

# Modern slavery in the Democratic Republic of Congo

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## Question

*What does the literature tell us about modern slavery in the Democratic Republic of Congo (including, if available, information on the prevalence of modern slavery in the DRC, the most prevalent forms, the people most at risk and in what ways)?*

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## 1. Overview

‘Modern slavery’ encompasses a variety of situations in which one person is forcibly controlled by one or more others for the purpose of exploitation (Cockayne, 2015). ‘Forced or compulsory labour’ is defined by the ILO Forced Labour Convention as ‘all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily’. The means of coercion by the exploiter can be overt and observable (e.g. armed guards who prevent workers from leaving) or subtle and not immediately observable (e.g. confiscation of identity papers) (ILO, 2012).

The ILO estimates that 20.9 million people are victims of forced labour globally, for the period 2002-2011 (ILO, 2012). The Global Slavery Index estimates for 2016 that there are 45.8 million people in some form of modern slavery.

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In the case of the **Democratic Republic of the Congo**, the **Global Slavery Index (GSI) 2016** reports that the estimated number of people living in modern slavery is **873,100** (rank 9 of 167 countries). This amounts to an estimated proportion in slavery of **1.130 percent** (rank 6 of 167 countries). These estimates of prevalence are derived from a **2010 survey, published in JAMA**, focused on sexual violence and other human rights violations in the conflict-affected **North and South Kivu provinces and in Ituri**.

There are various DRC studies that seek not to determine prevalence but to find the existence and indication of the scale of modern slavery.

- The **2013 Free the Slaves study of South Kivu** finds that 866 of the total sample of 931 persons interviewed across all three mining sites (93 percent) were enslaved in one of more types of slavery (Free the Slaves, 2013).
- The **2011 Free the Slaves study of North Kivu** finds that 40 percent of respondents interviewed in *Bisie* were found to be in confirmed situations of slavery (Free the Slaves, 2013).
- The **2014 USAID study of South Kivu and North Katanga** finds that 6.7 percent of survey respondents are or have been victims of trafficking (USAID, 2014).

Studies in the eastern DRC have identified six types of slavery: **forced labour, debt bondage, peonage, sex slavery, forced marriage, and the enslavement of children** (Bale, 2013; Free the Slaves, 2013; Free the Slaves, 2011). There can be overlap in the experiences of slavery. Women, for example, may be subject to sex slavery and debt bondage, concurrently.

## Forced labour

Forced labour at the hands of military groups exists along a continuum. At the extreme end, villagers are rounded up by an armed group, beaten and assaulted, and put to work under threat of violence (Bale, 2016; Free the Slaves, 2011). There is no offer of payment and no freedom of movement or choice (Bale, 2016). Forced labour by gunpoint is often the most well-known form of slavery (ibid). Many Congolese men, women and children in mining zones operate in conditions of slavery in eastern DRC.

- The **2014 USAID study on South Kivu and North Katanga** finds that the most common form of trafficking was forced labour (56 persons or 3.7 percent of the sample).
- The **2013 Free the Slaves South Kivu study** finds that forced labour was the second most frequently found type of slavery, after debt bondage (Free the Slaves, 2013).
- The **2011 Free the Slaves North Kivu study** finds that only a fifth of miners and porters believed that forced labour occurred in the *Bisie* mining site. However, four-fifths reported that they were personally made to work under the *salongo* system (whereby everyone in a mine would be required to work for a designated official on a particular day).
- A **2015 study of artisanal miners in Kamituga** in the eastern DRC finds that 41 percent of the 469 respondents were forced to perform labour under armed threat (Stoop et al., 2016).
- A **2014 study of artisanal mining sites in North and South Kivu** finds that despite findings of forced labour in mining sites, it was largely temporary, limited to a set number of days, and often a proxy for illegal taxes or a mode of punishment (Rothenberg and Radley, 2014).

## Debt bondage

Debt bondage involves the enslavement of labourers to pay off household or business debts (USAID, 2014). Given the high degree of informality in lending, there is a strong potential for exploitation via lending (ibid). It is not only poor miners who can become subject to debt bondage, trying to meet basic needs, but also senior mining officials, who invest their money to begin production at mines by taking loans at high rates from ‘supporters’ (Free the Slaves, 2013).

- The **2014 USAID study on South Kivu and North Katanga** finds that 39 individuals or 2.6 percent of the sample were identified as currently bonded by their debt.
- The **2013 Free the Slaves study on South Kivu** finds that debt bondage is the most persistent form of slavery among those involved in the mining sector and the most prevalent form of slavery reported in the sites studied.
- The **2011 Free the Slaves study on North Kivu** finds that debt bondage is one of the most common forms of slavery in the mines.

## Peonage

Another form of slavery found in the DRC involves a corrupt, fake legal system that feeds workers into mines. Specifically, a traditional chief, policeman, local official, or member of a militia will arrest someone under false charges, with the aim of gaining control over him/her to exploit his or her labour (Bale, 2016; Free the Slaves, 2013). There is anecdotal evidence of many workers trapped at the *Bisie* mine through peonage (Bale, 2016). The **2011 Free the Slaves study on North Kivu** finds cases of at least 52 individuals in peonage slavery at *Bisie* mine, the duration lasting anywhere from a few days to over one year (Free the Slaves, 2011). The **2013 Free the Slaves study on South Kivu** found that this form of slavery affected the smallest number of informants overall.

## Sex slavery

While male slaves are primarily seen as beings of labour potential, female slaves are seen as sources of labour and as bodies that can be used as sexual outlets (Bale, 2016). Sex slavery is considered to be widespread in the DRC. Women and girls are either abducted by militias from villages and taken to serve as sexual slaves or lured to mining zones with false promises of financial support, ultimately turning to prostitution to meet basic needs (Bale, 2016; Free the Slaves). Congolese women are also forcibly prostituted in brothels or informal camps, including in markets, bars, and bistros in mining areas, by loosely organized networks, gangs, and brothel operators (ILO, 2015).

