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2024 Trafficking in Persons Report:

Democratic Republic of the Congo

CONGO, DEMOCRATIC REPUBLIC OF THE (Tier 2)

The Government of the Democratic Republic of the Congo (DRC) does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared with the previous reporting period; therefore the DRC remained on Tier 2. These efforts included convicting more traffickers, including a complicit official; training law enforcement and judicial officials on the 2022 anti-trafficking law; and expanding its national public awareness efforts. The government trained social workers on SOPs for victim identification and referral, and officials referred identified trafficking victims to services in coordination with NGO partners. However, the government did not meet the minimum standards in several key areas. The government investigated fewer trafficking cases and identified significantly fewer victims. Shelter and services for victims, especially outside the capital, remained inadequate. Corruption and complicity in trafficking crimes remained significant concerns, which contributed to ongoing impunity for traffickers. Congolese National Army (FARDC) officials continued coordinating with armed groups despite widespread reports that they forcibly recruited and used child soldiers. Insecurity across the country, weak case management and data collection, and conflation of trafficking with other crimes hindered overall anti-trafficking efforts.

PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate and prosecute suspected traffickers, including complicit officials, and seek adequate penalties for convicted traffickers, which should involve significant prison terms. * Fully implement and train front-line officials on SOPs to proactively identify trafficking victims, including among vulnerable populations such as individuals in commercial sex, begging, and artisanal mining, and refer trafficking victims to appropriate care in coordination with civil society and international organizations. * Cease support to armed groups that unlawfully recruit or use child soldiers, including in support roles, and provide appropriate protection services to demobilized children. * Institutionalize training for judicial officials on prosecuting cases using the 2022 anti-trafficking law. * Improve efforts to collect, aggregate, and share comprehensive victim identification and law enforcement data on sex trafficking – as distinct from other sexual violence crimes – and forced labor by strengthening linkages between the Coordination for Youth and the Fight Against Sexual Violence and Trafficking in Persons (CJVFFT) and provincial and local officials and civil society organizations. * Develop and ratify an updated anti-trafficking NAP. * Ensure victims are not inappropriately penalized solely for unlawful acts committed as a direct result of being trafficked. * Improve victim-witness assistance programs to increase protective services for victims participating in the criminal justice process. * Increase the quantity and quality of care available to victims, including by providing financial and in-kind support to civil society providing shelter and victim services. * Allocate sufficient financial and human resources, including dedicated personnel, for the CJVFFT. * Amend the definition of trafficking in persons in the penal code to ensure a demonstration of force, fraud, or coercion is not required for sex trafficking offenses involving child victims. * Screen any North Korean workers for signs of trafficking and refer them to appropriate services in a manner consistent with obligations under United Nations Security Council Resolution 2397.

PROSECUTION

The government slightly increased law enforcement efforts. Congolese law criminalized sex trafficking and labor trafficking. Law No. 22/067 amended the penal code to criminalize all forms of labor trafficking and some forms of sex trafficking. Article 3 of the law prescribed penalties of 10 to 20 years and a fine of 30 million to 60 million Congolese francs (CDF) (\$11,280-\$22,560), which increased to a minimum of 15 years' imprisonment and a fine of 150 million CDF (\$56,390) if the offense involves abduction, threat or use of force, or other forms of coercion. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those penalties prescribed for other grave crimes, such as rape. The law required a demonstration of force, fraud, or coercion in order to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. However, Articles 174(j) and 174(n) of the 2006 Sexual Violence Law as well as Articles 182 and 183 of the 2009 Child Protection law together criminalized all forms of child sex trafficking and prescribed penalties of 5 to 20 years' imprisonment and a fine of between 200,000 and 1 million CDF (\$75 to \$375), thereby addressing this gap. These penalties were sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. Congolese law also criminalized the enlistment of persons younger than 18 years old into the armed forces and the police, which carried penalties of 10 to 20 years' imprisonment. Observers noted the law was not translated into Lingala, Kikongo, Tshiluba, and Swahili (the DRC's four national languages), which impeded its full implementation across the DRC's 26 provinces.

