

LABOR RIGHTS AND THE FAIRTRADE/FAIRMINED STANDARD IN COLOMBIA



Presented by: Fundación Amigos del Chocó

BACKGROUND

AMICHOCÓ is an environmental NGO that fosters the sustainable of the natural resources in the Colombian Chocó Bioregion and the protection of its inhabitants. Over the last 13 years AMICHOCÓ has been working with 2 artisanal mining municipalities in the state of Chocó in the development of the first ever responsible artisanal mining initiative in high biodiversity areas in the world – The Oro Verde program. The success of the program inspired the creation of the FAIRTRADE/FAIRMINED standard and AMICHOCÓ to replicate it not just in the Chocó Bioregion but in the entire Colombian territory.

The FT/FM standard addresses social, economic and environmental issues surrounding artisanal and small scale mining worldwide, including labor rights and gender equality issues. AMICHOCÓ and the Oro Verde program have proven that the FT/FM standard is an effective mechanism to protect high biodiversity areas where artisanal mining is developed and are now in the process of replicating the model in other communities and testing the standards effectiveness tackling other issues like labor rights and forced labor.

Labor rights violations in artisanal mining of gold and platinum in Colombia

There aren't any reliable data on how many people live of artisanal mining of gold and platinum in Colombia; in the Chocó Bioregion alone there are 32 municipalities with artisanal mining vocation of precious metals and there is artisanal mining being developed in other departments like Antioquia, Bolivar and Huila. AMICHOCÓ is in the process of identifying and categorizing those communities that develop artisanal mining practices of gold and platinum and are interested in replicating the Oro Verde or the FT/FM model.

Child labour - According to ILO, in Colombia 61% of children working in mines are males and most children are between the ages of 14 and 17. The activities that are traditionally given to children in gold mining in Colombia are:

- digging for sediments;
- assisting in diving for sediments;
- sieving ore and sediments;
- washing and drying of product;
- pushing carts and transporting the sediment.

Territorial and ethnic rights - In Colombia afro Colombian communities depend on their lands to survive and to keep their traditions alive. Part of their culture is based on how they use the land and how the families and communities organize themselves to manage the natural resources. The mining concessions given to large scale mining companies in collectively owned lands takes the land away from the artisanal miners and thus their right to work it; they're forced to either become employees of the mining company or flee.

Extortion and "Vaccination" - We couldn't find any reliable figures on this phenomenon in artisanal gold and platinum mining, but we were able to gather information from the community leaders the

program has been in touch with in the state of Cauca. Here, illegal groups and individuals charge what they call a “vaccine” to artisanal miners. Payment of the vaccines allows artisanal miners to work their land without having problems with illegal groups. Those who don’t pay are killed or forced to leave their lands. Some miners are also forced into selling their lands to third parties, illegal groups and multinationals; this is done via threats, extortion and kidnapping of close family members. The Colombian Government has committed to abolishing these types of pressures and making sure all Colombians are free to determine where and how they want to work, but in practice, not much has been done. Part of this project proposal is to gather data on how many artisanal miners are being affected by extortion and vaccination and develop a support mechanism through the FT/FM model to prevent these types of abuses

Healthy and Safety issues - These types of labor rights violations occur in situations where the artisanal miner is the employee of a company or entrepreneur. The gold mines of Segovia in the state of Antioquia have the highest contamination levels of mercury in the world which creates critical health problems in the local communities. Additionally, inappropriate uses of other chemicals like gasoline and oil have also caused conflict between large scale mining and artisanal mining communities.

