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2023 Trafficking in Persons Report: Democratic Republic of the Congo

CONGO, 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, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore the DRC was upgraded to Tier 2. These efforts included promulgating a new anti-trafficking law and increasing trafficking investigations and prosecutions. The government also identified more victims. In coordination with an international organization, the government developed and began implementing case management SOPs and trainings for front-line workers providing assistance to trafficking victims. However, the government did not meet the minimum standards in several key areas. Congolese National Army (FARDC) officials continued coordinating with armed groups, despite widespread reports that such armed groups forcibly recruited and used children as soldiers. Shelter and services, especially outside of the capital, remained insufficient, and officials continued to conflate trafficking with other crimes, hindering overall anti-trafficking efforts. Government agencies charged with combating trafficking continued to lack resources and training. Despite widespread allegations of corruption and official complicity in trafficking crimes, the government did not report investigating, prosecuting, or convicting any complicit officials.

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 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 law enforcement and judicial officials on investigating and prosecuting cases using the 2022 anti-trafficking law.
- Improve efforts to collect and share comprehensive victim identification and law enforcement data on sex trafficking – as distinct from other sexual violence crimes – and forced labor.
- Ensure victims are not inappropriately penalized solely for unlawful acts committed as a direct result of being trafficked.
- Increase international law enforcement cooperation to ensure trafficking victims are proactively identified and referred to services.
- Allocate sufficient financial and human resources, including dedicated personnel, for the Agency for Youth and the Fight against Sexual Violence and Trafficking in Persons.
- Amend the definition of trafficking in persons within the penal code to ensure a demonstration of force, fraud, or coercion is not required for sex trafficking offenses involving child victims.

PROSECUTION

The government increased law enforcement efforts. Congolese law criminalized sex trafficking and labor trafficking. During the reporting period, the government adopted Law No. 22/067, which 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 (\$14,910-\$29,820), which increased to a minimum of 15 years' imprisonment and a fine of 150 million Congolese francs (\$74,550) 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 serious 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 Congolese francs (\$99 to \$497), thereby addressing this gap. These penalties were sufficiently stringent and commensurate with those prescribed for other serious 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.

The government increased its efforts to collect and report law enforcement data; however, officials may have reported crimes such as sexual abuse or kidnapping as trafficking crimes. The government reported initiating 207 investigations, including 62 for sex trafficking, 52 for labor trafficking, and 93 for unspecified forms of trafficking; and prosecuting 27 alleged traffickers, including 18 for labor trafficking and nine for unspecified forms of trafficking. The government reported continuing 160 investigations and 48 prosecutions from prior years. In April 2022, courts convicted one labor trafficker, sentencing the trafficker to 15 years' imprisonment and a fine; a judge reduced the sentence to one year's imprisonment on appeal. Courts also acquitted five defendants. This compared with investigating five cases and prosecuting and convicting one trafficker during the previous year.

The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking crimes; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action. Sources reported widespread government 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. Observers reported perpetrators of sexual violence, including sex trafficking, were rarely held accountable, and security forces sexually abused and exploited victims, including children, with impunity. The government did not report continuing prosecutions initiated in a previous reporting period of two FARDC enlisted soldiers and one officer accused of child sex trafficking. 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, which recruited and used child soldiers. There were no reports FARDC officers unlawfully recruited or used child soldiers, compared with recruiting and using at least six children in the previous reporting period.

Insecurity, due to multiple armed groups operating in the east and other parts of the country, and lack of understanding of the crime continued to hinder law enforcement efforts. The government, both independently and in collaboration with international organizations, trained law enforcement personnel, judicial officials, and immigration authorities on anti-trafficking legal frameworks, investigative and prosecutorial techniques, identifying and referring victims to care, and data collection. The government increased efforts to collect and share anti-trafficking law enforcement data with government agencies and international partners through a regional data collection and reporting tool. The government reported cooperating with foreign counterparts and INTERPOL on law enforcement activities. The government had a bilateral agreement combatting trafficking

crimes with the Republic of the Congo and signed a new MOU to enhance information sharing on trafficking cases. It also signed a bilateral agreement with the Government of Morocco.