Insecurity across the country and conflation of trafficking with other crimes hindered law enforcement efforts and the collection of statistics, and officials may have reported other crimes, such as sexual abuse, as trafficking crimes. Prosecutors and courts lacked adequate resources to effectively cover all jurisdictions and hold timely trials in trafficking cases. The government initiated 90 investigations, including 58 for sex trafficking, 19 for labor trafficking, and 13 for unspecified forms of trafficking, compared with initiating 207 investigations during the previous year. The government reported initiating prosecutions of at least 21 defendants under the anti-trafficking law. The government reported prosecuting an additional 17 defendants under the child protection law for sexual exploitation, including potential trafficking crimes. Courts convicted two traffickers (including one trafficker prosecuted under the child protection law and one trafficker prosecuted under the anti-trafficking law for child trafficking). This compared with initiating prosecutions of 27 alleged traffickers, continuing prosecutions of 48 alleged traffickers, and convicting one trafficker during the previous year. In one case, the government prosecuted and convicted a national intelligence agency official for leading a child sex and labor trafficking ring; the court ordered him to pay 2.3 million to 2.66 million CDF (\$865-\$1,000) to each of the 33 child victims; he did not receive a prison sentence. Prosecutions were pending against 14 additional defendants in the same case at the end of 2023. The government did not provide sentencing information for the other convicted trafficker. An NGO reported courts also convicted eight members of the armed group Allied Democratic Forces (ADF) for recruitment and use of child soldiers.

Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action. Sources reported widespread complicity, including allegations government officials directly engaged in trafficking, helped facilitate the crime, and obstructed justice. Observers reported law enforcement routinely sought payments from civil society for gas and taxis to initiate investigations of trafficking cases. Perpetrators of sexual violence, including sex trafficking, were rarely held accountable, and security forces sexually abused and exploited victims, including children, with impunity. The FARDC collaborated with and provided material support to armed groups, including Nduma Defense of Congo-Renouveau (NDC-R), Democratic Forces for the Liberation of Rwanda (FDLR), Alliance of Patriots for a Free and Sovereign Congo (APCLS), and Nyatura, all of which recruited and used child soldiers. The Chief of Defense issued a military order prohibiting military personnel from having any contact with the FDLR; although the order was applied inconsistently, the government arrested at least one military official for collaborating with the group.

The Congolese National Police (PNC) had primary responsibility for investigating trafficking cases; its Child Protection and Sexual Violence Directorate was headquartered in Kinshasa and had units in 11 provinces that received specialized training on child protection, human trafficking, and sexual violence crimes. The PNC, in collaboration with a foreign donor, integrated a training

module on the anti-trafficking law into its officer training curriculum. The government, both independently and in collaboration with civil society and foreign governments, trained law enforcement and judicial officials on anti-trafficking legal frameworks, investigative techniques, and victim referral mechanisms. Unlike the previous year, the government did not report cooperating with foreign counterparts on anti-trafficking law enforcement activities. However, it organized a joint training for Angolan and Congolese border officials on transnational organized crime, including human trafficking. The government had anti-trafficking MOUs with the Republic of the Congo and Morocco, but it did not report efforts to implement the agreements.

PROTECTION

The government made mixed protection efforts. The government, in coordination with NGOs, identified and referred to services 174 trafficking victims (69 sex trafficking victims, 73 labor trafficking victims, and 32 victims of unspecified forms of trafficking); this compared with identifying 306 victims and referring an unknown number of victims to services during the previous reporting period. The government's data management system was unable to distinguish how many victims were identified by government officials versus NGOs, with the government often relying on NGOs to do so. Due to conflation of trafficking with other crimes, victim identification data likely included sexual abuse cases.

The government continued implementing its victim identification and referral SOPs, and trained social workers on the SOPs and case management procedures. The PNC's Child Protection and Sexual Violence Directorate also had a formal mechanism in place with local NGOs to screen for possible trafficking victims among vulnerable groups. The Ministry of Social Affairs was the primary government agency responsible for coordinating provision of victim services, including medical care, psycho-social support, legal aid, and socioeconomic reintegration services; the government coordinated with a network of shelters and host families in four provinces. The government did not provide specialized services to trafficking victims distinct from other vulnerable groups and officials usually referred trafficking victims to NGO-run shelters for services. As such, NGOs provided the majority of services to trafficking victims, including shelter, vocational and educational training, medical, psycho-social, and legal services, without government support. Unlike the previous year, the government did not report coordinating with foreign governments or international organizations to support the repatriation of foreign national victims identified in the DRC or Congolese victims identified abroad. Foreign national and Congolese victims were eligible for the same services.

The government did not report providing legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution. The government did not have a systematic victim-witness assistance program. Courts were authorized to provide measures concealing witnesses' identities such as using physical screens in court or testifying in adjacent rooms. However, these protections were only available if specifically requested by a victim's lawyer, and infrastructure challenges and severe resource constraints limited their availability and effectiveness. Observers reported defendants' family members frequently intimidated witnesses and victims. Victims often lacked transportation, lodging, psychological, or medical support during legal proceedings. Some NGOs offered legal services to sex trafficking victims; however, observers reported an overall lack of legal services and high legal fees impeded victims' access to the justice system. Victims could file civil suits against traffickers, but none reportedly did so, and victims rarely received compensation. The law allowed victims to obtain restitution, but in practice, defendants rarely paid it. The government ordered restitution in at least one case, which it had not reported in the previous year.

