

December 3, 2015

Answers by the Minister for Foreign Trade and Development Cooperation to

Parliamentary questions by the members Voordewind (ChristianUnion) and Van Laar (Labour Party) to the Minister for Foreign Trade and Development Cooperation and the Minister of Foreign Affairs on child labour in gold mining for the electronics sector [no. 2015Z22184, submitted November 23, 2015]

Question 1

Are you familiar with the report *Gold from Children's Hands - Use of child-mined gold by the electronics industry* by SOMO made on behalf of the coalition Stop Child Labour?

Answer

Yes.

Question 2

What is your reaction to the fact that according to the International Labour Organisation (ILO), at least one million children worldwide are working in mining, that in Mali there are approximately 200,000 children working in the gold mining industry and that the number of child workers in the gold mining industry in Mali and other countries is growing significantly? What are you planning to do against these abuses?

Answer

I find this very worrying information. The problem of child labour is broader than just the (gold) mining sector. According to the most recent figures from the ILO (2013), there are still 168 million children worldwide involved in this sector⁽¹⁾. The efforts of the government against child labour are reflected in recent letters to the Parliament in response to the initiative memorandum by member Van Laar (Parliamentary Document 33 963 Nos. 5 and 7).

Question 3

Do you agree with the recommendation of the report to expand the responsibility to combat child labour of the electronics sector to countries that are exporting gold used in the manufacture of products such as mobile phones, laptops and computers, in addition to "conflict-affected areas"? How do you intend to promote this?

Answer

Companies have to behave responsibly everywhere according to the OECD Guidelines for Multinational Enterprises, both in conflict zones and elsewhere. I expect companies to develop systems that are designed to identify, prevent or mitigate potential abuses in their supply chain, including child labour. So-called 'downstream' companies, like companies in the electronics sector, often have limited influence in and around mine due to their position in the production chains. They can increase their influence by joining forces. I therefore encourage industries to come to concrete agreements, within ICSR [International Corporate Social Responsibility] Covenants, about possibilities to structurally combat abuses such as child labour. These agreements with companies and stakeholders should preferably be consolidated in ICSR covenants.

Question 4 Do you agree with the recommendation that efforts for due diligence by companies in case of conflict minerals should be strengthened, that smelters should play an active role, that child labour and other labour rights should be included in the "conflict-free smelters program" and that the OECD *Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas* should be applied for this? How do you intend to promote this?

Answer

The commitment to conflict-free minerals has led to the development of various initiatives such as the *Conflict-Free Smelters Program (CFSP)*. I am prepared to raise this issue in discussions with members of the CFSP and to ask them how they deal with child labour and whether they see additional value in broadening the CFSP and addressing child labour through this initiative. That child labour does not extensively feature in CFSP, does not mean that CFSP members do nothing against child labour, individually or within other initiatives.

Question 5

Are you planning to talk to companies both individually and collectively about the need to combat child labour in the gold mining industry, to be more open about the source of the gold and other commodities and to cooperate on local solutions to help children to school?

Answer

In the process to achieve an ICSR covenant for the gold sector, the Ministry is in consultation with, among others, some companies in the electronics sector. These companies are aware of the challenges of among others child labour and pledged to make an inventory of possible steps to achieve improvement. These steps will be recorded in the ICSR sector Covenant Gold, which should be signed before summer 2016. The transparency mentioned, increasing insight into the production chain and the question what parties can do together to improve local conditions, are certainly subject of discussion between the stakeholders.

Question 6

Are you willing to play an active role in involving other EU countries in combating child labour in the context of the [Dutch] EU presidency? Are you going to raise this subject at the conference *EU and Global Value Chains* organised by your ministry, both plenary and in the relevant panel and to call the European Commission and the member states for joint action?

Answer

Yes. The Netherlands focuses on the adoption of EU Council conclusions on child labour during the Dutch Presidency. For this, 2016 this is a logical moment, because this year is the deadline determined in the *The Hague Roadmap for Eliminating the Worst Forms of Child Labour*. Council conclusions are a good way to involve both other EU member states and the EU institutions in addressing child labour. The conclusions could, among other things, serve to disseminate *best practices*, such as the by the Netherlands supported program for *Child Labour Free Zones* of the Coalition Stop Child Labour.

