



# General Assembly

Distr.: General  
4 July 2011

Original: English

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## Human Rights Council

### Eighteenth session

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian**

### *Summary*

The Special Rapporteur provides an overview of her activities and focuses on child slavery in the artisanal mining and quarrying sector.

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## **I. Introduction**

1. Following a brief overview of the mandate's activities pursuant to Human Rights Council resolution 6/14, the Special Rapporteur focuses on child slavery, one of the priority areas she identified for her work (see A/HRC/9/20).

## **II. Activities of the mandate**

### **A. Country visits**

2. From 13 to 17 December 2010, the Special Rapporteur conducted a mission to Romania (see A/HRC/18/30/Add.1) to examine the effectiveness of Romanian policies, laws and specific programmes to combat the worst forms of child labour.

3. From 9 to 20 May 2011, the Special Rapporteur conducted a mission to Peru (see A/HRC/18/30/Add.2) to examine good practices and challenges to combat forced labour, debt bondage and the worst forms of child labour.

4. The Special Rapporteur welcomes the invitations of Italy, Lebanon and Kazakhstan to carry out country visits. She would appreciate receiving invitations from the countries to which she has sent requests for visits: Bangladesh, Ghana, Nepal, Qatar, Sudan and Uzbekistan.

### **B. Other activities**

5. Since her last report, the Special Rapporteur, jointly with other mandates, sent communications on alleged cases of concern to her mandate to Bangladesh, India, Kuwait, Mauritania, Nepal and Thailand (see A/HRC/18/51).

6. During the year, the Special Rapporteur participated in various conferences relevant to the mandate. She also held consultations with Governments and United Nations agencies, non-governmental organizations (NGOs) and other stakeholders. By way of example, the Special Rapporteur would like to highlight the following.

7. On 1 to 2 December 2010, the Special Rapporteur travelled to the United Kingdom of Great Britain and Northern Ireland to meet with NGOs working to eradicate domestic servitude. She was also able to brief British parliamentarians and senior Government officials about her mandate.

8. On 2 and 3 May 2011, the Special Rapporteur attended the international roundtable on "Rights Violations and Access to Justice of Domestic Workers in the Context of Diplomatic Immunity" which was organized by the German Institute for Human Rights and the Organization for Security and Co-operation in Europe (OSCE) and held in Berlin. She presented her recommendations for combating domestic servitude.

## **III. Scope of the thematic report**

9. Children working in artisanal mines and quarries are subject to a series of violations of human rights and very often find themselves in conditions that amount to contemporary forms of slavery.

10. Children are often treated by their employers as commodities – replaceable cheap labour to be thoroughly exploited. The 1926 Slavery Convention makes illegal any practice whereby “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised”. Some of the children who work in artisanal mining and quarrying are also subjected to forced labour or debt bondage which are slavery-like practices that are expressly prohibited by international law.

11. Children working in this sector face particular, and in some cases a combination of, physical, psychological, economic and sexual exploitation not found in other areas where children work. This is prohibited by article 1 (d) of the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery which forbids “any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour”. The impact of these forms of abuses is not only immediate but has long-term harmful repercussions on the children.

12. Children, particularly unaccompanied children, working in artisanal mining and quarrying have no other choice but to work in this sector as they and their families are in desperate need of an income and have no or no better alternatives.

13. Employers also wield physical and psychological power over the children that they employ. Consequently, although unaccompanied children may be allowed to leave the mine or quarry, they are unlikely to leave their jobs as they have a real or imagined fear of the repercussions. The Special Rapporteur notes that the combined elements of coercion, fear, restriction on freedom of movement and complete dependence on the employer exhibit characteristics which amount to contemporary forms of slavery.

14. Large-scale mining companies undergo regular inspection and have unionized workers; however, child slavery in the mining and quarrying sector normally occurs in the small-scale (artisanal) mining and quarrying sector. The mining sector includes the extraction of minerals (such as coltan), precious metals (such as gold and silver), precious stones (such as diamonds and rubies) and semi-precious stones (such as tanzanite). Quarrying is extraction from an open pit in order to acquire stone or aggregate (sand, gravel or crushed rock) for the construction industry.

15. The mines and quarries in which children work are often informal and situated in remote areas of a country; they remain out of reach of the rule of law in communities commonly referred to as “frontier communities”, where traditional social structures of society and ethical value systems have broken down. These communities are often characterized by violence, crime and substance abuse. The people living in these communities are usually very poor and economically and socially marginalized. Children growing up in this type of community are vulnerable to various types of violations.

16. Small-scale mining and quarrying occurs in Africa, Asia, Latin America and Europe. As a result of the remoteness of mines and quarries and their informal and illegal nature, it is hard to provide exact statistics on the number of children working in this sector. Additionally, as in many other instances of contemporary forms of slavery, the victims are not visible. The International Labour Organization (ILO) estimates that there are at least 1 million children working in mining and quarrying<sup>1</sup> whereas, the United Nations Environment Programme (UNEP) estimates that there are 1–2 million children

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<sup>1</sup> ILO, *Minors out of mining! Partnership for global action against child labour in small-scale mining* (Geneva, 2006), p. 1.

working in artisanal small-scale mining alone.<sup>2</sup> Although estimates of the number of children working in this sector may vary, what is clear is that the numbers are likely to increase as a result of higher prices and demand for minerals from the Organization for Economic Cooperation and Development countries and emerging economies.<sup>3</sup>

17. In the past, the Working Group on Contemporary Forms of Slavery considered the issue of child economic exploitation.<sup>4</sup> The Special Rapporteur has given due consideration to the discussions of the Working Group in the elaboration of her present report.

18. The Special Rapporteur acknowledges that not all children who work are exploited. Indeed, the Special Rapporteur acknowledges that in some situations working can enrich the development of the child, family and community.<sup>5</sup> Child exploitation occurs when the work that a child carries out is hazardous or interferes with the child's education, or is harmful to the child's health or physical, mental, spiritual, moral or social development (art. 32, para. 1, of the Convention on the Rights of the Child).

19. This report will demonstrate that the work carried out by children in the mining and quarrying sector, by its very nature and the conditions in which it is performed, qualifies as a contemporary form of slavery due to the debt bondage, forced labour and economic exploitation of the child and particularly so with regard to unaccompanied children working in artisanal mining and quarries. For instance, employers yield complete physical and psychological power and control over the children, they are completely and severely dependent on their employer for their basic needs, unable to leave their place of work due to fear of reprisals against themselves or their families and work in physically and socially isolated and remote areas where they are not able to report abuses or access justice.