As part of its national disarmament, demobilization, and reintegration plan, the government continued partnering with an international organization and NGOs to identify and remove child soldiers from armed groups operating in eastern DRC. Officials referred children separated from armed groups to international organizations for services, including psycho-social, medical, and reintegration support. However, rising insecurity in eastern DRC, following the escalation of conflict between the March 23 (M23) movement armed group and FARDC, hindered officials'

access to these areas and subsequently limited screening and demobilization efforts. Due to inconsistent implementation of formal victim identification and screening procedures, and the frequency of arbitrary arrests in the country, authorities likely detained unidentified victims. The government detained dozens of children allegedly associated with armed groups for periods ranging from several days to a full year; authorities continued detaining some of these children at the end of the reporting period.

PREVENTION

The government maintained efforts to prevent trafficking. The CJVFFT, under the office of the presidency, was responsible for coordinating the government's anti-trafficking response. The CJVFFT led the interagency trafficking in persons committee and technical working commission, both of which met regularly. The government continued implementing its 2020-2024 anti-trafficking NAP; however, it did not allocate sufficient resources to fully implement the plan.

The government expanded its national awareness-raising campaign, which included community training courses and outreach, radio campaigns in multiple local languages, films, billboards, and pamphlet distribution. In collaboration with an international organization, it also conducted a week-long campaign for World Day Against Trafficking in Persons. The Ministry of Interior continued to produce an annual report on the country's anti-trafficking law enforcement efforts. The government continued efforts to prevent FARDC recruitment and use of children. The FARDC, in collaboration with an international organization, screened new recruits to verify their ages; authorities identified and prevented 50 children from entering basic training. When authorities identified children among new recruits, it collaborated with an international organization to separate and reintegrate them with their families, and the FARDC fired or issued administrative punishments to the recruiters. The government continued collaborating with an international organization to train security and law enforcement officials on age verification and care procedures.

The government did not effectively regulate foreign labor recruiters, nor did it report taking measures to hold fraudulent labor recruiters accountable. It did not prohibit worker-paid recruitment fees. Unlike the previous reporting period, the government did not report providing anti-trafficking training to labor inspectors. In 2020, the Minister of Human Rights issued a decree increasing oversight of mining communities, including a zero-tolerance policy for forced child labor in the mining sector. As part of this effort, the government, in partnership with an NGO, certified mining sites in eastern DRC as conflict-free and child labor-free. As part of the certification process, the government, in collaboration with civil society, screened for child labor and child trafficking victims. However, the government did not report certifying any mines or identifying any potential victims during the reporting period. The government's inter-ministerial committee in charge of monitoring child labor in artisanal mining (CISTEMA) continued partnering with an international organization to create a database on child labor cases in artisanal mines, and in January 2023, it created commissions in 11 provinces.

The government suspended its hotline for reporting sexual and gender-based violence because of a lack of funding. The government did not make efforts to reduce the demand for commercial sex acts. Unlike previous years, the government did not provide any anti-trafficking training to its diplomatic personnel, nor did it provide anti-trafficking training to troops prior to their deployment as peacekeepers. Although not explicitly reported as human trafficking, there were nine open allegations of alleged sexual exploitation with trafficking indicators by Congolese peacekeepers deployed to the UN peacekeeping mission in the Central African Republic from 2011 to 2017. The government had not yet reported the accountability measures taken, if any, for the open cases at the end of the reporting period.

TRAFFICKING PROFILE:

As reported over the past five years, human traffickers exploit domestic and foreign victims in the DRC, and traffickers exploit victims from the DRC abroad. Observers reported decades-long

instability in eastern DRC – notably North Kivu, Ituri, South Kivu, and Tanganyika provinces – continued, resulting in armed groups and criminal networks engaging in human trafficking. Most trafficking is internal and involves labor trafficking in artisanal mining sites, agriculture, domestic servitude, or armed group recruitment of children in combat and support roles, as well as sex trafficking.