PROTECTION

The government maintained mixed protection efforts. The government, in coordination with NGOs, identified 306 trafficking victims (133 for sex trafficking and 173 for labor trafficking) compared with 256 victims in the previous reporting period. The government and NGOs identified an additional 145 potential trafficking victims. The government reported authorities referred victims to care but did not report the exact number; this compared with all 256 identified victims referred to care in the previous reporting period. Due to conflation of trafficking with other crimes, victim identification data may have included sexual abuse cases. Additionally, due to the government's data management system, it was unable to distinguish how many victims were identified by government officials versus NGOs. The government had victim identification and referral SOPs and continued implementing and training officials on the SOPs in partnership with an international organization. The Congolese National Police's (PNC) 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 PNC, in collaboration with civil society, had screening procedures to identify child labor and trafficking victims at mining sites. The government, both independently and in collaboration with international organizations, trained social workers, labor inspectors, and NGOs on case management, referral procedures, and data collection. The government, in partnership with an international organization, developed and began implementing case management SOPs and trainings for front-line workers providing services to trafficking victims.

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 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 and psycho-social care, and legal support. The government, in partnership with an international organization, began a mapping project of shelters in the four provinces of Kinshasa, Kasai Central, Kasai, and Haut-Katanga to improve the quality of care available to trafficking victims. The government coordinated with foreign governments to support the repatriation of at least four foreign national trafficking victims. Foreign 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. Officials afforded some protections to victims testifying in legal proceedings on an ad hoc basis; however, 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, testifying in adjacent rooms, or submitting written testimony in lieu of appearing in person. 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. 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 did not report pursuing restitution in any cases during the reporting period.

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 a lack of training on victim identification and screening procedures and the frequency of arbitrary arrests in the country, authorities likely detained unidentified victims. The government detained at least 74 children allegedly associated with armed groups for periods ranging from two days to 10 months; authorities continued detaining at least two children at the end of the reporting period.

PREVENTION

The government increased efforts to prevent trafficking. The government created a new agency responsible for coordinating the government's anti-trafficking response, the Coordination for Youth and the Fight Against Sexual Violence and Trafficking in Persons (CJVFFT), under the office of the presidency; the Agency led the interagency trafficking in persons committee and technical working commission, both of which met regularly. This replaced the long-standing Agency for the Prevention and the Fight Against Trafficking in Persons (APLTP), which previously coordinated anti-trafficking efforts. The government continued implementing its 2020-2024 anti-trafficking NAP; however, it did not allocate sufficient resources to fully implement the plan.

The government continued its national awareness-raising campaign, which included community training courses and outreach, radio campaigns in multiple local languages, films, billboards, and pamphlet distribution. The Ministry of Interior continued to produce an annual report on the country's anti-trafficking law enforcement efforts during the reporting period.

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 80 children from entering basic training. The FARDC separated and reintegrated the children with their families and 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 and did not report taking measures to hold fraudulent labor recruiters accountable. The Ministry of Labor, in partnership with an international organization, trained labor inspectors on topics such as child labor trafficking and referral mechanisms. The Minister of Human Rights continued implementing an August 2020 decree to increase oversight of mining communities, including a zero-tolerance policy for forced child labor in the mining sector. As part of this ongoing effort, the government, in cooperation with an international organization, certified nine artisanal 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, and when victims were identified, referred them to care. The government did not report how many trafficking victims, if any, it identified and referred to care as a result of the inspections. Observers reported limited administrative capacity and funding hindered provincial departments' ability to monitor mining sites. In October 2022, the government, in partnership with an international organization, relaunched the inter-ministerial committee in charge of monitoring child labor in artisanal mining (CISTEMA) and began creating a database to track child labor cases in artisanal mines.