#### IV. Relevant international legal framework for combating child slavery

20. Different international instruments, ranging from the core international law against slavery to international human rights law and international labour law are relevant when defining the concept of child slavery.

21. The core international law against slavery comprises the 1926 Slavery Convention and the 1956 Supplementary Convention. While the 1926 Convention defines the concept of slavery (art. 1) and introduces forced labour as being analogous to slavery (art. 5), the 1956 Convention broadens the concept so as to encompass other slavery-like practices. The ILO Convention No. 29 (1930) concerning Forced or Compulsory Labour offers a definition of forced labour and lays down a number of exceptions from its general prohibition.

<sup>2</sup> UNEP, *Squeezing Gold from a Stone* (2010), p. 5.

<sup>3</sup> World Bank, "Communities, Artisanal and Small Scale Mining (CASM), Issue Brief: *CASM's holistic approach to small-scale mining aims to transform this activity from a source of conflict and poverty into a catalyst for economic growth and sustainable development*", updated September 2008.

<sup>4</sup> See for example report of the Working Group on Contemporary Forms of Slavery on its thirtieth session, E/CN.4/Sub.2/2005/34, para. 10, and report of the Working Group on Contemporary Forms of Slavery on its twenty-ninth session, E/CN.4/Sub.2/2004/36, para. 28 (f).

<sup>5</sup> Alston, Philip, "The Implementing Children's Rights: The case of child labour", *Nordic Journal of International Law*, vol. 58, No. 1, (1989), pp. 35–53.

22. The concept of slavery and slavery-like practices cannot be analysed without referral to the development of international human rights instruments, starting with the adoption in 1948 of the Universal Declaration of Human Rights, which establishes the principle of the prohibition of slavery in all its forms. The International Covenant on Civil and Political Rights went on to legally prohibit slavery in all its forms, including servitude and forced labour (art. 8), while the International Covenant on Economic, Social and Cultural Rights recognizes that children should be protected from economic and social exploitation. Additionally “their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be ... punishable by law” (art. 10).

23. When it comes to the specific situation of children, it is important to note those developments which occurred both in international human rights and labour laws that are relevant when addressing the issue of child slavery.

24. International law does not clearly define child exploitation, but it has been widely accepted that “what gives cause for concern is work that places too heavy a burden on the child; work that endangers his safety, health or welfare, work that takes advantage of the defencelessness of the child, work that exploits the child as a cheap substitute for adult labour, work that uses the child’s efforts but does nothing for his development, work that interrupts the child’s education or training and this prejudices his future.”<sup>6</sup> This definition was legally encapsulated in the Convention on the Rights of the Child, which contains one of the most explicit and comprehensive set of obligations for States relating to the suppression of economic exploitation and worst forms of child labour. Article 32 of the Convention recognizes the child’s right “to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.” Article 36 provides an even broader, albeit less specific safeguard, requiring States parties to “protect the child against all other forms of exploitation prejudicial to any aspects of the child’s welfare.”

25. In 1999, the ILO member States, conscious of the magnitude of the problem of children being trapped in the worst forms of child labour, adopted Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. This convention is the reflection of a global consensus that immediate and effective measures should be taken to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. ILO recommendation No. 190 advises ILO members on the implementation of Convention No. 182 and allows for exceptions for children from the age of 16 working in hazardous environments, provided that the health, safety and morals of the children concerned are fully protected and that “the children have received adequate specific instruction or vocational training in the relevant branch of activity”.

26. There is undoubtedly a close link between ILO Convention No. 182 the Convention on the Rights of the Child, which is important in combating the exploitation of children. Article 32 of the latter correlates to article 3 of the ILO Convention No. 182 with regard to debt bondage, serfdom, forced or compulsory labour, and all forms of slavery and any work which will harm the health, safety or moral of children.<sup>7</sup>

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<sup>6</sup> Report of the Director-General to the International Labour Conference, Sixty-ninth Session (Geneva, ILO, 1983).

<sup>7</sup> Jaap E. Doek, “The CRC and the elimination of economic exploitation of children”, International Conference “Stopping the economic exploitation of children: new approaches to fighting poverty as a means of implementing human rights?”, 22–24 February 2002, Hattingen, Germany.

27. The position followed by the Committee on the Rights of the Child when considering periodic reports from State parties is that, “any work carried out by children in conditions below those established by the United Nations Convention [on the Rights of the Child] or by ILO standards should be considered as economic exploitation” (report of the Secretary-General on status of the Convention on the Rights of the Child, A/64/172, para. 9).

28. In 1993, the Committee on the Rights of the Child devoted its second day of annual discussion to the economic exploitation of children (see CRC/C/20, para. 186–196). On this occasion, the indivisibility and interrelatedness of the rights of the child stipulated in the Convention on the Rights of the Child were highlighted, as was the fact that they are all inherent to the human dignity of the child. Therefore, a holistic approach should be taken when looking at the implementation of the right enshrined in article 32.

29. The Committee on the Rights of the Child has on many occasions considered the issue of children working in mines and quarries. For example, in 2009, it expressed its concern at the presence of child workers as young as 5 years working in dangerous conditions in the mining industry, particularly the Katanga region (CRC/C/COD/CO/2, para. 80). In the past year, the Committee has considered the issue of children working in mines in Ecuador, Guatemala, Mongolia, Nicaragua, Nigeria and Sierra Leone. Most recently, during the Committee’s consideration of Ukraine (CRC/C/UKR/CO/3-4, paras. 74 and 75), the Committee raised concern about children working in the informal and illegal economy of the coal-mining sector, where children work under difficult and hazardous conditions.

30. The Committee on Economic Social and Cultural Rights has also considered children working in mines and quarries in countries such as China (E/C.12/1/Add.107, para. 23) and Zambia (E/C.12/1/Add.106, para. 25). Most recently, it considered mining in Madagascar. The Committee recommended that the State party: reinforce the legal framework to combat child labour and adopt all the necessary legal and judicial measures to eradicate this phenomenon; support and reinforce the role of the family as an essential element for the protection of children and combat against child labour; and take all necessary measures to implement effectively all policies against child labour, including through awareness-raising campaigns for the public on protection of children, strengthen preventive measures, and prosecute and punish those who are responsible (see E/C.12/MDG/CO/2).

