Democratic Republic of the Congo

Country Overview

Politics
The Democratic Republic of the Congo (DRC) is classified by the Central Intelligence Agency (CIA) as a semi-presidential republic. The country gained its independence from Belgium in 1960, and has been headed since 2002 by President Joseph Kabila. The country is the site of conflict and instability due to the actions of armed rebel and militia groups, as well as actions by the governing establishment to quash political opposition. In 2016, the Fund for Peace ranked the DRC the seventh most unstable nation out of 178 countries assessed.

Freedom House reported that in late 2016, elections were not held, and Joseph Kabila overstayed his term limit. In December 2016, in the wake of violence and unrest, Kabila’s administration agreed to hold elections the following year in December 2017. However, this agreement was described as fragile, and potential barriers to free and fair elections exist. In June 2016, the opposition leader Moïse Katumbi had been out of the country for over a year, and was seeking international protection in order to participate in the anticipated 2017 election. Katumbi, notably, had previously been the governor of Katanga, a province which accounts for much of the country’s official mineral exports, and which was broken up into four provinces as part of a country-wide restructuring that has fueled tension between Kabila’s government and the opposition.

Economy
The DRC is classified as a low-income country. The World Bank has reported that given its arable land and mineral deposits, the DRC has the resource potential to become one of the richest economies in Africa, provided it can overcome the current political instability. Under its current conditions, however, the DRC has been ranked as seventh most difficult country in which to do business out of 190 countries. The economy is heavily dependent on natural resource extraction, particularly with regard to copper and other minerals. In 2016, mining accounted for over two thirds of the country’s exports. Because of the importance of mining to the economy, factors such as global demand and raw material prices affect the country’s GDP growth rate. In 2016, for example, after previous years of high growth rates approaching 9 percent, World Bank forecasts indicated that growth slowed to 2.2 percent in 2016. In addition to contributing to the national economy, minerals including tin, tantalum, tungsten and gold have long funded the armed groups in east of the country. Global Witness has reported that armed groups benefiting from such illicit and unmonitored mining include the Congolese national army.

Social/Human Development
The DRC is a country with low levels of development and high levels of poverty and gender inequality, according to quantitative measures. The DRC’s Human Development Index (HDI) score for 2015 was .433, ranking the country 176 out of 188 countries. Its Gender Inequality Index score for the same year
was .663, with 0 indicating perfect equality and higher values indicating higher inequality. The UN determined that 72.5 percent of the population were living in multidimensional poverty in 2016. The DRC is home to over 200 African ethnic groups, which include a majority of Bantu groups. According to the CIA, the Mongo, Luba, Kongo, and Mangbetu-Azande tribes make up approximately 45 percent of the population. In 2016, the U.S. Department of State reported that societal discrimination and abuse of ethnic minorities were ongoing problems.

U.S. Department of State TIP Ranking: Tier 3

According to the Trafficking in Persons Report, trafficking risk may be found among children in export supply chains including small-scale agriculture and the illegal mining of diamonds, copper, gold, cobalt, tungsten and tantalum ore, and tin. Additionally, Congolese men, women and children are vulnerable to trafficking as combatants and in supporting roles in the mining sector. Women and girls are at risk for sex trafficking related to the mining sector.
Read the full TIP Report: [https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271168.htm](https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271168.htm)

Migrant and Other Vulnerable Populations
The DRC has net negative migration. The International Organization for Migration reported that in 2015, 1.68 percent of all citizens of the DRC lived outside the country, while in contrast, 0.71 percent of residents were immigrants. The most common destination for migrants from the DRC was Uganda, followed by Rwanda, Congo and Burundi. There were an estimated 3,319,006 persons of concern in the DRC at the end of 2016, including 451,956 refugees and 1,327 asylum-seekers. There were reported to be 2,232,900 internally displaced persons in the country at the end of 2016.
The primary source country of migrants living in the DRC was Angola, followed by Rwanda, Central African Republic, and Burundi.¹⁸
Exports and Trade