Gender issues - Discrimination against women is very common in artisanal gold mining and also within afro Colombian communities. AMICHOCÓ has already begun working on these issues in Tadó and Condoto, where the program has been implemented for the past 10 years. We are aware that sometimes women are paid less or given the worst pieces of land to exploit. From Cauca we have received information regarding these types of practices, but because the culture itself is so sexist and men are usually the community leaders, it has been very difficult to get detailed information. We plan on working directly with artisanal mining women to get the right information and providing them with assistance and training

Antioquia

The department of Antioquia has 63,612 square kilometers accounting for 5% of Colombia’s territory. It limits in the North with the Atlantic Ocean and the departments of Córdoba, Sucre and Bolivar, on the East with the departments of Bolivar, Santander and Boyacá, on the South with the departments of Caldas and Risaralda and on the West with the department of Chocó. Antioquia has several municipalities in the Chocó Bioregion ecosystem. However the communities that this project plans to address are located more to the east of the regions borders.

Antioquia has 5,682,276 inhabitants and an average of unsatisfied basic needs of 23%.

Antioquia has 47 gold producing municipalities and in 2007 the department’s production accounted for over 73% of the national production of gold¹. Gold is Antioquia’s main export with an estimated annual production of 11,414,178 grams (2007) and most of it comes from the regions of Bajo Cauca, the Southwest and North where 4 of its 5 gold mining districts are located. The most productive municipalities are: Amalfi, Remedios, Anorí, San Roque, Maceo, Caucasia, El Bagre, Zaragoza, Nechí, Tarazá and Cáceres of the Northeast mining district; Abriaquí, Anzá, Buriticá, Dabeiba, Frontino, Murindó, Mutatá and



¹ Source: “Antioquia Mining Potential” - Bank of regional initiatives for the development of Antioquia

Urrao of the Frontino mining district; Puerto Berrío, Puerto Triunfo and Puerto Nare of the east mining district and Salgar, Bolivar, Betania, Andes and Jardín of the Southwest mining district

An estimated 40.000 people live of artisanal mining practices on the Bajo Cauca and Northeast regions alone and the municipalities of Segovia and Remedios have been catalogued by ONUDI as one of the most contaminated regions in the world by mercury, approximately 7.000 people are reportedly contaminated².

According to Espacios de Mujer Corporation³, Antioquia is the third department in Colombia with the highest rates of human trafficking, mostly involving women and forced prostitution. Additionally, MINERCOL⁴ states that Antioquia is one of the 7 departments that have the most cases of children working in mining fronts of coal, emeralds, gold, clay and sand. Although AMICHOCÓ has not been able to find documented cases of other types of labor rights violations (information regarding these types of situations in artisanal mining of gold and platinum is inexistent in Colombia), we do know that other forms of violations like extortion take place. One of the main purposes of this project is to document these realities and assess the FAIRTRADE/FAIRMINED standard's capacity to mitigate them.

PROJECT

General objectives: Determine the effectiveness of the FT/FM as a mechanism to decrease forced labor and labor rights violations in artisanal mining of gold and platinum and begin the replica of the Oro Verde model in one new municipality in Colombia.

This project will be executed in a 24 month period between AMICHOCÓ and one strategic partner that will responsible for the forced labor and labor rights violations component. During the first 3 months of the project AMICHOCÓ will determine who that partner organization will be. The partner organizations listed previously are all candidates and have already been approached by AMICHOCÓ.

Specific objectives:

- To develop a GAP analysis of 5 communities from the state of Antioquia and determine how far away they are from becoming FT/FM certifiable.
- To develop a social risk assessment of 5 communities from the state of Antioquia to determine:
 - The number of children under the age of 15 working in artisanal mining fronts,
 - The number of children between 15 and 18 working in artisanal mining fronts, the nature of their work and average working hours,
 - Presence of human trafficking and identification of victims,
 - Identification of adults and children in risk of becoming victims of forced labor or sexual exploitation,
 - Identification of adults and children in risk of becoming victims of bonded labor or other seriously unfair labor terms
- To sensitize and train 2 artisanal mining organizations (producer group) to address forms of modern day slavery
- To provide training and capacity building to 2 artisanal mining organizations to become a reasonable candidate of the FT/FM certification

² Source: "Antioquia Mining Potential" - Bank of regional initiatives for the development of Antioquia

³ www.espaciosdemujer.org/

⁴ Empresa Nacional Minera – Government owned company that is now in the process of foreclosure.