsibility of a household and a family. Many of the girls feel that they are isolated and unable to cope. For single mothers, the situation is further exacerbated as the girl finds herself with a dependent but without the economic security that she expected marriage should bring.

Furthermore, once girls have a baby, their chances of continuing education are negligible, despite the provisions made for them under the legislation regarding reintegration into the formal education system after the birth of their child. This places them at a further disadvantage.

Sexual Exploitation

When community leaders were asked which group was the most vulnerable, the majority felt that adolescent girls are most at risk of sexual exploitation. This vulnerability is especially acute given the context of the mining sector and foreign workers linked to international mining companies increasing demand for commercial sex workers.

The adolescent boys also reported that there was an increase in the sexual exploitation of adolescent girls by the men within the community. The boys reported that men would use the economic vulnerability of adolescent girls, promising them marriage if they entered into sexual relations. Although, once they fell pregnant, the men would abandon the girls.

No evidence was found of commercial sexual exploitation of children, although 15% of adolescent girls aged 12 to 15 years reported having had sexual intercourse when somebody was physically forcing, hurting, or threatening them. Most girls reported that the perpetrator had been someone in the family. 40% of adolescent girls reported that someone in the community had tried to have sex with them. Experience of sexual harassment within the community did not usually constitute an isolated incidence, as 35% of girls reported that someone in the community had tried to have sex with them on more than one occasion in the last 12 months whilst 20% reported having had this experience in the previous 12 month period. These findings suggest that sexual exploitation of minors within the community is not an isolated case but one which increases over time.

Interviews with the police and health centre staff revealed that sexual exploitation or rape of adolescent girls is rarely reported. The police are only approached by the family of the girl in order for the police to mediate with the perpetrator's family for some form of compensation. The Chief of Police outlined that families were satisfied once they received financial compensation for the rape or sexual assault of their daughters. The police saw their role as one of mediating the transaction and not seeking justice for the victim. With regards to the health centre, cases of sexual assault or rape were only referred to them if the police sent the family to the health centre in order to obtain a medical certificate as evidence of the sexual assault. No counselling services are available.

Despite the passing of two laws on sexual violence (No 06/018 and No 06/019), the situation of women and girls has not improved. Police are not trained in taking necessary action. No referral systems exist within the health services to address sexual violence against women and girls.

The Right To Play And Recreation

The overwhelming finding from the qualitative and quantitative research is that children are increasingly taking over the responsibilities that should be shouldered by their parents. The hand to mouth existence within the artisanal mining communities has given rise to a psychology of survival that result in large-scale neglect of children and adolescents. As such, children are no longer allowed to be children nor are they able to engage in activities that are intrinsic to childhood and essential for their physical, social and psychological wellbeing. The importance of games and the need for children to come together as a collective to participate in games was expressed by the children and adolescents during the mapping exercise. Despite the hardship in their lives, children in the artisinal mining community want to be children and engage in activities thatch include friends and playing games such as football.

While the introduction of sports and recreational activities will assist in the social, psychological and physical development of children and adolescent boys and girls, they would also serve to cement relations and community cohesion among those who will be the future community leaders. It would also serve to breakdown the feeling of isolation, especially that arising from ethnic difference. At present, there is a dearth of such activities in the community. However, the desire for play can serve as a valuable catalyst for bringing together an ethnically diverse community noted more for its arguments and lack of cohesion than for collective action.

The Legal Framework

The DRC is a signatory and The DRC has ratified the following international treaties:

- Convention on the Rights of the Child (CRC) in September 1990
- UN 'Worst Forms of Child Labour Convention' (C182) (Ratified)
- Organisation of African Unity (OAU) Charter on the Rights of Children
- Optional Protocol on the Involvement of Children in Armed Conflict 26 November, 2001 (ratified)

- International Labour Organization (ILO) Convention No. 182, concerning the worst forms of child labour 1999 (Ratified 20/06/2001) - This Convention prohibits, among other things "child trafficking and serfdom, forced child labour, and the forced recruitment of children for use in armed conflict."

