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2021 Trafficking in Persons Report: Democratic Republic of the Congo

DEMOCRATIC REPUBLIC OF THE CONGO: Tier 2 WATCH LIST

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. These efforts included convicting an armed group leader for crimes including child soldier recruitment as well as sexual slavery and sentencing him to life imprisonment. Authorities also took actions to investigate and prosecute complicit officials. The government developed and disseminated materials to support improved victim identification efforts by law enforcement, as well as care providers, and partnered with NGOs to identify substantially more victims than in the previous reporting period. Further, the government's Agency for the Prevention and the Fight Against Trafficking in Persons (APLTP)-led inter-ministerial committee met 50 times and held five technical working group meetings during the reporting period, facilitating the partial implementation of the country's first national action plan as well as an awareness campaign. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its antitrafficking capacity. Congolese National Army (FARDC) officers unlawfully used three children and continued coordinating with an armed group that recruited and used children during the reporting period. Additionally, authorities reported investigating fewer cases. Therefore DRC remained on Tier 2 Watch List for the second consecutive year.

PRIORITIZED RECOMMENDATIONS:

Expand efforts to enforce the law and to sensitize all FARDC officers on the need to cease the unlawful use of children; hold officials who recruit or use children accountable. • Allocate sufficient financial and human resources for the APLTP to execute its mandate fully, including to expand the provision of services to victims in partnership with NGOs. • Increase efforts to investigate and prosecute suspected traffickers—and if convicted in a transparent trial—adequately sentence traffickers in accordance with the law, including complicit officials. • Improve measures to identify trafficking victims proactively in coordination with civil society and international organizations, including providing training for front-line officials to identify victims in the commercial sex industry, street begging, and artisanal mining, and to refer victims to appropriate care in coordination with NGOs as well as international organizations. • Finalize pending legislation that criminalizes all forms of trafficking and prescribes penalties that are sufficiently stringent, and with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes. • In partnership with international experts, develop and implement national standard operating procedures for the identification and referral of victims. • Finalize and disseminate procedures for collecting and reporting data on cases of sex trafficking—as distinct from other sexual violence crimes—and forced labor. • Use radio in French and local languages as well as engagement with civil society to raise public awareness about human trafficking and enhance the public's ability to identify and report trafficking crimes.

PROSECUTION

The government maintained overall law enforcement efforts. Congolese law criminalized all forms of sex trafficking and some forms of labor trafficking. However, the lack of a comprehensive anti-trafficking legal framework continued to exacerbate officials' limited understanding of trafficking and their conflation of the offense with other crimes, such as illegal international adoption. Article 174(j) of the 2006 Sexual Violence Law criminalized child sex trafficking and prescribed penalties of 10 to 20 years' imprisonment. Section 174(e) criminalized sexual slavery and prescribed penalties ranging from five to 20 years' imprisonment as well as a fine of 200,000 Congolese francs (\$102). These penalties were sufficiently stringent and commensurate with those prescribed for other serious crimes. Article 174(c), which criminalized the "forced prostitution" of adults, prescribed penalties of three months to five years' imprisonment; these penalties were sufficiently stringent but not commensurate with those prescribed for other serious crimes, such as rape. Articles 182 and 183 of the 2009 Child Protection Law 09/001 also criminalized the "procurement" of children and child

sexual slavery and prescribed penalties of five to 20 years' and 10 to 20 years' imprisonment with a fine between 8,000 and 1 million Congolese francs (\$4 to \$509), respectively; these penalties were sufficiently stringent and commensurate, with respect to sex trafficking, with other serious crimes, such as rape. Article 187 criminalized child labor, including forced child labor, and prescribed penalties of one to three years' imprisonment and fine between 100,000 and 200,000 Congolese francs (\$51 to \$102); these penalties were not sufficiently stringent with respect to forced child labor. Article 326 of the 2002 Labor Code criminalized adult forced labor and prescribed penalties of up to six months' imprisonment or a fine of 30,000 Congolese francs (\$15); this penalty was not sufficiently stringent. 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. The comprehensive trafficking law—drafted by the APLTP and the Ministry of Human Rights in partnership with an international organization—remained pending for the second consecutive year.