The DRC’s top export in 2016 was copper. Other top exports included cobalt, petroleum, diamonds, unspecified commodities, tin, round wood, sawn wood, other minerals, and gold.19
The top importers of all goods from the DRC were China, Saudi Arabia, the Republic of Korea, Belgium, Spain, and the U.S.\textsuperscript{20}

### Top Commodity Exports (USD/Thousands)

<table>
<thead>
<tr>
<th>Commodity</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electrical Machinery</td>
<td>266,462</td>
</tr>
<tr>
<td>Base Metals</td>
<td>347,412</td>
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<tr>
<td>Ores</td>
<td>303,722</td>
</tr>
<tr>
<td>Copper</td>
<td>389,352</td>
</tr>
<tr>
<td>Mineral Fuels</td>
<td>336,747</td>
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</tbody>
</table>
Democratic Republic of the Congo Export Partners

(USD/Thousands)

Trafficking in Persons Risk Factors Analysis

Legal/Policy Risk Factors
Level of Legal Protection for Civil Liberties and Workers’ Rights

Freedom of Association
The DRC’s constitution and law provide the right for all workers, including those in the informal sector, to join unions and bargain collectively. A union formed in an informal sector business must contain a minimum of ten employees. Unions do not require authorization to strike, but they must notify employers of a planned strike and allow 48 hours for the employer to reply before commencing with the strike. An infraction of a rule on strikes could result in incarceration for up to six months with compulsory prison labor.21
The law states that unions can conduct their activities without interference; however, the term “interference” has been left undefined. While the law prohibits anti-union discrimination against union employees, the U.S. Department of State reported that penalties were insufficient to deter violations. According to the U.S. Department of State, the government lacked sufficient capacity to enforce the laws in practice, and workers attempting to conduct union-related activities within their rights could be intimidated and replaced with impunity.22

Working Conditions
According to the U.S. Department of State, a person who has worked for three contiguous months is considered a worker and is therefore covered by relevant labor law.23 This definition suggests that labor law provisions may also cover workers in non-seasonal or longer-term informal sector positions. However, informal sector employers often did not comply with labor laws such as the law defining standard workweeks.24
Standard workweeks are legally defined as ranging from 45 to 72 hours, depending on the job position. The law requires that workers receive rest periods and are paid a premium rate for overtime work; however, the law does not prohibit mandatory overtime.25
The government sets different regional wages for workers in the private sector, but the national minimum wage of 1,680 Congolese francs (approximately USD 1.40) per day remained unadjusted since 2009. The U.S. Department of State observed in its 2016 report that the DRC has faced continued currency devaluation and increases in the cost of living since the national minimum wage was set.26 The government has set health and safety standards. Notably, the law provides workers the right to remove themselves from working conditions that endanger their health or safety without risking termination by their employer; however, the U.S. Department of State indicated in 2015 that the authorities did not habitually protect people who might need to exercise this right.27

Discrimination
According to the U.S. Department of State, while the law prohibits discrimination in employment and occupation based on race, gender, language, or social status, it does not explicitly prohibit employment discrimination based on religion, age, political opinion, national origin, disability, pregnancy, sexual orientation, gender identity, or HIV-positive status.28

Forced Labor
The constitution of the DRC prohibits forced all forms of forced labor and trafficking, however the government reportedly did not effectively enforce the law.29

Child Labor
According to the U.S. Department of Labor, Congo’s Labor Code establishes 16 as the minimum legal age for work, and a Ministerial Order establishes 18 as the minimum age for hazardous work. Children are entitled to free education under the Constitution, and primary education is compulsory; however, education was reported to include costs in practice. The law prohibits children from working more than four hours per day, and prohibits minors from transporting heavy items. In 2016, the U.S. Department of State indicated that penalties and enforcement for child labor laws were judged to be insufficient and ineffective.

