



Indicative, non exhaustive list of
**CONFLICT-AFFECTED
AND HIGH-RISK AREAS**
under Regulation (EU) 2017/821

This report is an individual CAHRA report from the indicative, non-exhaustive, regularly updated list of conflict-affected and high-risk areas (CAHRAs) (as defined under Regulation 2017/821).

This report stems from a website presenting an indicative, non-exhaustive, and regularly updated list of conflict-affected and high-risk areas (CAHRAs) under Regulation 2017/821. This website and its associated reports were developed with funding from the European Union through call for tenders N° TRADE2018/G3/G11 (*Revised*).

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DEMOCRATIC REPUBLIC OF THE CONGO

REGION(S)

Nord-Kivu

AREA STATUS



Conflict-affected area

RELEVANT COMMODITIES



Gold



Tin



Tantalum and Niobium



Tungsten

Overview of assessment

The Democratic Republic of Congo (DRC) is characterised by the presence of conflict-affected areas relevant to Regulation 2017/821. These include Ituri, Mai-Ndombe, Nord-Kivu and Sud-Kivu. Conflict and instability are widespread in the DRC. While this report focuses on selected regions identified as conflict-affected according to the project's methodology, it should be noted that all of the remaining regions of the DRC have been identified as high-risk areas relevant to Regulation 2017/821.

The DRC has experienced conflict since it gained its independence from Belgium in 1960 (CIA, 2020). Today, conflict is mainly concentrated in the east of the country (Crisis Group, 2020a & 2021). The main actors involved in conflict activities comprise both state actors and a wide array of non-state armed groups located in regions over which state authority and control are limited (HRW, 2021 & 2022; Crisis Group, 2019; OHCHR, 2019b). Most of the conflicts involve fighting between the DRC Armed Forces (Forces armées de la République démocratique du Congo (FARDC)) and non-state armed groups, as well as among non-state armed groups (Crisis Group, 2020b; HRW, 2021; RULAC, 2024).

Since late 2021, an increase in violence has been reported in Nord Kivu. Clashes between government forces and the March 23 Movement (M23) continue to be reported (Amnesty International, 2023b; Crisis Group, 2022a, 2022b, 2023f, 2023d, 2024a & 2024b). Despite several attempts to reduce the violence and broker a ceasefire throughout 2023, the M23 has continued to clash with government forces and troops from the UN mission in DRC (MONUSCO). Since late 2023, the M23 has extended its foothold across the region (Crisis Group, 2023b, 2023f, 2023e, 2023g, 2023h, 2024a & 2024b). A plan for the withdrawal of the UN mission was signed in November 2023 (Crisis Group, 2023g & 2023h). In December 2023, a new politico-military alliance, Alliance du Fleuve Congo, was created in opposition to the newly re-elected President Tshisekedi, including the M23 (Crisis Group, 2024b).

Violence between other armed groups in Nord Kivu and Ituri has reportedly increased since April 2023 (Crisis Group, 2023a, 2023c, 2023d & 2023f, 2023e, 2024a & 2024b). Since October 2022, an uptake in violence has also been reported in the Mai-Ndombe region between rival ethnic communities (Crisis Group, 2022a; HRW 2023c & 2024).

Conflict in the DRC continues to be fueled by the lack of an effective state apparatus; large-scale corruption remains endemic in the country, in part because of the DRC's mineral wealth (Lyall, 2017; Weiss, 2000). The conflict in the east of the country is also exacerbated by historical grievances and ongoing abuses, as well as competition for control of the country's mineral wealth. The DRC's mineral wealth has reportedly been mismanaged throughout the years, and several mines are or have been under the control of armed groups who have used these to fund their activities, fueling conflict and instability (Global Witness, 2020).

Furthermore, several organisations have reported human rights and international law violations occurring in the DRC, including in the regions of focus of this report. These organisations include the Office of the United Nations High Commissioner for Human Rights (OHCHR), Amnesty International, Human Rights Watch (HRW), Global Witness, the US Bureau of International Labor Affairs (ILAB), Mines and Communities (MAC), and the

UN Committee on the Elimination of Discrimination against Women (UN CEDAW). In particular, the following issues have been identified.