## **V. Root causes, manifestations and aggravating factors that lead to child slavery in the mining and quarrying sector**

31. The root causes, manifestations and aggravating factors of child slavery in the mining and quarrying sector sometimes occur individually (like in the case of forced labour and debt bondage), or when coupled with, for instance, poverty and the informality and illegality of the sector, or when combined together. This section describes each of these factors and how they cause and keep a child in contemporary forms of slavery, whereby the child is treated merely as a commodity and experiences coercion, fear, restriction of movement and complete dependence on the employer.

### **A. Poverty**

32. Poverty is one of the main reasons for children working in mines and quarries sector. In such cases, parents are unable to provide for their basic needs and require

children to work in this sector in order to support the family income. Very often children work with their parents.

33. With the growth in rural poverty and lack of investment in rural livelihoods, communities are drawn to work in this sector as they know that they can gain immediate benefits from selling gold as opposed to cultivating land.<sup>8</sup>

34. As in many other sectors where children work, employers find it easier to hire children as they are easily exploited and cheaper to employ. Children are also recruited to work in mines because of their small size and the fact that they are thought to be nimble.

## **B. Education**

35. Although international law requires that primary education is free and compulsory, very often parents still have to pay for school equipment such as uniforms, books and stationery. Such additional costs make it unaffordable for parents to send their children to school. Additionally, mechanisms are often not in place to enforce the compulsory primary education requirements. Due to lack of childcare facilities or schools in the area of the mines and quarries, parents, often mothers, end up taking their children to work.

36. In cases where schools are available, their insufficient number, the insufficient number of teachers, the poor educational infrastructure and the poor quality of education result in illiterate children and disgruntled parents who have made a financial sacrifice to put their children in school. Moreover, further compounding the situation, where schools are available, compulsory and free, children may not be able to attend, as they are still required to work in order to supplement the family income to meet basic needs, such as food and accommodation.

## **C. Legal and institutional structures**

37. The lack of or insufficient legal framework, policies and institutions to combat child slavery and to support and protect children from slavery is a significant cause of child slavery in the mining sector. This is often compounded by a weak institutional framework whereby there is a lack of clarity about the roles and responsibilities of Government bodies and often a lack of sufficient human and financial resources to implement, where they exist, Government programmes.

## **D. Informality and illegality in the artisanal mining and quarrying sector**

38. The informality in which the artisanal mining and quarrying is performed makes it difficult for the authorities to control this sector, which allows for the use of children. Many existing laws on mining were established to regulate large-scale mining operations. These laws are inappropriate for small-scale and artisanal mining and quarrying whose owners have very little understanding of health, labour and safety regulations by which they are to abide. The mines and quarries are often in remote ungoverned areas of the country and have unskilled and non-unionized workers with little knowledge of their rights: this situation, compounded by the poverty in these remote areas, facilitates child slavery in this sector.

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<sup>8</sup> Marcello Veiga and Randy Baker, *Protocols for Environmental and Health Assessment of Mercury Released by Artisanal and Small-Scale Gold Miners* (Vienna, UNDP, 2004).

39. Furthermore, where concessions are granted, they are given only to enable the extraction of minerals or stones. These concessions do not provide for ensuring workers' rights.

## **E. Lack of or weak State presence**

40. Generally, regions where mining and quarrying communities live suffer from a lack of basic public services (potable water, sanitary facilities and electricity), including social services. The lack of these basic services means that families have to assume the costs for these services. This places a further financial burden on families, which can result in child slavery in this sector (see A/HRC/18/30/Add.2).

## **F. Conflict**

41. Artisanal mines are often based in remote places which make it easy for armed groups to control. For instance, in the Democratic Republic of the Congo, armed groups force both adults and accompanied and unaccompanied children to work in artisanal mines to extract minerals such as gold<sup>9</sup> and coltan. Coltan is used in the manufacture of products such as mobile phones, laptops and rechargeable batteries. The minerals are then sold to fund the activities of the armed groups (A/HRC/13/63, para. 21).

## **G. Trafficking**

42. Some unaccompanied children are brought to the mines and quarries by "middlemen" who traffic them from their families and leave them at the mines. Such a case has been reported for instance in Côte d'Ivoire.<sup>10</sup> Children and their families are deceived as to the dangerous and exploitative nature of the work they will end up doing. Such practice is prohibited by article 1 (d) of the 1956 Supplementary Convention: "any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour".

## **H. Debt bondage**

43. Some parents take out loans against their children's labour. Other parents sell their children and, upon their arrival in the mines, the children are charged exorbitant prices for their transportation to the mines, food and tools by the employer or middleman. In both these instances, the children are often unable to leave the mines or quarries until they have paid off the debt owed to the middleman or employer. In majority of the cases, children become bonded as a result of their parents' debt. Bonded labour is prohibited under the 1956 Supplementary Convention. Many children report not being able to save or even earn enough money to send back home. This results in them being unable to leave their situation until their debt is paid. In 2010, the Special Rapporteur received information that Bangladeshi and Nepali children were being purchased by middlemen or abducted and sold by gangs to mining employers in India. The price of the child varied

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<sup>9</sup> ILO, "Child labour in gold mining: the problem" (June 2006).

<sup>10</sup> See *Protocols for Environmental and Health Assessment of Mercury*.

from 50–75 USD. According to the information received, the children are forced to work to pay off their debt. The middlemen bring both boys and girls to work in the mines. The girls living and working in the mines are often sexually abused by adult mine workers and employers.<sup>11</sup>

## I. International and national market forces

44. The current financial crisis has seen demand in investments such as property fall and, with inflation on the rise and the lack of confidence in paper money, demand for gold has seen a huge increase.<sup>12</sup> As of April 2011, the price of gold hit a record high of \$1,466 per ounce.<sup>13</sup> Additionally, the increased usage of mobile phones has resulted in the increased international demand and price for coltan. International demand for minerals leads families and children to “rush” to work in this sector because they see this as a quick way to informally make money (see A/HRC/18/51).

45. The discovery of new mineral reserves tends to result in “rushes” for gold and diamonds. This has been the case for gold in Brazil, Ecuador and Papua New Guinea.<sup>14</sup> Madagascar has also experienced a “sapphire rush”.<sup>15</sup> On her recent mission to Peru, the Special Rapporteur was able to see the effects of the gold rush in Madre Dios, Peru (see A/HRC/18/30/Add.2).

## J. Discrimination

46. Many children who work also come from groups that have been discriminated against and/or marginalized, for example, indigenous peoples, migrants or those given a certain social status such as caste. For example, countries may have a highly stratified society which in many communities dictates the kind of work one does. This means that a family from a particular stratum can only perform certain jobs. The lower you are in this stratified society the lower paid the jobs that one can perform. Consequently, one finds that many children who work are those from the lower strata.<sup>16</sup> This makes them doubly vulnerable to abuses.

