16

Defending the right to development in resource-rich Africa: Human rights defenders, critical minerals, and trafficking in Angola and the Democratic Republic of the Congo

*Marianne Séverin**
Research fellow, Faculty of Public Law, University of the Free State, South Africa
https://orcid.org/0000-0001-5662-1226

*Elena Scaccia***
University of Siena
https://orcid.org/0009-0001-7822-5918

*Marta Dias Sintra****
Autonomous University of Lisbon
https://orcid.org/0009-0007-1928-0320
https://doi.org/10.29053/978-1-0672374-3-1_16

1 Introduction 451
2 The right to development and critical minerals in an African context 457
2.1 The right to development in an African context: Case studies of DRC and Angola 457
2.2 Right to development abuses in a context of critical minerals mining: Case studies of women's and children's rights in Angola and the DRC 459
2.3 Human trafficking and illicit financial flows in Africa: Two sides of the same coin 461
3 Human rights defenders (HRDs) in combating sex trafficking and financial flows 467
3.1 Theoretical framework of the HRD concept 467
4 Conclusion and recommendations 474

* PhD (Bordeaux); marianne.severin@gmail.com
** LLM (Siena, Italy); elenascaccia@gmail.com
*** LLM (Lisbon, Portugal); marta_sintra@hotmail.com

Abstract: *In 2026, the United Nations Declaration on the Right to Development (RtD) marks its fortieth anniversary, five years after the African Charter on Human and Peoples' Rights, which also recognises this right. This milestone comes as global competition intensifies for Africa's critical minerals, essential to industry and climate-transition technologies. These minerals are essential to advance the right to development provided for by article 22 of the African Charter. Yet in conflict-affected and high-risk areas, including Angola and the Democratic Republic of the Congo (DRC), extraction often fails local communities and is linked to serious abuses, including human trafficking. Respecting the RtD is therefore both a moral imperative and a legal condition for justice, equity and sustainability. For this to happen, States must protect development rights, especially those of women and children; Mining companies are responsible for how development is pursued and its benefits shared and Civil society should advance the RtD through human-rights advocacy (OHCHR, 2004). Using case studies from the DRC and Angola, this chapter examines how Human Rights Defenders (HRDs) address trafficking of women and children for sexual exploitation linked to critical minerals and illicit financial flows. It argues that States should collaborate with HRDs to protect vulnerable populations and realise the RtD.*

Résumé : *En 2026, la Déclaration des Nations unies sur le droit au développement (DaD) fête son quarantième anniversaire, cinq ans après la Charte africaine des droits de l'homme et des peuples, qui reconnaît également ce droit. Cette étape importante intervient alors que la concurrence mondiale s'intensifie pour les minerais critiques d'Afrique, essentiels à l'industrie et aux technologies de transition climatique. Ces minerais sont indispensables à la promotion du droit au développement prévu par l'article 22 de la Charte africaine . Pourtant, dans les zones touchées par des conflits et à haut risque, notamment en Angola et en République démocratique du Congo (RDC), l'exploitation minière déçoit souvent les communautés locales et est associée à de graves abus, notamment la traite des êtres humains. Le respect du droit au développement est donc à la fois un impératif moral et une condition juridique pour la justice, l'équité et la durabilité. Pour y parvenir, les États doivent protéger les droits au développement, en particulier ceux des femmes et des enfants ; les entreprises minières sont responsables de la manière dont le développement est mis en œuvre et*

dont ses bénéfices sont partagés, et la société civile devrait promouvoir le droit au développement par le biais de la défense des droits de l'homme (HCDH, 2004). À partir d'études de cas menées en RDC et en Angola, ce chapitre examine comment les défenseurs des droits de l'homme (DDH) luttent contre la traite des femmes et des enfants à des fins d'exploitation sexuelle liée aux minerais critiques et aux flux financiers illicites. Il soutient que les États devraient collaborer avec les DDH pour protéger les populations vulnérables et concrétiser le droit au développement.

Key words: *human trafficking; sexual trafficking; right to development; human rights defenders; Angola; DRC*

1 Introduction

Since the United Nations (UN) Climate Change Conference (COP21) in 2015, and in view of accelerating global warming, countries have been strongly encouraged to significantly reduce their greenhouse gas emissions, to achieve annual levels below 35 per cent to 55 per cent, compared to 2019 levels, by 2030, then to achieve 'net zero emissions' by 2050,[1] in line with the commitments of the Paris Agreement.[2] This initiative aims to coordinate global efforts in the fight against climate change. To meet this goal, countries urgently need to shift from fossil fuels to renewable energy sources, which 'heavily depend on the availability and accessibility of critical energy transition minerals' (CETM).[3] These minerals drive manufacturing and technological advancement,[4] improving people's daily lives, particularly in industrialised countries, which together accounted for about half of global greenhouse gas

1 United Nations Climate Action 'For a liveable climate: Net-zero commitments must be backed by credible action', https://www.un.org/en/climatechange/net-zero-coalition (accessed 30 September 2026).

2 United Nations Climate Change 'The Paris Agreement' December 2015, https://unfccc.int/sites/default/files/english_paris_agreement.pdf (accessed 30 September 2026).

3 UN Secretary-General Working Group on Transforming the Extractive Industries for Sustainable Development 'UN Framework on Just Transitions for CETM', https://www.greenpolicyplatform.org/initiatives/working-group-transforming-extractive-industries-sustainable-development/UN%20Framework%20on%20Just%20Transitions%20for%20CETM (accessed 30 September 2026).

4 J Valverde 'What are critical minerals, and why are they so important?' *UNU-MERIT* 2 May 2024.

emissions in 2020.[5] This is illustrated by the article entitled 'The race for critical minerals in Africa: A blessing or another resource curse?'[6] The paper quotes Calderon and others and Watari and others, who assert that 'there is currently a high global demand for critical minerals as more industries and economies are transitioning to cleaner energy sources and low carbon technologies'.[7] The Paris Agreement's goals and current emission reduction commitments will not be met by 2035 or reach net zero by 2050. To make up for the gap, demand for critical minerals – especially lithium (up 200 per cent), cobalt (up 70 per cent), and nickel (up 40 per cent) – is projected to nearly triple by 2030 compared to 2017-2022 levels.[8] To make this happen, Africa, which paradoxically is responsible for only 4 per cent of global emissions, is asked to play a big part because, as the Centre for Strategic and International Studies (CSIS) has pointed out, it has significant potential in terms of critical mineral reserves, with 85 per cent of manganese reserves, 80 per cent of platinum and chromium reserves, and 47 per cent of cobalt reserves.[9]

While we should, of course, welcome this commitment to implementing ecological transition policies by Western countries – as well as African countries – the growing demand for strategic raw materials raises serious concerns. In fact, in 2023, the United Nations (UN) General Assembly Human Rights Committee and transnational corporations and other business enterprises stated that

5 United Nations Climate Action (n 1).

6 J Boafo and others 'The race for critical minerals in Africa: A blessing or another resource curse?' (2024) 93 *Resources Policy* 105046 1-10.