- Presidential Decree banning the recruitment of children under the age of 18 into the armed forces (09/06/2000)

- ILO Minimum Age Convention, 1973 (no 138) (Minimum age specified as 14 yrs) 20/06/2001

In the case of children, legal frameworks related to child protection have yet to be operationalised. The Child Protection Code, Law 09/001 was enacted in January 2009. This defines children as 'all persons under the age of 18' and, among other steps, establishes justice mechanisms for children, which are not yet functional. Development of legal frameworks is a crucial step in ensuring the protection of children's rights. The Law on Child Protection must be accompanied by a clear action plan for its implementation, including measures to establish justice mechanisms to deal with children's cases.

Government Infrastructure For Child Protection

Interviews with various government departments identified a dearth in the provision of services related to child protection at local level. Interviews with politicians revealed a culture of blame targeting the most vulnerable, predominantly mothers and adolescent girls whose lose morals are said to have led to early pregnancies.

Unsurprisingly, child protection interventions are largely addressed by NGOS and churches, in partnership with larger institutions such as UNICEF. As such, structural constraints to improving this situation in the short term mean that there needs to be a parallel mechanism for child protection driven by other actors, while government capacity to take on this responsibility develops.

Planning for, and addressing issues of, child protection remains difficult in the DRC due to the cross-cutting nature of child protection programming, which involves co-ordinating across at least seven Ministries. Given the complexity required for inter-ministerial planning, let alone budgeting, child protection programming in DRC continues to be small-scale

As outlined, the dearth of child protection programming is in part due to the limited government budget allocated to such programmes. This is exacerbated by similarly low allocations to associated basic services, such as education and health, resulting in vulnerabilities linked to a lack of access to services. Furthermore, Ministries that play a central role in child protection, particularly The Ministry of Social Affairs, Humanitarian Action and National Solidarity (MINAS), The Ministry of Employment, Labour and Social Welfare (METPS) and the Ministry of Gender, Family and Children (MGFE), are under-resourced in comparison with more powerful ministries such as those focused on infrastructure, mining or defence. Until this dynamic changes and resources for child protection initiatives are earmarked and ring-fenced, the likelihood of effective rollout of a child protection action plan is reduced.

In the context of a fragile state such as DRC — where institutional presence is extremely thin, where capacity constraints are significant, where corruption is prevalent and accountability mechanisms

virtually non-existent on the ground beyond those that individual communities can generate, where there is a dearth of monitoring systems, and where targeting is further complicated by the size of the poor and vulnerable population —institutional capacity becomes a major concern for establishing social infrastructure for child protection in the short term.

It is desirable for the State to continue to strengthen its institutions to be able to take responsibility for a child protection system. However, it is also important to recognise that systematic weaknesses in the government apparatus will extend the time required to develop and implement such a system. As such, institutional challenges need to be addressed simultaneously to responding to the protection needs of children in the short term, through more responsive mechanisms implemented by NGOs.

RECOMMENDATIONS

Recommendation 1: Given girls' reluctance to speak of abuse and violence, a comprehensive programme which raises girls' economic empowerment through vocational skills development combined with reproductive health and personal hygiene education would provide an effective entry point for counselling. The possibility of working jointly with the Salvatorian Sisters who have a history in the health sector may prove effective.

Recommendation 2: Vocational training programmes should be based on an analysis of the market in order to maximise long term employability of adolescent girls. The skills programme should also be aligned with the vocational skills programme of the Ministry of Social Affairs, which will result in a recognised technical certification. This will also ensure greater employability.

Recommendation 3: The exploitation of children's labour will not cease until family income increases. Parents and carers of children must be supported to find alternative income-generating sources, while a school feeding programme will contribute to a reduction in school absenteeism. These actions must be coupled with parents' education and child rights education.

Recommendation 4: Orphans and vulnerable children experience particular hardships in the community. The lack of structural mechanisms to support such children makes addressing their needs very difficult. GSS Congo has successfully built productive relationships with the main Ministry responsible for programmes that support such children. GSS Congo should further develop the relationship with the Ministry of Social Affairs to promote an informal community-based referral and support system for orphan and vulnerable children as support for the reintegration of the children into the family or extended family. This programme must also provide material assistance, counselling support and on-going monitoring of the children. Such a model should be negotiated and developed with the Ministry of Social Welfare in order that it can be transferred to the Ministry as social welfare mechanisms are up-scaled by the government.