## K. Lack of social structures

47. The lack of traditional family and social structures in artisanal mining and quarrying communities increases the likelihood of child slavery. This is especially true for migrant and trafficked children working in this sector. They are often undocumented, do

<sup>11</sup> Joint allegation letter sent to India, Bangladesh and Nepal on 15 October 2010. There has been no Government response.

<sup>12</sup> Robin Harding, Javier Blas and Alan Beattie, “World economy: In gold they rush”, *Financial Times*, 12 November 2010. Available from <http://www.ft.com/cms/s/0/d77d01f8-ee90-11df-9db0-00144feab49a.html#axzz15SYoPHE1> (accessed on 1 July 2011).

<sup>13</sup> Lewa Pardomuan, “Precious – Gold surges to record on euro, silver at \$40”, Reuters, 8 April 2011. Available from <http://www.reuters.com/article/2011/04/08/markets-precious-idUSL3E7F80N320110408> (accessed on 1 July 2011).

<sup>14</sup> See International Institute for Environment and Development, *Breaking new ground: the report of the Mining, Minerals and Sustainable Development Project*, (London and Sterling, Earthscan Publications Ltd, 2002).

<sup>15</sup> *ibid.*

<sup>16</sup> See ILO/IPEC and ILO/SECTOR. 2004, *Action against child labour in small-scale mining & quarrying: A thematic evaluation* (Geneva, 2004).

not receive any Government support or protection and are vulnerable to exploitation by mine employers. These communities are set up by people who for various reasons leave their traditional way of live and go to work in this sector. The communities are set up in an ad hoc manner with little or no regard to societal norms. These communities often attract those unable or unwilling to sustain traditional lifestyles or occupations (see A/HRC/18/30/Add.1).

## **L. HIV/AIDS**

48. HIV/AIDS has had a huge impact on all of society, not least those subject to child slavery in mining and quarrying. In central and southern Africa the scourge of AIDS has left many orphans.<sup>17</sup> This situation – coupled with the fact that there is already a lot of pressure on the disintegrating traditional extended family support system – means that many orphans end up working unaccompanied in this sector.

## **VI. Nature and impact of child slavery on the enjoyment of children's rights**

49. As mentioned earlier, the combined elements of coercion, fear, restriction on freedom of movement and complete dependence on the employer exhibit characteristics which amount to contemporary forms of slavery. This contemporary form of slavery results in the violation of a series of other children's rights. This section deals with the violations that occur while they are in slavery within mines and quarries.

### **A. Nature and impact on the child's health or physical, mental, spiritual, moral or social development**

50. Children start to work with their families (parents or relatives), unpaid, in mines and quarries from the age of 3.<sup>18</sup> They start by performing small tasks such as lifting stones, supplying adults with tools, breaking stones and sifting gravel in order to support the family and eventually end up involved in all aspects of mining and quarrying. Children in artisanal mines and quarries also cook and clean for their families and other adult mine workers.

51. Children often start performing the same tasks as adults more regularly and full time from the age of 12 years (see A/HRC/18/30/Add.1). By the time they are adolescents, children work in the actual extraction of minerals underground, underwater or on the surface. These children are also likely to work in the separation, processing and transportation of the minerals. The children face the same risks as adults but lack the same strength and judgement to protect themselves from harm. The effects that this work has on children are much more severe than for adults because of their anatomical, physiological and psychological development, which places them in a situation of increased vulnerability. Tools and safety equipment, when available, have been designed for adults and to correspond to the measurement of children. Children also work very long hours with little or no pay.

52. Children working in the mines and quarries are vulnerable to physical, sexual, moral and social harm. Artisanal mining and quarrying is inherently informal and illegal –

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<sup>17</sup> See *Breaking new ground*.

<sup>18</sup> See *Squeezing Gold from a Stone*.

as either it costs too much to get the legal permit to mine or there is no need to get a permit as the law is not enforced. These “frontier communities” are riddled with violence, crime, trafficking in young girls and women for sexual exploitation, prostitution, drug and alcohol use (ibid.). There have been reports that children are given drugs so that they are able to fearlessly extract minerals underground or underwater. Children also take drugs and alcohol in the belief that it makes them stronger and as a result of peer pressure. The drug abuse (particularly amphetamines and marijuana) and alcohol (commercial and/or local brew) destroy their health and keep them in the vicious circle of poverty. Children who arrive alone to work in this sector are even more vulnerable to abuses (see A/HRC/18/30/Add.2).

53. Working in “frontier communities” or in remote mines, children are often subject to moral turpitude. They are continuously exposed to physical violence from adult miners and their employers. Children are also at risk of sexual violence such as rape and other forms of sexual abuse. In some cases, children are also forced into prostitution. This has a huge impact on the child’s mental well-being and exposes the child to HIV and sexually transmitted infections (STIs). Without any proper guardianship, unaccompanied children fall easily prey to alcohol and drug addictions, which further perpetuate their poverty (ibid.).

54. Poor living and working conditions have an impact on the health and safety of children. As a result of unsanitary living conditions, children often suffer from diseases such as tuberculosis and diarrhoea.

## **B. Children in mining**

55. Children working in mines are physically and economically exploited, as they are required to spend long hours in poorly lit and ventilated underground mines for little or no payment. When they are paid, children performing the same tasks as adults are paid less than adults. These makeshift mines may run to over 80 metres underground and, in some instances, can only accommodate the width of children who crawl to excavate the ore. Children also set explosives to blast rock underground and carry heavy loads of ore to the surface. Children who do not work inside a mine may be found digging for long hours in rivers beds, shifting through sand or silt and then carrying heavy loads of mud on their heads or backs for further processing. The long hours working outside, without proper clothing or shelter results in exposure to extreme heat, cold, dryness and moisture.

56. Children working in mines run the risk of spinal injuries and physical deformities as a result of the heavy loads carried. They also face injury and sometimes death as a result of working in makeshift mines and handling explosives. Children mining underwater and underground risk death by suffocation and asphyxiation.

57. Children working in this sector commonly suffer respiratory illnesses such as silicosis due to the inhaling of rock dust. Many children are injured, disabled and sometimes die as a result of: the collapse of mine walls or roofs; handling explosives or drilling equipment; and using crude tools. These health risks may occur immediately or long after the children have been working in this sector.

