

## CONGO, REPUBLIC OF THE (Tier 2 Watch List)

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The Republic of the Congo is a source and destination country for children, men, and women subjected to forced labor and, to a lesser extent, sex trafficking. The majority of children trafficked within the country migrate from the Pool Region to Pointe Noire and Brazzaville to serve as domestic workers for relatives. Most child trafficking victims, however, are from Benin, Togo, Mali, Guinea, Cameroon, Senegal, and the Democratic Republic of the Congo (DRC) which are also sources of children subjected to forced domestic service and market vending. Some child trafficking victims are also subjected to forced fishing, and agricultural labor in the cocoa fields in the Sangha Department, as well as commercial sexual exploitation. Sources estimate that child prostitution is highly prevalent in Brazzaville, including many victims from the DRC. Twenty-four adult victims of domestic servitude – both men and women – were identified in the Congo in 2011, some enduring enslavement for up to 16 years.

The Government of the Republic of the Congo does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not demonstrate a sufficient overall response to address human trafficking; therefore, the Republic of the Congo is placed on Tier 2 Watch List for a fifth consecutive year. The country was granted a waiver of an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking, and the government is devoting sufficient resources to implement that plan. The government continued strong victim protection efforts during the year, identifying an increased number of victims and providing support to NGOs and foster families that offered protections to child trafficking victims. The government's broader anti-trafficking efforts, however, were emerging but weak. During the year, it made minimal efforts to bring trafficking offenders to justice, as it failed to convict offenders or address systemic deficiencies, including insufficient statutory prohibitions of and penalties for trafficking offenses, and official complicity in trafficking crimes. The government expended additional resources outside the budget line item on trafficking related activities including planning materials for an anti-trafficking workshop in Pointe Noire.

**Recommendations for the Republic of the Congo:** Greatly increase efforts to investigate and prosecute trafficking offenses and to convict and punish trafficking offenders under the 2010 Child Protection Code; ratify the 2000 UN TIP Protocol; amend the country's penal code to

include an adequate definition of human trafficking, including provisions prohibiting the trafficking of adults; increase outreach, victim identification, and law enforcement efforts on sex trafficking and the trafficking of adults; develop formal procedures to identify trafficking victims among child laborers, illegal immigrants, and women and girls in prostitution; continue care to trafficking victims via government-funded programs, including medical, psychological, and legal services; conduct government-led training for social workers, law enforcement and immigration officials on the use of identification and referral procedures; increase coordination on anti-trafficking efforts across all relevant ministries at the national level; and continue anti-trafficking awareness campaigns.

### **Prosecution**

The Government of the Republic of the Congo made minimal law enforcement efforts during the reporting period. Although it reportedly began prosecution of 13 suspected traffickers during the year, the government failed to convict any trafficking offenders. Article 60, Chapter 2, of the 2010 Child Protection Code prohibits the trafficking, sale, trading, and exploitation of children. Article 115 of the same code prescribes penalties of hard labor for an undefined period and fines for offenders convicted of these offenses. Article 68, a non-trafficking statute, also prohibits the worst forms of child labor, including the forced labor and prostitution of children, for which Article 122 prescribes penalties of three months' to one year's imprisonment or fines of between the equivalent of \$108 and \$1,076. Article 4 of the country's labor code prohibits forced or compulsory labor, imposing fines the equivalent of \$1,290 to \$1,936 for convicted offenders. None of these penalties are sufficiently stringent and the penalties for sex trafficking are not commensurate with penalties prescribed for other serious crimes, such as rape. The penal code, which prohibits forced prostitution, may be used to prosecute sex trafficking offenses involving adults. Although Congolese law prohibits some forms of trafficking of adults, currently the country does not outlaw bonded labor or the recruitment, harboring, transport, or provision of a person for the purposes of forced labor. The government took no action to develop legislation that adequately defines, prohibits, and penalizes human trafficking, including specific provisions outlawing the trafficking of adults.