- The **2010 study published in JAMA on the North and South Kivu provinces and Ituri** finds sexual slavery was reported by 21.1 percent of female respondents and 19.6 percent of male respondents (Johnson et al., 2010, 557-558).
- The **2013 Free the Slaves study on South Kivu** finds that 8 percent of informants were enslaved in sexual slavery in Kamituga; 5 percent in Lugushwa; and 2 percent in Nyamurhale (Free the Slaves, 2013, 21).

## Forced marriage

Forced marriage often begins by abduction and rape; or can be arranged by impoverished fathers to repay debts (Free the Slaves; ILO, 2015). Women forced into marriage are completely trapped and highly vulnerable to domestic servitude or sex trafficking (Bale, 2016; U.S. Department of State, 2016; ILO, 2015; Free the Slaves).

- The **2010 study published in JAMA on the North and South Kivu provinces and Ituri** finds that forced marriage was reported by 3.4 percent of female respondents (Johnson et al., 2010, 557).
- The **2013 Free the Slaves study on South Kivu** finds that forced marriage affected 16 percent of the informants in Kamituga; and 8 percent in both Lugushwa and Nyamurhale (8 percent).
- The **2011 Free the Slaves study on North Kivu** finds that even where the majority of respondents said that they were theoretically 'free' to walk away, many of these same women and girls also said it would be difficult, if not impossible, for them to leave without some kind of help.

## Child slavery

The use of children by armed forces and groups has been a common feature of the conflicts in the DRC. Young boys, and sometimes girls, are kidnapped during raids on villages and trained to kill (Bale, 2016). Children, particularly girls, in armed groups are highly vulnerable to sexual exploitation by mine operators and soldiers (Free the Slaves, 2011). Children, not recruited into an armed group, are still vulnerable to forced and exploitative labour. Poverty and lack of access to schools make children particularly vulnerable to enslavement (Free the Slaves, 2011). They are often forced to work in mines, agriculture, domestic work, street begging, vending, and portering (U.S. Department of State, 2016; ILO, 2015).

- The **2014 USAID study on South Kivu and North Katanga** finds that 11 out of 49 surveyed minors (22.4 percent) were considered labour trafficking victims (USAID, 2014).
- The **2013 Free the Slaves study on South Kivu** finds that 67 percent of respondents were subjected to worst forms of child labour (Free the Slaves, 2013, 20).
- The **2011 Free the Slaves study on North Kivu** finds that over two thirds of child respondents were in confirmed situations of slavery or showing strong indicators of being enslaved (Free the Slaves, 2011).

## 2. Measuring modern slavery

Measuring modern slavery is challenging due to difficulties in determining what a 'slave' is and to the hidden nature of the crime and low levels of victim identification (ILO, 2012, GSI). While there are various studies of modern day slavery, there are few published works that adopt quantitative methods (Datta, 2014). The absence of data on prevalence and patterns can make it difficult to understand the extent and nature of the problem (ILO, 2015; USAID, 2014). There has, however, in recent years, been much innovation in this field, both in terms of counting-based methodologies and in inferential or estimation methodologies. These include:

- The **US Department of State's Office to Monitor and Combat Trafficking in Persons** has detailed comparative data on trafficking investigations, prosecutions, convictions and sentences (Cockayne, 2015).
- The **International Labour Organization (ILO)** has produced two global forced labour estimates, both based on extrapolations from a small (n=8,000) core survey sample (covering four countries), supplemented by secondary, previously reported data (Cockayne, 2015).
- The **Walk Free Foundation's Global Slavery Index (ILO)** ranks 167 countries in terms of the prevalence of modern slavery. The GSI methodology is similar to that used by the ILO in its global forced labour estimate, but applied at the country level.

### 3. Modern slavery in the DRC – key studies

It is estimated that more than 2.6 million people were displaced in the DRC from ongoing conflict and political instability. Displaced persons in Katanga, North Kivu and South Kivu provinces (where deposits of gold, tin, coltan and tantalum are found) are particularly vulnerable to modern slavery - in particular forced conscription, forced labour and sexual violence by armed groups and government forces (ILO, 2015).

There are various reports of forced labour related to the illegal extraction of natural resources in many resource-rich areas in the DRC, principally in Orientale Province, the Kivus and North Katanga. This involves the abductions of persons to force them to participate in activities such as domestic work, wood cutting, gold mining and agricultural production for the benefit of armed groups (CEACR, n.d.).

Artisanal mining is considered one of the most important forms of employment in the DRC. The number of people in the directly or indirectly dependent on artisanal mining for their livelihood is estimated at between 8 and 10 million, or 14 to 16 percent of the total population (World Bank, 2010b; cited in Rothenberg and Radley, 2014, 6).

Systematic empirical evidence about the type and scale of modern slavery in DRC mines is absent (USAID, 2014). Assertions are primarily based on anecdotal evidence (ibid). There are a few reports of modern slavery in DRC mines. Based on varying definitions and methodologies, however, the nature and extent of trafficking varies across these reports (ibid).

The following are the methodologies adopted in key studies of mining communities and surrounding areas in the eastern DRC:

#### **South Kivu and North Katanga, USAID 2014**

This USAID study aims to provide an empirically-based understanding of the nature and scale of labour and sex trafficking of men, women and children in eastern DRC mining communities. It adopts a systematic approach to both random site and random respondent selection. Sampling was conducted in 32 sites across Kalehe, Walungu, and Mwenga territories in South Kivu Province and Kalemie and Nyunzu territories in North Katanga. It included 1,522 respondents (74.2 percent male and 25.8 percent female). Survey results were complemented by qualitative data collection at five sites.

The project asked concrete questions about reasons for seeking out work in mining towns, vulnerabilities encountered while doing this work, challenges related to pay, control by bosses, and freedom to leave work in mining should they choose to leave. Repetition was built into the survey such that respondents who did not report a sensitive experience on one question could disclose it later in the survey (USAID, 2014). While an affirmative answer to a question would suggest the potential of victimization, it is insufficient to conclude that a respondent has been trafficked. Taking into account whether a person has ever been forced to work at any point, in addition to whether they feel free to leave their job, aims to better capture the concept of being ‘compelled to work’ in exploitative conditions (ibid).

