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CONGO, DEMOCRATIC REPUBLIC OF THE: Tier 2 Watch List

The Democratic Republic of the Congo (DRC) is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. Due to ongoing conflict, more than 1.8 million people have been displaced within DRC, and internally displaced persons in Katanga, North Kivu, and South Kivu provinces remain particularly vulnerable to abduction, forced conscription, and sexual violence by armed groups and government forces. In 2015, several armed groups continued to abduct and forcibly recruit Congolese men, women, and children as combatants and in support roles, such as guards, porters, cleaners, cooks, messengers, spies, and tax collectors at mining sites; women and girls were forced to marry or serve as sex slaves for members of some armed groups. As reported in 2015, some children were also forced to commit crimes for their captors, such as looting and extortion. In 2015, an international organization reported 491 confirmed cases of children who were forcibly recruited and used by armed groups, while 2,102 children were separated or escaped from armed groups. In late 2015, six Burundian child soldiers, who were forcibly recruited and trained in Rwanda, transited DRC to fight in armed groups in Burundi. Child soldiers that have been 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, stigmatization may interfere with community reintegration, and armed groups continued to recruit children.

For a second consecutive year, international observers reported there were no cases of child recruitment by the Congolese national army (FARDC) in 2015. In furtherance of implementing the DRC government's plan to eliminate child soldiers within the FARDC, during the reporting period, an international organization reported that 12 children, some of whom were forcibly recruited in previous years, were screened and separated from the FARDC in coordination with child protection partners. However, in 2015, some individual elements of the FARDC deviated from government policy and reportedly forced local populations to carry equipment. In addition, the FARDC worked and collaborated with an illegal armed group – which recruited and used 15 children during the reporting period – to coordinate battlefield maneuvers and capture of territory from a foreign illegal armed group.

Some men, women, and children working in artisanal mines in eastern DRC are subjected to forced labor, including debt bondage, by mining bosses, other miners, family members,

government officials, and armed groups. Some children are subjected to forced labor in the illegal mining of diamonds, copper, gold, cobalt, ore, and tin, as well as the smuggling of minerals. In January 2016, an international organization reported widespread abuse, including forced labor, of some children in artisanal cobalt mines in southern DRC; some children reported extremely long working hours and physical abuse perpetrated by security guards employed by the state. Children are also vulnerable to forced labor in small-scale agriculture, domestic work, street begging, vending, and portering. Some street children are suspected to be forced to participate in illicit drug transactions and exploited in sex trafficking. Local observers suspect homeless children known as *chegues*, who beg and steal on the streets of Kinshasa, are sometimes forced labor victims. Some Congolese women and girls are subjected to forced marriage and thereby highly vulnerable to domestic servitude or sex trafficking. Some Angolans who enter the DRC illegally to work in Bas Congo province are vulnerable to forced labor. Children from the Republic of the Congo may transit through DRC *en route* to Angola or South Africa, where they may be subjected to domestic servitude. Congolese women and children migrate to other countries in Africa, the Middle East, and Europe, where some are exploited in sex trafficking, domestic servitude, or forced labor in agriculture and diamond mines. Some women may be fraudulently recruited and forced into domestic servitude abroad through false promises of education or employment opportunities.

The Government of the Democratic Republic of the Congo does not fully meet the minimum standards for the elimination of trafficking, however, it is making significant efforts to do so. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, the Democratic Republic of the Congo is placed on Tier 2 Watch List for the second consecutive year. The government continued measures to end the recruitment and use of child soldiers by holding accountable officials complicit in child soldiering and cooperating with international organizations and NGOs to identify and demobilize child soldiers. The government also continued efforts to combat sexual exploitation and continued to support efforts to certify mines to prevent the use of forced and child labor. However, the government made negligible efforts to combat other forms of trafficking. It did not investigate, prosecute, or convict offenders of sex trafficking, as distinct from other sexual crimes, or labor trafficking; however, the government made efforts to improve its data collection of sexual crimes, including potential sexual slavery offenses. The government did not provide any protection services to trafficking victims; victims, including child soldiers, continued to be vulnerable to arrest and detention. Nevertheless, some officials in eastern Congo collaborated, on an *ad hoc* basis, with NGOs and international organizations to refer potential trafficking victims to protection services. Lack of an anti-trafficking framework, capacity, funding, and political will to address the crime, as well as widespread corruption, continued to hinder efforts to combat all forms of human trafficking throughout the country.

