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2021 Trafficking in Persons Report: Republic of the Congo

REPUBLIC OF THE CONGO: Tier 2

The Government of the Republic of the Congo does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. Despite the documented impact of the COVID-19 pandemic on the government's anti-trafficking capacity, the government demonstrated overall increasing efforts compared to the previous reporting period; therefore the Republic of the Congo remained on Tier 2. These efforts included convicting traffickers for the first time since 2017 and providing shelter for eight victims, as well as assisting in their repatriation. The federal inter-ministerial committee increased the frequency of its meetings compared with the previous reporting period and the government conducted awareness-raising activities. However, the government did not meet the minimum standards in several key areas. The government did not screen proactively for trafficking among vulnerable populations and failed to report identifying any victims during the reporting period. The lack of a clear understanding of anti-trafficking laws among officials continued to hinder countrywide efforts.

PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict traffickers, and impose adequate penalties; fully investigate, and as required, prosecute, allegations of officials complicit in trafficking. • Train officials, NGOs, and civil society on the implementing regulations to identify victims proactively, including by screening for trafficking indicators, especially among vulnerable populations, including child laborers, women and girls exploited in commercial sex, unaccompanied minors, indigenous persons, and undocumented migrants. • Improve the provision of protective services to trafficking victims to provide appropriate care to victims nationwide. • While respecting due process, expedite hearings and consider prosecuting trafficking cases in the low court while maintaining stringent sentencing according to the country's anti-trafficking law. • Increase anti-trafficking training for all law enforcement, prosecutors, and judges. • Increase law enforcement and first responders' capacity to collect data on trafficking crimes. • Allocate a budget with adequate funding to the federal-level Inter-Ministerial Committee and the Pointe-Noire-based Anti-Trafficking Coordinating Committee. • Expand anti-trafficking efforts to identify victims and prosecute traffickers beyond Pointe-Noire and Brazzaville. • Update, finalize, approve, and resource the national action plan to combat trafficking in persons. • Designate one official or office to lead the anti-trafficking inter-ministerial committee and empower that entity to lead the government's anti-trafficking efforts. • Further bolster anti-trafficking law enforcement cooperation with other governments in the region, especially Benin and the Democratic Republic of the Congo (DRC). • Establish an anti-trafficking law enforcement unit. • Conduct an awareness campaign for law enforcement, judicial, and civil society organizations on the 2019 anti-trafficking law. • Given concerns that North Korea forces its citizens to work abroad, screen North Korean workers for trafficking indicators and refer trafficking victims to appropriate services. • Accede to the UN Convention Against Transnational Organized Crime and the 2000 UN TIP Protocol.

PROSECUTION

The government increased overall anti-trafficking law enforcement efforts. The 2019 Combatting Trafficking in Persons Law criminalized sex trafficking and labor trafficking. The related provisions in Congolese criminal law prescribed penalties of five to 10 years' imprisonment, which are sufficiently stringent and, with respect to sex trafficking, commensurate with the penalties prescribed for other grave crimes, such as kidnapping.

For the first time since 2017, the government convicted traffickers for exploiting victims in forced labor. Officials prosecuted six traffickers and courts sentenced four of those individuals to 10 years imprisonment under Article 2 of the 2019 trafficking law. While the government did not report investigating any new cases, observers noted anecdotal evidence that authorities opened new trafficking cases during the reporting period. The government investigated and prosecuted six traffickers in 2019. An NGO reported conducting investigations, in coordination with local law

enforcement officers, into 24 additional trafficking cases during the reporting year; this is compared to 15 in 2019. Illicit recruiters frequently operated from other West African countries, and Congolese officials did not report taking significant actions to hold domestic criminals accountable for exploiting victims within the country. Authorities reported opening an investigation into an allegation of judicial corruption in a trafficking case; the case remained open at the end of the reporting period.

Low-level corruption and limited intragovernmental coordination constrained officials' ability to investigate, prosecute, and convict suspected traffickers, inhibiting law enforcement action during the year. The court system remained dysfunctional and many criminal cases continued to languish due to significant backlogs in the high court as a result of irregular court sessions, lack of centralized record keeping, limited legal statistics, and in 2020, court closures related to COVID-19 restrictions on in-person meetings.

The government continued to include anti-trafficking training in the standard academy training for new police and immigration officers. In December, the Ministry of Social Affairs provided training on the country's anti-trafficking framework for an unknown number of officials in six districts. The government regularly coordinated with source countries including Benin, DRC, Gabon, and Cameroon to share law enforcement information. The government did not report extraditing any suspects during the reporting period, compared with one during the previous reporting period.