Despite the closure of courts for five months of the reporting period due to pandemic restrictions, civilian and military courts reported investigating six cases involving more than 100 victims whom multiple traffickers subjected to forced labor, sex trafficking, and domestic servitude; initiating 13 prosecutions that remained ongoing at the end of the reporting period (three cases of child soldier recruitment and use military courts were in the process of adjudicating, three cases of forced labor involving two adults and one child, and seven cases of sexual slavery); and convicting four traffickers for crimes involving forced labor, sex trafficking, as well as child soldier recruitment and use. Sentences included a fine of 1 million Congolese Francs (\$509) only; five years' imprisonment in juvenile detention for a 17-year-old perpetrator; and five years' imprisonment for sexually trafficking a child. In November, a military court sanctioned an Nduma Defense of Congo (NDC) militia commander to life imprisonment for crimes including child soldier recruitment and use. Authorities reported investigating 32 cases, prosecuting six suspects, and convicting four traffickers in the previous reporting period.

Limited information management capabilities, poor understanding of the crime by many law enforcement and judicial officials, weak judicial systems, and broad government corruption hindered law enforcement efforts in 2020. The government suspended court hearings from March to August 2020 to decrease the spread of COVID-19, reducing the number of all criminal cases heard during the reporting period. Officials did not report whether the government investigated 142 cases involving sexual slavery NGOs shared with provincial courts in Ituri province in 2019. During the reporting period, APLTP developed a judicial training program in coordination with an international organization. In February 2021, the APLTP launched the first session and provided training for 60 magistrates, including 15 from Kinshasa, five from the public prosecutors' office, five from the *Tribunal de Grande Instance*, and five from the children's courts. Additionally, in December 2020, officials from the police, immigration, APLTP, presidency, and public prosecutors, took part in a training focused on developing a data collection system conducted by an international organization. This effort contributed to the government's implementation of the data collection system, and the Ministry of Interior producing an annual report on the country's anti-trafficking efforts. In February and March 2021, the APLTP organized two trainings for judges, prosecutors, police, juvenile justice advocates, border control officials, and other first responders on basic human trafficking principles as well as existing legal frameworks.

Corruption and complicity by the government's armed forces in trafficking crimes remained a significant concern, although an August 2020 decree by the Minister of Defense reiterating the zerotolerance policy for FARDC support for armed groups that unlawfully recruit children had an impact and led to the demobilization of some child soldiers. There were two reported instances of members of the FARDC unlawfully using children in support roles and one incident where a child was engaging in espionage for the FARDC. In all instances, however, the FARDC commanding officers voluntarily released children to appropriate authorities and took corrective action consistent with the national action plan against the use of child soldiers. Some members of the FARDC continued to coordinate with a non-governmental armed group that recruited and used child soldiers. The military initiated prosecutions for two FARDC soldiers accused of kidnapping children for the purpose of sexual enslavement and arrested an officer for his alleged role in a child trafficking ring; both cases remained pending at the end of the reporting period.

In April 2020, Ministry of Interior officials trained 15 Kinshasa police officers on the risks associated with mandatory quarantines, including human trafficking, as part of a program to mitigate adverse effects related to the pandemic. The officers applied the training during patrols of the areas between Kinshasa and Kongo Central, Kwilu province, as well as at the Baramoto port, which serves as a screening area for boats travelling from Equateur and Kasai provinces. During the previous reporting period, the government coordinated with an international donor to train 25 mine inspectors and controllers in North and South Kivu on inspections, child labor, and sex trafficking.

The APLTP reported DRC and Republic of the Congo authorities collaborated to disrupt a transnational child trafficking ring, identify two children forced to beg, and arrest the suspects. In December 2020, officials used a bi-lateral agreement with the Republic of the Congo—finalized in March 2020—to investigate a child trafficking network and repatriated two child victims and a suspected trafficker to the DRC. In addition to the alleged Republic of the Congo perpetrator, authorities arrested two suspects, and they remained in pre-trial detention at the end of the rating

period. The government referred the children to a shelter in Kinshasa following their repatriation. Additionally, APLTP coordinated with INTERPOL and a civil society group to investigate a sex trafficking ring in North Kivu province; officials did not provide an update on the investigation at the close of the reporting period.

PROTECTION

The government increased efforts to identify victims, although government-provided victim services remained insufficient. Nonetheless, FARDC officers used one child to perform espionage and two others in support roles during the reporting period. Following the identification of the children by an international organization, the military removed the children from service and referred them to care. The Ministry of Defense—in close coordination with an international organization—continued to engage directly with armed group commanders, resulting in seven new armed groups committing to end and prevent the recruitment and use of child soldiers. Stemming from these agreements, armed groups voluntarily released 838 children to an international organization in 2020.