7 JL Calderon and others 'Critical mineral demand estimates for low-carbon technologies: What do they tell us and how can they evolve?' *Science Direct* January 2024, https://www.sciencedirect.com/science/article/abs/pii/S1364032123007967?via%3Dihub (accessed 30 September 2026); T Watari and others 'Total material requirement for the global energy transition to 2050: A focus on transport and electricity' *Science Direct* September 2019, https://www.sciencedirect.com/science/article/pii/S0921344919302290 (accessed 30 September 2026).

8 J Gourdon and others, 'Les minerais critiques, des ambitions pour l'Afrique' *The Conversation* 4 Feebruary 2024, https://theconversation.com/les-minerais-critiques-des-ambitions-pour-lafrique-220735#:~:text=Les%20%C2%AB%20minerais%20critiques%20%C2%BB%20englobent%20une,connexion%20des%20syst%C3%A8mes%20entre%20eux (accessed 30 September 2026).

9 F Biola 'The 5 critical minerals for which Africa will make a difference' *Forbeds Africa* February 2024, https://forbesafrique.com/les-5-minerais-critiques-pour-lesquels-lafrique-fera-la-difference/ (accessed 30 September 2026).

> the energy transition is urgently needed to avert and minimize catastrophic human rights harms related to climate change, the energy transition programmes have been linked or have contributed to serious human rights abuses, such as land grabbing, forced displacement, modern slavery, discrimination and environment pollution, among others ... in particular in Global South countries, which are home to large supplies of these materials.[10]

To illustrate this statement, we could rely on the paper by Boafo and others mentioned previously, which highlights what they consider violations of international standards. They refer to various issues reported in lithium and cobalt mining in the Democratic Republic of the Congo (DRC), including illegal activities, environmental harm, human rights abuses, corruption, displacement of local communities, loss of livelihoods, and conflict.[11] Along the same lines, in August 2025, the Special Rapporteur on Climate Change called for better implementation of the obligations of states and the responsibilities of other actors to support a human rights-based approach to energy transition, because

> [n]onetheless, violations of human rights to health, an adequate standard of living, development and a healthy environment in relation to certain sources and scales of renewables development and the 'rush' to energy transition minerals have been documented in all regions of the world.[12]

10 United Nations Human Rights Office of the High Commissioner (OHCHR) 'Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises. Extractive sector, just transition and human rights' 11 July 2023 A/78/155, paras 3-5 of the introduction, https://docs.un.org/en/A/78/155 (accessed 30 September 2026); alternatively, see https://www.ohchr.org/en/documents/thematic-reports/a78155-extractive-sector-just-transition-and-human-rights (accessed 30 September 2026).

11 Boafo and others (n 6) 7.

12 United Nations Human Rights Office of the High Commissioner (OHCHR) 'A human rights-based approach to the energy transition' 26 August 2025 A/80/1883, https://www.ohchr.org/en/documents/thematic-reports/a80188-human-rights-based-approach-energy-transition (accessed 30 September 2026).

Therefore:

> Human rights harm in the context of renewables should be effectively prevented. Instead, disrespect for human rights is facilitated when renewables are exempted from, or subjected to lighter, planning requirements. Although a rapid energy transition is needed, such a transition should not be unchecked.[13]

In this context, how should state and non-state actors (transnational and local mining companies) advance the right to development (RtD) and prevent human rights violations in Africa, particularly in the DRC and Angola, with special attention to human rights defenders (HRDs)? To answer this question, the chapter focuses on these specific countries because they are conflict-affected places and, consequently, a high risk for the people who live there, considering the problem of the exploitation of natural resources and the consequent poverty and human rights violations that occur daily.[14] To describe the situation most clearly and transparently, it is necessary to define some key terms.

First, it is necessary to understand what the RtD means. Article 1 of the Declaration on the Right to Development (DRtD), established by Resolution 41/128 of the UN General Assembly, adopted on 4 December 1986, reads as follows:

> (1) The right to development is an inalienable human right under which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realied.
> (2) The human right to development also implies the full realisation of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.[15]

13 OHCHR (n 12).

14 See reports shared by Amnesty International such as 'Energy Transition', https://www.amnesty.org/en/what-we-do/climate-change/energy-transition/#whatistheenergytransition? (accessed 30 September 2026); Human Rights Watch (HRW) Angola 'Events of 2024', https://www.hrw.org/world-report/2025/country-chapters/angola (accessed 30 September 2026); and the UN General Assembly over the years, Report of the Working Group on the Universal Periodic Review Angola, https://www.ohchr.org/en/hr-bodies/upr/ao-index (accessed 30 September 2026).

15 General Assembly Resolution 41/128 Declaration on the Right to Development 4 December 1986, https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-development (accessed 30 September 2026).

The definition of critical minerals is of equal importance to the RtD. On the official website of the World Trade Organisation (WTO), many articles refer to critical minerals. For example, an article entitled 'From Mines to Markets: Gravity Model Insights on Critical Raw Material Trade', dated 10 September 2025, states:[16]

> Our modern world runs on critical raw materials (CRMs). Elements like lithium, cobalt, and rare earth metals are key ingredients behind electric vehicles, semiconductors, and wind turbines, placing them at the heart of high-tech innovation and the green energy transition. As a result, CRMs have become a top priority on political and economic agendas worldwide (see, for instance, *The Economist*, 2023).

The third key definition concerns trafficking and the international legal definition of a child. The definition comes from the Palermo Protocol. A historical background is necessary to understand how international law evolved and the limitations of the Protocol. For now, it is important to mention article 3, adopted by General Assembly Resolution 55/25 of 15 November 2000:[17]

> (a) 'Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
> (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
> (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking

16 F Stender & T Vogel 'From mines to markets: Gravity model insights on critical raw material trade', German Institute of Development and Sustainability, Introduction, 8, https://www.wto.org/english/forums_e/public_forum25_e/papers_e/vogel.pdf (accessed 30 September 2026).

17 OHCHR Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, General Assembly Resolution 55/25, 15 November 2000, https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons (accessed 30 September 2026).

in persons' even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) 'Child' shall mean any person under eighteen years of age.

Later, there will be a historical background of the evolution of the law and how the latter article 3 was developed.

