

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 is the site of conflict and instability due to its immense mineral wealth, the presence of rebel and militia groups, as well as actions by the governing establishment to quash political opposition.^{1 2} The Fund for Peace ranked the DRC the fifth most unstable nation out of 178 countries assessed in 2019.³

Due to the DRC's former president Joseph Kabila's refusal to step down at the expiration of his term in December 2016, national elections originally scheduled for November 2016 were postponed to December 2018. Failure to hold elections as scheduled fueled civil and political unrest. In January 2019, opposition candidate Felix Tshisekedi was sworn in as president. This was the first transfer of power to an opposition candidate without significant violence or a coup since DRC's independence in 1960.⁴

Economy

The DRC is classified as a low-income country.⁵ 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.⁶ Under its current conditions, however, the DRC has been ranked as the sixth most difficult country in which to do business out of 190 countries.⁷

The economy is heavily dependent on natural resource extraction, particularly copper and other minerals. In 2018, mining accounted for over two thirds of the country's exports.⁸ 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.⁹ Annual GDP growth from 2016 to 2019 has fluctuated between 2.4 and 5.8 percent, with 4.4 annual growth reported in 2019.¹⁰

In addition to contributing to the national economy, minerals fund armed groups, criminal networks, and government officials in the east of the country. The UN reports that large amounts of gold are smuggled by such groups to neighboring countries.¹¹



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 2019 was 0.459, ranking the country 179 out of 189 countries. Its Gender Inequality Index score for the same year was 0.655, with 0 indicating perfect equality and higher values indicating higher inequality.¹² The most recent data indicates that 74 percent of the population is living in multidimensional poverty.¹³

The DRC is home to over 200 African ethnic groups, most of which are Bantu. According to the CIA, the Mongo, Luba, Kongo, and Mangbetu-Azande tribes make up approximately 45 percent of the population.¹⁴ The U.S. Department of State reported that societal discrimination and abuse of ethnic minorities were ongoing problems in 2018.¹⁵

TIP Report Summary

US 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, 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.

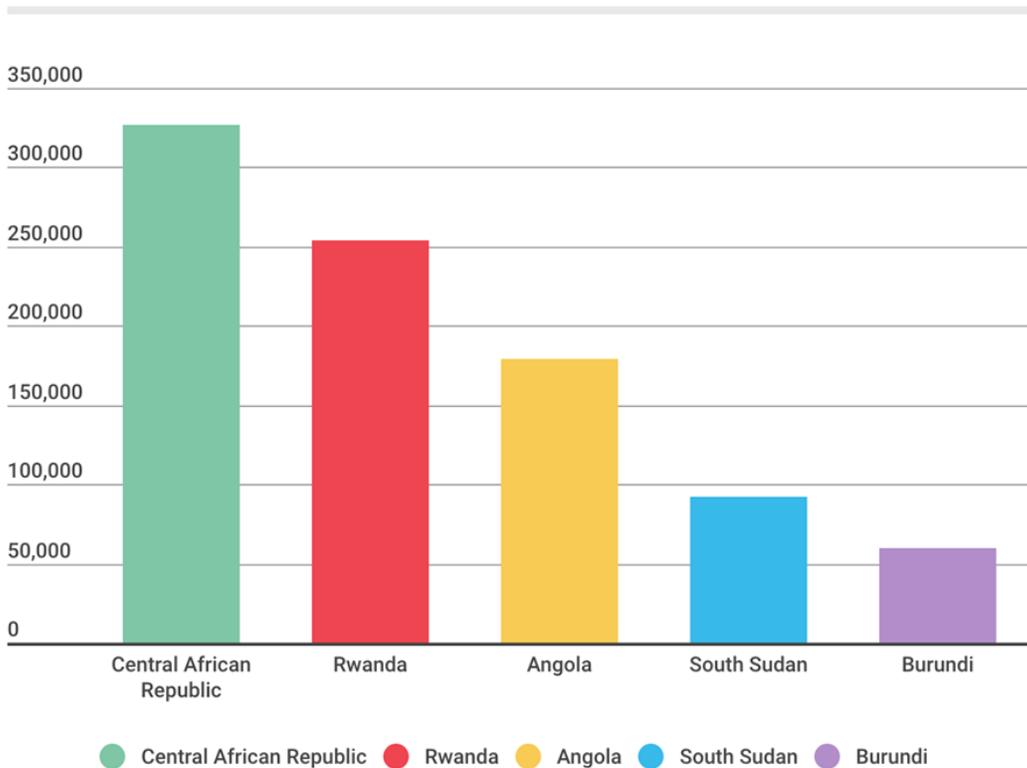
Read the full TIP Report: <https://www.state.gov/reports/2019-trafficking-in-persons-report/>