### **North Kivu, Free the Slaves 2011**

The study does not attempt to estimate the exact prevalence of slavery in North Kivu, but aims to seek out cases of abuse and expose the existence of modern slavery in the region. Free the Slaves researchers traveled to the provincial capitals of Goma and Bukavu, and remote North Kivu territories of Masisi and Walikale in 2009 and 2010, where the country’s most important cassiterite (tin ore) mine, Bisie, is located. They gathered testimonies from artisanal miners, government officials and civil society leaders, in order to understand and document the scale, nature and types of various forms of slavery in conflict-affected artisanal mining communities (Free the Slaves, 2011). Data is gathered from a non-random sample of 354 men, women and children in the Bisie mine, 177 children in Omate, and 211 children in Bibatama. Figures collected are considered to be underestimated, however, as they were collected during face-to-face interviews in areas under strict control of armed groups and other authority figures, which could make responses less forthcoming (Free the Slaves, 2011).

### **South Kivu, Free the Slaves 2013**

The study does not attempt to estimate the exact prevalence of slavery in South Kivu, but aims to seek out cases of abuse and expose the existence of modern slavery in the region. It documents the types, nature and scale of slavery at major mining sites in South Kivu province; to analyze the characteristics that cause Congolese workers to be vulnerable to enslavement; and to recommend solutions. A non-random sample of 931 persons (62 percent men and 38 percent women) was interviewed across all the mines, Kamituga, Lugushwa and Nyamurhale from June 2012 to January 2013. Informants who exhibited signs of enslavement were deliberately approached.

### **North and South Kivu provinces and Ituri, JAMA 2010**

This study focuses on the scale of sexual violence in the conflict areas of the DRC. It aims to assess the prevalence of and correlations with sexual violence and human rights violations on residents of specific territories of Eastern DRC including information on basic needs, health care access, and physical and mental health. **It is the study upon which Global Slavery Index estimates for the DRC are derived.** The research is based on a cross-sectional study conducted in the territories (26 provinces are subdivided into 192 territories) of North and South Kivu provinces and Ituri district in the DRC in March 2010. One-on-one interviews were conducted anonymously, typically inside the housing unit. Of the 1005 households surveyed, respondents from 998 households completed the survey (response rate of 98.9%).

## Estimates of modern slavery in the DRC

### Prevalence

The **Global Slavery Index** (GSI) 2016 reports that the estimated number of people living in modern slavery in the DRC is 873,100 (rank 9 of 167 countries). This amounts to an estimated proportion in slavery of 1.130 percent (rank 6 of 167 countries).

Prevalence estimates in the GSI reflect one of three methodologies, the first being direct estimation following a nationally representative random sample survey (from face-to-face interviews). The DRC estimate is based a **2010 survey**, published in **JAMA**, conducted in the conflict-affected **North and South Kivu provinces and in Ituri**. The following are findings from the 2010 study:

**Table 1.** Weighted Sexual Violence Means and Rates, by Sex, Reported by 998 Respondents<sup>a</sup>

Characteristic	Female (n = 593)		Male (n = 405)		P Value <sup>c</sup>
	No./Total Respondents	Weighted % (95% CI) <sup>b</sup>	No./Total Respondents	Weighted % (95% CI) <sup>b</sup>	
Overall interpersonal violence	242/586	41.6 (33.8-49.5)	129/399	30.7 (24.2-37.2)	.004
Reported IPV	169/559	30.5 (24.1-36.9)	68/362	16.6 (11.4-21.9)	<.001
Reported physical IPV	160/168	96.0 (92.5-100.0)	66/68	98.1 (95.8-100.0)	.27
Reported sexual IPV	19/169	8.5 (3.9-13.1)	7/68	7.7 (2.5-13.0)	.82
Reported sexual violence	224/586	39.7 (32.2-47.2)	107/399	23.6 (17.3-29.9)	<.001
Reported conflict-related sexual violence	175/224	74.3 (66.2-82.5)	88/107	64.5 (52.9-76.1)	.19
Perpetrated by men only	94/148	58.9 (43.4-74.5)	59/66	91.4 (82.4-100.0)	.008
Perpetrated by women only	54/148	41.1 (25.6-56.6)	8/66	10.0 (1.5-18.4)	.01
Perpetrated by both	1/148	0.2 (0.0-0.5)	1/66	1.1 (0.0-3.2)	.41
Reported community-based sexual violence	25/224	13.5 (5.0-22.0)	10/107	6.5 (0.7-12.3)	.11
Perpetrated by men only	18/22	89.8 (75.4-100.0)	9/9	100.0	NA
Perpetrated by women only	4/22	10.2 (0.0-24.6)	2/9	26.9 (0.0-72.1)	.50
Reported sexual violence type					
Molestation	61/202	28.2 (18.2-38.3)	14/88	15.2 (6.5-24.0)	.04
Forced to undress	58/202	25.6 (17.7-33.5)	15/88	15.3 (5.6-25.0)	.06
Stripped of clothing	59/202	28.6 (19.6-37.6)	17/88	18.1 (7.6-28.7)	.12
Rape	105/202	51.1 (39.6-62.5)	18/88	20.8 (8.2-33.4)	<.001
Gang rape	67/202	33.4 (22.9-44.0)	6/88	7.5 (1.8-13.2)	<.001
Forced marriage	6/202	3.4 (0.0-0.1)	0/88	NA	NA
Abduction	11/202	4.5 (0.0-9.0)	22/88	32.0 (18.8-45.1)	.002
Sexual slavery	52/222	21.1 (13.6-28.5)	24/103	19.6 (10.4-28.8)	.80
Forced to perform act with another civilian	3/202	1.7 (0.0-3.9)	6/88	5.0 (0.0-11.2)	.34

Source: Johnson et al. (2010), JAMA, p. 557

**Table 2.** Weighted Human Rights Violation Means and Rates, by Sex, for Household Members of 998 Respondents<sup>a</sup>