Realising the RtD requires coordinated action. The state must prevent and punish human rights abuses, in particular human trafficking and the associated money laundering, by adopting and enforcing national legislation linking trafficking to illicit financial flows. Non-state actors, including transnational and local mining companies, must respect human rights, while civil society – which is both an actor and a beneficiary of the right to development – must denounce violations. This chapter therefore pays particular attention to human rights defenders, who contribute to peace, sustainable development and human rights, according to the definition of the Declaration on Human Rights Defenders (1998).[18]

To address the issue described above – how the DRC and Angola, together with mining companies, should protect and implement the RtD alongside human rights defenders – the chapter is divided into four parts, including this introduction. The second part focuses on the RtD and critical minerals in Africa, with Angola and the DRC as case studies. This part will also examine the abuses against women's and children's rights in these countries. Specific definitions provided by international law and the definition of illicit financial flows will be necessary to highlight the link to human trafficking. Part 3 highlights the role of human rights defenders in Africa, including DRC and Angola, and the implementation of the RtD. The final part summarises the chapter in the form of final recommendations.

18 OHCHR The Declaration on Human Rights Defenders, https://www.ohchr.org/en/civic-space/declaration-human-rights-defenders (accessed 30 September 2026).

2 The right to development and critical minerals in an African context

2.1 The right to development in an African context: Case studies of DRC and Angola

The key points to be emphasised when discussing the RtD in Africa include its definition, the dates of ratification and entry into force in various countries, the debates surrounding the African Charter on Human and Peoples' Rights (African Charter), its effective implementation, and what the countries' constitutions say about the RtD, if mentioned. The document essential to this analysis is the African Charter, which is connected to the RtD and referenced in specific articles. Ratification occurred at different times across signatory states, yet the instrument contributed to shaping governments' shared intention to collaborate in guaranteeing growth and freedom for African peoples, among other objectives. Adopted on 27 June 1981 and entering into force on 21 October 1986, it was not ratified simultaneously by all states: The DRC ratified it on 20 July 1987, whereas Angola did so on 2 March 1990.[19]

The RtD is enshrined in the African Charter and carries legal force, as reflected in article 22 of the Charter:[20]

> (1) All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.
> (2) States shall have the duty, individually or collectively, to ensure the exercise of the right to development.

The articles are clear, and even though the purpose concerns economic and social development, connected to freedom and cultural development, Africa remains one of the poorest or most underdeveloped regions in the world, or rather the region where the RtD is far from being achieved.[21]

19 African Union (AU) African Charter on Human and Peoples' Rights, https://au.int/sites/default/files/treaties/36390-sl-african_charter_on_human_and_peoples_rights_2.pdf / (accessed 30 September 2026).
20 As above.
21 OK Agbor 'The right to development: An appraisal within the context of the African Charter on Human and Peoples' Rights' (2 July 2025) Human Rights and Legal Research Centre, para 1.1, https://hrlrc.org/2025/07/02/the-right-to-development-an-appraisal-within-the-context-of-the-african-charter-on-human-and-peoples-rights/ (accessed 30 September 2026).

Until now, the development of the section involved the definition of the RtD at the international level or as a matter of international interest, mentioning the African Charter and the African Union (AU), but the most important document that must be analysed concerns the national constitutions of the countries under investigation. The international level is necessary for highlighting the involvement of different actors, but domestic governments have the power to ensure that people respect laws and duties.

Angola's earlier constitutional framework was revised in 1991, after its independence on 11 November 1975, following the passing of Law 12/91 by the Assembly of the People, enshrining multi-party democracy, guarantees of the fundamental rights and freedoms of citizens, and a market economy, changes extended later by Constitutional Revision Law 23/92, replaced in 2010 and revised in 2021.[22] In the document, development is mentioned several times, connected with urbanisation, but also the use of nature, biological and non-biological resources, always connected with the prosperity of the country and national security (articles 7, 9, 10, 20, 30, 31, 112(a), 112(f), 147 – development – articles 9, 12, 89(m)).

A similar situation is present in the DRC Constitution, where there are several references connected with the development of the country and 'animated by our common will to build, in the heart of Africa, a State of Law and a powerful and prosperous Nation, founded on a real political, economic, social and cultural democracy'.[23] Parliament made many modifications since independence in 1960, and the Constitution was adopted in 2006 and amended in 2011. This new document has many articles on the importance of socio-economic development, and the necessity to protect nature and its resources. Articles 12, 13 and 14 mention equality before the law and the rights of people. Protection is mentioned in the Preamble and in articles 11, 12, 14, 16, 17, 32, 34 and 35, to mention some of them.

22 The Constitution of Angola, 2010, https://www.constituteproject.org/constitution/Angola_2010; https://angola.org/en/angola/constituicao (accessed 30 September 2026)

23 Congo (Democratic Republic of the)'s Constitution of 2005 with Amendments through 2011, English version, https://aceproject.org/ero-en/regions/africa/CD/rdc-constitution-2011-english-version/view (accessed 30 September 2026).

At the close of this part, it is worth noting that the RtD and national constitutions move in the same direction (namely, toward the protection and security of peoples and territories) at both the national and international levels. How, then, is the RtD realised in the context of critical minerals?

2.2 Right to development abuses in a context of critical minerals mining: Case studies of women's and children's rights in Angola and the DRC

The African continent is known for having one of the largest reserves of critical minerals worldwide. The possibilities for internal growth stemming from these resources are enormous, especially in recent years, when the demand for specific minerals has increased due to the development of green technologies, just to mention one sector where these elements can be used. The rise in demand has led many countries to export minerals in raw rather than processed form. The lack of domestic processing contributes to unemployment, because the materials are exported worldwide rather than retained on the African continent, thereby also reducing expected gross domestic product (GDP) growth by several points. The absence of manufacturing in resource-rich countries generates further disparity within states, widening the gaps linked to social and economic development. The points outlined above, which serve merely as general examples of the missed opportunities encountered across the continent, underscore the limitations of the RtD and highlight the need for states to prioritise the implementation of policies that uphold the values enshrined in the constitutions of Angola and the DRC. Before analysing the abuses that are occurring in Angola and the DRC, a preamble is necessary.

In these countries, some documents and data allow for further investigation into the ongoing situation, but it is important to underline the weakness in the collection of information. Without clear data, it is impossible to demonstrate whether people in a specific country and context experience improvements from a given starting point and, consequently, whether any recommendations can be applied. The same idea must be considered when the chapter focuses only on women and children, considering that male abuses are still not considered violations on the same level as those against the aforementioned groups. In Angola

and the DRC, the collection of data is still poor, but potentially more accurate than in other parts of Africa.