Migration

According to the International Organization for Migration, between 2015 and 2020, the DRC had a net migration rate of 0 migrants/1,000 population.¹⁶ The most common destination for migrants from the DRC was Uganda, followed by Rwanda, Burundi, Congo, and Angola. There were an estimated 919,293 refugees and asylum seekers in DRC in 2020.¹⁷ There were reported to be 5,512,000 internally displaced persons in the country in 2019.¹⁸

Migrants to Democratic Republic of the Congo

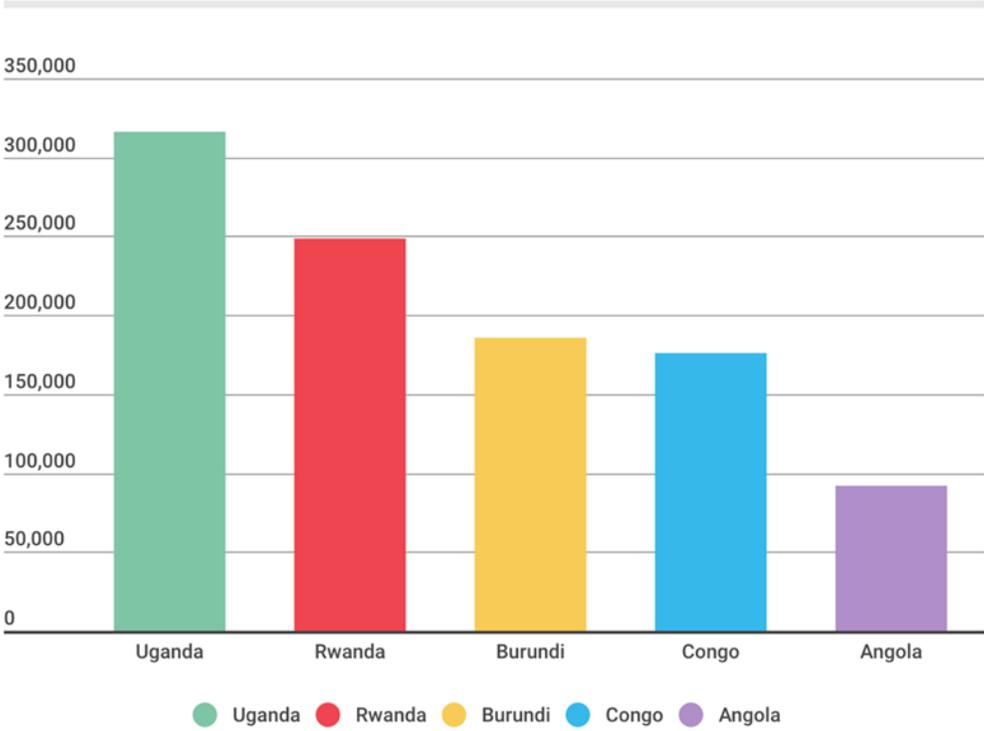


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The primary source country of migrants living in the DRC was Central African Republic, followed by Rwanda, Angola, and South Sudan.²⁰



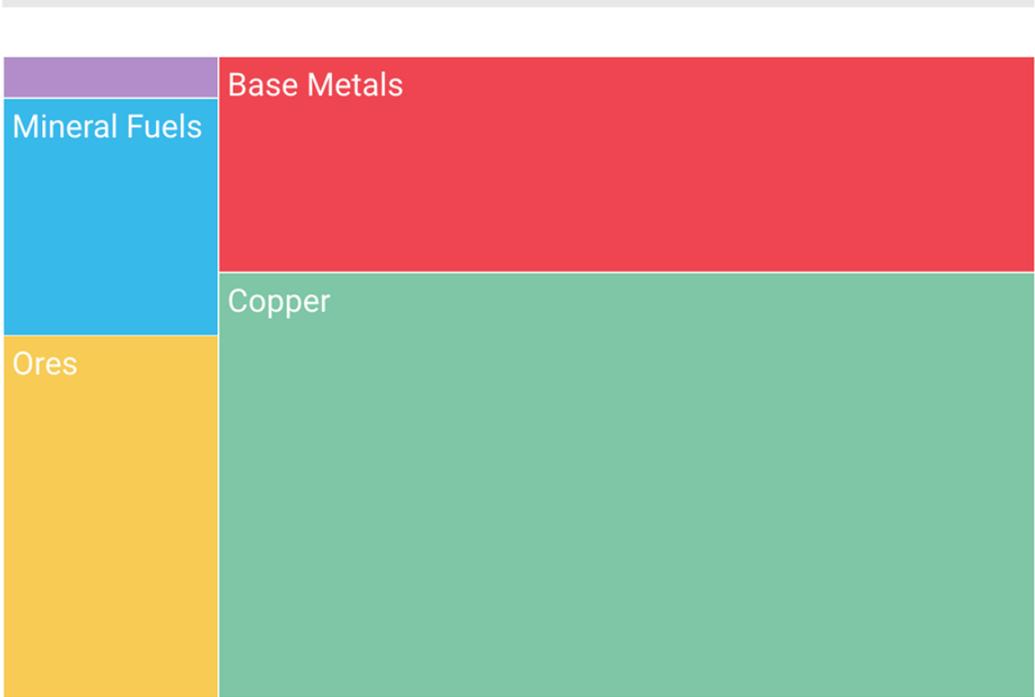
Migrants from Democratic Republic of the Congo