RECOMMENDATIONS FOR THE DEMOCRATIC REPUBLIC OF THE CONGO:

Develop legislation to comprehensively address all forms of trafficking, consistent with international law; create an inter-ministerial anti-trafficking committee to support development of anti-trafficking legislation and adopt an action plan to combat all forms of trafficking; develop procedures for collecting and reporting data on cases of sex trafficking as distinct from other sexual violence crimes; use existing legislation to investigate, prosecute, convict, and adequately sentence traffickers, and continue to investigate and prosecute government officials complicit in the unlawful recruitment and use of child soldiers; in partnership with civil society, take concrete steps to provide comprehensive protection services to victims of all forms of trafficking, and ensure trafficking victims, including child soldiers and other vulnerable persons, are not punished for unlawful acts committed as a direct result of being subjected to human trafficking; develop procedures for officials to proactively identify trafficking victims among vulnerable groups, including women and children in prostitution, street children, and men, women, and children in artisanal mining, and to refer victims to NGO-run protection services; continue measures to end

the unlawful recruitment and use of child soldiers by the FARDC and other armed groups, and continue to cooperate with international organizations and NGOs to identify, remove, demobilize, and refer all children associated with armed groups to appropriate care; improve training for law enforcement and judicial officials on combating all forms of human trafficking; and raise awareness about human trafficking among the general public.

PROSECUTION

The government continued to investigate and prosecute officials complicit in child soldiering and sexual exploitation, but made negligible efforts to combat all other forms of trafficking throughout the country. The DRC does not have an anti-trafficking law, nor do existing laws address all forms of human trafficking; the lack of a legal framework continued to contribute to officials' lack of understanding of trafficking and their conflation of it with other crimes, such as international adoption. Adult forced labor is not criminalized under Congolese law, although the Constitution prohibits indentured servitude. The 2006 sexual violence statute (Law 6/018) prohibits sexual slavery, sex trafficking, and child and forced prostitution and prescribes penalties ranging from five to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Child Protection Law 09/001 prohibits forced child labor, child prostitution, and the use of children in illicit activities, and prescribes penalties of 10 to 20 years' imprisonment for sexual slavery; these penalties are sufficiently stringent and commensurate with other serious crimes. Forced child labor, debt bondage, and child commercial sexual exploitation carry penalties of one to three years' imprisonment, which are not sufficiently stringent. The enlistment of persons younger than 18 years old into the armed forces and the police has penalties of 10 to 20 years' imprisonment. Corruption remained a hindrance to adequately punishing trafficking offenders.

The government did not investigate, prosecute, or convict offenders for sex or labor trafficking other than officials complicit in child soldiering. In 2015, the government investigated six FARDC members for child recruitment; these cases were ongoing at the end of the reporting period. The government reportedly charged 55 FARDC and 13 Congolese National Police (PNC) officials in military courts for crimes of sexual violence, but it was unclear if these cases involved sex trafficking crimes. The government convicted and sentenced a FARDC colonel in July 2015 to seven years' imprisonment for rape of a minor. In comparison to the previous reporting period, these law enforcement efforts demonstrate an increase in investigations of complicit officials involved in possible trafficking crimes but a decrease in investigations of child soldiering among other armed groups; they also demonstrated a decrease from the one prosecution of a PNC officer and two convictions of FARDC officers for sexual slavery in 2014. The government continued the ongoing investigation of cases initiated in 2013 involving sex trafficking of Congolese women in Lebanon and Kuwait. The government provided limited training to some police and military personnel on preventing child soldiering, but it did not provide training to officials on all forms of human trafficking.

