



National Commission for Human Rights

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STATEMENT PRESENTED BY THE NATIONAL COMMISSION FOR HUMAN RIGHTS OF RWANDA, TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS DURING ITS 71ST ORDINARY SESSION

Affiliate Status Number: 2002

Name and Designation of Representative making the Statement: MRS. MUKASINE Marie Claire, Chairperson of the National Commission for Human Rights of Rwanda

Salutations/Protocol:

Your Excellency, Chairperson of the African Commission on Human and Peoples' Rights; Distinguished Commissioners;

Members of the African Commission on Human and Peoples' Rights;

Honourable Representatives of National Human Rights Institutions;

Honourable Representatives of the NGO Forum and Dear friends;

Distinguished Guests;

It is a great privilege and honor for me to have the opportunity to address you on this important occasion of the 71st Ordinary Session of the African Commission on Human and Peoples' Rights.

On behalf of the National Commission for Human Rights of Rwanda, I have the pleasure to present to you the situation of human rights in mining sector in Rwanda.

I. Summary of Positive Human Rights Developments November 2021-April 2022

Mining companies are a very important force in the global economy, from generating tax revenue, supporting jobs, providing the foundations for modern living, innovation and engineering achievements.

However, companies' mining activities have generated direct negative impacts to the local communities, their workers and other industries where they operate.

In order to minimize that, focusing on protecting workers' human rights by ensuring safe working conditions and safe, clean environment for them, monitoring mining activities is required to anticipate and prevent their potential conflicts with human rights principles and laws.

The Law Establishing the NHRI: Law no 19/2013 of 25/03/2013 modified by the Law n° 61/2018 of 24/08/2018 determining mission, organization and functioning of the National Commission for Human Rights in its article 7(8) gives the Commission enough powers to carry out researches on thematic issues and publish findings with purpose of promoting human rights;

In this regard, the Commission conducted from 9th to 19 November 2021 a survey on the state of human rights in mining sector in Rwanda in order to review the situation of the respect for human rights in mining sector in the context of the United Nations Council of Human Rights that endorsed Guiding Principles on Business and Human Rights established in 2011 to bridge the gap on possible human rights violations by business enterprises.

Specifically, the survey was intended to assess the status of human rights for mining employees, investors, mining sites' neighbors and environment in general in Rwanda mining sector and to inquire the status of access to remedy and propose the mechanisms to prevent/redress the risks of negative impact linked to business activities in mining sector.

The survey was conducted on 91 mining sites located in 15 Districts in Rwanda. Data was collected from 357 respondents including mine workers, investors and persons neighboring the mine sites. In addition, 29 key informants from Government institutions, NGOs and local authorities provided supporting information on the respect of human rights in Rwanda mining sector.

A number of rights were assessed including worker's right to work in a healthy and safe workplace environment, the right to salary, the right to employment contracts, the right to social security, the right to training, the right to join trade unions, the child right to be protected against the worst forms of labor and women's right to equal employment opportunities as men.

Concerning the right to work in a healthy and safe workplace environment, it was evidenced that health insurance was provided to workers in 77% of the visited sites. Mining related diseases no longer exist due to improved mining techniques that are currently employed.

It was found significant enhancement of the right to Personal Protective Equipment (PPEs). For example, the safety boots availability increased from 64.6% in 2015 to 91.2% in 2021, the snug coveralls use augmented from 67.69% in 2015 to 93.4% in 2021, and the lighting torches obtainability in the sites improved from 41.53% in 2015 to 91% in 2021.

The Survey also found that the use of tunnel support structures is at 91.6%, the signposts and safety stairs in working tunnels are respected at 74.1% whereas 64.5% of surveyed sites use ventilation systems. It was further noticed that the availability of first aid boxes increased from 44.61% in 2015 to 76.9% in 2021 and the availability of stretchers increased from 7.6% to 42.9% in the same period.

With regard to the right to employment contract, it was found that informal employment was at 81.4% in the mining sector and this hinders the respect of the right to employment contract.