Civil Society Organizations
Freedom House reported that in 2016, human rights advocates and journalists had faced harassment, abuse, and unlawful detention by state security forces; they viewed that violence against advocates was escalating. The U.S. Department of State reported that security force actors were particularly likely to carry out these actions, as well as intimidation, when NGOs reported abuse or provided support to victims of abuse by the security forces, or reported on illegal exploitation of natural resources in the east. After analyzing the legal, political, and economic environment, Freedom House reported that the DRC scored 82 out of 100 for freedom of the press, with 100 being the least free. According to Amnesty International, the authorities have prohibited meetings on politically sensitive subjects, with the result that civil society advocates and political opposition groups have encountered barriers to securing space for events.

Immigration Policies Limiting the Employment Options or Movement of Migrants
According to the U.S. Department of State Bureau of Economic and Business Affairs, visa, residence, and work permits do not contain openly discriminatory or extremely restrictive requirements. Potential barriers relating to visas and work permits include the following: their issuance may be greatly delayed as a result of corruption and bureaucratic barriers; and a six-month temporary visa reportedly costs USD 300 – 400. It should also be noted that the government has incentivized employers to hire local workers by taxing the salaries of foreign workers at a higher rate.

Ratification of ILO Conventions Related to Human Trafficking or Rights of Workers and Migrants
Use of Export Processing Zones (EPZs)

According to the U.S. Department of State, the DRC did not have designated free trade areas or free port zones in 2016, but legislation to create such zones was under development.38

Political Risk Factors

Political Instability or Conflict

The DRC has been the site of prolonged armed conflicts since the mid-1990s which have significantly impacted efforts to reduce poverty, improve the economy, and implement uniform governance and rule of law across the country. Over a dozen armed rebel and militia groups operate in the eastern regions of the country, with some also operating in the Katanga and Orientale provinces. As a whole, the groups have committed scores of human rights abuses and war crimes, including forced conscription of child soldiers, sexual and gender-based violence against women and girls, forced labor, torture, ethnically motivated killings, large-scale violence and destruction of property,39 and occupation of schools.40 The conflict is transnational, multi-ethnic, and according to the U.S. Department of State, is fueled by a struggle to control sovereignty (national or tribal), local loyalty, land rights, and smuggling and legitimate trade routes, along with other motivations.41

The U.S. Department of State reported increases in crime, violence and armed group activity in the second half of 2016. This included increases in ethnic tension in North and South Kivu and Tanganyika which led to attacks and “sporadic armed conflicts.”42

Political instability increased significantly in 2016 when elections were not held and Joseph Kabila overstayed his term limit. Kabila’s administration agreed to hold elections at the end of 2017, but potential barriers to free and fair elections exist.43
Level of Crime and Violence
In its 2017 Crime and Safety Report, the United States Department of State Bureau of Diplomatic Security characterized the level of crime and violence as largely unchecked, and contributed to by state actors. This characterization can be seen in reports that government actors were among those who committed widespread sexual violence in 2016, reportedly as a tactic of war to punish civilians for their perceived allegiances to rivals. The widespread nature of this and other forms of crime and violence contributed to a “volatile and unpredictable” security situation, described in further detail below in relation to political instability and conflict.

State Persecution
The U.S. Department of State has reported that general societal discrimination and abuse occurred against multiple groups; these notably included ethnic minorities, indigenous persons, and foreign minority groups. There is some indication that societal beliefs could inform government action, particularly that of security forces. For example, there have been reports that displaced and refugee Hutus have been targeted by state security forces because of suspicion that the Hutus had sympathies or involvement with the armed rebel group, the Allied Democratic Forces (ADF).

Level of Corruption
The Transparency International Corruption Perception Index scores the DRC as a 27 out of 100, where 0 signals “Highly Corrupt” and 100 signals “Very Clean.” The DRC is ranked 156 out of 176 on that index. In 2016, the U.S. Department of State reported that corruption infiltrated all levels of government, and officials frequently engaged in corrupt activities with impunity. The police force was viewed to be dysfunctional due to a lack of equipment and basic training, and to rampant corruption. Police and military personnel were reported to regularly stop and detain travelers at checkpoints to demand bribes, and in some cases, steal valuables. The U.S. Department of State reported that because weapons are controlled by the government’s security forces, this has led to widespread speculation that crimes committed with weapons are in fact carried out by members of the police and military.