The APLTP reported government officials identified 207 victims (140 sex trafficking, 50 children in forced labor, 13 adults in forced labor, and four unknown) during the reporting period and referred them to care in coordination with NGOs. During the previous reporting period, the government stated it identified six victims. The 157 victims the government referred to NGOs received the following care: 120 received health care, psychosocial support, legal counselling, and livelihoods training; 20 received health care and legal counseling; 14 victims received psychosocial care; two received medical and psychosocial, as well as vocational training; and one was referred to a foster family. Officials noted the government provided basic medical care without psychosocial counseling to the remaining 50 victims via the Ministry of Social Affairs' provincial departments during the reporting period; officials did not report providing similar services to victims in previous years. During the previous reporting period, the government collaborated with international organizations and NGOs to provide protective services to approximately 400 victims of child soldiering.

The government did not have standard operating procedures to systematically identify and refer trafficking victims to appropriate care; however, the APLTP developed reference cards during the reporting period for law enforcement and civil society organizations to enhance the ability of first responders to identify cases of exploitation and manage case data more effectively. Pandemic restrictions on in-person gatherings hindered the government's planned training on the reference cards. The APLTP disseminated standard victim identification forms to care providers in at least six provinces to increase first responders' ability to report trafficking cases; healthcare providers and civil society actors from five provinces used the forms to report an unknown number of potential victims to the government. Additionally, the Congolese National Police (PNC) Child Protection and Sexual Violence Directorate used a formal mechanism in collaboration with an NGO to screen for potential victims within vulnerable populations; the NGO reported identifying 18 children and referred them to services.

As part of its national disarmament, demobilization, and reintegration plan, the government continued to partner with an international organization and NGOs to identify and remove child soldiers from armed groups operating in eastern DRC. In partnership with the UN Peacekeeping and Stabilization Mission in the DRC (MONUSCO), the Ministry of Defense identified 2,101 former child soldiers and referred all victims to care in coordination with the ministries of health, education, and social affairs, compared with 3,107 during the previous reporting period; access challenges due to increasing violence in eastern DRC hindered screening and subsequently demobilization efforts. Procedures were in place for referring child soldiers to an international organization for specialized care, and FARDC officers followed these procedures in the three identified cases of recruitment and use. The government did not report identifying victims among vulnerable groups, such as in street begging and commercial sex, despite the significant scale of these problems; however, government officials screened gold mining sites for children, but did not report identifying any child trafficking victims.

The government did not provide specialized services and care to trafficking victims as distinct from other vulnerable groups. The government could provide victims housing for up to three months, family reunification for children separated from armed groups, and support for socioeconomic integration of sexual violence victims; the government did not report the total number of children it provided these services.

Trafficking victims could file cases against their traffickers in civil courts, although few victims pursued this avenue, and compensation for victims was rarely, if ever, paid. In November 2020, a military court ordered the leader of an armed group to pay restitution between \$4,000 and \$12,000 to 11 victims of sexual enslavement and other crimes. Observers did not report whether the perpetrator disbursed the funds.

In December, officials used a bilateral agreement with the Republic of the Congo—finalized in March 2020—to investigate a child trafficking network and repatriated two child victims to the DRC. The government referred the children to a shelter in Kinshasa following their repatriation. The

government did not report additional repatriations, compared with at least 18 children during the previous reporting period. Pandemic border closures beginning in March 2020 hindered many forms of transnational cooperation.

Due to a lack of training on victim identification, the absence of widespread screening for indicators of trafficking among vulnerable populations, and the frequency of arbitrary arrest in the country, authorities detained unidentified victims. In 2020, international organizations identified 85 children in detention following their separation from armed groups, compared with 111 during the previous year. The government held seven of these children in detention for periods ranging from two to nine months, and two 17-year-olds for periods of two and three years.

Although officials generally afforded protections for victims testifying in legal proceedings on an ad hoc basis, the Ministry of Defense coordinated with international organizations and NGOs to support the more than 300 victims who participated in the November 2020 trial of an armed group leader. In addition to providing physical security, the government offered temporary resettlement assistance for the 300 witnesses. If a victim's lawyer requested it, courts were authorized to provide additional measures to conceal the witness' identity such as using physical screens, testifying in adjacent rooms, or submitting written testimony in lieu of appearing in person. Infrastructure challenges and severe resource constraints throughout the country limited the availability of these anonymizing measures. Despite these witness protection interventions, NGOs reported defendants' family members frequently intimidated witnesses and victims.