	Households in Which Women Experienced Violation		Households in Which Men Experienced Violation		Total Households That Experienced Violation	
	No. of Respondents (n = 615)	Weighted % (95% CI) <sup>b</sup>	No. of Respondents (n = 615)	Weighted % (95% CI) <sup>b</sup>	No. of Respondents (n = 615)	Weighted % (95% CI) <sup>b</sup>
Physical violations	117	17.2 (13.2-21.3)	223	34.5 (28.2-40.9)	315	50.0 (42.5-57.6)
Beaten	87	12.1 (9.0-15.3)	181	28.9 (23.0-34.8)	246	37.0 (28.3-45.7)
Shot	25	2.9 (1.2-4.6)	55	7.7 (4.0-11.3)	75	11.6 (8.1-15.1)
Stabbed	15	1.9 (0.7-3.1)	10	1.2 (0.3-2.0)	23	3.3 (1.5-5.2)
Amputation	8	0.7 (0.1-1.2)	14	1.8 (0.7-3.0)	20	3.9 (1.1-6.7)
Other physical assault	27	3.8 (1.8-5.8)	25	4.8 (2.0-7.6)	52	8.1 (5.3-11.0)
Movement violations	55	7.8 (5.7-9.9)	71	12.0 (7.5-16.5)	122	20.8 (15.1-26.6)
Capture	44	6.1 (3.8-8.3)	64	10.6 (6.1-15.1)	107	18.1 (12.5-23.7)
Abduction	5	1.1 (0.0-2.2)	4	0.7 (0.0-1.5)	8	1.4 (0.2-2.6)
Forced displacement	8	0.8 (0.1-1.5)	7	1.7 (0.1-3.2)	15	2.6 (0.8-4.3)
Property violations	135	23.6 (16.7-30.4)	172	30.7 (24.9-36.5)	302	50.8 (43.2-58.4)
Property theft	107	20.5 (13.4-27.5)	141	25.7 (20.0-31.4)	245	41.9 (35.0-48.9)
Property destruction	50	12.5 (4.4-20.7)	67	15.2 (9.0-21.3)	118	19.3 (13.7-25.0)
Destruction of home	59	12.0 (5.1-19.0)	44	8.4 (4.7-12.0)	103	16.7 (11.0-22.4)
Forced work	3	0.4 (0.0-0.9)	11	1.2 (0.3-2.2)	14	1.7 (0.6-2.7)
Sexual violations	185	30.2 (23.5-36.8)	85	14.1 (9.4-18.8)	262	42.9 (35.6-50.1)
Forced to participate in sexually violent act against nonfamily	20	2.2 (0.8-3.5)	4	0.4 (0.0-0.9)	26	4.9 (2.8-7.1)
Forced to participate in sexually violent act against family	18	2.2 (0.8-3.7)	1	0.1 (0.0-0.3)	19	3.8 (0.6-6.9)
Other sexual violation	164	27.4 (21.1-33.8)	81	13.7 (9.0-18.5)	242	39.2 (31.9-46.5)
Other violations	28	3.4 (1.5-5.4)	26	5.5 (1.0-10.0)	49	7.1 (3.4-10.8)

Source: Johnson et al. (2010), JAMA, p. 558

While the purpose of this 2010 study was not to determine the prevalence of slavery, the findings are relevant to making a determination on the prevalence of slavery. The study also allows for breaking down some types of enslavement in the research areas, but not necessarily for the rest of the country. There are, for example, within the tables, separate categories for forced marriage, sexual slavery and forced work.

### The existence of slavery

The **2013 Free the Slaves study of South Kivu** finds that 866 of the total sample of 931 persons interviewed across all three mining sites (93 percent) were enslaved in one of more types of slavery (Free the Slaves, 2013).

The **2011 Free the Slaves study of North Kivu** finds that 40 percent of respondents interviewed in *Bisie* were found to be in confirmed situations of slavery, with an additional 10 per cent showing strong indicators of enslavement (Free the Slaves, 2011).

The **2014 USAID study of South Kivu and North Katanga** finds that 6.7 percent of survey respondents are or have been victims of trafficking (USAID, 2014).

## 4. Types of modern slavery in the DRC

There are many distinct types of slavery in the DRC that have emerged simultaneously amidst conflict and disorder in the DRC (Bale, 2016). Studies in the eastern DRC have identified six

identifiable types of slavery: **forced labour, debt bondage, peonage, sex slavery, forced marriage, and the enslavement of children** (Bale, 2013; Free the Slaves, 2013; Free the Slaves, 2011).

Some forms of slavery are directly linked to conflict, such as the use of child soldiers and the kidnapping of civilians for forced labour and sexual slavery by illegal armed groups and uncontrolled army units (Free the Slaves, 2011). While armed groups may in some cases be the principal perpetrators, they are not alone. Civilian middle managers, moneylenders, brothel owners, government officials, and even parents in some cases, are also responsible for these modern forms of slavery (USAID, 2014; Free the Slaves, 2011). As such, ending the conflict is only part of the solution (Free the Slaves, 2011). Other forms of slavery are also present in other non-armed conflict settings, such as debt bondage, forced marriage, sex slavery, and child slavery (ibid).

There can be overlap in the experiences of slavery. Women, for example, may be subject to sex slavery and debt bondage, concurrently. Children also experience enslavement in various forms, for example, as a soldier and as a forced bride. In addition, slavery is present not only at mining sites but also in the transport of minerals or in other aspects of the supply chain (Free the Slaves, 2011).

Bale (2016) finds in speaking to people caught up in slavery in the eastern Congo that forced labour by gunpoint is the most well-known form of slavery. The **2013 Free the Slaves study on South Kivu** finds that of the 931 persons interviewed across the three mining sites, **almost 30 per cent of respondents were victims of forced labour** and another **23 per cent were victims of debt bondage**.

The **2014 USAID study on South Kivu and North Katanga** finds that **labour trafficking comprise 3.7 percent of the sample (56 individuals) and debt bondage 2.6 percent of the sample**. They are more prevalent than sex trafficking (0.9 percent of the sample or 14 persons) in the sampled mining sites (USAID, 2014).