The government reportedly initiated prosecutions of 13 trafficking offenders during the year, which remained pending at the close of the period; however, the government did not provide details of these cases and failed to report comprehensive law enforcement data. The Ministry of Labor did not report investigating or otherwise addressing any cases of forced child labor in

2011. In July 2011, police collaborated with NGO staff in a joint law enforcement operation, which led to the identification of 12 victims of labor trafficking, including four children and the arrest of 11 suspected trafficking offenders; the 11 offenders were conditionally released pending trial. Limited understanding of the child trafficking law among law enforcement officials, judges, and labor inspectors hindered the prosecution of trafficking crimes. Following a donor-funded training, the Commander of the National Police Academy began development of a curriculum on “Protection of Children’s Rights,” which will be used to train police instructors in 2012. Nonetheless, the government did not independently train its staff or provide financial or material support for anti-trafficking trainings led by international donors during the year. Despite allegations of official trafficking complicity, the government did not report any investigations, prosecutions, convictions, or sentences of government employees for their complicity in human trafficking.

## **Protection**

The Congolese government ensured access to care for labor trafficking victims during the reporting period, primarily through partnerships with NGOs and foster families. It failed, however, to identify and assist victims of sex trafficking and made minimal efforts to identify victims beyond Pointe Noire. The government, in partnership with an NGO, identified 57 foreign victims in Pointe Noire during the year, an increase over the 32 they identified in 2011; 23 were repatriated to their countries of origin, 27 were returned to their communities within the country; and seven were placed with temporary foster families. These seven victims were subsequently either locally re-inserted with apprenticeships or enrolled in school. All were victims of domestic servitude – including 24 adults, five of whom endured over 10 years’ enslavement; 23 of the 57 victims were also exploited in forced labor in the markets. Victim identification was limited to foreign victims, as the government failed to identify Congolese victims during the year. The Ministry of Social Affairs (MSA) provided subsequent victim care through NGOs and foster families – that received financial and material support from the MSA – and coordinated with other government agencies to repatriate victims. The government provided foster families the equivalent of \$10 per child per day to ensure the victims’ basic needs were met. It also provided medical care on a case-by-case basis by partnering with local hospitals to subsidize these costs. Though the government offered foreign trafficking victims the same access to accommodation in foster families as Congolese victims and did not deport liberated foreign victims, it did not provide temporary or permanent residency status to victims during the year. Law enforcement, immigration, and social services personnel did not employ systematic

procedures to guide them in the proactive identification of victims among vulnerable groups. Unlike in 2010, the government failed to train its staff on victim identification in 2011. The government reported it encouraged victims to assist in the investigation and prosecution of their traffickers, though there is no evidence of this during the year. In September 2011, the government – through an inter-ministerial commission – signed a bilateral agreement with the Government of Benin, and in February 2012 finalized a joint action plan with a joint budget of the equivalent of \$819,760 to be supported by both governments in partnership with UNICEF; this agreement serves to support the investigation and extradition of alleged trafficking offenders.

## **Prevention**

The government made minimal efforts to prevent trafficking during the year. The MSA, in cooperation with UNICEF, led and funded the implementation of a 2011-2013 Action Plan to Fight Child Trafficking; the government provided approximately the equivalent of \$255,000 – in addition to its funding of victim protection efforts during the year – and UNICEF contributed the equivalent of \$762,000 to the plan's implementation. The government did not launch trafficking awareness campaigns during the year; rather, NGOs held such events and UNICEF provided the majority of funding for prevention activities in 2011. Although the MSA serves as the *de facto* lead entity charged with implementing the action plan, the government failed to establish a national coordinating body to guide its efforts to combat trafficking, which hindered its progress. With its focus on protection efforts and child trafficking, the action plan fails to address weaknesses in prosecuting trafficking offenders and countering the trafficking of adults. The government began development of a 2012-2014 Action Plan, but decreased the line item in the budget – from the equivalent of \$100,000 to \$20,000 – for the MSA's anti-trafficking work in the 2012 budget. The government did not take measures to reduce the demand for commercial sex acts during the reporting period. The National Assembly approved a measure to ratify the 2000 UN TIP Protocol in August 2011 which currently awaits Presidential signature.