58. Children work without any training, safety equipment or protection. They are exposed to heat, noise, toxic metals and hazardous chemicals such as mercury and cyanide. Mercury is used in the extraction of gold in artisanal mining areas. As children are sometimes regarded as less suitable to labour intensive work, they are often given work in mercury amalgamation. As children do not wear any protective equipment, they absorb mercury through their hands and inhale it when it burns. The mercury impacts on: the nervous system of the child resulting in uncontrollable tremors – particularly in the

face; their emotional well-being as they become prone to mood swings and irritability; their neuromuscular system leading to muscle atrophy, twitching, headaches and changes in nerve responses; and their cognitive functions are impaired. If exposed to higher levels of mercury, this affects the kidneys and can result in respiratory failure and death.<sup>19</sup> Mercury has been found in the bodies of children working in artisanal gold mines in the Plurinational State of Bolivia, Ecuador, Indonesia, Peru, the United Republic of Tanzania and Zimbabwe.<sup>20</sup>

59. Toxic chemicals like mercury are able to seep into the soil and water supply thereby affecting food and water. These artisanal communities often lack basic services such as potable drinking water, electricity and medical services. Continued exposure to a polluted environment and contaminated water can manifest itself in acute respiratory problems and skin ailments if not immediately then in adulthood (see A/HRC/18/30/Add.2).

60. Lead, the mineral, is also used in the extraction of gold and impacts on the neurological development of children. In 2010, the World Health Organization found lead poisoning in Nigerian children (some younger than 5 years) as a result of working directly in the extraction of gold and environmental lead contamination. Local villagers had noticed a high number of deaths and convulsions in young children, which is believed to be associated with the use of lead in gold-mining.<sup>21</sup>

61. Children endure physically demanding work where they have to carry heavy loads and stand, dive or squat for long hours. The physical demands have an effect on children's osteo-muscular development. A survey of children working in artisanal gold-mining in Mongolia reported that majority of them reported suffering from aches in the limbs and backbone.<sup>22</sup> Another survey reported that they suffered from kidney and urinary diseases and exhaustion. During a mission to Ecuador, the Special Rapporteur witnessed children stunted in growth as a result of poor nutrition and working in mining (A/HRC/15/20/Add.3).

62. To mine underwater, children dive into open muddy wells, which are normally 2 metres wide and 7 metres deep. Wearing crude eye masks which inhibit their vision and with the aid of oxygen from a compressor, the children extract soil in the hope that it contains gold. The children work for 3–5 hours underwater in a squatting position anchoring themselves with their elbows or knees. They face the risk of asphyxiation and suffocation underwater. This type of mining has been reported in places like Philippines (see E/C.12/MDG/CO/2).

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<sup>19</sup> Bose-O'Reilly, S. et al., "Mercury as a serious health hazard for children in gold mining areas", *Environmental Research*, May 2008, vol. 107, No. 1, pp. 89–97.

<sup>20</sup> Ibid.; see also Drasch, G. et al., "Health Assessment of Artisanal Gold Miners in Indonesia" (2010); Bose-O'Reilly, S., "Health Assessment of Artisanal Gold Miners in Tanzania" (2010); and "Child Labour in Gold Mining".

<sup>21</sup> WHO, "Nigeria: Mass lead poisoning from mining activities, Zamfara State", 22 June 2010. Available from [http://www.who.int/environmental\\_health\\_emergencies/events/nigeria\\_lead/en/index.html](http://www.who.int/environmental_health_emergencies/events/nigeria_lead/en/index.html) (accessed on 8 April 2011).

<sup>22</sup> T. Navch et al., *Informal Gold Mining in Mongolia: A Baseline Survey Report Covering Bornuur and Zaamar Coums, Tuv Aimag* (Geneva, ILO, 2006), p. 14.

### C. Children in quarrying

63. In quarries, children dig out stones, transport them on their heads and backs and spend long hours crushing stones into smaller pieces to be used in the construction industry. In the coal-mining sector, some children start working from the age of 4 but the majority of child workers start between the ages of 12 and 14. The majority of these children, accompanied or unaccompanied, work between 7 and 9 hours a day.

64. Children who work above ground (carrying and breaking coal) are exposed to heatstroke and sunstroke. They also work longer hours than the children who work underground (cutting, digging and pulling trolleys of coal). For the children who get wages, the long hours are not reflected in their wages. According to the information received by the Special Rapporteur, children who ask for more pay are often verbally or physically threatened, punished by being beaten or left locked in mines.

65. The growth of children is often stunted as a result of carrying heavy loads of stones, sand and gravel. These children also complain of exhaustion and muscle pain in the arms, shoulders and legs.

66. Various reports site that children working in quarries are exposed to various accidents, such as head injuries or the loss or injury of fingers and toes, which reduces their physical abilities.

### D. The right to education

67. Some children try to combine working in the mines or quarries and going to school, as many of them need to work in order to assume the costs related to their education. However, these children are often tired, physically and mentally, and hence are often absent from class or lack the time to do their homework, rest in an adequate way or participate in recreational activities. This combination of factors results in their repeating classes, either a semester or a whole year. The school dropout rates increase drastically at 10 years old and is more pronounced at the secondary level of education, the majority of mining communities lacking secondary schools.<sup>23</sup>

68. Studies show that such child slavery not only has a negative impact on the health, well-being and education of the child, but also later has a negative economic impact on communities and countries. According to the findings of these studies, children who work are more likely to have children who will also work and not go to school. Consequently, the poverty gets passed on from one generation to another.<sup>24</sup>

### E. The gender dimension

69. Both boys and girls are found working in artisanal mining and quarrying, but, as they grow up, they are attributed different tasks.

70. The boys are mainly found in underground and underwater extraction. They face the dangers of working inside the mines. Most of the girls are found above ground, breaking down the rocks and processing the minerals.

<sup>23</sup> OIT-IPEC Sudamérica, *Proyecto de Prevencion y Eradicacion del Trabajo Infantil el la Minería Artesanal en Sudamérica, Qué Hacer para Liberar a los Niños del Trabajo Infantil Minero*, 2005.

<sup>24</sup> Gordon Betcherman et al., "Child Labor, Education and Children's rights", in *Human Rights and Development: Towards Mutual Reinforcement*, Philip Alston and Mary Robinson, eds., (OUP, 2005).