Recommendation 5: The accusation of witchcraft and sorcery of orphaned children serves to further the vulnerabilities of these children and in some cases leads to physical threats. GSS Congo is well placed to conduct education campaigns targeting both communities and pastors of evangelical churches to challenge such beliefs and superstitions. The affected children must also be supported through a community-based informal referral and family reintegration programme.

Recommendation 6: GSS Congo needs to continue to research the situation of child labour and, in particular, child labour in the mines. This research should be used to inform joint advocacy work

with other NGOs such as World Visions Kolwezi. This advocacy work must include a call on the government for the full operationalisation of the Child Protection Act.

Recommendation 7: The informal community based school is a necessary measure to ensure that the current generation of children have a chance to be educated. However, this work must be combined with a strong emphasis on advocacy work (which is currently being undertaken by the Catholic Church) for free basic education. If the informal school is to be successful in its aim, the initiative must also be accompanied by income generation activities for parents, a school feeding programme and rights education. These measures will serve to reduce school absenteeism arising from the exploitation of children's labour.

Recommendation 8: Parental responsibility for the well-being of children must be reinforced and ethnic divisions challenged. GSS Congo should consider the provision of a parent education programme, mediation services, and an informal recreational programme that will bring communities together.

Recommendation 9: Ignorance of rights is a challenge to the democratic process. GSS should consider a partnership with existing legal aid centres, such as that run by the Sisters of Notre Dame, to educate children, adolescents and parents/carers about the rights of the child and provisions under the Child Protection Act.

Section IV. NGO Mapping

An NGO mapping exercise was undertaken as part of the research process. The mapping sought to identify work being undertaken by other NGOs in the areas of child protection and in sexual and gender based violence (SGBV) against women and girls. This was in order to:

- Avoid duplication of efforts
- Build upon current good practice
- Identify possible synergies in programmes for joint and more effective advocacy work, through networking and coalition building.

The first phase of the mapping exercise consisted of designing a questionnaire which was subsequently sent to both international and local NGOs who are currently operating in and around the Kolwezi area. These NGOs served as key NGO informants. The questionnaire was sent to NGOs prior to the field research phase. The information gathered was also used to inform the PRA/qualitative needs analysis component of the research and to assist in developing the questions for the structured interviews to be conducted with government officials, donors and aid agencies during the field level research process in Kolwezi.(Refer to Appendix 11 for the list of key NGO informants interviewed.)

The questionnaires were sent to thirteen organisations with a reply rate of 85%.

Findings

The mapping exercise revealed that there are several NGOs in and around Kolwezi with:

- common programmatic objectives in relation to child vulnerabilities and violence and abuse against women and girls

- operationally these are not located in the proposed programme site of Domaine Marial area,
- programmatic synergies affords opportunities for joint advocacy.

Child Vulnerabilities

PACT International activities focuses on prevention intervention activities largely related to educating children about the risks of working in the mines. This involves conducting sensitizations activities in schools and areas around the mines, in particular in the camps surrounding the mines. This work forms only a small proportion of PACT International work in Kolwezi (5%). The main focus of their work is provision of technical expertise and resources for alternative livelihoods for artisinal miners.

World Vision Kolwezi has not as yet initiated their work on children working in the mines but resources have been allocated for this work by World Vision Canada. The projected programme will focus on prevention activities including:

- Educating parents and community leaders on the rights of children and the dangers to children from working in mines
- Provision of legal rights education to children.

World Vision Canada has identified children working in mines as a priority advocacy issue, and have dedicating a research and advocacy officer to support the work of World Visions Kolwezi n this area.

World Vision Kolwezi has a child sponsorship programme in Duir 5 kilometres south east of Domaine Marial, where they have constructed the health centre which is run by the Salvatorian sisters. The Health Centre monitors children's health and nutritional status and helps children with medical problems access the required. The centre also provides maternal health services, HIV and AIDS screening and in 2013an extra wing will be build which will be used as an operations theatre.

Other joint between World Vision and the Salvatorian Sisters include:

- Coordinating nutrition education for community members, demonstrating how to prepare nutritious meals using locally available ingredients.
- Offering health education for mothers and children on healthy hygiene practices and the prevention and treatment of diarrhoea.
- Assisting in an immunization campaign in which 1,480 children were vaccinated.