Areas in eastern DRC were the sites of crimes against Congolese civilians attributed to armed groups. These included reports of kidnappings in North Kivu, organized attacks and murders of civilians in the areas surrounding Beni, and sexual and gender-based violence. Armed groups were present around areas near the northern and eastern borders, which were reported to be the sites of transnational crime, poaching, and smuggling.

In a 2016 report, the U.S. Department of State described harassment, arbitrary detention, disappearances, and cruel and inhumane methods of punishment by the state security forces on civil society activists.

The Fund for Peace ranked the DRC as the seventh most unstable nation out of 178 countries assessed in 2016. Using the same analysis, the DRC was issued a score of 110.0 out of 120 (with 120 being the most unstable), which places the DRC in the “alert” category for fragility and instability. Factors such as demographic pressures, human fighting, human rights and rule of law, and group grievances were used to assess the country’s status.

Socio-Economic Risk Factors
Level of National Economic Development
The United Nations has classified the DRC as a “least developed country” since 1991.\textsuperscript{55} The DRC’s Human Development Index score for 2015 was .433, ranking the country 176 out of 188 countries.\textsuperscript{56} All of the countries neighboring the DRC have higher Human Development Index scores, with the exception of the Central African Republic, with a score of .350, and Burundi, with a score of .400.

Level and Extent of Poverty
The DRC has a high level of poverty, with 72.5 percent of the population determined to be in multidimensional poverty, according to the UN. An additional 18.5 percent of the population was determined to be near inter-dimensional poverty. When adjusted for inequality, the DRC’s Human Development Index score falls from .433 to .276.\textsuperscript{57} The GRC’s gross national income (GNI) per capita was USD 359 in 2016, an increase from USD 322 in 2012.\textsuperscript{58} As reported by groups such as the Rural Poverty Portal, levels poverty and instability have been observed to influence each other. Areas of the DRC affected by armed conflict have experienced the destruction of basic infrastructure needed for food security and market access. In turn, young people who lack opportunities at home and/or fear conflict flee to urban areas; there, they risk becoming a threat to stability if they are unable to find employment and relief from poverty.\textsuperscript{59}

Degree of Gender Inequality
In 2016, the DRC scored .663 and ranked 153\textsuperscript{rd} on the Gender Inequality Index, indicating high levels of gender inequality across different indicators\textsuperscript{60} In 2016, the Organization for Economic Co-operation and Development (OECD) reported that violence against women had reached epidemic proportions in the country, and has been exacerbated by the ongoing armed conflict. Rape is criminalized, but a small fraction of crimes of violence against women were prosecuted in recent years, and total number of attacks against women may be underestimated.\textsuperscript{61} Sexual harassment is also common; a 2010 study reported on by the U.S. Department of State indicated that nearly two thirds of those surveyed had experienced sexual harassment in the workplace in the past year.\textsuperscript{62} Women faced difficulties to inheriting property, particularly if they were widowed, as the law provides precedence to children over widows.\textsuperscript{63} The OECD reported that women had very limited access to land in practice due to prevailing attitudes and customary law.\textsuperscript{64} The government has reportedly made a number of updates to the Labor Code with regard to gender. The updated Code provides for the following: the right to work without discrimination, equal salary for equal work, and the right for married women to work without first obtaining their spouse’s permission. It also prohibits the taking of pregnancy tests as part of an application for employment. The OECD observed, however, most women (and men) are employed in the informal sector and would be unlikely to benefit from provisions such as these in practice.\textsuperscript{65}