As for the right to salary, it was observed that miners are regularly paid. Most of whom get salary based on individual production, 63.3% of them expressed that they were facilitated with salary advances and they are provided paid leaves at the rate of 25.3%.

Concerning the right to social security, it was noted that 56% of miners do not access pension scheme and this shows that its respect has irregularities that need to be addressed.

In line with the right to training, the survey revealed that 78.02% miners receive daily work instructions, 43.96% of them do not have the core work related training, 74.73% of them did not receive training on their rights while only 29.5% of mining engineers have received training on their rights.

Regarding the right to form and join trade unions, the survey indicated that miners were not members of any trade unions in 50.55% of visited mine sites, despite having full right to join them as reported by 75.4% of interviewed mine engineers.

As far as women's rights to equal employment opportunities as men in mining sector is concerned, it was noted that women's participation in mining activities is less compared to men's. Women encounter challenges including: perceptions that the nature of mining activities itself limit females in extraction works, households' responsibilities, the fact that some females are not comfortable with the extraction works in addition to limited financial capacity for females wishing to invest in mining sector.

For child rights to be protected against the worst forms of labor, it was observed that 90 out of 91 visited mining sites (98.9%) employed persons above 18 years old. The remaining site had 3 workers who were 17 years old (out of 87 workers).

As for the right to clean environment, it was observed that soil erosion was prevented by planting trees in 84.44% of the visited sites and using terracing techniques in 83.72% of the visited sites. Waste disposal was observed in 70.93% of the visited sites, management of dust to prevent air pollution was done at the rate of 75.82% and mine reclamation at the site disposal was applied in 71.59% of the visited sites. Issues around environment restoration were related to investors' less interest in applying environmental protection techniques and this has exposed some communities to air pollution, heavy vibrations, water torrent from the mining sites and building cracks due to mining activities.

On the right of mining sites' neighboring communities to private property, it was observed that 26 out of 27 (96.29%) of the affected neighbors have been expropriated. Concerning the right to development, the Commission noted that where mining activities are conducted, communities benefit business opportunities and employment among others. Some community members also benefit from corporate social responsibility by mining investors in terms of infrastructure and supporting government social protection programs like Girinka (one cow by family program), mutual health insurances for vulnerable families.

As far as mining investors are concerned, it was noticed that their rights are respected. The Government has set guiding laws, rules and regulations to their business and provided them with necessary supervision and facilitations.

II. Summary of Negative Human Rights Developments November 2021-April 2022

Although the status of human rights in Rwanda mining sector improved considerably, there was noted loopholes to be sealed. These include the following:

- ✓ Limited knowledge on professional mining business practice and human rights;
- ✓ 56% of miners do not access pension scheme and this shows that its respect has irregularities that need to be addressed;
- ✓ Some mine workers are not members of any trade unions in 50.55% of visited mine sites, despite having full right to join them as reported by 75.4% of interviewed mine engineers;
- ✓ Women's participation in mining activities is less compared to men's. Women encounter challenges including: perceptions that the nature of mining activities itself limit females in extraction works, households' responsibilities, the fact that some females are not comfortable with the extraction works in addition to limited financial capacity for females wishing to invest in mining sector;
- ✓ The right to clean environment is infringed to some extent by investors' less interest in applying environmental protection techniques and this has exposed some communities to air pollution, heavy vibrations, water torrent from the mining sites and building cracks due to mining activities.

III. Recommendations

For alleviation of the loopholes that hinder the full enjoyment of human rights respect in mining sector, the Commission recommended to the Rwanda Mining Board and its relevant stakeholders the following:

1. To update and publish regularly a list of active mining licence holders to support different users in their planning and decision making;
 2. To publish regularly mineral prices updates on Rwanda market to facilitate miners to bargain their wages with employers since they are paid per production;
 3. To enhance regular monitoring of mining activities and laws and regulations enforcement for environment protection, healthy and safe workplace environment and to ensure the respect of corporate social responsibility by mining companies;
 4. To urge small scale and artisanal mining companies to employ improved equipment to resolve the problem of poor productivity affecting workers' remuneration;
 5. To promote women's employment and investment in Rwanda mining sector.
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