The definitions and perplexities explored in the previous parts are not only general examples, but they relate to concrete situations occurring every day in many parts of the world. Angola and the DRC are of particular interest given the situation unfolding there, compounded by their shared border, which gives rise to persistent and adverse disruptions. In both countries, the exploitation of critical minerals causes significant harm not only with respect to whether such operations constitute a blessing or a curse for the continent, but also because the rate of child labour is very high. 'In 2024, Angola made moderate advancement in efforts to eliminate the worst forms of child labour',[24] but the efforts made by the government still do not meet the international standard, where child labour is condemned. Unfortunately, child labour is closely connected to sexual trafficking, both in the domestic and mining communities, contributing to the violation of numerous articles of international conventions on human rights. One of the most important is the Convention on the Rights of the Child (CRC), which contains provisions addressing these violations. Several articles analyse the role of the governments in the protection from kidnapping, protection from violence, protection from harmful work, protection from sexual abuse, protection from sale and trafficking, and protection from exploitation.[25]

Linked to all these abuses is the fact that Angola and the DRC have in common the trafficking and transportation of girls from one country to the other, to be placed in mining camps where they are forced to work or are sexually abused. In a recent report of the US Embassy to Angola and São Tomé and Príncipe, sex trafficking has not been eliminated to the extent required by international standards. However, the government has addressed the problem, and an increased effort has been recorded compared with the previous report. These efforts included convicting more traffickers, identifying more victims, prohibiting worker-paid

24 US Department of Labour 'Child Labour and Forced Labour Reports' Bureau of International Labour Affairs, https://www.dol.gov/agencies/ilab/resources/reports/child-labor/angola (accessed 30 September 2026).

25 UNICEF Convention on the Rights of the Child, children's version, https://www.unicef.org/child-rights-convention/convention-text-childrens-version#downloads (accessed 30 September 2026).

recruitment fees, employing more labour inspectors, and expanding training.[26]

The situation in the DRC is not markedly different. In a report by the Special Rapporteur on Trafficking in Persons, especially women and children, the situation of the country was analysed following a visit in July 2025. The preliminary findings underline that

> [t]he continuing conflict in Eastern DRC is marked by widespread and systematic violations of international human rights and international humanitarian law. The Special Rapporteur notes that trafficking in persons is a strategy used by armed groups to control, terrorise and displace communities and to strengthen and maintain their capacity for continuing conflict and control. The Special Rapporteur is deeply concerned at the prevalence of conflict-related trafficking in persons, which is occurring on a widespread and systematic scale, particularly for purposes of sexual exploitation, affecting women and girls.[27]

To conclude this part, and with the full report available, it is not necessary to explain the connection between sexual abuse, critical minerals, and the impossibility of implementing the RtD under these circumstances.

2.3 Human trafficking and illicit financial flows in Africa: Two sides of the same coin

2.3.1 Understanding the debates that led to the adoption of the Palermo Protocol

The definition of human trafficking has been the subject of major debate since the late 1980s and early 1990s. The matter began to be

26 According to the US Embassy to Democratic Republic of Congo '2024 Trafficking in Persons Report: Democratic Republic of the Congo' 'Undocumented Congolese migrants, including children, enter Angola for work in diamond-mining districts, where traffickers exploit some in forced labor or sex trafficking in mining camps. Congolese migrants expelled from Angola's Lunda Norte province back to the DRC are also vulnerable to trafficking.' https://2021-2025.state.gov/reports/2024-trafficking-in-persons-report/democratic-republic-of-the-congo/ US Embassy to Angola and São Tomé and Príncipe '2025 Trafficking in Persons Report: Angola' 30 September 2025, https://ao.usembassy.gov/2025-trafficking-in-persons-report-angola/ (accessed 30 September 2026).

27 Special Rapporteur on Trafficking in Persons, Especially Women and Children 'Country visit to the Democratic Republic of the Congo, 15-25 July 2025: End of mission statement' (25 July 2025) United Nations Human Rights Council, Preliminary findings, https://www.ecoi.net/en/file/local/2128249/20250725-eom-rdc-sr-trafficking-en.pdf (accessed 30 September 2026).

taken seriously as the movement of women from Asian countries into European countries intensified, especially because these women were forced to work in the sex industry, but also in other fields connected with domestic work. This is how the Foundation against Trafficking in Women was founded in 1987.[28]

During those years, the notion of human trafficking was mainly viewed through the prism of prostitution. Ragaru, in her 2007 article, referred to two networks of actors,[29] consisting of feminist movements and sex workers' organisations, including an abolitionist movement that views prostitution as a form of sexual exploitation of women, on par with rape and slavery.[30] The other group is a movement in favour of decriminalising prostitution, while relying on a human rights-based approach to trafficking, thus distinguishing between forced prostitution and voluntary prostitution.

In the same vein, Wijers,[31] in another article dating from 2021, in turn addressed the issue of the undocumented status of women working in the sex industry. She argues that the distinction emerged in the 1980s, when feminists and development and cooperation specialists, analysing trafficking in The Netherlands from the perspective of sex tourism, turned their attention to migrant women working in the sex industry. According to the author, these undocumented women often envisaged working as domestic servants, models or mail-order brides, but were forced into the sex industry, where they suffered abuse and coercive working conditions. It was through this work that the fight against the exploitation and abuse of these women became an issue, whether or not they had chosen to work in the sex industry. From 1990, a new perspective on migrants emerged, along with particular attention to issues of sexual violence and women's rights to control their own bodies.

Alongside these debates, between 1993 and 1997, the following documents were adopted: the Declaration on the Elimination of Violence against Women proclaimed by the General Assembly of

28 M Wijers 'How we got here: The story of the Palermo protocol on trafficking' *Open Democracy* 11 February 2021, https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/how-we-got-here-story-palermo-protocol-trafficking/ (accessed 30 September 2026).

29 N Ragaru 'Du bon usage de la traite des êtres humains. Controverses autour d'un problème social et d'une qualification' (2007) 66 *Genèses* 72.

30 Ragaru (n 29).

31 Wijers (n 28).

December 1993;[32] the Beijing Declaration and Platform for Action of 1995;[33] and the Report of the Special Rapporteur on Violence Against Women, its causes and consequences in 1997.[34] These documents call for a redefinition of trafficking, extending the term from prostitution to other forms of abuse, such as exploitation in domestic, agricultural and textile work, forced marriages, and emphasising the notion of coercion.[35] The document, known as the Palermo Protocol, was adopted by General Assembly Resolution 55/25 on 15 November 2000, and it entered into force on 25 December 2003.[36]

Based on this definition, the following part provides a concise overview of the Protocol's scope, regarding the issue of sex trafficking of women and children in connection with the fight against this exploitative practice around critical mineral mines in Africa.