71. The overall majority of children who work in artisanal mining and quarrying are boys. However, the number of boys and girls working in mines varies from country to country. In countries like Philippines and the United Republic of Tanzania, the majority of children working in the mines are boys.<sup>25</sup> Furthermore, in countries like the Plurinational State of Bolivia, Ecuador and Peru, as a result of cultural beliefs, girls are normally not allowed to enter mines or work outside the mines processing the ore and sifting the mineral from the slag (see E/C.12/MDG/CO/2). However, in Mongolia, the majority of children who work under the age of 13 are girls.<sup>26</sup>

72. In addition to working in artisanal mining and quarrying, girls also perform domestic household tasks which involve cooking, taking care of siblings, cleaning, supplying tools and food to other miners, carrying water and washing clothes. While performing these additional duties, girls are exposed to chemically contaminated water, food and soil. Women and girls are also found around the mines selling food, water and tools.

73. Girls, especially unaccompanied girls, working in and around the mines and quarries are vulnerable to rape and sexual exploitation. Sexual exploitation can start from the age of 9 but many of the girls involved are aged between 13 and 17 years.<sup>27</sup> In some mining communities like those in Burkina Faso and Niger, it is believed that male child miners will have greater luck in the mining pits if they have sexual intercourse with a virgin or have unprotected sexual intercourse and do not wash before going underground (see E/C.12/MDG/CO/2). Child prostitution also occurs in the mining communities. For example, in Ghana, girls as young as 12 living in gold-mining communities are found in prostitution (ibid.). A United Nations Children's Fund (UNICEF) study on sexual exploitation of children around mines and quarries found four main types of exploitation: prostitution on a regular basis, occasional prostitution, companionship or temporary unions, and forced prostitution.<sup>28</sup>

74. Consequently, mining and quarrying communities often have a high rate of STIs (such as HIV and AIDS), teenage pregnancies and single-parent households. Chemical contamination from artisanal mining can be a risk to an unborn child or breastfeeding children.

75. The present chapter shows how if one principal crime goes unpunished, it makes way for –sometimes more complex – subsequent secondary crimes which are dependent on the principal crime. In this case, the fact that child slavery in mines and quarries goes unpunished has led to a series of other human rights violations, such as rape and sexual exploitation.

76. To conclude, the nature and effects of child slavery in this sector on the health and education of children, as well as the violations of their rights to play and have

<sup>25</sup> Mwami, J.A. et al., "Tanzania Children Labour in Mining: A Rapid Assessment" (Geneva, ILO, 2002) pp. viii and 27; and ILO-IPEC ASIADDEV, "In search for the pot of gold: A case study of the experiences of the ILO-IPEC Program on the Elimination of Child Labour in Small Mining Communities in the Province of Camarines Norte, Philippines" (2003).

<sup>26</sup> See ILO-IPEC, "The informal gold mining sub-sector in Mongolia: A comprehensive sector based project to prevent and eliminate child labour and improve the situation of informal gold miners" (2004).

<sup>27</sup> "UNICEF Democratic Republic of the Congo – Good Practice: Fighting the Sexual Exploitation of Children and Adolescents in Mines and Quarries In Katanga, Kasai Occidental and Kasai Oriental, DRC" for the Third World Congress against Sexual Exploitation of Children and Adolescents, 2008.

<sup>28</sup> "Children's Work and Independent Child Migration: a critical review".

recreational activities, limits their ability to fully develop their physical, intellectual and emotional capacities.

## **VII. Challenges in the prevention of child slavery in the mining and quarrying sector**

77. The Special Rapporteur highlights the following five challenges in eradicating child slavery in artisanal mining and quarrying.

78. First, there are legal and enforcement challenges. This is due to the absence of legislation or inadequate legislation, lack of criminalization and the lack of enforcement or adequate enforcement of legislation relating to children working in slavery within the artisanal mining and quarrying sector. Where legislation exists, it is often complex and only favours the owner of the mine or quarry, not the workers – particularly in the case of the children. Additionally, where legislation exists in the form of bans on artisanal mining and quarrying, such activity is driven further underground. This increases the risk of violations of the rights of the children who work, as they are even more isolated and restricted in their movements in order to keep their work secretive.

79. Second, poverty, in particular rural poverty, is not only a cause but also an obstacle to eradicating slavery in artisanal mining and quarrying. Reports state that a working child incurs huge future income losses due to the negative impact working has on his human capital, health and education.<sup>29</sup> In the case of child slavery in artisanal mining and quarrying, the negative impact is likely to be worse. With the lack of investment in rural livelihoods and alternatives to subsistence farming, mining – particularly gold-mining – is regarded as a quick way of making money.<sup>30 31</sup> Artisanal miners make one—three times more money from mining than from farming (see E/C.12/MDG/CO/2). However, although better paid than other occupations, it needs to be highlighted that in most of the cases, owing to factors such as debt bondage, inflated prices for basic goods and lack of basic services, wages hardly cover subsistence costs, perpetuating the need for children to work.

80. Third, geographical challenges also contribute to the lack of proper enforcement of the law and Government programmes. Mines and quarries are usually found in remote, hard-to-access areas of the country. Those who live in remote areas establish “frontier communities”. In some instances, Governments refer to difficulties in accessing these areas owing to internal armed conflict, organized crime or poor transport infrastructure. Remoteness also contributes to lawlessness in these communities, as perpetrators of violence and exploitation know that they are not within the reach of the law.

81. Fourth, the lack of public awareness about the slavery conditions experienced by children working in this sector is another challenge. The lack of general understanding of what constitutes child slavery and the illegal and informal nature of some artisanal mining and quarrying contribute to the difficulty in collecting data and information on where and how many children are involved in this work. This lack of knowledge makes it difficult to

<sup>29</sup> “Child Labor, Education and Children’s rights”, p. 174.

<sup>30</sup> Rebecca Chouinard et Marcello M. Veiga, “Results of the Awareness Campaign and Technology Demonstration for Artisanal Gold Miners: Summary Report”, (Vienna, UNIDO, 2008).

<sup>31</sup> Edmonds, Eric and Maheshwor Shrestha, “Children’s Work and Independent Child Migration: a critical review”, Innocenti Working Paper, No. 2009-19 (Florence, UNICEF Innocenti Research Centre, 2009).

prevent, address and regulate child slavery. Knowledge would allow decision-makers at all levels to make better choices in tackling child slavery in this sector.

82. Lastly, unregulated artisanal mines and quarries pose serious medium- and long-term risks to food security and the environment. They are the cause of rapid deforestation, destruction of landscape, soil erosion and loss of biodiversity. Water, soil and air contamination occur as a result of: cyanide and mercury poisoning; direct dumping of tailings and effluents into rivers; river siltation; and river damage in alluvial areas. Children drinking, cooking and washing in contaminated water face immediate and long-term risks to their health.