The conference that will be held in Amsterdam on December 7th, 2015, focuses on what the EU can do - particularly in its trade and development policies - to make global value chains sustainable. The worst human rights and environmental violations occur mainly in production countries. Child labour is an example of this. The conference offers practical

examples (such as ICSR sector covenants and initiatives to develop the private sector) to address such human rights and environmental violations in specific global value chains. When good practical examples of ICSR and private sector development will be scaled up to EU level and will be encouraged (among other things) in the EU aid and trade policy, this will result in a more balanced playing field for trendsetting companies and more influence on the sustainability of global value chains. In this way, possible solutions to abuses in the production chain, such as child labour, are part of the conference.

Question 7

Are you prepared to discuss with the Organisation for Economic Co-operation in Europe (OECD) whether they can play a stronger role in combating child labour through their available resources, programs and contacts?

Answer

The OECD has been doing a lot of work on standards and tools for businesses in combating child labour. The responsibility for companies to contribute to the elimination of child labour is part of the OECD guidelines for multinational enterprises⁽²⁾, and - specific for the mineral sector - of the OECD *Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*.⁽³⁾ With this the OECD provides tools for companies to combat the worst forms of child labour in the mining industry. The Netherlands will encourage the OECD during a next meeting of the *Working Party on Responsible Business Conduct* to continue this valuable work in the form of *due diligence guidance* for sectors where child labour is a problem.

Question 8

Are you - in the framework of the development cooperation with partner country Mali - willing to contribute to programs of civil society organizations and/or the government to reduce child labour in gold mining areas and to improve education?

Answer

The current Multi-Annual Strategic Plan (MJSP) for Mali is fixed until and including 2017 and invests in three thematic areas: security and justice, water and sexual and reproductive health and rights (SRGR). The Parliament has been informed on the results by a letter last month (Parl. Document 33 625 no. 183). Apart from the regular efforts on development cooperation in partner country Mali, the Netherlands pays attention to the issue of child labour. Out of the human rights fund the Netherlands contributes to the fight against child labour in the gold mining sector in Mali, namely through the program *Child Labour Free Zones* of the Coalition Stop Child Labour.

Question 9

Are you planning to discuss child labour and working conditions in the (artisanal) gold mining also in dialogues with the governments of other countries where many children work in the gold mining industry such as Burkina Faso, Ghana, Tanzania, the Democratic Republic of Congo, Sudan, Uganda, Zimbabwe and Peru, and seek to make agreements, if possible, on solutions and supporting programs?

Answer

I will definitely pay attention to this issue attention during my visits. The embassies too will discuss this with the authorities as the occasion arises. Where possible I will also contribute to solutions.

Question 10

Are you going to make efforts to make this issue also part of a possible Covenant [Agreement] regarding International Corporate Social Responsibility (ICSR) in the gold mining industry and the electronics industry?

Answer

Yes. Trade association Federation Gold and Silver (FGZ), individual companies (including companies in the jewelry sector, the financial sector and the electronics sector), civil society organisations, trade unions and the government are currently exploring the possibilities for an ICSR covenant for the gold sector.

As an important step in the process to come to that covenant, the parties are expected to sign the so-called “framework Covenant gold” on December 4, 2015. Signatories of this framework Covenant aim at reaching an ICSR sector covenant Gold before the summer of 2016 that meets the SER recommendations on ICSR covenants and that allows the parties to jointly agree on solving problems in the gold sector.

Question 11

Are you willing to require an active approach to deal with child labour and poor working conditions in the production of gold and other raw materials in the electronics industry in the new policy for sustainable procurement?

Answer

The action plan for social responsible procurement, presented to the Parliament on 11 September, is focused on the government. A more structural implementation of the International Social Conditions at the procurement is part of the plan. I hope this plan will make both clients (government) and contractors (companies) more aware of the risks in (international) supply chains, such as child labour and poor working conditions. For example, the CSR Risk Checker of MVO Nederland has been adapted for public purchasers.

Question 12

Are you prepared to answer these questions ahead of the Parliamentary Consultation on December 3, 2015?

Answer

Yes.

Notes

- (1) http://www.ilo.org/ipecc/Informationresources/WCMS_221513/lang--en/index.htm
- (2) http://www.oesorichtlijnen.nl/binaries/oeso-richtlijnen/documenten/publicatie/2014/12/8/oeso-richtlijnen-arbeid/hoofdstuk_5.pdf
- (3) <http://www.oecd.org/corporate/mne/GuidanceEdition2.pdf>

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