2.3.2 Understanding the Palermo Protocol in an African context: Angola and DRC

The Palermo Protocol pays particular attention to women and children, and requires a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognised human rights.[37]

32 United Nations Human Rights Office of the High Commissioner (OHCHR) Declaration on the Elimination of Violence against Women, Resolution 48/104 of 20 December 1993, https://www.ohchr.org/en/instruments-mechanismsscope/instruments/declaration-elimination-violence-against-women (accessed 30 September 2026).

33 United Nations Economic and Social Commission of Western Asia, Beijing Declaration and Platform for Action, 1995, https://archive.unescwa.org/sites/www.unescwa.org/files/u1281/bdpfa_e.pdf (accessed 30 September 2026).

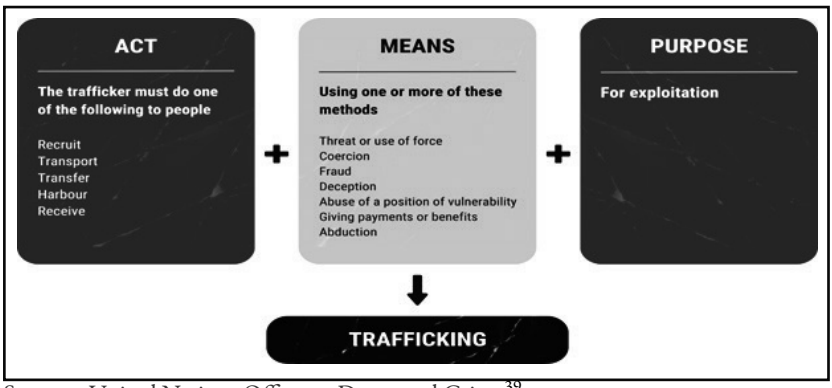
34 R Coomaraswamy 'Report of the Special Rapporteur on violence against women, its causes and consequences' UN, Commission on Human Rights, 1997, https://digitallibrary.un.org/record/238281?ln=en&v=pdf (accessed 30 September 2026).

35 Ragaru (n 29) 73.

36 OHCHR Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime; General Assembly Resolution 55/25, 15 November 2000, https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons (accessed 30 September 2026).

37 OHCHR (n 36) Preamble.

It supplements the UN Convention Against Transnational Organised Crime, whose purpose is to promote cooperation to prevent and combat transnational organised crime more effectively (article 1).[38] Subsequently, as a crime, human trafficking is built on three fundamental elements, namely:



Sources: United Nations Office on Drugs and Crime[39]

To combat human trafficking, each country shall ratify the Palermo Protocol, in accordance with its article 16 (signature, ratification, acceptance, approval and accession)[40] as well as criminalise trafficking in humans and develop anti-trafficking legislation in line with its legal provisions. Article 5 addresses criminalisation, while article 6 affirms that the state shall protect the privacy and identity of victims; shall ensure a legal or administrative system to help contain measures that provide the trafficking in persons; shall take into account personal information of the victims; shall provide physical safety and provide measures to offer compensation for damage suffered.[41]

38 United Nations Office on Drugs and Crime (UNODC) United Nations Convention Against Transnational Organized Crime and the Protocols Thereto, 2004, https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOLS_THERETO.pdf (accessed 30 September 2026).

39 UNODC 'The crime' https://www.unodc.org/unodc/en/human-trafficking/crime.html (accessed 30 September 2026).

40 OHCHR (n 36) art 16.

41 OHCHR (n 36) art 6.

Whereas the state is the primary actor in the implementation of the Palermo Protocol, the private sector, including the critical minerals mining industry, is invited to uphold human rights according to the UN Guiding Principles on Business and Human Rights (2011), which state that the responsibility of business enterprises is to avoid causing or contributing to adverse human rights impacts through their own activities and seek to prevent human rights impacts linked to their activities.[42]

In the African context, the Palermo Protocol should be implemented. Today, 45 African states have either signed and/or ratified the Protocol, including Angola, which ratified it on 19 September 2014, and the DRC, which did so on 28 October 2005, respectively.[43] In accordance with article 5(1), these two state parties have criminalised human trafficking and developed their national anti-trafficking legislation,[44] as well as acknowledge, in Angola's case, the interconnection between trafficking in persons and the illicit financial transactions.

2.3.3 Illicit financial flows, trafficking in human beings: Interconnection and RtD abuse in the Angolan and DRC contexts

As has been broadly demonstrated previously, the analysis of human trafficking incorporates a human rights perspective, as emphasised in the Palermo Protocol. On this basis, it is also essential to examine illicit financial flows (IFFs) as causes of RtD abuses, given that trafficking in persons and illicit transactions are closely interconnected. As previously noted, human trafficking involves an act, means and purpose.[45] However, although IFFs are not included as an offence under article 3 of the Palermo Protocol, which sets out act, means and purpose, in our view, a fourth element should be added, namely, 'criminal enrichment', since every

42 United Nations Human Rights Office of the High Commissioner (OHCHR) UN Guiding Principles on Business and Human Rights 2011 14, https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf (accessed 30 September 2026).

43 Status of Treaties, United Nations Convention against Transnational Organised Crime, New York, 15 November 2000, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&clang=_en (accessed 30 September 2026).

44 OHCHR (n 36) art 5(1).

45 UNODC (n 39).

form of trafficking involves illegal financial transactions and generates substantial profits. Traffickers often benefit from the support of corrupt officials who facilitate their operations. However, since these activities are illegal, the money earned is laundered through covert means, such as e-money transfers, investment in legitimate businesses, direct bank deposits, electronic money transfers, or physical movement of cash using trusted individuals from, for example, one country to another, and so produces serious consequences for security and democratic governance in Africa.[46]

In Angola, the connection between human trafficking and illicit financial transactions is amply demonstrated by Act 3/14 of 10 February 2014 on Combating Crimes Underlying Money-Laundering and Trafficking in Persons (repealed under the Criminal Code).[47] Like Angola, the DRC has legislation associating human trafficking with illicit financial transactions, which is the Act No. 22/067 of 26 December 2022 amending and supplementing the Decree of 30 January 1940 establishing the Congolese Criminal Code with regard to the prevention and suppression of human trafficking.[48] The issue of human trafficking is also addressed through its Child Protection Code, Law 9/001, which includes a chapter on child trafficking.[49] Despite calls from the Special Rapporteur on Trafficking in Persons, especially women and children, there is still no specific legislation on human trafficking, particularly of women and children.[50] The absence or lack of enforcement of legislation against human trafficking thereby enables criminal networks to operate

46 RO Iroanya and others 'Human trafficking and illicit financial flows in Africa' (2019) 25 *Journal of Namibian Studies History, Politics, Cultures* 57. For a better understanding of illicit financial flows, see AU/ECA Conference of Ministers of Finance, Planning and Economic Development 'Report of the High Level on Illicit Financial Flows from Africa' 2015, https://www.unodc.org/documents/NGO/AU_ECA_Illicit_Financial_Flows_report_EN.pdf (accessed 30 September 2026).