## VIII. Best practices eradicating child slavery in the mining and quarrying sector

83. The examples below demonstrate that a multistakeholder approach involving the community, local government, NGOs and United Nations agencies is essential in combating the phenomenon of child slavery in mining and quarrying.

84. ILO is leading a global programme entitled “Minors out of Mining”, which includes at least 15 countries<sup>32</sup> and partners from the mining industry such as the International Federation of Chemical, Energy, Mine and General Workers’ Unions (ICEM) and the International Council on Mining and Metals (ICMM), along with Communities and Small-Scale Mining (CASM). The aim of the programme is to effectively and efficiently deal with child exploitation in the informal mining and quarrying sector. Projects at the national level are designed to address the root causes and combat child labour in small-scale mining. Governments lead the work with support from workers, donors, employers and communities. ILO has implemented successful projects to stop children working in mines in many countries, such as Mongolia and Philippines,<sup>33</sup> which focused on increasing the educational and vocational training opportunities for children. In Philippines, their project also focused on providing alternative livelihood schemes for the parents of children working in the mines.<sup>34</sup>

85. Another successful ILO example is the programme for the prevention and progressive elimination of child labour in small-scale traditional gold-mining in Latin America, which had regional, national and local components and was aimed at contributing to the elimination of child labour in small-scale mining in the Plurinational State of Bolivia, Ecuador and Peru.<sup>35</sup> Successful intervention elements identified included: the establishment or improvement of social services, such as education services for children and health services for all the population; improvement of the technology for mining exploitation and health conditions and job security; giving impetus for micro-enterprises for mothers/fathers of children that had been working in mining and creation of income-generating alternatives for women; creation and strengthening of grass-roots organizations, and giving impetus to a local development processes with the participation of various actors.

<sup>32</sup> Brazil, Burkina Faso, Colombia, Côte d’Ivoire, Ecuador, Ghana, Mali, Mongolia, Nicaragua, Pakistan, Peru, Philippines, Senegal, Togo, United Republic of Tanzania

<sup>33</sup> For more examples, see ILO, “Eliminating Child Labour in Mining and Quarrying” (2005).

<sup>34</sup> ILO, “Facts on Child Labour in small scale mining”, October 2005.

<sup>35</sup> This programme was able to withdraw 2,667 children from mining work and to prevent 5,845 children from entering it. It was not able to withdraw all the children from labour because some families in the mining communities were still in very vulnerable economic conditions and refused to withdraw their children despite the programme’s efforts.

86. In order to influence market forces and encourage ethical demand of minerals, initiatives such as the Fairtrade and Fairmined Standard for Gold from Artisanal and Small-Scale Mining, including Associated Precious Metals have been started. This initiative is led by the Alliance for Responsible Mining and the world renown, Fairtrade Labelling Organisations International. This standard aims to promote, among other things, human rights, the elimination of children working in this sector, the formalization of artisanal and small-scale mining and traceability of the mineral produced. The standard is currently being used by artisanal and small-scale mining communities in Latin America and scoping studies are being done to check the feasibility of using the standard in Africa and Asia.

87. In order to address poverty, social protection programmes that provide compensation to families for the loss of earnings from children's labour can be effective. Programmes such as *Bolsa Familia* in Brazil, conditional cash transfer programmes which provide direct cash transfers to poor families who keep their children in school and under regular medical supervision, have significantly contributed to the reduction of child labour. Between 2003 and 2007, *Bolsa Familia* had successfully raised 20 million people out of poverty, reducing poverty from 22 to 7 per cent.<sup>36</sup>

## **IX. Key strategies in tackling child slavery in the mining and quarrying sector**

88. **A multistakeholder approach at all levels is required to combat child slavery in the mining and quarrying sector. States, under the leadership of a high-ranking Government official, should establish a multistakeholder team, with Government officials from different ministries dealing with child slavery, representatives from civil society organizations (CSOs) and experts who can develop, coordinate, deliver and monitor well-resourced plans to eradicate child slavery in this sector. Such a multistakeholder approach should focus on the following: the enactment and enforcement of legislation prohibiting children working in the mining and quarrying sector; the establishment of policies and programmes to implement the law; compulsory primary education; poverty reduction programmes that include social protection programmes and alternative employment opportunities; and measures to address the overall welfare of the child.**

89. **States should ensure that the best interests of the child are at all times paramount in any programme or policy related to children subject to child slavery in this sector. States should also cooperate on a bilateral, regional and international basis, with the assistance of CSOs, in order to eliminate child slavery in this sector. The areas in which child mining and quarrying occur in a country are likely to be geographically distinct. Therefore, programmes developed should clearly focus on making specific interventions adapted for each area of the country.**

### **A. Legislation and its enforcement**

90. **The Special Rapporteur recommends that States ratify fully and implement all relevant international legal instruments to prevent child slavery such as the 1926 Slavery Convention, the 1956 Supplementary Convention on the Abolition of**

<sup>36</sup> World Bank, "Lifting Families Out of Poverty in Brazil - Bolsa Familia Program". Available from <http://web.worldbank.org> (accessed on 1 July 2011).

Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, the Convention on the Rights of the Child, the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

91. Governments should also sign and ratify all relevant ILO Conventions. In conformity with ILO Convention No. 182, Governments should adopt legislation that prohibits children from working in mines and quarries for both the formal and informal sector. Governments which have not yet established a list of hazardous work for children in conformity with ILO recommendation No. 190 need to do so urgently and include in such a list the work performed in the mining and quarrying sector as both types of work are by their very nature and the conditions in which they are performed hazardous work as defined in article 3 of ILO recommendation No. 190. Governments that have already established such a list need to ensure that work performed in the mining and quarrying sector is included or revise the list accordingly.

92. In addition to the general prohibition of slavery and forced labour in criminal legislation, Governments should also include explicit and broad prohibition in their legislation on children working in all types of mining and in all the operations linked to the mining and quarrying process.

93. Governments should effectively implement all legislation that prohibits child slavery in mines and quarries by ensuring effective investigation, prosecution, and punishment that is commensurate to the crime committed. Governments should also proactively investigate and prosecute other crimes committed around mines and quarries, such as sexual exploitation of children. Compensation and adequate rehabilitation for victims of child slavery should also be provided for in the laws prohibiting child slavery in this sector.