PREVENTION

The government increased efforts to prevent trafficking. The APLTP is the inter-ministerial body that leads the government's efforts. The agency is part of the presidency, and convenes an inter-agency committee which includes representatives from the presidency; the prime minister's office; the ministries of defense, foreign affairs, gender and family, human rights, interior, labor, social affairs, and social security; as well as representatives from the National Intelligence Agency, PNC, Migration Authority, UN organizations, and local civil society groups. The APLTP-led inter-agency committee—established in April 2019—met 50 times and held five technical working group meetings during the reporting period; the government did not disclose how many times the APLTP convened over the course of the previous reporting period. Unlike the previous year, the APLTP had a budget sufficient to hold regular technical committee meetings and cover its operating expenses.

The government took some steps to implement its 2020-2024 national anti-trafficking action plan, although it did not allocate sufficient resources to implement all actions of the plan. The plan focused on awareness raising and stakeholder training, two issues that have historically hindered the country's efficacy in mitigating this issue. The APLTP designed and launched a national awareness-raising campaign consisting of three tracks focused on educating the general population about the dangers of human trafficking, establishing a national hotline, training government authorities on identification and referral procedures, as well as identifying strategies for prosecuting trafficking cases under existing legal frameworks. In March 2021, APLTP coordinated with an international organization and donor to conduct trainings for journalists to increase their knowledge of human trafficking and enhance their ability to use a newly developed journalists' manual. The APLTP provided direct input into the manual that explains different types of trafficking, international and national laws, how to identify victims, and how to effectively report crimes without violating victims' rights.

Officials reported investigating multiple Indian and Pakistani labor recruiters in 2020, compared with investigating and temporarily closing 116 agencies in 2019. To prevent predatory recruitment practices, the government continued to uphold standards for labor recruitment and placement agencies, including having a National Business Identification Certificate, a business license, a tax ID number, and to be officially recognized by the Ministry of Labor. However, Congolese law does not criminalize fraudulent labor recruitment, thereby limiting the government's ability to penalize agencies for such actions and deter and prevent them.

The government continued efforts to prevent the recruitment and use of children into the FARDC. MONUSCO confirmed there were 788 children recruited by armed groups in 2020, an increase from 601 in 2019; observers reported this increase was due to worsening violence in the country's east, as well as the government's direct engagement with armed groups and the effectiveness of sensitization campaigns. In collaboration with an international organization, the government's Joint Technical Working Group (JTWG) for implementing the UN National Action Plan to end child recruitment – composed of government ministries, NGOs, and international organizations – continued to implement a national action plan to end the recruitment and use of child soldiers and remove them from armed groups.

In partnership with an international organization, the FARDC screened 2,489 new recruits to verify their ages; through the screening process, the government prevented 53 children from joining the FARDC in 2020, compared with identifying 141 the previous year. In 2020, the FARDC formally ceased collaborating with NDC-Renova's (NDC-R) Guidon faction—a group that recruits and uses child soldiers—and continued its efforts to arrest Guidon under the government's 2019 arrest warrant;

however, the military continued to collaborate and provide material support to the NDC-R's Bwira faction. Over the course of 2020, the government collaborated with an international organization to hold 14 trainings on age verification procedures, reaching 1,543 FARDC and law enforcement officers.