Violence against civilians and human rights violations at the hands of the FARDC, law enforcement and non-state armed groups have also been reported, including arbitrary arrests, rape, detention, and unlawful killing, including summary executions (Crisis Group, 2020a; HRW, 2023a, 2023b, 2023c & 2024; OHCHR, 2021; Amnesty International, 2022a & 2023b). Following the declaration of a state of siege in Nord Kivu and Ituri in May 2021, increased violence against civilians and restrictions to freedom of movement, and speech have been reported (Amnesty International, 2022b & 2023b; HRW, 2024). HRW further reports increased repression of freedom of speech across the country in the run up to the December 2023 presidential elections through threats, physical violence and arbitrary arrests of journalists and political opponents (HRW, 2024).

The UN CEDAW, Amnesty International and the OHCHR report that violence against women is widespread in the DRC and that this is committed by both non-state armed groups and the state's own armed forces (Amnesty International, 2022a & 2023b; OHCHR, 2019a, 2019b & 2021; UN CEDAW, 2019; HRW, 2022 & 2023b). Especially in conflict-affected areas identified in the country, sexual violence, including rape, against women and girls is reportedly widespread (Amnesty International, 2022a; UN CEDAW, 2019; HRW 2023b).

The OHCHR and the ILAB both report that child labour, trafficking, and sexual exploitation are widespread in the DRC (ILAB, 2023; OHCHR, 2019b & 2021). The OHCHR reports that only half of children aged between 6 and 11 attend primary school (OHCHR, 2019b). Instead, children are widely engaged in the worst forms of child labour, including forced mining and transportation of gold, tin, tantalum and tungsten ores (ILAB, 2023). Children also reportedly engage in armed conflict and can be subject to forcible recruitment or abduction by non-state armed groups (ILAB, 2023).

The DRC is home to a wealth of mineral resources, but the ILAB, MAC, and the OHCHR all report that the mining industry is plagued by forced labour, including child labour, exploitation (including sexual exploitation), dangerous working conditions, extortion, illegal taxation and physical abuse (Amnesty International, 2023a; ILAB, 2023; OHCHR, 2019b). Many artisanal mines are reportedly controlled by non-state armed groups, who use them to fund their illegal activity (ILAB, 2023). Child labourers are allegedly subjected to extortion and physical abuse by the DRC's armed forces, mining police, and non-state armed groups (ILAB, 2023; Global Witness, 2022). Amnesty International also reports that pollution caused by mining has led to serious human rights impacts (Amnesty International, 2022a).

Relevance to the scope of Regulation 2017/821

Regions identified as conflict-affected areas within the DRC are considered relevant to the scope of Regulation 2017/821 for the following reasons:

- The DRC is characterised by the presence of production activities for gold, tin, and tantalum, according to data from Opaxe (Opaxe RED, 2024).
- Artisanal mining activities for gold, tin, tantalum, and tungsten are reported in the World Bank DELVE database, the ILAB and the OHCHR (DELVE, 2023; ILAB, 2023 OHCHR, 2019a).
- The DRC is identified as part of the supply chain for tin on the Raw Materials Supply Chain Viewer of the EU (Ciuta & Ciupagea, 2019).
- Production activities for gold, tin, tantalum and niobium, and tungsten are reported in the British Geological Survey from 2014 to 2020 (BGS, 2024).
- The DRC has reported exports of gold (unwrought, in semi-manufactured forms or in powder form) as well as exports of tin ores and concentrates and exports of tantalum/niobium ores and concentrates from 2016 to 2022 according to the UN ComTrade database (UN DESA, 2024).
- Updates and developments concerning the tin supply-chain are reported by the ITSCI Programme for Responsible Mineral Supply Chains of the International Tin Association (ITA, 2021).

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