

# Republic of the Congo - United States Department of State

## CONGO, REPUBLIC OF THE: 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. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore the Republic of Congo was upgraded to Tier 2. These efforts included enacting comprehensive anti-trafficking legislation and implementing regulations, increasing prosecutions of trafficking crimes, and increasing law enforcement cooperation with neighboring source countries. The government identified and assisted more trafficking victims and provided protective services to all identified victims. Law enforcement officers collaborated with an NGO in Pointe-Noire to identify and refer victims to care. The government's federal inter-ministerial committee met at least twice during the reporting period and conducted awareness-raising activities. However, the government did not meet the minimum standards in several key areas. The government did not convict a trafficker for the second consecutive year. It did not dedicate funding or other resources to the inter-ministerial committee, the coordinating committee in Pointe-Noire, or to NGOs that provided care to trafficking victims. The government did not proactively screen for trafficking among vulnerable populations. The lack of a current national action plan and a clear understanding of anti-trafficking laws among government 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. • Increase efforts to train officials on the implementing regulations to proactively identify victims, including by screening for trafficking indicators, especially among vulnerable populations, including child laborers, illegal immigrants, women and girls exploited in commercial sex, unaccompanied minors, North Korean workers, and indigenous persons. • Drastically 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. • Increase anti-trafficking training for all law enforcement, prosecutors, and judges. • Increase capacity to collect data on trafficking crimes. • Allocate a specific budget and adequate funding to the federal-level Inter-Ministerial Committee and the Pointe-Noire-based Anti-Trafficking Coordinating Committee. • Extend anti-trafficking efforts beyond Pointe-Noire and Brazzaville. • Update, finalize, and approve the national action plan to combat trafficking in persons. • Increase effectiveness of the anti-trafficking inter-ministerial committee to drive concrete national anti-trafficking efforts. • Further bolster anti-trafficking law enforcement cooperation with other governments in the region, especially Benin and the DRC. • Consider establishing an anti-trafficking law enforcement unit. • Conduct an awareness campaign on the 2019 anti-trafficking law. • Accede to the UN

## Convention Against Transnational Organized Crime and the 2000 UN TIP Protocol.

### **PROSECUTION**

The government increased anti-trafficking law enforcement efforts. In June 2019, the government enacted the 2019 Combating Trafficking in Persons Law, which 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.

The government initiated the investigation of six traffickers in 2019, the same number as in the prior year. The government reported prosecuting six individuals for labor trafficking under the anti-trafficking law and convicting zero suspected traffickers in 2019, compared with four prosecutions and zero convictions in 2018. An NGO reported conducting investigations, in coordination with local law enforcement officers, into 15 additional trafficking cases during the reporting year; of these, the NGO repatriated some victims and reunified others with their families or community members and the government arrested eight potential traffickers. Traffickers active in the country frequently operated from elsewhere in West Africa, making Congolese prosecution difficult. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. The government investigated all reports of official complicity from prior years. Low-level corruption and limited intragovernmental coordination constrained the government's ability to investigate, prosecute, and convict suspected traffickers, inhibiting law enforcement action during the year. The court system was 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, and limited legal statistics. The government did not report the outcomes of any languishing cases, making it unclear if older cases were dismissed.

The government continued to include anti-trafficking training in the standard academy training for new police and immigration officers. In September 2019, the government hosted and provided in-kind support for international law enforcement experts who trained 31 officials from the Ministries of Interior, Justice, and Defense on interview techniques in trafficking cases. In October 2019, the government hosted and provided in-kind support for an international organization that trained 12 officials from the Ministries of Social Affairs, Justice, Interior, and Foreign Affairs on the implementation of the 2000 UN TIP Protocol. The government regularly coordinated with source countries including Benin, the Democratic Republic of Congo (DRC), Gabon, and Cameroon to share law enforcement information. As a result of this regional cooperation, the government extradited an alleged trafficker to Gabon during the reporting period leading to his eventual prosecution. The government facilitated bilateral talks with the DRC and drafted bilateral recommendations to provide a framework for their cooperation on the issue.

### **PROTECTION**

The government increased efforts to identify and assist victims. The government's February 2020 implementing regulations for the anti-trafficking law provided

formal written procedures for proactive victim identification. 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. During the reporting period, the government identified at least nine trafficking victims, a slight increase from eight the prior year. Of these, eight were children and one was an adult foreign national. The government reported it provided eight victims with shelter, medical assistance, psycho-social services, including family and psychological counseling in Brazzaville, and education. In another case, the government facilitated and paid for the repatriation of a victim from Pointe-Noire to Benin. The Ministry of Social Affairs had a specific line item in their budget for victim protection and assistance, and during the reporting period, had a budget of \$8,000 for such activities. An NGO identified an additional 10 victims, and law enforcement assisted in removing them from exploitation in some cases. Law enforcement would generally assist in removing the victim from the NGO-identified exploitative situation 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, but did report 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. Foreign adult victims were provided 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 improved efforts to prevent trafficking. The government's federal inter-ministerial committee met at least twice during the reporting period and worked to increase coordination between ministries. At the department level in Pointe-Noire, the anti-trafficking coordinating committee also met at least twice but did not report concrete actions taken during the reporting period. The government did not have a current national action plan. The government conducted a public awareness campaign on radio and television, which focused on the anti-trafficking law, victim identification, trafficking indicators, and indigenous rights and protections, a group at high risk of trafficking. The government operated an emergency assistance line for victims of crime; however, it was unclear whether it received any calls to report trafficking specific crimes during the year. The government did not have effective laws or policies regulating labor recruiters. The government worked with officials from the Government of the DRC to address cross-border trafficking by preventing all unaccompanied minors from entering the country. 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 a primary type of trafficking within Congo. Most trafficking victims in Congo originate from Benin and the DRC, and to a lesser extent from other neighboring countries. Traffickers exploit most foreign victims in forced labor in domestic service and market vending. Both adults and children are victims of sex trafficking in the Congo, with most exploited children between the ages of 9 and 11. 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 traffickers exploit the children in sex trafficking or forced labor.

Internal trafficking primarily involves recruitment from remote rural areas for exploitation in cities. Traffickers exploit the indigenous populations for forced labor in the agricultural sector; some reports suggest that some servitude might be hereditary. NGOs report that internal trafficking involves forced labor or exploitation of indigenous people by members of the majority Bantu community in remote areas. North Koreans working in the Republic of Congo may have been forced to work by the North Korean government.