Following the president's July 2020 public directive to launch a plan to eliminate the worst forms of child labor, the Minister of Human Rights issued a decree in August 2020 that included a roadmap for increasing oversight of mining communities and stipulated a zero-tolerance policy for forced child labor in the mining sector. During the reporting period, the government continued its efforts, in cooperation with an international organization, to certify artisanal mining sites in eastern DRC as conflict-free and child labor-free. Ministry of Mines officials visited 125 mine sites and verified none of the 3,479 miners screened were exploited in forced labor. The national police, with support of international donors, formalized the role of mining police in the prevention, detection, protection, and prosecution of child labor, and trained 250 new mining police. The government did not provide anti-trafficking training to its diplomatic personnel, although the Ministry of Foreign Affairs reported diplomats were required to follow the government's code of conduct for civil servants, which prohibit trafficking. The government did not provide anti-trafficking training for FARDC troops prior to their deployment abroad as part of international peacekeeping missions. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in DRC, and traffickers exploit victims from DRC abroad. Some traffickers were individuals or family members who promised victims or victims' families educational or employment opportunities but instead exploited victims by forcing them to work as domestic workers, street vendors, and gang members, or to engage in commercial sex. Most trafficking is internal and involves forced labor in artisanal mining sites, agriculture, domestic servitude, or armed groups recruiting children in combat and support roles, as well as sex trafficking. The capital region served as a source for sex trafficking victims, with criminal networks and community members facilitating the movement of women and girls. As in years past, traffickers took advantage of families eager to lessen economic costs and seek opportunities for their children. In urban centers such as Kinshasa, Lubumbashi, and Goma, some foreign workers in the beauty industry reported employers failed to honor contracts, controlled their passports, and forced workers to pay exorbitant fines to leave the country before their contracts expired.

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 unlawful child soldier recruitment and use, forced labor in artisanal mining, as well as in sex trafficking and slavery-like practices. Children in the Kasai region were vulnerable to forced begging schemes facilitated by criminals in Kasai and Kinshasa. The APLTP and NGOs reported years of cyclical displacement stemming from escalating insecurity in Ituri Province (bordering South Sudan and Uganda) has increased the vulnerability of thousands of homeless children without support networks who criminal elements—including armed groups and community members—coerce into commercial sex or forced labor. During the reporting period, individuals associated with a construction company in Kinshasa may have exploited Indian and Pakistani workers in forced labor; authorities reported the suspects confiscated the workers' passports, controlled their movements, and withheld their salaries. In 2020, experts reported there were more than 500,000 refugees and five million internally displaced people (IDPs)—the largest IDP population in Africa; these individuals are vulnerable to trafficking due to their lack of economic stability and access to justice.

In 2020, armed groups (most egregiously Mai Mai Mazembe, Mai Mai Nyatura, and Mai Mai Apa na Pale, NDC-Renova (NDC-R), Alliance des Forces de Resistance Congolaise (AFRC), Kamuina Nsapa, Raia Mutomboki, Democratic Forces for the Liberation of Rwanda (FDLR), Allied Democratic Forces (ADF) and Cooperative for Development of the Congo (CODECO)) continued to abduct and forcibly recruit Congolese adults and children as combatants as well as human shields. Additionally, armed groups forcibly recruited adults and children to serve in support roles such as guards, porters, cleaners, cooks, messengers, spies, and tax collectors at mining sites; some armed groups also forced women and girls to marry or serve as sex slaves for their members.

Community and family members, as well as loosely organized illicit networks, force children across the border into the Republic of the Congo where criminal actors coerce the children to commit theft. Child soldiers separated from armed groups and reintegrated into society remain vulnerable to re-recruitment, as adequate rehabilitation services did not exist for children suffering severe psychological trauma, and stigmatization may interfere with community reintegration. FARDC officers used one child to perform espionage, and two others in support roles during the reporting period; in coordination with an international organization, the officers released all three children by October 2020 and referred them to care. In July 2020—following years of operational coordination and materiel support—the FARDC ceased collaborating with the Guidon faction of the NDC-R, a

group that recruits and uses child soldiers. However, observers reported the military continued to coordinate with the NDC-R's Bwira faction, a group that had no documented cases of child soldier recruitment and use during the reporting period.

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-based coercion. Individuals associated with the extractive sector abuse some children in forced labor in the illegal mining of diamonds, copper, gold, cobalt, tungsten ore, tantalum ore, and tin, as well as the smuggling of minerals to Uganda, Burundi, Rwanda, the United Arab Emirates, and Tanzania. Children are also vulnerable to forced labor in small-scale agriculture, domestic work, street begging, vending, and portering. Children from the Republic of the Congo may transit through the DRC en route to Angola or South Africa, where traffickers may exploit them in domestic servitude. Some criminal elements coerce Congolese women and girls into forced marriages where they are highly vulnerable to domestic servitude or sex trafficking. Congolese women and children migrate to other countries in Africa, the Middle East, and Europe, where traffickers exploit them in commercial sex or forced labor in agriculture, diamond mines, or domestic service. Illicit labor recruiters may fraudulently recruit women and force or coerce them into domestic work abroad through false promises of education or employment opportunities.

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