UNICEF is supporting the government to establish a countrywide social protection system for children, through ‘protecting communities’. The approach aims to strengthen the capacities of communities to take care of their children. This is largely a prevention programme focusing on community education programme about rights and raising awareness of the risks to health and welfare of children. UNICEF is also working with adolescent girls working in the mines but undertakes this work through external partners such as the Belgian NGO, Group One. This NGO is providing vocational skills development programmes for adolescent girls, primarily sewing skills.

UNICEF’s work in education has phased over programmes which provided direct aid and resources to the government for basic education. These programmes are no longer conducted in an attempt to devolve responsibility to the government for the provision of free education. Their focus has now moved to programmes which assist in generating income at the household level to assist families to meet the economic requirements of educating their children.

Other programmes focusing on child vulnerabilities include efforts by the Franciscan fathers. These initiatives have been small scale. Efforts to initiate a programme for orphan and vulnerable children, specifically those abandoned by their families have been unsuccessful. The lack of success can be attributed to lack of funding for a comprehensive programme but also due to a lack of current capacity within the congregation to confidently and effectively engage in social outreach. The initiatives have largely been unsuccessful as the work was entirely dependent on the initiative of one Franciscan father.

Caritas works directly with the central government to facilitate the payment of teachers in schools across the region. It also works in the provision of school furniture to schools in rural areas around Kolwezi. It supports the provisions of health services through a USAID programme, ensuring that doctors visit and provide health care to the more isolated rural communities where health services are few. In partnership with the Catholic Church it advocates for the provision of free basic education.

Violence and abuse against women and girls

The Notre Dame Sisters have two programmes which are relevant to the work of the Good Shepherd Sisters. These are:

- Psychological Support Service
- Legal Aid Centre

The psychological support service unit works with girls and women who have experienced been victims of sexual abuse and who have experienced violence and abuse.

The Unit also aims to:

- Embark on a programme to initiate collaboration with other psychologists, educators, doctors, health service providers, police and other service providers to ensure effective systems of referral.
- Link with similar organisations in the DRC and internationally for learning from best practice; and
- Conduct public education programmes to raise awareness of the importance of psychological support in dealing with trauma.

The Unit has good links with service providers who should be the responsible for provision of services for women and girls who have experienced violence and abuse.

The legal centre provides legal aid and information (listening, mediation and guidance) to people who cannot afford legal assistance. The centre was initiated in response to powerless of local people who seldom think of appealing to the law because of: the weakness of the legal system; the cost; and ignorance of their rights. The centre consists of a team of 5 people: 4 lay people and a sister who is a qualified lawyer. The centre also works with the University of Lubumbashi to support Law students (future lawyers, magistrates, barristers, judges) by providing access to the legal library at the centre as well as conducting training programmes targeting the legal profession.

Presently the Legal Aid Centre is conducting a review of all the legislation to identify clauses which discriminate against women and girls. They then aim to challenge the legitimacy of these clauses under the Constitution.

The Salvatorian sisters work in the area of maternal health, reproductive health and health education, including personal hygiene education for adolescent girls. They do not have any expertise in the area of working with and providing referral systems for women victims of violence and abuse.

Support in this area is restricted to the provision of medical reports following a medical examination of the girl of women, when a case is referred to them by the police.

The Salvatorian fathers and the Greek Orthodox Church have significant experience in income generation programmes related to agricultural production and fish farming, although their focus is with men and adolescent boys. In relation to the Greek Orthodox Church they are very well equipped with agricultural machinery.

PACT International implements some limited programmes for women working in the artisinal mining communities of Tenke and Fungurume in Kolwezi. They implement both preventative programmes (5% of all their activities in the area) as well as reintegration activities (10% of all their activities in the area). Their programmes assist in developing skills in alternative livelihoods and income generation activities which also include:

- Literacy classes
- Sensitisation activities on the risks of violence and abuse against women and girls in the camps
- Financial skills development
- Micro financing through a revolving loan system.

Income generation activities include:

- Sewing
- Handicrafts
- Animal husbandry
- Agricultural production
- Bread making
- Knitting

PACT International also works with the Mayor of Kolwezi to reduce the harassment of women in artisinal mining communities/camps by government officials and employees including the police, army and mine security police.