As in years past, traffickers exploit families eager to lessen economic costs and seek opportunities for their children. Some traffickers are individuals or family members who promise victims' educational or employment opportunities but instead exploit them in labor trafficking as domestic workers or street vendors, or exploit them in sex trafficking. Observers report persons with disabilities and disadvantaged children, including children experiencing homelessness, continue to be vulnerable to trafficking. Criminal actors bring children to the capital, drug them, and force them to beg. Children are vulnerable to labor trafficking in small-scale agriculture, domestic work, street begging, vending, and portering. Congolese women and girls are coerced into forced marriages where they may be subjected to domestic servitude or sex trafficking. Criminal networks operating throughout the DRC recruit victims from impoverished and conflict-affected areas and exploit them in sex trafficking in the capital and other large cities.

An NGO report found labor trafficking in the DRC is most prevalent in provinces with mining activity (Haut Katanga, Haut Uele, Kasai, Lualaba, North Kivu, South Kivu, and Ituri). Artisanal mining remained predominantly informal, illicit, and strongly linked to both armed groups and the FARDC. Traffickers – including mining bosses, other miners, family members, government officials, and armed groups – force or coerce some adults and children to work in artisanal mines in eastern DRC, including through debt bondage. Individuals associated with the extractive sector exploit some children in forced labor in the illegal mining of cobalt, copper, diamonds, gold, tantalum ore, tin, and tungsten ore, as well as the smuggling of minerals. An NGO reported children traveling long distances to smuggle minerals are vulnerable to trafficking and recruitment by armed groups. Observers noted children in mining areas are vulnerable to sexual violence, including sex trafficking, in part due to traditional and religious beliefs that harming children could protect against death or ensure successful mining. Congolese workers in People's Republic of China national-owned cobalt mines may be exploited in forced labor; observers reported workers faced wage violations, physical abuse, employment without contracts, and restricted movement – all potential indicators of forced labor. 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.

Experts reported there were more than 7 million displaced persons in the DRC; these individuals are vulnerable to trafficking due to their lack of safety, economic stability, and access to the justice system. One report found one in five IDPs in North Kivu was a victim of forced labor, forced recruitment, or abduction in the last five years. Armed groups (most egregiously Mai Mai Mazembe, Nyatura, Mai Mai Apa na Pale, NDC-R, Alliance des Forces de Resistance Congolaise [AFRC], Kamuina Nsapu, Raia Mutomboki, FDLR, ISIS-DRC – known locally as ADF – and Cooperative for Development of the Congo [CODECO]) continue to abduct and forcibly recruit Congolese adults and children for use as combatants, human shields, and in support roles (such as guards, porters, cleaners, cooks, messengers, spies, and tax collectors at mining sites). Some armed groups also force women and girls into marriage or sexual slavery. Child soldiers separated from armed groups and reintegrated into society remain vulnerable to re-recruitment due to inadequate psycho-social services and stigmatization. In past years, FARDC officers recruited and used children in espionage, as well as in support and combatant roles. The FARDC collaborated with and provided material support to armed groups, including NDC-R, FDLR, APCLS, and Nyatura, which recruited and used child soldiers. Observers reported the Government of Rwanda provided support to and coordinated with the March 23 Movement (M23), a non-state armed group that forcibly recruited and used children in the DRC. The recurrence of armed hostilities between the M23 and FARDC resulted in a surge in IDP populations fleeing violence in North Kivu.

Experts report the deteriorating security and humanitarian situation has led to unprecedented levels of sexual violence, including sex trafficking, among women and girls and, to a lesser extent, men

and boys. Perpetrators sexually exploit displaced women and girls in exchange for shelter and basic necessities. Traffickers fraudulently recruit displaced women and girls as young as 10 for employment in domestic work or restaurants, and subsequently exploit them in sex trafficking. Traffickers exploit displaced girls in commercial sex establishments operating out of bars, restaurants, and shelters in and around IDP sites with impunity. Although not explicitly reported as human trafficking, an international organization reported there were 40 new allegations of sexual exploitation with trafficking indicators by UN peacekeepers from Cameroon, Egypt, Guinea, Guatemala, Malawi, Morocco, Senegal, South Africa, and Tanzania deployed to the DRC submitted in 2023.

Congolese women and children migrate or flee violence to other countries in Africa, the Middle East, and Europe, where traffickers exploit them in sex trafficking or forced labor in agriculture, diamond mines, or domestic service. Traffickers exploit Congolese adults and children in forced labor and sex trafficking in the Republic of the Congo. Illicit labor recruiters fraudulently recruit women and force or coerce them into domestic work abroad through false promises of education or employment opportunities. In 2020, individuals associated with a construction company in Kinshasa allegedly exploited Indian and Pakistani workers in forced labor in the DRC; authorities reported the suspects confiscated the workers' passports, controlled their movements, and withheld their salaries. North Korean nationals working in the DRC may be operating under exploitative working conditions and display multiple indicators of forced labor.