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## Trafficking in Persons Report 2018 - Country Narratives - Democratic Republic of the Congo

### 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 DRC remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including repatriating several trafficking victims and coordinating with an international organization on centralizing data collection. The government also continued efforts to combat sexual exploitation and certify mines to prevent the use of forced and child labor. The government also continued to undertake measures to prevent and end the use of child soldiers, including separating child soldiers from armed groups, and occasionally provided modest protection services to these victims. However, the Congolese National Army (FARDC) executed unarmed children suspected of belonging to the Kamuina Nsapu armed group and supported and collaborated with various proxy militias that recruited and used children. Authorities continued to arrest and detain some victims, including child soldiers. The government did not establish a formal anti-trafficking inter-ministerial committee, adopt comprehensive legislation criminalizing all forms of trafficking, or adequately hold accountable complicit officials. 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

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; develop legislation to comprehensively address all forms of trafficking, consistent with international law; cease collaboration with armed groups recruiting and using children; 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 or suspected child soldiers, are not punished for unlawful acts committed as a direct result of being subjected to human trafficking; create an inter-ministerial anti-trafficking

committee and adopt an anti-trafficking national action plan; 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; provide training and develop procedures for front-line 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; and raise awareness about human trafficking among the general public.

## PROSECUTION

The government maintained 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 contribute to officials’ lack of understanding of trafficking and their conflation of it with other crimes, such as illegal international adoption. The government did not criminalize adult forced labor under Congolese law, although the Constitution prohibited involuntary servitude. The government also did not criminalize fraudulent labor recruitment under Congolese law. The 2006 Sexual Violence Law 06/018 criminalized sexual slavery and prescribed penalties ranging from five to 20 years imprisonment as well as a fine of 200,000 Congolese francs (\$130). The 2006 law also criminalized child sex trafficking and forced prostitution of adults, and prescribed penalties ranging between 10 to 20 years imprisonment and three months to five years imprisonment, respectively. These penalties were sufficiently stringent and 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 prostitution of children and child sexual slavery and prescribed penalties of five to 20 years and 10 to 20 years with a fine between 8,000 and 1 million Congolese Francs (\$5 and \$630), respectively; these penalties were sufficiently stringent and commensurate 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 (\$63 to \$130); these penalties were not sufficiently stringent. The enlistment of persons under 18 years old into the armed forces and the police carried penalties of 10 to 20 years imprisonment.

The government 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; however, in response to a regional initiative by the Southern African Development Community (SADC), the Ministry of Interior worked with immigration authorities and INTERPOL to standardize its data collection statistics with other SADC countries. The government reportedly prosecuted 547 cases of sexual violence in military court in 2017, this compares to 496 prosecutions in 2016; however, unlike in previous years, the government did not report if the cases involved sex trafficking, how many of all cases resulted in convictions, what penalties were applied,

or the number of prosecutions and convictions in civil court. An NGO reported that during the reporting period the government initiated the investigation of seven cases for forced labor, two cases for forced prostitution, and four cases for both. An NGO also reported that in 2017 the government convicted two traffickers for forced prostitution and four traffickers for both forced labor and sex trafficking; in addition to fines, all convicted traffickers received penalties between 22 months and 15 years imprisonment. The government did not make adequate efforts to hold accountable complicit officials, and corruption remained a significant concern, inhibiting law enforcement during the reporting period. For example, the government had yet to initiate prosecution for former FARDC officials charged in 2014 and 2015 for suspected child soldier recruitment; the government was also complicit in harboring an escaped convict and member of an armed group that recruited child soldiers, and refused to return him to prison. 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 maintained protection efforts for trafficking victims. The government continued efforts to identify and refer child soldiers to international organizations for assistance. However, 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 scale of these problems was significant. As part of its national Disarmament, Demobilization, and Reintegration (DDR) Plan, the government continued to cooperate with an international organization and NGOs to identify and remove child soldiers from illegal armed groups operating in eastern DRC. The government worked with an international organization to identify and separate at least 2,360 children from armed groups in 2017, a significant increase from the prior year. Procedures were in place for referring the victims for specialized care, which most but not all of the children received. The government-funded the repatriation of seven Congolese trafficking victims from Kuwait and facilitated, but did not fund, the repatriation of 19 persons vulnerable to trafficking from Libya; however, the government did provide the victims from Libya with temporary shelter and food for one month. In the previous reporting period, the government of Uganda reported that eight Ugandan children were separated from the Allied Democratic Front armed group in the DRC; six of the children were repatriated by an international organization during this reporting period and two remained in host families in DRC.