Landlessness and Dispossession
According to the UN, there were over two million IDPs in the DRC by the end of 2016.\textsuperscript{66} The U.S. Department of State reported that the total included approximately 678,000 IDPs in North Kivu, 375,000 in South Kivu, 147,000 in Tanganyika, and 142,000 in Maniema, although the total number of IDPs is likely to have since changed. The government was found to allow humanitarian organizations to protect and assist IDPs as a general practice, but there were instances in which the government and state forces closed IDP sites suddenly and caused IDPs to become further displaced. Efforts to aid IDPs were further impeded by structural conditions such as poor roads and active conflict. In May 2016, for example, three
humanitarian organizations temporarily suspended operations in North Kivu following abductions of relief workers.  
After fleeing the conflict and becoming displaced, IDPs were at continued risk of abuse. These abuses ranged from harassment and forced taxation to forced conscription into combatant groups, abduction, sexual exploitation, and killings. Some IDPs also suffered violence at the hands of the security forces, as was the case for displaced Hutus whose camps were targeted and empty as part of a counter-FDLR operations. The security forces reportedly viewed the Hutu IDPs as potentially sympathetic to the armed group. In its 2016 report, the U.S. Department of State referred to the abuse of IDPs as one of the DRC’s major human rights concerns.

Environmental Factors
The Central Intelligence Agency has summarized the main environmental issues in the DRC as poaching, water pollution, deforestation, soil erosion, and environmental damage from mining (legal and illegal). In addition, the DRC suffers from periodic droughts in the south, and seasonal floods along the Congo River. Less predictable are the active volcanoes in the East which are found along the Great Rift Valley, and which the CIA has reported to be a potential major threat for Goma, a city with a population of a quarter million people. The fast lava flow from the most recent eruption of Mt. Nyiragongo in 2002 resulted in widespread destruction, close to 100 deaths, and the evacuation of 300,000 people. In spite of the threat posed, armed groups are reported to have vandalized and stolen seismic monitoring equipment that enabled scientists to monitor eruption warning signs. Incidents such as these illustrate that the ongoing conflict may hinder the efforts of groups to study and remediate environmental issues.

Documented Trafficking in Persons Risk Factors in Key Commodity Supply Chains
Artisanal Mining (Gold, Conflict Minerals, Diamonds)
Artisanal Mining (Gold, Conflict Minerals, Diamonds) Overview
Approximately 375,000 people are employed in industrial mining in DRC, supporting over 1.8 million people total. Comprehensive data on the scale of artisanal mining is unavailable, but according to the Electronics Industry Transparency Initiative, “10 million people, 16 percent of the Congolese population, are directly or indirectly dependent on small-scale mining.” Artisanal mining is carried out without any intensive tools or technology. Most artisanal mining is technically illegal as most miners cannot afford the mining cards issued by the government and operate outside of formally designated “zones d’exploitation artisanale.” Instead, most mining takes place on formal mining concessions, which violates national law. Although informal, there is a well-established structure to informal mining. Bosses usually oversee teams of diggers, porters, rock crushers and washers on mining sites. Mining sites are either underground, open-pit or alluvial. Underground mines can be 30 meters deep. Alluvial mining takes place in rivers.

Documented Trafficking in Persons Risk Factors in Artisanal Mining (Gold, Conflict Minerals, Diamonds)
According to the U.S. Department of State 2016 Trafficking in Persons Report, diamonds, copper gold, ores and tin are all produced with forced labor in the Democratic Republic of the Congo (DRC). Until very recently, armed groups in the Kivu provinces of the Democratic Republic of Congo controlled the majority of the mines. In some cases, the forces that control mining sites, often representatives of the armed forces or rebel groups, make local miners work at gunpoint without pay at their mining site for
short periods of time – a process known as "solango." The groups controlling the mines are often the only source of credit in these impoverished regions, and they give loans to miners for money, food, and tools. Miners are then required to pay back these loans at hugely inflated rates, which can force them into a cycle of debt bondage. In addition, false or exaggerated criminal charges may be used to compel miners into service. Child soldiers are also conscripted into work at the mines. In 2010, the U.N. Group of Experts stated that, “in the Kivu provinces, almost every mining deposit [was] controlled by a military group.” More recently, however, the studies have found that over three quarters of miners surveyed in Eastern Province were in mines not directly affected by conflict as of October 2016.

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Endnotes


Trafficking Risk in Sub-Saharan African Supply Chains