## **Forced labour**

**Forced labour at the hands of military groups** exists along a continuum. At the extreme end, villagers are rounded up by an armed group, beaten and assaulted, and put to work under threat of violence (Bale, 2016; Free the Slaves, 2011). There is no offer of payment and no freedom of movement or choice (Bale, 2016). Those who resist run the risk of extreme violence, such as rape, torture and murder (ibid). Forced labour at mines may entail digging minerals, hauling ore, or sorting or washing mineral ore (ibid). Local and foreign armed groups also abduct and forcibly recruit Congolese men, women and children to serve in their armies as guards, porters, cleaners and cooks, combatants, messengers and spies (US Department of State, 2016; ILO, 2015). Women and girls are forced to marry and/or serve as sex slaves for members of the armed groups (ibid).

Beginning in 2014, international observers reported that there were no cases of child recruitment by the Congolese national army (FARDC) (U.S. Department of State, 2016). Although, recruitment by other armed groups have continued.

**Many Congolese men, women and children in mining zones operate in conditions of slavery** in eastern DRC, subject to forced labour by mining bosses, other miners, family members, government officials and armed groups (U.S. Department of State, 2016; USAID, 2014; Free the Slaves, 2013). Forced labour in mines involves not only working in the mines

directly, but also support roles, such as guards, porters, cleaners, cooks, messengers, spies, and tax collectors at mining sites (U.S. Department of State, 2016). In addition, women and girls are forced to marry or serve as sex slaves for members of some armed groups (ibid).

The **2014 USAID study on South Kivu and North Katanga** finds that the most common form of trafficking was forced labour (56 persons or 3.7 percent of the sample). The criteria for forced labour were any individual that stated they were forced to work by threat or coercion at any time since working in the mining sector; and did not feel they were able to leave their job – both key aspects of human trafficking (USAID, 2014). Those found to be at risk of labour trafficking amounted to 17 percent of the sample (ibid).

The **2013 Free the Slaves South Kivu study** finds that across all three sites, forced labour was the second most frequently found type of slavery, after debt bondage (Free the Slaves, 2013). It affected both men and women. This form of slavery affected 10% of individuals in Kamituga, 24% of those in Lugushwa, and 61% of those in Nyamurhale (Free the Slaves, 2013, 17). In Nyamurhale, the perpetrators of forced labour (heavy labour and/or long days) were primarily military and local authorities; and in Kamituga, they were PDGs (President Director Generals, who own mining shafts and employ workers) and conductors (miner team leaders who supervise the work undertaken by miners) (ibid).

The **2011 Free the Slaves North Kivu study** finds the existence of mandatory labour, whereby everyone in a mine would be required to work for a designated official on a particular day (*salongo* system) (Free the Slaves, 2011). Of the 77 individuals interviewed specifically about forced labour and *salongo* at Bisie, only a fifth of miners and porters believed that forced labour occurred in the mining site. However, four-fifths reported that they were personally made to work under the *salongo* system, indicating that there may be a discrepancy between the understanding of forced labour and the experience of it (ibid).

A **2015 study of artisanal miners in Kamituga** in the eastern DRC, which surveyed 469 artisanal miners in April-May 2015, finds that 41 percent of respondents were forced to perform labour under armed threat (Stoop et al., 2016).

A **2014 study of artisanal mining sites in North and South Kivu** finds that despite findings of forced labour in mining sites, it is structured in a manner that allowed miners to remain in the industry. It finds that the use of forced labour was largely temporary, limited to a set number of days. Often it was a proxy for illegal taxes or a mode of punishment. Its temporary use allowed miners to continue to earn enough to remain at the mines (Rothenberg and Radley, 2014).

**There are various findings of exploitative behaviours in mines.** A study on the artisanal mining industry in select sites in North Kivu and South Kivu in the eastern DRC finds that instances of underpayment and/or working for extended periods of time without payment are common (Rothenberg and Radley, 2014). Wage or mineral theft was another common finding, reported by 35 percent of the case studies (ibid). Illegal taxes and extortion are also considered to be the norm (ibid).

**Specific groups are also found to be particularly vulnerable and at risk.** There are reports of **child labour** in the mining of diamonds, copper, gold, cobalt, ore and tin, as well as in the smuggling of minerals. Some children reported extremely long working hours and physical abuse perpetrated by security guards employed by the State (U.S. Department of State). It can be difficult to determine whether child labour is forced. Even in the absence of explicit cases of forced child labour, the extent to which free-will can operate in the context of widespread poverty

and few viable livelihood opportunities is unclear (Rothenberg and Radley, 2014). In addition, there are reports of significant wage differentiation between children and adults. In Katagota, for example, children aged 14 to 17 were paid 3,000 Congolese francs to crush stone, in contrast to 7,000 paid to adults for the same work (ibid, 70). (For further discussion, see the section on child labour below).

There are also reports of the forced labour of Batwa, or pygmy groups, most commonly in agriculture, but also in mining and domestic service in remote areas in the DRC (ILO, 2015; CEACR, n.d.). This compounds their general experience of social marginalisation (ibid).

**In terms of setting, the 2014 USAID study on South Kivu and North Katanga** finds that there could be **lower levels of trafficking victimization in conflict sites**. Respondents reported having witnessed and/or experienced more forced labour, incidences of working for free, and child labour in non-conflict locations. While some abuses could be directly related back to armed groups, the assessment finds that the vast majority of the perpetrators of abuses, such as sexual violence, extortion of fees, and forced labour, were mining bosses, state agents or other civilian actors (USAID, 2014).

## Debt bondage

While debt bondage may be one of the most common forms of modern slavery, it is one of the more difficult experiences to identify and measure (USAID, 2014). It involves the enslavement of labourers to pay off household or business debts (ibid). While some workers are captured and forced into the mines, others travel to mines voluntarily with the hopes of securing a livelihood. At the mine, overseers greet labourers with the promise of a job, advancing them money, food and tools at an unknown interest rate to get them started (Bale, 2016). Workers find that they can't dig fast enough to buy food and have to take a 'loan' out for food, falling further into debt (ibid). With accumulating debt, exorbitant interest rates and false accounting, the freedom of workers is lost as they are forced to keep digging (ibid; U.S. Department of State; Free the slaves). This is particularly common in situations of artisanal mining where economic exploitation is common (USAID, 2014). In some cases, intergenerational debt continues to exist as some miners inherit the debt of deceased family members (ILO, 2015).