The government did not have national standard operating procedures to systematically identify and refer all trafficking victims to appropriate care; however, some NGOs reported that during the reporting period police, the Ministry of Social Affairs, and the General Directorate of Migration (DGM) identified and referred an unknown number of potential trafficking victims to NGOs for care on an ad hoc basis. The government did not provide specialized services and care to trafficking victims as distinct from other vulnerable groups. The government reportedly offered housing for up to three months and family reunification for street children and children separated from armed groups,

and that it provided support for socio-economic integration for victims of sexual violence, some of whom may have included trafficking victims. However, the government did not report providing any of these services to trafficking victims during the reporting period. The government relied heavily on NGOs to provide the vast majority of services to trafficking victims. Several NGOs 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.

Trafficking victims could file cases against their traffickers in civil courts, though few victims pursued this avenue due to a lack of trust in the judicial system. The government generally allowed for the safe repatriation of foreign child soldiers in cooperation with an international organization. Despite these efforts, some trafficking victims, including child soldiers or suspected soldiers, continued to be subject to detention or punishment for unlawful acts committed as a direct result of being subjected to human trafficking. For example, in 2017, the FARDC and Congolese National Police arrested 302 children because of their alleged association with armed groups; officials released these children after periods ranging from one day to one year. However, some children remained in detention centers at the end of the reporting period. The FARDC executed unarmed children who were suspected of belonging to the Kamuina Nsapu armed group, and the FARDC supported and collaborated with proxy militias that recruited and used children.

## PREVENTION

The government made uneven efforts to prevent trafficking. 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. The government remained without a national action plan to combat trafficking and a formal anti-trafficking inter-ministerial committee. However, for the first time, representatives from the Ministries of Justice, Interior, Gender, and the Diaspora as well as law enforcement and the judiciary, participated in three meetings of an unofficial anti-trafficking working group with local NGOs, lawyers, international organizations, and members of the diplomatic corps. The unofficial working group discussed strategies to establish an official inter-ministerial anti-trafficking committee and draft comprehensive anti-trafficking legislation.

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—which comprised 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. The working group met monthly throughout the reporting period, and with collaboration from an international organization, developed a 2018 roadmap for ending child recruitment, helped train 1,240 law enforcement officials on the action plan to end child recruitment, held seven workshops on age verification, and established a new JTWG in the Kasai province. There

were no confirmed cases of child soldier recruitment by the FARDC for the third consecutive year. In partnership with NGOs, the government screened more than 800 new FARDC recruits to verify their ages; through the screening process, the government prevented more than 85 children from joining the FARDC in 2017. However, there were multiple reports of the FARDC's broad collaboration with proxy militias that recruit and use children. There are currently no measures to address the termination of these proxy relationships within the national action plan to end the recruitment and use of child soldiers.

The government did not initiate anti-trafficking public awareness campaigns during the reporting period. The government continued the operation of a hotline to report crimes, but the government did not report whether it received any calls on trafficking. 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 2017, the government continued its efforts in cooperation with an international organization to validate and certify 419 artisanal mining sites in eastern DRC as conflict-free and child labor-free, a significant increase from 285 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. The government did not have effective policies regulating labor recruiters and did not hold fraudulent recruiters accountable—a trafficking crime affecting many Congolese. The government did not provide anti-trafficking training for FARDC troops prior to their deployment abroad as part of international peacekeeping missions.

#### TRAFFICKING PROFILE

As reported over the past five years, the DRC is a source and destination country for men, women, and children subjected to forced labor or sex trafficking, and a transit country for children subjected to forced labor. Worsening political and economic conditions throughout the country exacerbated already high levels of instability, insecurity, and political tension and rendered populations more vulnerable to trafficking. Some traffickers were individuals or family members who promised victims or victims' families educational or employment opportunities but instead forced trafficking victims to work as domestic servants, street vendors, gang members, or prostitutes; most trafficking is internal and involves forced labor in artisanal mining sites, agriculture, domestic servitude, forced prostitution, or child recruitment by armed groups. In February 2018, an international organization estimated that there were more than 150 different armed groups in the DRC. In 2017, 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, traffickers would force some children to commit crimes for them, such as looting and extortion. In 2017, an international organization reported 1,031 confirmed cases of children who were forcibly recruited and used by armed groups, while at least 2,360 children were separated or escaped from armed groups, a significant increase from the prior year. 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, were stopped by government officials while reportedly transiting through the DRC to fight in armed groups in Burundi. 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, stigmatization may interfere with community reintegration.

For a third consecutive year, there were no cases of child recruitment by the FARDC. However, there were multiple reports of the FARDC’s collaboration with proxy militias that recruit and use children. For instance, 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 FARDC officials—which recruited and used at least 42 children in 2017. Local and international organizations, as well as media, reported ongoing collaboration between government officials, the FARDC, and the Bana Mura armed group in Kasai that abducted and used children as child soldiers, porters, and for sexual exploitation in 2017. Reports alleged that government officials supplied the armed group with various weapons and ammunition and that the FARDC led and coordinated operations with the Bana Mura.

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. 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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