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CONGO, DEMOCRATIC REPUBLIC OF THE: TIER 3

The Government of the Democratic Republic of the Congo (DRC) does not fully meet the minimum standards for the elimination of trafficking and is not making sufficient efforts to do so; therefore, the DRC was downgraded to Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including measures to end the recruitment and use of child soldiers, holding officials complicit in child soldiering accountable, and cooperating with international organizations and NGOs to identify and demobilize child soldiers. The government also continued efforts to combat sexual exploitation and certify mines to prevent the use of forced and child labor. The government provided modest protection services to some trafficking victims, and some officials, in partnership with NGOs and international organizations, referred potential trafficking victims to protection services. However, authorities continued to arrest and detain some victims, including child soldiers. Recent reports allege the Congolese National Police (PNC) and the Congolese National Army (FARDC) executed unarmed children who were allegedly associated with the Nsapu armed group and that the FARDC supported and broadly collaborated with various proxy militias that recruit and use children. The government made negligible efforts to investigate, prosecute, or convict offenders of sex trafficking, as distinct from other sexual crimes, or labor trafficking. Lack of an anti-trafficking framework, capacity, funding, and 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; cease collaboration, financial, and in-kind support to groups recruiting and using children; 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; 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, are not punished for unlawful acts committed as a direct result of being subjected to human trafficking; 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; 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; provide training and 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; develop procedures for collecting and reporting data on cases of sex trafficking as distinct from other sexual violence crimes; 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 maintained efforts to investigate and prosecute officials and armed group leaders complicit in child soldiering and sexual exploitation, but made negligible efforts to combat other forms of trafficking throughout the country. The DRC does not have an anti-trafficking law, nor do existing laws criminalize 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 illegal international adoption. Adult forced labor is not criminalized under Congolese law, although the Constitution prohibits involuntary 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 carries penalties of 10 to 20 years imprisonment. Corruption remained a hindrance to adequately punishing trafficking offenders.

The government investigated, prosecuted, and convicted trafficking suspects, including several officials, of child soldiering and sexual violence, which may have included sex trafficking; however, it did not make vigorous law enforcement efforts directly targeting sex or labor trafficking offenses. The government did not report comprehensive data on investigations, prosecutions, and convictions as there is no centralized database for trafficking information. In 2016, the government investigated three FARDC officials and an armed group leader, from *Mouvement Populaire d'Auto-Defense* for child recruitment; these cases remained ongoing at the end of the reporting period. The government reportedly charged 319 FARDC officials, 135 PNC officials, and 18 civilians or members of armed groups in military courts for crimes of sexual violence; however, it was unclear if these cases involved sex trafficking crimes, how many were convicted, or what the penalties were. The government convicted and sentenced a FARDC colonel in June 2016 to seven years imprisonment for rape of a minor; and in May 2016, the government reportedly arrested and charged in military court 90 persons, including a provincial Member of Parliament, for abduction, rape and genital mutilation in Kavumu, South Kivu province. An international organization reported that the government convicted 41 offenders, including several officials, in military court and one FARDC officer in 2016; however, it was unclear what the individuals were charged for or what sentences were imposed. The government demonstrated increased efforts to address and improve its data collection on sexual violence, which may have included sex trafficking crimes. Such efforts appeared to fulfill the 2015 commitment by FARDC commanders to combat sexual violence by soldiers, including sexual slavery, through prosecution of perpetrators and protection of victims, witnesses, and judicial actors involved in addressing these crimes. The government provided limited training to some police and military personnel on

preventing child soldiering, protecting human rights, and preventing sexual violence, but it did not provide training to officials on all forms of human trafficking.

PROTECTION

The government continued efforts to identify and refer child soldiers to international organizations for assistance. As part of its national Disarmament, Demobilization, and Reintegration (DDR) Plan, the government continued to cooperate with an international organization and NGO child protection partners to identify and remove child soldiers from illegal armed groups operating in eastern DRC. The government worked with an international organization, and reported identification of at least 1,662 children in 2016, who were consequently separated from illegal armed groups; once identified, there was a procedure in place to send the victims for specialized care. The government identified one child soldier from Rwanda and 16 from Burundi being transported through eastern DRC to participate in an armed conflict in Burundi. The government of Uganda reported eight Ugandan children were separated from the Allied Democratic Front armed group in the DRC, and remained in the DRC due to difficulties with family tracing. Other than identifying child soldiers during the reporting period, the government did not make appreciable efforts to identify victims of sex and labor trafficking among other vulnerable groups, such as street children, women and children in prostitution, and men, women, and children in artisanal mining, even though the scope of these problems was significant. However, some NGOs in eastern DRC reported police and security officials identified and referred an unknown number of potential victims to NGOs for care on an ad hoc basis in 2016.