Respondents in the **2014 USAID study on South Kivu and North Katanga** were considered to be subject to debt bondage if they (a) had a debt, (b) didn't feel capable of paying of their debt, and (c) felt they could not leave their mining job (USAID, 2014). The study finds that 39 individuals or 2.6 percent of the sample were identified as currently bonded by their debt, unable to pay their loans or leave the mining communities. Given the high degree of informality in lending (i.e. no documentation nor clear interest rate), there is a strong potential for exploitation via lending (ibid). Even if mine production allows labourers to cover costs at times, the instability and unpredictability of revenues leads people to borrow to cover the most basic necessities (ibid). Those who reported having borrowed one or more times in the past year were significantly more likely to also report having had to work for free (30 percent of borrowers versus 15 percent of non-borrowers) (ibid, 27). In addition, 20.7 percent of borrowers are reported to have taken out loans to pay for other debts, indicating a cycle of borrowing and debt-paying that might be predatory (ibid, 28).

The **2013 Free the Slaves study on South Kivu** finds that debt bondage is the most persistent form of slavery among those involved in the mining sector. Across all three mining sites, debt bondage was the most frequently found type of slavery, almost exclusively affecting males. It

was the most prevalent form of slavery reported in Kamituga, with 210 individuals (47%) of informants interviewed found to be in debt slavery. In Lugushwa, 25 individuals (12%) were in debt slavery; and in Nyamurhale, 39 individuals (19%) were in slavery for debt (Free the Slaves, 2013, 17).

Senior individuals such as the PDGs may enter into debt bondage, investing their money to begin production by taking loans at high rates from 'supporters', with the promise of paying off their debt based on mine production. Where the daily expenses for food and medical care are not provided, miners often also independently contract debt to cover these needs, with the intention of paying off loans when mining production starts. When unable to pay their debt, due in part to unconscionable high interest rates, they are forced to work excruciatingly long hours, while often subjected to threats of and/or actual injury, arrest or detention precipitated by their lender (Free the Slaves, 2013).

The **2011 Free the Slaves study on North Kivu** finds that debt bondage is one of the most common forms of slavery in the mines. The research in Bisie identified 74 respondents that were in debt, of whom 31 were found to be in debt bondage slavery or to have indicators of debt bondage. Given that debt bondage is hard to detect, it is likely that a larger number of those in debt are actually in situations of debt bondage (Free the Slaves, 2011). Similar to the situation in South Kivu, debt bondage slavery in North Kivu was found to affect not just poorer diggers but also their shaft supervisors (ibid). Being farther from home increases a worker's vulnerability to debt bondage, as those away from home may face more pressure to either send money home or to get home themselves (ibid).

## Peonage

Another form of slavery found in the DRC involves a corrupt, fake legal system feeding workers into mines. Specifically, a traditional chief, policeman, local official, or member of a militia will arrest someone under false charges, with the aim of gaining control over him/her to exploit his or her labour (Bale, 2016; Free the Slaves, 2013). The victim may then be either put straight to work in the mines as a prisoner under armed guard; undergo a sham trial in which the individual is 'sentenced' to work; or the individual is 'convicted' and made to pay a significant fine, which it cannot afford. In such cases, the debt is sold to someone who wishes to buy a mineworker. All three scenarios result in the mineworker being enslaved (ibid). There is anecdotal evidence of many workers trapped at the *Bisie* mine through peonage (Bale, 2016).

The **2013 Free the Slaves study on South Kivu** found that this form of slavery affected the smallest number of informants overall, affecting 2% of those in Kamituga, 7% of those in Lugushwa, and none in Nyamurhale (Free the Slaves, 2013, p. 21). In both Kamituga and Lugushwa, peonage occurred when armed groups under FARDC command arrested and incarcerated miners at the same time a mine was about to become productive. They then took over the operation of the mine, while the mining site's original developers were confined (ibid).

The **2011 Free the Slaves study on North Kivu** finds cases of at least 52 individuals in peonage slavery at *Bisie* mine, the duration lasting anywhere from a few days to over one year (Free the Slaves, 2011).

## Sex slavery

While male slaves are primarily seen as beings of labour potential, female slaves are seen as sources of labour and as bodies that can be used as sexual outlets (Bale, 2016). It applies to the very young and old and applies in all forms and locations of slavery (ibid).

Sexual slavery is described as a person exercising the powers of ownership over another person, such as holding or depriving a person of their liberty; or buying, selling and bartering such a person for sexual purposes (Free the Slaves, 2013). Sexual slavery perpetrated in the DRC is both a form of human trafficking and gender-based violence (Warpinski, 2013).

Sex slavery is considered to be widespread. Women and girls are either abducted by militias from villages and taken to serve as sexual slaves or lured to mining zones with false promises of financial support. Once at the mines, they are sold for sex or provided with little to no income, saddled with debts and pressured to turn to prostitution to meet daily needs (Bale, 2016; Free the Slaves). In the eastern DRC, the shock of sexual assault is often the beginning of slavery – designed to break the spirit and make the new slave more pliable, followed by grinding abuse and dangerous and degrading work (Bale, 2016).

In other contexts, Congolese women are forcibly prostituted in brothels or informal camps, including in markets, bars, and bistros in mining areas, by loosely organized networks, gangs, and brothel operators (ILO, 2015). Bar owners recruit and hold enslaved women in their bistros. They are forced to sell their bodies for sexual relations as a condition for their work as servers, while at the same time, being unable to leave due to debt bondage. In some cases, they are forced to have sexual relations with their master (Free the Slaves, 2013).

Data on sexual slavery is scarce and anecdotal due to underreporting and confidentiality constraints (ibid). Despite such shortcomings, there are some available statistics on sexual and gender-based violence in the Congo.