47 United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 'Initial report submitted by Angola under art 19 of the Convention, due in 2024, CAT/C/AGO/1, 15 October 2024 4.

48 https://www.leganet.be/Legislation/DroitPenal/loi-22-067-26-12-2022-traite-personnes-code-penal-leganet.html

49 https://www.sadc.int/sites/default/files/2021-06/SADC_Member_States_progress_in_developing_national_anti-TIP_legislation.pdf (accessed 30 September 2026).

50 United Nations Human Rights Office of the High Commissioner (OHCHR) 'Democratic Republic of the Congo: Anti-trafficking and accountability measures crucial for peace, says UN expert' 25 July 2025, https://www.ohchr.

with impunity, often due to the corruption of officials entrusted with protecting victims and, by extension, upholding human rights and the RtD. As a result, the growing human trafficking trade, particularly the sexual exploitation of women and children,[51] will inevitably encourage illicit financial flows, which refers to flows that are illicit in origin, transfer or use, that reflect an exchange of value, and that cross country borders, according to the United Nations Office on Drugs and Crime (UNODC).[52]

In the absence of effective state legislation addressing human trafficking and the laundering of proceeds derived from such financial transactions, which actors are responsible for combating sexual trafficking and illicit financial flows, and by what means?

3 Human rights defenders (HRDs) in combating sex trafficking and financial flows

3.1 Theoretical framework of the HRD concept

While the definition of human rights defenders (HRDs) is relatively new, the concept and discourse concerning activists fighting human rights abuses date back to the 1970s, which were marked by a resurgence of human rights rhetoric during the Cold War. At the high point of the crisis, the Conference on Security and Cooperation in Europe (CSCE) was convened in 1975 with the aim of reducing tensions, resulting in the adoption of the Helsinki Final Act, which 'declared human rights a principle of international relations and contained extensive human rights clauses';[53] its Principle VII 'putting on record the right of the individual to know and act upon his/[her] rights and duties in the human rights

org/en/press-releases/2025/07/democratic-republic-congo-anti-trafficking-and-accountability-measures (accessed 30 September 2026).

51 Iroanya and others (n 46).

52 United Nations Office on Drugs and Crime (UNODC) 'Study on Illicit Financial Flows Associated with smuggling of migrants and trafficking in persons from GLO Act partner countries to Europe' 2023 17, https://www.unodc.org/documents/human-trafficking/2023/New_publications/GLOACT_Study_on_Illicit_Financial_Flows_-_Final.pdf (accessed 30 September 2026); AU/ECA Conference of Ministers of Finance, Planning and Economic Development (n 46).

53 J Spannagel *International attention and the protection of human rights defenders: Campaigning for agents of change* (2023) 11.

field'.[54] This human rights discourse benefited not only the Eastern bloc during the 1970s, but also countries such as South Africa, through its anti-apartheid activists, and activists in Latin America. As the spotlight fell on human rights activists, a large network developed between Western non-governmental organisations (NGOs) and local activists in these regions.[55]

From this period onwards, the 1980s witnessed the emergence of debates around the 'notion of international relations and human rights politics' and, more specifically, 'the role of the individual and civil society in general, which were not yet clearly recognised at that time as legitimate entities in international relations'.[56] Consensus on recognising the role and value of individuals, groups and associations working to eliminate all forms of violence was not reached until the 1993 Vienna Conference on Human Rights. This was followed in 1998 by the adoption of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (Resolution 53/44) – commonly known as the Declaration on Human Rights Defenders (HRDs).[57] It states that HRDs are people who 'have the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels' (article 1).

Although fighting to protect human rights against abuse, HRDs themselves are often exposed to violence, mainly perpetrated by the state. However, as the primary actor, the state should implement and respect all provisions of the Declaration, including articles 2, 9, 12, 14 and 15, which refer to the state's obligations to recognise the contribution

54 Spannagel (n 52) 13. Also see Organisation for Security and Co-operation in Europe (OSCE) Helsinki Final Act of the 1st CSCE Summit of Heads of State or Government, 1 August 1975 5, https://www.osce.org/helsinki-final-act (accessed 30 September 2026).

55 Spannagel (n 52) 16.

56 Spannagel (n 52) 17.

57 United Nations Human Rights Office of the High Commissioner (OHCHR) Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (General Assembly Resolution 53/144), 9 December 1998, https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-and-responsibility-individuals-groups-and (accessed 30 September 2026).

and protect the defenders creating an enabling environment, including supportive laws.

In collaboration with the state, the private sector – such as both transnational and local mining companies – should be recognised as responsible parties for safeguarding human rights, including the protection of HRDs, based on the UN Guiding Principles on Business and Human Rights (2011)[58] as well as on the 2021 Guiding Principles on Business and Human Rights: Guidance on Ensuring Respect for Human Rights Defenders.[59] Indeed, the state shall educate the business community on the positive role of HRDs, including trade unions, including the development of legislation focused on business and human rights, together with laws and regulations focused on mandatory human rights due diligence, as well as 'deploy appropriate incentives to ensure business enterprises respect the rights of human rights defenders'.[60] The business community should demonstrate its commitment to the rights of HRDs by implementing policies and procedures centred on human rights due diligence. It must also avoid exposing HRDs to risks and so work in close collaboration.[61] The involvement of the private sector, particularly the mining industry, is needed because between 2015 and 2023, the Business and Human Rights Resources Centre (BHRRC) recorded 5 300 attacks against HRDs, including 630 in 2023.[62] These figures make the extractive sector the most dangerous for them.[63] What is the situation regarding human rights defenders in Angola and the DRC in relation to strategic minerals?

58 OHCHR (n 42) 13-26.

59 United Nations Human Rights Office of the High Commissioner (OHCHR) The Guiding Principles on Business and Human Rights: guidance on ensuring respect for human rights defenders - Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, A/HRC/47/39/Add.2, 23 June 2021, https://www.ohchr.org/en/documents/thematic-reports/ahrc4739add2-guiding-principles-business-and-human-rights-guidance (accessed 30 September 2026).