PROTECTION

The government continued to identify and refer child soldiers to international organizations for assistance, but it otherwise made negligible efforts to identify and protect victims of other forms of trafficking. Other than identifying child soldiers during the reporting period, the government did not identify victims of sex and labor trafficking among vulnerable groups, such as street children, women and children in prostitution, and men, women, and children in artisanal mining, even though the scope of the problem was significant. The government did not have formal written procedures for officials to appropriately identify trafficking victims; however NGOs in eastern DRC reported police and security officials identified and referred an unknown number of potential victims to NGOs on an *ad hoc* basis in 2015. Authorities in Goma identified four

potential child trafficking victims who were fraudulently recruited for domestic work in Tanzania and referred the children to a local NGO-run trafficking shelter. The government did not provide specialized services or care to trafficking victims as distinct from other vulnerable groups. Trafficking victims were allowed to file cases against their traffickers in civil courts, and an NGO reported it assisted some victims in the prosecution of their traffickers. The Ministry of Social Affairs worked with local NGOs to reintegrate street children – some of whom may have been unidentified trafficking victims – and child soldiers into their communities and to reunify them with their families.

As part of the national Disarmament, Demobilization, and Reintegration plan, the government continued to collaborate with an international organization and NGO child protection partners to identify and remove child soldiers from the FARDC and other armed groups operating in eastern DRC. The FARDC reportedly increased efforts to screen for and prevent children attempting to join the military. Additionally, in late 2015, authorities identified and referred to NGO-run protection services six Burundian child soldiers who were transiting eastern DRC to fight for armed groups in Burundi. The government has consistently allowed for the safe repatriation of foreign child soldiers in cooperation with an international organization. Despite these efforts, some trafficking victims, including child soldiers, continued to be subjected to detention for unlawful acts committed as a direct result of being subjected to human trafficking. An international organization identified 149 children in detention centers, who were detained for their alleged association with armed groups.

PREVENTION

The government continued efforts to prevent the recruitment and use of children into armed groups, sexual exploitation, and forced labor in mining, but it did not make tangible efforts to prevent other forms of trafficking. During the reporting period, the government continued to implement a national action plan – supported by an international organization – to end the recruitment and use of child soldiers through the Joint Technical Working Group, comprising government ministries, NGOs, and international organizations. The working group met regularly throughout the reporting period, and it created three additional working groups in Bunia, Beni, and Lubumbashi provinces to prevent child recruitment and remove children from armed groups. In 2015, FARDC commanders signed a declaration to combat rape, including sexual slavery; the pledge required military leaders to take action against sexual violence committed by soldiers, and to ensure the prosecution of perpetrators and the protection of victims, witnesses, and judicial actors involved in addressing sexual violence.

Due in part to lack of capacity and security and political priorities, the government did not have an inter-ministerial anti-trafficking committee to address all forms of trafficking. The government did not initiate anti-trafficking public awareness campaigns during the reporting period. In 2015, it initiated a public awareness campaign against sexual violence, but it did not specifically address trafficking crimes. The government also began collecting data on reports of sexual and gender-based violence; however, it was unclear if any sex trafficking cases were identified through these efforts. The government did not make efforts to reduce the demand for commercial sex acts. The government took limited efforts to reduce the demand for forced labor in artisanal mining, but did not do so in other sectors. In 2015, the government worked in cooperation with an international organization to validate and certify approximately 81 artisanal mining sites in eastern DRC as conflict-free and child labor-free, bringing the total number of certified sites to 215. The Ministry of Labor, responsible for inspecting worksites for child labor, remained understaffed and had limited resources to conduct inspections of child labor violations, including trafficking violations, throughout the country. Furthermore, the government's committee to address child labor lacked funding and did not meet in 2015, nor did the government adopt a draft national action plan to combat the worst forms of child labor. During the reporting period, the government closed or

suspended the operation of 49 private employment agencies for not complying with labor regulations. The government did not provide anti-trafficking training for FARDC members deployed abroad in peacekeeping operations; in January 2016, an international organization reported allegations that peacekeepers from the DRC committed sexual abuse crimes in Central African Republic, but it was unclear if any of these crimes amounted to sex trafficking. The government did not provide anti-trafficking training for its diplomatic personnel.

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