The **2010 study published in JAMA on the North and South Kivu provinces and Ituri** finds that rates of reported sexual violence were 39.7 percent among women and 23.6 percent among men. As noted, the study provides for a breakdown of the types of sexual violence (see Table 1 and 2). Sexual slavery was reported by 21.1 percent of female respondents and 19.6 percent of male respondents (Johnson et al., 2010, 557-558).

A study published in 2011 in the *American Journal of Public Health* estimated that as of 2009, approximately 1.92 million Congolese women had been raped at some point in their lifetime, 462,293 had been raped in the previous year, and 3.58 million across all provinces had been victims of sexual violence perpetrated by their spouse or partner (see Warpinski, 2013).

The **2013 Free the Slaves study on South Kivu** finds that: In Kamituga, 24 women and 11 girls, or 8 percent of Kamituga informants were enslaved in sexual slavery. In Lugushwa, 3 women and 7 girls (5 percent) were in sexual slavery; and in Nyamurhale, 4 women and 1 girl (2 percent) were enslaved in this form of slavery (Free the Slaves, 2013, 21).

The **2011 Free the Slaves study on North Kivu** finds that women are vulnerable to enslavement. A key way in which women and girls are forced into slavery in the region is through a system of commercial sexual exploitation perpetrated by bar and restaurant owners in *Bisie*. When girls relocate to these areas with false promises of legitimate employment near the mines,

they are told that their 'pay' is being given a venue in which to have sex with men for money (Free the Slaves, 2011).

## Forced marriage

Forced marriage is another form of slavery. It often begins by abduction and rape; or can be arranged by impoverished fathers to repay debts (Free the Slaves; ILO, 2015). Women forced into marriage are completely trapped, unable to pursue their own lives or escape (Bale, 2016; Free the Slaves). They are highly vulnerable to domestic servitude or sex trafficking (U.S. Department of State, 2016; ILO, 2015; Free the Slaves). Girls are especially vulnerable because they have little power, being both children and female in a patriarchal society (ibid).

The **2010 study published in JAMA on the North and South Kivu provinces and Ituri** finds that forced marriage was reported by 3.4 percent of female respondents (Johnson et al., 2010, 557).

The **2013 Free the Slaves study on South Kivu** finds that the specific dynamics of forced marriage involve a person being promised, transferred, or given as a spouse to another with no right or possibility to refuse (Free the Slaves, 2013). In Kamituga, forced marriage affected 16 percent of the informants, nearly twice the proportion found in Lugushwa (8 percent) and Nyamurhale (8 percent). Civilians are the perpetrators of forced marriage in these three research sites in South Kivu (Ibid, 20).

The **2011 Free the Slaves study on North Kivu** finds that there is a poorly understood connection between forced marriage and enslavement. A survey of 87 women and girls in the Bisie mine, interviewed about their relationship with men finds that the majority (67 percent) said that they freely consented to leave these relationships and were free to leave; 17 percent felt obliged to stay to meet the man's needs; and 5 percent admitted being forced to remain with the man on the orders of another person who held some type of physical or economic control over her (Free the Slaves, 2011). While the majority of respondents said that they were theoretically 'free' to walk away, many of these same women and girls also said it would be difficult, if not impossible, for them to leave without some kind of help (ibid). Perpetrators of forced marriage were commonly identified as the owners of mining shafts, diggers, and members of the army (ibid).

## Child slavery

The use of children by armed forces and groups has been a common feature of the conflicts in the Congo. It is one of the few forms of slavery where important efforts to halt the practice and to demobilize children have occurred (Free the Slaves, 2011). **Armed groups continue to enslave children to turn them into fighters.** Young boys, and sometimes girls, are kidnapped during raids on villages and trained to kill (Bale, 2016). In 2015, there were a reported 491 confirmed cases of children who were forcibly recruited and used by armed groups, while 2,102 children were separated or escaped from armed groups (U.S. Department of State, 2016).

CREDDHO (Center for Research on the Environment, Democracy and Human Rights)'s survey of 64 children associated with armed groups in Walikale territory finds that a third of children interviewed reported being forcibly recruited into an armed group, but not all children associated with armed groups were recruited by force (see Free the Slaves, 2011). Forty-five percent of respondents explained that the primary reason they joined the armed group was out of necessity, with lack of basic needs met at home (ibid).

**Children, particularly girls, in armed groups are highly vulnerable to sexual exploitation** by mine operators and soldiers (Free the Slaves, 2011).

In the past couple of years, there have been no reports of recruitment of children by the Congolese national army (FARDC), in accordance with the DRC government's plan to eliminate child soldiers within the FARDC (U.S. Department of State, 2016). There are reports that other armed groups have continued, however, to recruit children.

**Children, not recruited into an armed group, are still also vulnerable to forced and exploitative labour.** Poverty and lack of access to schools make children particularly vulnerable to enslavement (Free the Slaves, 2011). They are often forced to work in mines, small-scale agriculture, domestic work, street begging, vending, and portering (U.S. Department of State, 2016; ILO, 2015). Street children are particularly vulnerable to sex trafficking and to being forced to work as *chegues*, who beg and steal on the streets of Kinshasa (Ibid).

The ILO (2015) identifies reports (from NGOs and the U.S. Department of State) stating that hundreds of children ages 5-17 are being forced to work in the production of cassiterite, coltan, gold and wolframite in various mines in the DRC, particularly in North and South Kivu. They do not have freedom of movement and receive little pay, if at all. Some children are forced to work with their families in situations of bonded labor, while other children are sent away to the mines by their parents to pay off the family's debt (ILO, 2015).

In a study conducted in Masisi and Walikale, the ASSODIP (Association pour le Développement des Initiatives Paysannes) research team identified 318 children (out of 388 surveyed) living in slavery, with a further 27 children showing strong indicators of being enslaved. In total, 89 percent of the children ASSODIP interviewed were either already enslaved or very close to being enslaved. Children's work includes digging, cleaning, shoveling, picking and transporting minerals, as well as pounding ore with hammers. They are also exploited in commercial sex trafficking and other types of sexual slavery, and are made to engage in looting (see Free the Slaves, 2011).