The government did not provide specialized services and care to trafficking victims as distinct from other vulnerable groups. In partnership with NGOs, the Ministry of Social Affairs and the Office of the President's Representative on Sexual Violence and Child Recruitment assisted an unknown number of victims of sexual violence, possibly including trafficking victims, during the reporting period. Housing for up to three months, attempts at family reunification, and support for socio-economic integration were services reported to be available from the government; however, it is unclear whether any of these services were provided to trafficking victims during the reporting period. Several NGOs also provided services to survivors of sexual violence, including trafficking victims, as well as children separated from armed groups; services included access to medical and psychological services, legal assistance, and reintegration services including literacy and vocational training. The Ministry of Social Affairs worked with local NGOs to reintegrate street children some of whom may have been trafficking victims and child soldiers into their communities and to reunify them with their families. Trafficking victims could file cases against their traffickers in civil courts. The government 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 subject to detention for unlawful acts committed as a direct result of being subjected to human trafficking. An international organization identified 174 children in detention centers, who were detained for their alleged association with armed groups, an increase from the previous reporting period.

PREVENTION

The government continued efforts to prevent the recruitment and use of children into the FARDC, 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 and remove them from armed groups, through the Joint Technical Working Group, which comprised of government ministries, NGOs, and international organizations. The working group met regularly throughout the reporting period and in addition to newly created groups in Bunia, Beni, and Lubumbashi, the government established groups in the Tanganyika and North

Kivu provinces. There were no confirmed cases of child soldier recruitment by the FARDC for the second consecutive year. In partnership with NGOs, the government screened more than 7,500 new FARDC recruits to verify their ages. The government drafted UN-approved standard operating procedures for use in methodically verifying the age of potential enlistees. Through the screening process, the government prevented more than 191 children from joining the FARDC in 2016. However, there were multiple reports of the FARDC's broad collaboration with and provision of arms, ammunition, and funding to proxy militias that recruit and use children, including various Mai Mai groups. There are currently no measures in the national action plan to address the termination of these proxy relationships.

Due in part to capacity and security constraints, 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; however, a local NGO conducted an awareness campaign in Kinshasa, which included community theater, television programming, and collaboration with local churches, youth groups, schools, and universities. The government did not make efforts to reduce the demand for commercial sex acts. The government continued to make efforts to reduce the demand for forced labor in artisanal mining, but did not do so in other sectors. In 2016, the government continued its efforts in cooperation with an international organization to validate and certify approximately 285 artisanal mining sites in eastern DRC as conflict-free and child labor-free, a significant increase from 215 in the previous year. The Ministry of Labor, responsible for inspecting worksites for child labor, remained understaffed and had limited resources to conduct inspections for 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 2016, nor did the government adopt a draft national action plan to combat the worst forms of child labor. Following reports of sex trafficking and domestic servitude of several women from DRC in Lebanon and Kuwait, the government reportedly prohibited travel to Lebanon for young women; however, it is unclear if the government undertook any proactive efforts to regulate foreign labor recruitment and train or raise awareness among intending Congolese migrant workers. 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 the 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.

TRAFFICKING PROFILE

As reported over the past five years, the DRC is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking. In 2016, 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 2016, an international organization reported 184 confirmed cases of children who were forcibly recruited and used by armed groups, while 1,662 children were separated or escaped from armed groups. In 2016, abductions for recruitment by the Lord's Resistance Army increased slightly, and 16 Burundian child soldiers and one Rwandan child soldier, some recruited from refugee camps, transited the DRC to fight in armed groups in Burundi. Child soldiers who were 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 continue to recruit children.

For a second consecutive year, international observers reported there were no cases of child recruitment by the FARDC in 2016. However, there were multiple reports of the FARDC's broad collaboration with and provision of arms, ammunition, and funding to proxy militias that recruit and use children, including various Mai Mai groups. In particular, an international organization reported ongoing collaboration between the FARDC and Mai Mai Guidon, also known as Nduma Defense of Congo Renove (NDC-R) to coordinate battlefield tactics and capture of territory from a foreign illegal armed group with ammunition and support from senior Congolese army officials which recruited and used at least 27 children during the reporting period.

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, tungsten ore, tantalum 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 by security guards employed by the state mining company. 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. An NGO reported some families send their children to Kinshasa, after being promised educational opportunities for the children; however, upon arrival, the children are subjected to forced labor and sex trafficking. Children from the Republic of the Congo may transit through the DRC en route to Angola or South Africa, where they may be subjected to domestic servitude. Some Congolese women and girls subjected to forced marriage 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 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. Some Angolans who enter the DRC illegally to work in Bas Congo province are vulnerable to forced labor.

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