60 OHCHR (n 58) part II.

61 OHCHR (n 58) part III.

62 The Copper Mark 'Human rights defenders: The case for action from the mining industry' Webinar, 15 June 2024 10, https://coppermark.org/wp-content/uploads/2024/06/CopperMark_Conference_HRD-Webinar_13.06.2024.pdf (accessed 30 September 2026).

63 The Copper Mark (n 61).

3.1.1 African human rights defenders in Angola and the DRC in the context of critical minerals

One year after its adoption, the UN Declaration on HRDs was translated into the African context through the Grand Baie Declaration and Action Plan (Mauritius) (1999) which in its article 17 recognised the importance of promoting an African civil society, particularly NGOs, rooted in the realities of the continent,[64] thereby calling on African governments to take appropriate steps to implement the Declaration in Africa.[65] Notwithstanding this appeal, and in response to an upsurge in threats, attacks and acts of intimidation faced by HRDs, the African Commission on Human and Peoples' Rights (African Commission) convened in Banjul, The Gambia, between 21 May and 4 June 2004. A Special Rapporteur on the situation of HRDs was appointed, and a focal point on HRDs was designated.[66] In 2017, the African Commission adopted the Declaration on Strengthening and Expanding the Protection of all HRDs in Africa (Cotonou Declaration, Benin),[67] while recognising the creativity and innovation of the HRDs as well as their resilience in the face of these violations, which led to draft of the Declaration on the Promotion of the Role of Human Rights Defenders and their Protections in Africa, by the AU (March 2026),[68] with its article 4 stating that '[e]ach member of the African Union shall take all necessary measures to ensure human rights, that all laws, policies and programmes are consistent with the rights of HRDs and that they are free from restrictions'.[69]

64 African Commission on Human and Peoples' Rights Grand Bay (Mauritius) Declaration and Plan of Action, 1999 3, https://africanhuriplan.org/wp-content/uploads/2016/11/Grand-Bay-Mauritius-Declaration-and-Plan-of-Action-1999-Published-by-ACHPR.pdf (accessed 30 September 2026).

65 African Commission (n 63).

66 African Commission on Human and Peoples' Rights Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa, 24 June 2004, https://achpr.au.int/en/mechanisms/special-rapporteur-human-rights-defenders-and-focal-point-reprisals-africa (accessed 30 September 2026).

67 African Commission on Human and Peoples' Rights Declaration on Strengthening and Expanding the Protection of all HRDs in Africa 29 June 2017, https://achpr.au.int/index.php/pt/node/1216 (accessed 30 September 2026).

68 African Commission on Human and Peoples' Rights Draft of the Declaration on the Promotion of the Role of Human and Peoples' Rights Defenders and their Protection in Africa, March 2026. https://achpr.au.int/sites/default/files/files/2026-04/draft-dhrdrev-march-2026eng.pdf (accessed 16 October 2026)

69 African Commission (n 66).

However, the continent is increasingly challenging for the HRDs who 'operate in environments where they face threats, harassment and violence'.[70] As the situation is increasingly concerning, the report was presented at the eighty-fifth ordinary session of the African Commission of the Special Rapporteur on HRDs and Focal Point on Reprisal in Africa (October 2025)[71] which appealed to a better commitment of African states to protect HRDs with a favourable national legal framework.

Despite appeals for greater support for HRDs, Angola and the DRC still have not implemented the key measures set out in article 4 of the January 2024 Declaration. In Angola, drafting restrictive laws concerning the status of NGOs and national security, as well as arbitrary arrests and prosecutions targeting human rights defenders, are causing serious concern.[72] Unlike Angola, DRC adopted in 2023 a national law specifically addressing HRDs, including the state obligations and criminal offences aimed at reprisals against HRDs.[73] Nevertheless, from September 2025, concerns have been raised regarding the introduction of a procedure for identifying and registering HRDs, as their recognition will now depend on obtaining a national identification number, leading to the risk of exclusion and stigmatisation, as well as the creation of an artificial distinction between 'registered defenders' and 'defenders by right', when the 1998 UN Declaration on Human Rights Defenders already recognises every person's right to promote and protect human

70 eLankidetza – Basque Agency for Cooperation and Solidarity. Framework document – Main challenges faced by human rights defenders, across Africa, Conference on the Protection of Human Rights Defenders – African Experiences, 6-7 May 2025 3, https://www.elankidetza.euskadi.eus/contenidos/documentacion/publicaciones_derechos_humanos/es_def/FRAMEWORK-DOCUMENT-ENG.pdf (accessed 30 September 2026).

71 African Commission on Human and Peoples' Rights Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa – 85OS ordinary session, 25 October 2025, https://achpr.au.int/en/intersession-activity-reports/special-rapporteur-human-rights-defenders-83os (accessed 30 September 2026).

72 CIVICUS Republic of Angola Joint Submission to the UN Universal Periodic Review 48th Session of the UPR Working Group, 15 July 2024 2, https://www.civicus.org/documents/uprsubmissions/UPR48_Angola_15July2024.pdf; Human Rights Watch 'Angola: Reject Bill to Restrict Civil Society Revise Draft Law to Conform with International Legal Standards, 24 February 2026. https://ishr.ch/wp-content/uploads/2023/12/Loi-N%C2%B0-23-027-du-15-juin-2023-DDH-RDC.pdf

73 Official Journal of the Democratic Republic of the Congo, 15 June 2023 Act 23/027 on the protection and responsibility of the human rights defender in the Democratic Republic of Congo, col 3, https://ishr.ch/wp-content/uploads/2025/01/DRC-HRD-Law_ENG.pdf (accessed 30 September 2026).

rights, without any prior administrative formality.[74] In situations where critical minerals are being mined – and where human rights abuses are too common – human rights defenders have a vital role to play in monitoring these issues, even more so given that the transition to clean energy can hardly be considered fair if it relies on supply chains linked to human rights abuses.[75]

Following the flow, it is important to talk about laws and declarations to show the current situation from the governmental point of view. On the other hand, it is fundamental to consider the perspective from the HRDs who work constantly in these countries. Their testimony is crucial to understand the reality and to have a more precise idea of how people live. For security reasons, the transcription of the messages received is anonymous.[76] The testimony addresses three questions.