The **2014 USAID study on South Kivu and North Katanga** emphasises that trafficking of minors and child labour are a priority concern as minors are more likely than adults to be trafficking victims. Eleven out of 49 surveyed minors (22.4 percent) were considered labour trafficking victims (USAID, 2014).

Respondents in the study were asked if they had ever seen child labour in or around the mines. While no respondents stated they themselves had been forced to work as children, 13 percent stated that they had seen children working in the mines. Of those people who said they had witnessed children working in mining towns, 60 percent said that it was forced (USAID, 2014, p. 34).

Reports of witnessed forced labour appears to be greater in non-conflict areas, with sixty-five percent of respondents in non-conflict sites reported having seen forced child labour, compared to 32 percent in conflict sites. While armed groups and the FARDC are listed as perpetrators, roughly 70 percent of perpetrators are mine owners, managers, and other non-armed actors (USAID, 2014, p. 34).

The **2013 Free the Slaves study on South Kivu** finds that of the total 203 youths under age 18 interviewed, 67 percent of them were subjected to worst forms of child labour (Free the Slaves, 2013, 20).

The **2011 Free the Slaves study on North Kivu** also finds that children are especially vulnerable to exploitation, with over two thirds of child respondents in either confirmed situations of slavery or showing strong indicators of being enslaved (Free the Slaves, 2011).

## 5. Characteristics of greater vulnerability to enslavement

As already discussed, **children** remain particularly vulnerable to exploitation and enslavement, involving various types of modern slavery, including forced labour and sex slavery. **Women and girls** are at particular risk of sex slavery and forced marriage – being seen as sources of labour and as bodies that can be used as sexual outlets (Bale, 2016). Girls are especially vulnerable due to lack of power, being both children and female in a patriarchal society (Free the slaves).

Other characteristics of vulnerability to exploitation and enslavement include **poverty**, lower formal education or literacy levels and extremely difficult living conditions (Free the Slaves, 2013). The **2013 Free the Slaves study** finds that poverty is a key characteristic of the informants that predisposed them to slavery, with more than 90 percent reporting not having the financial means to sustain themselves with sufficient nutrition, pay for their children’s school, or cover medical needs in the case of illness.

The **2014 USAID study on South Kivu and North Katanga** finds that those at greater risk of being trafficked had the following characteristics: concentration in certain territories and sites (e.g. in Mwenga versus other sites); spending longer time at a mining site; sleeping at the mining site; having borrowed money in the past year; and being a minor. While sleeping at the mining site could be a proxy for vulnerability, it is also possible that current victims are actually forced to stay at the site (USAID, 2014).

While the USAID study did not find greater levels of forced labour in conflict areas in the DRC (rather finding the opposite), much of the literature emphasises that people **displaced** by conflict (in Katanga, North Kivu and South Kivu) are highly vulnerable to exploitation and enslavement, particularly abduction, forced conscription, forced labour and sex slavery (U.S. Department of State; Stoop et al., 2016; Azuakola, 2014). A **2015 study of artisanal miners in Kamituga** in the eastern DRC finds that the large majority of miners (78 percent) were at a certain point internally displaced due to armed combat. Four out of ten were forced to perform labour under armed threat (41 percent) (Stoop et al., 2016).

## 6. ILO and GSI methodologies for estimates of forced labour/modern slavery

The **International Labour Organization** has produced two global forced labour estimates, both based on extrapolations from a small (n=8,000) core survey sample (covering four countries), supplemented by secondary, previously reported data (Cockayne, 2015):

- A ‘case’ of forced labour is defined as a recorded piece of information about one or more persons who are currently, or have been, victims of forced labour during the reference period (ILO, 2012).
- The ILO adopts the capture-recapture method, which samples cases of forced labour from the universe of all reported cases of forced labour, then resamples the same universe to find the fraction of cases in the second sample also identified in the first sample (Ibid).

- These capture-recapture estimates are then extrapolated to cover both reported and unreported cases of forced labour, and also to make an adjustment for differences in duration in forced labour among the victims – to come up with an estimate of the total number of victims of forced labour (ibid).

The **Walk Free Foundation's Global Slavery Index** ranks 167 countries in terms of the prevalence of modern slavery. The GSI methodology is similar to that used by the ILO in its global forced labour estimate, but applied at the country level (Walk free foundation, 2017):

- The index measures vulnerability to enslavement, based on 24 variables grouped into four dimensions: (i.) civil and political protections; (ii.) and social, health and economic rights; (iii.) personal security; and (iv.) refugees and conflict.
- The country's final 'vulnerability score', is calculated by averaging the sum of the variables for each category and then averaging the four resulting scores. The prevalence of modern slavery is derived from the vulnerability model.
- The prevalence estimates in the GSI reflect one of three methodologies: 1.) Direct estimation following a nationally representative random sample survey (from face-to-face interviews) conducted in 25 countries; 2.) Multiple systems estimation (2 countries); and 3.) Extrapolation based on mathematical modelling of risk.
- Survey questions are: 1. Have you or has anyone in your immediate family ever been forced to work by an employer? 2. Have you or has anyone in your immediate family ever been forced to work by an employer to repay a debt with that employer? 3. Have you or has anyone in your immediate family ever been offered one kind of work, but then were forced to do something else and not allowed to leave? 4. Have you or has anyone in your immediate family ever been forced to marry?
- Prevalence estimates are based on random sample surveys and on Multiple systems estimation (which applies a form of capture-recapture method) in contexts which are not conducive to random surveys (where low levels of vulnerability mean there are few cases to report).
- Prevalence estimates are also estimated for the remaining countries (139), without any survey or other data point. They are divided into 12 groups, with reference to the vulnerability data. Members of each group are considered to have a common or at least similar risk profile. Multiple data points within each group are used to calculate individual country prevalence.
- It is unclear, however, which of the 139 countries made it in to which group. For example, it is noted that Group 1 comprises 13 unspecified countries, the prevalence estimates of which are based on survey data from Pakistan and Nigeria and the sexual violence study from the DRC (Gallagher, 2016).

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