Accountability of the Mining Sector

There is an established consortium of NGOs working to address the accountability of the mining companies and the government pursuant of the Mining Code and its regulations. Bread For All, The Lenten Foundation of Switzerland has been supporting this consortia which is led by the Episcopal Commission for Natural Resources (Commission épiscopale pour les ressources naturelles(CERN)) and Action against Impunity for Human Rights (Action contre l'impunité pour les droits humains (ACIDH)) in Kolwezi. Other NGOs such as World Vision Kolwezi are also members of this consortium.

This consortium meets periodically to respond to Government action or inaction in relation to the implementation of the Mining Code, but also calls for greater transparency of the sector, including the full compensation of local communities by the mining companies.

In September of 2013 the Lenten Foundation will be conducting research skills training. The aim of the training is to raise the capacity of local NGOs to collect reliable data and improve information/evidence gathering. It is anticipated that such data will be used for advocacy programmes and inform dialogue with international mining companies to ensure corporate social responsibility.

RECOMMENDATIONS

Recommendation 1: Effective advocacy is achieved through a civil society which is working collaboratively, capitalising on their shared strengths and working on shared objectives.
Despite its short time in Kolwezi, GSS Congo has effectively built collaborative relationships with other NGOs and local partners. GSS Congo should extend this networking and link with existing consortiums working in advocacy similar advocacy priorities. This should include participating in training programmes that such consortia provide such as the research training to be provided by the Swiss Lenten Foundation.

Recommendation 2: Programmatic interventions can be strengthened by collaborating with other local partners with required skills, facilities and resources.
Linking with existing programmes such as the legal aid centre, the psychological service unit of the Notre Dame Sisters, and the Greek Orthodox Church can reduce costs through the shared use of both human and material resources; it will also reduce the risk of duplication of service (legal aid). Collaboration and shared planning will serve to strengthen programmes by these partnerships helping GSS Congo forge links with other service providers to facilitate shared programming and best practice.

Recommendation 3: The Vocational Skills programmes should be based on a thorough analysis of the market to avid a skills glut and long term employability.
In vocational skills provision an important aim should be adapting vocational training to the needs of the area. Given limited employment opportunities, it is necessary for any vocational training programme that it responds to contextual needs. This goes beyond those already undertaken by other organisations such as PACT International. A deeper analysis of the market must be undertaken with the objective of better linking women and girls and young people to employment opportunities.

CONCLUSIONS

The most vulnerable - women, girls and children - in the artisinal mining communities of Domaine Marial, see themselves as having limited options and adopt negative coping strategies which will have consequences over their lifetime. This situation is further exacerbated by the dearth of services and protection mechanisms targeting these vulnerable groups. The development of formal protection mechanisms will take time given the realities and constraints of DRC. Many NGOs currently serve as service providers in areas of education, health and child protection; but a phase over process must be undertaken to ensure that the state undertakes its role as a key duty-bearer for the provider of basic service to the populous and in the protection of the most vulnerable among its population.

In response to the context of the DRC, it would be more effective to initiate and build upon existing informal protection mechanisms that can respond to the immediate needs of women, girls and children. This would comprise: providing support, resources and structure to strengthen them; whilst at the same engaging Government at local level in developing and adopting such community based informal referral and support systems. There are many challenges to creating and implementing effective referral and support systems for women and children to ensure their protection including increasing political will to mobilise resources and improving coordination among the diverse Ministries responsible for delivery and oversight of the various services. This will

take sustained and long term effort but must be undertaken. This work must also be accompanied by strong, co-ordinated advocacy work in partnership with other local NGOs.

The greatest challenge for GSS Congo in relation to the provision of support for women and girls victims of violence and abuse in the artisinal mining communities is that gender based violence has become normative. Economic empowerment programmes alone will not serve to break the cycle of violence and abuse. The health sector would serve as a more effective entry point for counselling services especially given the high priority that the community, especially the women and girls, place of health provision. GSS Congo may need to clearly detail their approach in this area and how they can effectively link with health service providers important to women and girls – reproductive health and personal hygiene- whilst at the same time ensuring that they do not replace the State.