PROTECTION

The government decreased efforts to identify victims, although it increased the number of victims it provided care. Officials did not report identifying any victims during the reporting period, compared with approximately nine in the previous reporting period. Experts reported NGOs identified 12 potential victims in 2020. Although the government did not report identifying any victims in 2020, it continued providing shelter and psychosocial services to eight victims identified in previous reporting periods. A government-run center in the Moundali neighborhood of Brazzaville hosted the eight trafficking victims. The shelter provided the victims water, food, clothes, education, security, and psycho-social counseling.

The government's implementing regulations for the anti-trafficking law provided formal written procedures for proactive victim identification, although officials did not report using these procedures to identify any victims. In Pointe-Noire, the government continued to focus the majority of its efforts on West African children in forced labor, including those in domestic service. In November, the government facilitated the repatriation of eight victims it identified in 2019 to Benin, compared with supporting one repatriation during the previous reporting period. In December, Congolese authorities coordinated with the DRC government to repatriate two minors to Kinshasa. In past reporting periods, law enforcement generally assisted in removing victims from NGO-identified exploitative situations if the NGO could provide funding for transportation. Police did not report screening for indicators of sex trafficking. Instead, the government traditionally relied on NGOs and international organizations to assist with the identification, referral, assistance, investigation, and negotiation of compensation for the majority of victims.

The Trafficking in Persons Coordinating Committee in Pointe-Noire, which was responsible for assigning identified West African child trafficking victims to foster homes and conducting family tracing, did not report the number of trafficking victims referred to the five available foster families or funding the foster homes during the reporting period. A local NGO also funded and referred child victims to foster families if repatriation, family integration, or local reinsertion options were unavailable. The government funded three public shelters that at-risk victims, including child trafficking victims, could access. The government provided the same availability of care to both national and foreign victims and provided temporary residency status to foreign trafficking victims during judicial proceedings. Authorities provided foreign adult victims a choice between repatriation to their country of origin or reintegration into the local community. Congolese law did not provide legal alternatives to the removal of victims to countries where they would face retribution or hardship.

PREVENTION

The government marginally increased efforts to prevent trafficking. Despite COVID-19 restrictions on in-person meetings, the government's federal inter-ministerial committee convened four times during the reporting period, compared with approximately twice during the previous reporting period. The government remained without a current national action plan or entity to lead the government's efforts, which hindered the effectiveness of the country's anti-trafficking response. Officials reported continuing public awareness programming leveraging television, radio, and newspapers, as well as direct outreach to indigenous populations at risk of exploitation and to relevant officials; however, COVID-19 restrictions on in-person gathering limited some sensitization activities.

The government operated an emergency assistance line for victims of crime; however, officials did not report whether it received any calls related to human trafficking during the year. The government did not have effective laws or policies regulating labor recruiters. Congolese authorities worked with officials from the DRC government to address cross-border trafficking by preventing unaccompanied minors from entering the country. Additionally, officials coordinated with the Government of Benin to implement the countries' 2011 bilateral anti-trafficking agreement, resulting in the repatriation of eight Beninese victims during the reporting period. The government has signed but has not acceded to the Convention Against Transnational Organized Crime and the 2000 UN TIP Protocol.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in the Republic of the Congo, and traffickers exploit victims from the Republic of the Congo abroad. Forced labor involving adults and children continues to be the primary type of trafficking within Congo. Most trafficking victims in Congo originate from Benin and DRC, and to a lesser extent from Gabon as well as other neighboring countries. Beninese networks with representatives in the Congo target destitute families in their country of origin, promising parents they will provide children an education in the Congo before exploiting them in domestic servitude or sex trafficking. Congolese authorities and civil society representatives report fraudulent employment agents located in Benin, DRC, and Gabon recruit victims into exploitative conditions in the Congo. Foreign business owners and Congolese exploit most foreign victims in forced labor in domestic service and market vending. Some hotel owners and other criminal actors exploit adults and children in commercial sex in the Congo, with the most common victims being Congolese from DRC. Parents in foreign countries, mostly West African, sometimes send their children to Congo with the expectation that the child will send remittances or receive an education, but instead criminals exploit the children in sex trafficking or forced labor. Experts report COVID-19-related economic hardships during the reporting period increased the vulnerability of individuals working in the informal sector, although border closures beginning in March 2020 may have decreased cross-border trafficking in persons.

Internal trafficking primarily involves recruitment from remote rural areas for exploitation in cities. Individuals in the fishing industry and market shop owners were the primary exploiters of victims within the country. Traffickers—including members of the majority Bantu community—exploit some members of the indigenous populations for forced labor in the agricultural sector; reports suggest that some servitude involving Congolese might be hereditary. North Korean nationals working in the Republic of the Congo may have been forced to work by the North Korean government.

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