The first concerns the challenges encountered during protection efforts, and the answer, as expected, reveals multiple obstacles. Geography does not facilitate access to the sites, since the mines are often isolated, which complicates evacuation and monitoring. Consequently, people face a normalisation of the socio-economic situation: Extreme poverty is perceived as a normalisation of exploitation, as a means of survival, and it is difficult to offer economic alternatives capable of generating a minimum income. Poverty creates deep divisions within society, since the fear of being rejected by the community in the event of a response

74 Avocats sans Frontières (ASF) 'Democratic Republic of Congo: Civil society organisations voice concerns over the registration of human rights defenders' 25 September 2025, https://asf.be/democratic-republic-of-congo-civil-society-organizations-voice-concerns-over-the-registration-of-human-rights-defenders/ (accessed 30 September 2026).

75 S Bega 'Africa bears growing human cost of the world's rush for critical minerals' *Mail & Guardian* 24 June 2026, https://mg.co.za/the-green-guardian/2026-06-24-africa-bears-growing-human-cost-of-the-world-s-rush-for-critical-minerals/ (accessed 30 September 2026).

76 This survey was conducted remotely in December 2025 between France and the DRC. As one of the authors of this chapter is based in France, she used her LinkedIn network to make initial contact, with a view to explaining the process of gathering testimonies from human rights defenders, particularly in the DRC. Following the agreement, a questionnaire and a letter were sent. The professional contact agreed to an interview via Zoom and to distribute the questionnaire amongst human rights defenders. Unfortunately, we received only one response. Nevertheless, this interview and the questionnaire proved to be of great value to this study, particularly as they confirmed the findings drawn from our primary sources. In our view, this chapter should serve as a first step towards more in-depth research on the subject in the future.

to the traffickers is very likely to happen, leading to cultural taboos that culminate in sexual violence, which remains a major obstacle. Traffickers know that all these elements create a barrier, which is further reinforced by 'powerful figures' such as traders and certain corrupt members of the security forces or leaders of armed groups. Last but not least, there is the lack of support infrastructure, an issue of importance across different phases, from rescuing people to providing adequate support once they are able to leave the area, but these services are virtually non-existent in remote rural areas.

The second question involves the risks faced by humanitarian workers, which are real and constant. There is a risk of physical and mental harm, since the trafficking networks monitor whether anyone disrupts their 'businesses', and this translates into direct threats, surveillance or pressure. Connected to this is the risk associated with armed groups. In eastern DRC, in particular, mines are often controlled or taxed by militias, giving rise to a constant risk of ambushes while travelling or of kidnappings for ransom. Beyond physical risks, there may also be administrative and judicial harassment and secondary traumas: In the first case, HRDs are targeted as defamers or disturbers of public order; in the second, constant exposure to accounts of extreme violence and frustration at impunity can lead to burnout or vicarious trauma.

The third topic discussed concerns the Human Rights Defenders Act of 2023[77] and the opinion surrounding it. There are some positive and concerning points. The first aspects relate to the official recognition of HRDs, the legal basis for demanding protection, and the obligation to protect, which requires the state to protect HRDs against any form of violence and threats linked to the activity. On the other hand, several criticisms have been raised by civil society. The law includes obligations for the defenders (such as the duty of discretion or the obligation of 'professionalism') which could be interpreted restrictively by the authorities to limit freedom of speech. In addition, certain provisions appear to require formal registration, which could put at risk people working in areas with sensitive issues or under rebel control. The last

77 Official Journal of the Democratic Republic of the Congo 15 June 2023 Law No. 23/027 on the protection and accountability of the Human Rights Defender in the Democratic Republic of the Congo https://ishr.ch/wp-content/uploads/2023/12/Loi-N%C2%B0-23-027-du-15-juin-2023-DDH-RDC.pdf (accessed 16 October 2026); (n 72).

point is the challenge of enforcement: A law achieves nothing without a strong political will to prosecute those who attack HRDs, particularly when the perpetrators are part of the state's security apparatus.

To conclude, the experience of the HRDs in the area raises questions and comments that are really connected with the topic of this chapter. The request for anonymity is understandable in light of this evidence, but it helps to raise awareness of what has been achieved until now and what needs to be done.

4 Conclusion and recommendations

This chapter has focused on human rights defenders as stakeholders in the right to development – on par with the state and the private sector – in the context of tackling human trafficking linked to the mining of critical minerals, which are now essential for the energy transition.

The first part examined the RtD in the context of critical minerals, at the regional level through article 22 of the African Charter, and at national level, notably through case studies of Angola and the DRC, including their respective constitutions. The issue of the abuses of the RtD was subsequently raised, including violations of the rights of women and children who are victims of sex trafficking. A link was also drawn between this type of trafficking and financial transactions on the basis of the Palermo Protocol, whose development traces back to the early debates on the issue of sex trafficking of women (the 1980s), through to its adoption in November 2000 and its application in the African context, including its adoption by Angola and the DRC in particular, both signatories, in their respective anti-trafficking legislation and the link to money laundering, particularly in Angola (although not in the DRC). Despite this legislation, there is a notable lack, or even an absence, of enforcement of anti-trafficking laws and protection for victims of such trafficking.

Faced with such challenges, civil society actors – in this case, human rights defenders – are, like the state and the mining sector, key players in the right to development through their fight against the sexual exploitation of women and children and all other abuses associated with the mining of critical minerals. This final part has also drawn on testimonies from human rights defenders, whom we wish to keep anonymous.

What might be recommended to African states and to transnational and local companies mining critical minerals in Africa is close

collaboration with human rights defenders in Africa; the defenders are not enemies but rather promoters and protectors of the African Charter and, in particular, article 22 thereof.

References

Boafo, J and others 'The race for critical minerals in Africa: A blessing or another resource curse?' (2024) 93 *Resources Policy* 105046 1-10

Iroanya, RO and others 'Human trafficking and illicit financial flows in Africa' (2019) 25 *Journal of Namibian Studies. History, Politics, Culture* 57

Ragaru, N 'Du bon usage de la traite des êtres humains. Controverses autour d'un problème social et d'une qualification" (2007) 66 *Genèse* 72

Spannagel J, *International attention and the protection of human rights defenders. Campaigning for agents of change* (Routledge 2023)

Valverde J, 'What are critical minerals, and why are they so important?' *UNU-MERIT* 2 May 2024, https://unu.edu/merit/news/what-are-critical-minerals-and-why-are-they-so-important (accessed 30 September 2026)

Watari, T and others 'Total material requirement for the global energy transition to 2050: A focus on transport and electricity' *ScienceDirect* September 2019, https://www.sciencedirect.com/science/article/pii/S0921344919302290 (accessed 30 September 2026)

Wijers, M 'How we got here: The story of the Palermo Protocol on trafficking' *Open Democracy* 11 February 2021, https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/how-we-got-here-story-palermo-protocol-trafficking/ (accessed 30 September 2026)