The government operated a hotline for reporting sexual and gender-based violence, and as a result of hotline calls, identified 26 trafficking cases out of 2,679 calls received from April to October 2022. The government publicized the hotline in local communities. The government reported providing anti-trafficking training to new diplomats on topics such as victim identification and proper referral mechanisms prior to their departure. As the government did not deploy any military or police personnel to international peacekeeping missions during the reporting period, it did not conduct anti-trafficking training specifically tied to troop deployments. Although not explicitly reported as human trafficking, there were seven 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 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 the DRC, and traffickers exploit victims from the DRC abroad. 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. Artisanal mining remained predominantly informal, illicit, and strongly linked to both armed groups and the FARDC. As in years past, traffickers exploited families eager to lessen economic costs and seek opportunities for their children. Some traffickers were individuals or family members who promised victims or victims' families educational or employment opportunities but instead exploited victims in labor trafficking as domestic workers, street vendors, or exploited them in sex trafficking. Observers reported persons with disabilities and disadvantaged children continued to be vulnerable to trafficking. Criminal networks operate throughout the DRC and frequently bring sex trafficking victims from the provinces to the capital. One NGO report found sex trafficking is mainly concentrated in large cities such as Goma and Kinshasa, and traffickers recruit victims from economically disadvantaged areas and IDPs from conflict zones. 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.

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, including unlawful child soldier recruitment and use, labor trafficking in artisanal mining, and sex trafficking. In 2022 experts reported there were more than 522,000 refugees and 5.75 million IDPs – the largest IDP population in Africa in the DRC; these individuals are vulnerable to trafficking due to their lack of safety, economic stability, and access to justice. These refugees cross borders into Malawi and Zambia leaving them vulnerable to trafficking across borders and in their destinations. Children in the Kasai region are vulnerable to forced begging schemes facilitated by criminals in the Kasai region and Kinshasa; victims reported traffickers drugged them and forced them to beg. The government 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 children experiencing homelessness without support networks; criminal elements – including armed groups and community members – coerce these vulnerable children into sex trafficking or forced labor. 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.

Armed groups (most egregiously Mai Mai Mazembe, Mai Mai Nyatura, and Mai Mai Apa na Pale, NDC-R, Alliance des Forces de Resistance Congolaise [AFRC], Kamuina Nsapu, Raia Mutomboki, Democratic Forces for the Liberation of Rwanda [FDLR], ISIS-DRC – known locally as Allied Democratic Forces [ADF], and Cooperative for Development of the Congo [CODECO]) continue to abduct and forcibly recruit Congolese adults and children as combatants as well as human shields. Additionally, armed groups forcibly recruit 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 force women and girls into marriage or sexual slavery. Child soldiers, separated from armed groups and reintegrated into society, remain vulnerable to re-recruitment as rehabilitation services for children suffering severe psychological trauma remain inadequate, and stigmatization may interfere with community reintegration. In past years, some FARDC officers recruited and used children, mainly in espionage or support roles. In 2021, the FARDC recruited at least six children formerly associated with an armed group and used them as informants and combatants. The military continued to coordinate with NDC-R; observers report NDC-R continues to recruit and use child soldiers.

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). 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. 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 correlating harming children and sex with protection against death or 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. Children are vulnerable to labor trafficking 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. 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. 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 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. 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.

International health workers and UN peacekeepers allegedly sexually exploited victims while deployed in the DRC. In 2021, an international organization issued a report finding more than 80 of its staff members, including national and international workers, allegedly sexually abused and exploited victims, which at times included sex trafficking – soliciting sex in exchange for jobs or promotions, while working as part of an international mission responding to the Ebola outbreaks between 2018 to 2020. Although not explicitly reported as human trafficking, an international organization reported there were 37 new allegations of sexual exploitation by UN peacekeepers from Bolivia, Ghana, Malawi, Niger, South Africa, Tanzania, Ukraine, and Zambia deployed to the DRC with trafficking indicators submitted in 2022.

The recurrence of armed hostilities between the M23 movement armed group and FARDC resulted in a surge in IDP populations in North Kivu, contributing to a total of more than 2.2 million IDPs fleeing violence in the eastern DRC provinces of North Kivu, Ituri, South Kivu, and Tanganyika. The prolonged conflict in eastern DRC increased IDPs and refugees' vulnerability to child soldier recruitment by armed groups, labor, and sex trafficking. Observers reported the Government of Rwanda provided support to and coordination with the M23 armed group that forcibly recruited and used children in the DRC.