94. Labour legislation also needs to be revised, where necessary, so that it includes an explicit prohibition of the work performed by children in the mining and quarrying sector. All relevant legislation regulating this sector, including the legislation relevant to the artisanal mining and quarrying, must include a clear prohibition on children working in this sector.

95. Governments should increase the means for enforcing the law by allocating sufficient resources for labour inspection services. The legislation should provide for regular inspections of mines and quarries, and special training and information on child slavery should be given to inspectors responsible for this sector. The Special Rapporteur encourages Governments to take inspiration from the experience of the Brazilian mobile inspection units that –with protection from the federal police – undertake inspections in remote areas. Where crimes are committed, there should be prompt, effective investigation and prosecution of those exploiting children. The criminal penalties should be commensurate with the crimes committed.

96. Governments should establish clear and transparent procedures for gaining licences in artisanal mining and quarrying that benefit both the owner and the miners and expressly prohibit children working in this sector.

## **B. Institutional framework, policies and programmes**

97. Governments should establish effective and accessible information and complaints mechanisms for victims such as an ombudsperson for children and allow for third parties to bring forward cases on behalf of children who have been victims of slavery. Governments should also provide victims of child slavery with adequate and unconditional assistance for their protection, rehabilitation and reintegration, including by funding and/or working with relevant international and NGOs.

98. In order to develop national policies against child labour, most States have created multisectoral institutions to prevent and eradicate child labour, made up of governmental authorities, representatives of the workers' union, representatives of the employers' union, NGOs and international organizations, the main task of which is to articulate national action plan for the prevention and eradication of child labour. These institutions should have specific programmes to prevent and eradicate child slavery in the mining and quarrying sector. They should also develop and implement policies and social programmes targeting children working in the mines and quarries. Such policies and programmes need to be translated for use at the local levels. In countries most advanced in terms of decentralization, the regional, municipal and local governments have an increasing role with regard to the education, health and protection of children and youth services. Local governments, policies and programmes, because of their proximity to the reality of children and their families, are essential for the development of sustainable and effective actions for the eradication of child working in the mining and quarrying sector. These plans should have sufficient human and financial resources to ensure that they are fully implemented.

99. Education is widely considered to be the most effective tool for tackling child labour as it keeps children in school and away from work. The Special Rapporteur believes that this tool can also be used to prevent child slavery in mining and quarrying. Primary education should be made accessible and free or affordable for children and training programmes need to be set up for parents. Governments need to assign resources to build schools in artisanal mining and quarrying areas and adequately train teachers to identify children's problems and needs. The standard of education needs to be improved at all levels and the Government must provide secondary schooling and vocational training which is often absent. Recreational facilities should also be built to occupy children out of school hours, as parents often see mining and quarrying as a way to keep their children busy and out of trouble. The Ministry of Education should be allocated the necessary budget to implement these programmes.

100. Adult literacy or vocational training should also be provided for parents working within the mines so as to increase their access to better paid alternative livelihoods. Increased wages will also enable them to send their children to school.

101. Poverty reduction programmes, such as cash transfer programmes, should be expanded with a specific focus on geographical areas where artisanal mining and quarrying occurs. These programmes should benefit only those whose children attend school and gain regular medical care. This would help improve their well-being.

102. Economic alternatives, which provide the same income, need to be offered to working mining and quarrying families. Alongside the provision of economic alternatives, Governments should work with international organizations and CSOs to monitor this sector in order to transform it and ensure better pay and working

conditions. This could then provide an income for families based on the labour of adults in a relatively safe working environment.

103. For adults who continue to mine and quarry, Governments should also provide alternative livelihoods through which they can supplement the family income. This would increase the economic security of the families and diminish their need for child labour. A proven effective strategy in fighting child slavery is to promote the development of other activities which diversify the local economy and render it less dependent on this sector.

104. Given that some children working in this sector are doing so with their families, the family needs to be the main focus of work in this area. Work needs to be done with families to emphasize the high risks and dangers to which children are exposed.

105. Governments should provide incentives for companies to explore technologies allowing minerals to be traced to their source. This information could then help Governments to ascertain who produced the minerals and under what conditions (including use of child slavery). Governments can then monitor and prosecute those that use child slavery.

106. The Special Rapporteur notes that, although quarrying holds many of the same risks to children as mining, there are more programmes focused on mining than on quarrying and urges all actors to intervene to eliminate child slavery in quarrying.

### **C. Corporate responsibility**

107. Companies should comply with all applicable laws and respect human rights standards, particularly those on child labour and slavery-like practices. Businesses are required to comply with international agreements ratified by the country in which they operate and when they operate internationally. As proposed by the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, companies, when conducting business with State or non-State entities and entities in its value chain, should either by action or omission: avoid causing or exacerbating adverse human rights impacts through their own activities, and address such impacts when they occur; and seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts (see report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, A/HRC/17/31, para 13 ff.).

108. Businesses should exercise due diligence and ensure that their use of natural resources does not result in the violation of the human rights of children.

### **D. Protecting the human rights of children**

109. In order to address other human rights violations that have an effect on the child, the Special Rapporteur recommends that Governments adopt measures that respect, protect and fulfil the rights of child as stipulated in the Convention on the Rights of the Child.

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110. Governments should provide employers with information about affordable and alternative methods by which to reduce the adverse environmental impact on water, soil and air. This would benefit the health of the children living around the mines and quarries. Governments should also provide incentives for employers who meet environmental safety standards and work with United Nations agencies such as UNEP and the Global Mercury Project which was set up by the United Nations Development Programme (UNDP), the United Nations Industrial Development Organization (UNIDO) and the Global Environment Facility, which already have experience in mitigating the environmental impact of gold-mining.

111. Governments should establish programmes to create awareness in frontier communities about the health risks they face particularly with regard to handling toxic chemicals such as mercury, cyanide and lead. The communities should undergo testing for contamination and those contaminated should be provided with medical care. Local health workers should be clinically trained on how to prevent, diagnose and treat contamination. These programmes should also extend to ensure that workers are made aware of the less visible and long-term negative impact on the environment (soil, water) which threatens food security and biodiversity.

112. Governments should provide frontier communities with basic services such as potable water and sanitary facilities. Governments should also provide health clinics and ensure that communities can access good-quality health services free of charge or at an affordable price. This would improve family living and health conditions and thereby diminish their expenses and their need to bring children to work with them.

113. CSOs and international organizations should work to ensure that alternative childcare services are also available so that mothers are not in a situation in which they take children with them to the mining and quarrying sites because of the lack of specific places to take care of children while they are working.

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