Gender equality is essential for the achievement of human rights for all. Yet discriminatory clauses in existing legislation in the DRC means that laws against women and girls, which means that men and women do not enjoy civil, cultural, economic, political and social rights equally. Furthermore, women's access to justice is often paired with discriminatory obstacles in law as well as in traditional practices. Violence against women in the DRC prevails at an unimaginable scale and the law on Sexual Violence makes no mention of domestic violence. Legislation and policy alone will not ensure the full protection of rights, especially those of the most vulnerable. The Child Protection Act 2009 is well articulated but no action plan for implementation has been elaborated. GSS Congo team can capitalise on the legal expertise within its team to engage with existing NGO consortia for effective advocacy in this area. Its links to the advocacy networks internationally should be used to reinforce the local advocacy agenda.

In the case of economic empowerment, an important aim should be adapting vocational training to the needs of the area, and alternative livelihoods initiatives must consider integrating both men and women into community development. This is an essential entry point for educating and challenging gender norms.

The Mining sector features largely in any programme targeting artisinal mining communities; it also holds the potential to support wealth creation for the future economic and social development of the country. The transparent management of this sector and its provisions for the artisanal mining sector have implications in relation to the vulnerabilities of women, girls and children. The study identified a number of other NGOs and local partners engaged in promising practices and advocacy work locally. GSS Congo needs to link with these existing consortia for effective advocacy such as the initiatives of the Episcopal Commission for Natural Resources.

Networking and partnerships opportunities exist which can strengthen GSS Congo's programmes in Domaine Marial. It is worth linking into the existing programmes of the Notre Dame Sisters such as the legal aid centre for joint rights education and challenging discriminatory clauses in the legislation. The Notre Dame Psychological Support Service can assist in engaging government to deliver on formal services provision for women and girls victims of violence and abuse. Whilst this networking can bring benefits with regards to advocacy and programmatic outcomes, the relationship is not necessarily skewed. There is potential for reciprocity in such relations if partners are open to the added value which GSSS brings to the community of Kolwezi, in terms of their approach to development. This is of particular relevance to the boarder Catholic community. In the short time that GSS has been in Kolwezi, it has challenged through its ministry the way in which the communion of the Catholic Church responds and ministers to the most vulnerable. The GSS team in the Congo can serve as a role model to other congregations for Catholic Social Teaching with the emphasis on liturgy in action.

Research findings indicate a strong and pressing need to tackle economic and social vulnerabilities facing children, girls and the women in the communities of Domaine Marial in a comprehensive, coordinated and tailored manner. Such a programme in a challenging context will require a long term programme with a five year minimum outlook. For longer term programmatic sustainability of interventions, GSS Congo must engage with the relevant government Ministries to work on protection interventions in accordance with local context, demands and capacities. This must involve developing partnerships to implement interventions and drawing on local civil society, NGOs and the Catholic community that already have networks and actions on the ground, given the context of weak governmental structures.

CAPACITY BUILDING OF GSS CONGO

The GSS Congo team is dynamic and cognisant of the need to address the root causes of the violence and abuse which robs women and girls of their rights and human dignity. They are aware that their operations must be focused on maximising results for the community they serve. This can only be achieved if systems and procedures are in place which reflects donor exigencies.

Programmatically GSS Congo needs reinforcement in areas such as research, monitoring, evaluation and learning, ensuring that such data is used for continual programmatic improvement. The establishment of a new programme in a new country offers enormous learning potential for GSS globally. It is essential that support is provided to the GSS Congo team in order that the necessary knowledge management systems are in place and learning mechanisms instituted.

Establishing financial and administrative systems and procedures in line with donor requirements takes time; especially given the local context. Initial technical support would be beneficial at the onset of the programme.

Sustainability of GSS Congo should be addressed in the early part of the programme. Income generation and the vocational skills programmes should be based on a market analysis and a well informed business plan which is focused on local markets. Skills development in this area should be a priority.

GSS Congo is very well placed to integrate into existing advocacy networks, especially given the legal background of one of the team members. This should be capitalised upon and support provided to the team in developing a detailed advocacy plan which outlines advocacy actions at local, national and international levels.

APPENDICES

Appendix 1: Study Protocol
Appendix 2: Definition of Terms
Appendix 3: Community Problem Matrices
Appendix 4: Stakeholder Analysis
Appendix 5: Problem Tree - Brainstorm
Appendix 6: Problem Tree
Appendix 7: Programme Logframe
Appendix 8: Programme Workplan
Appendix 9: List of Key Informants