Exports and Trade

The DRC's top export in 2019 was copper. Other top exports included cobalt, petroleum, diamonds, unspecified commodities, tin, round wood, sawn wood, other minerals, and gold.²²

Top Commodity Exports (USD/Thousands)

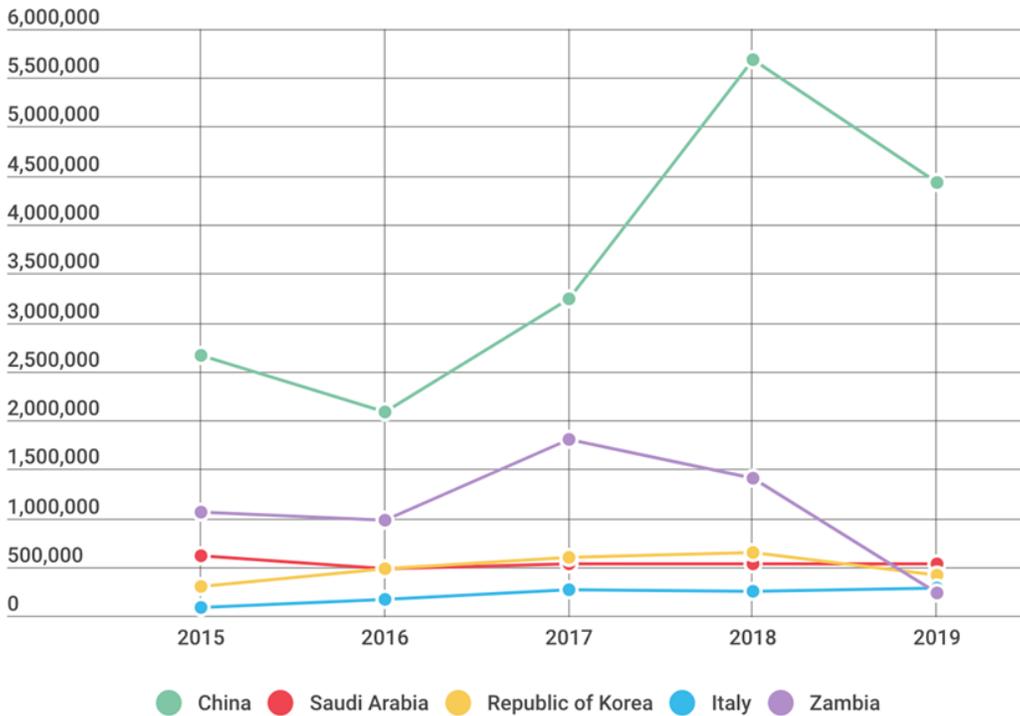


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The top importers of all goods from the DRC were China, Saudi Arabia, the Republic of Korea, Italy, and Zambia.²⁴



Democratic Republic of the Congo Export Partners (USD/Thousands)



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TIP 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 in both the formal and informal sector, excluding top government officials and state security force members, 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. It is unlawful for the police, army, domestic workers or directors of enterprises to strike. An infraction of a rule on strikes could result in incarceration for up to six months with compulsory prison labor.²⁶



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.²⁷

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.²⁸ 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.²⁹

Standard workweeks are legally defined as ranging from 45 to 72 hours every two weeks, 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.³⁰

The government sets different regional wages for workers in the private sector, but the national minimum wage of 1,680 Congolese francs (approximately USD 0.86 in July 2020) per day has 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.³¹

The government has set health and safety standards. Notably, the law does not provide workers the right to remove themselves from working conditions that endanger their health or safety without risking termination by their employer. The U.S. Department of State indicated in 2019 that the authorities, with only 200 labor inspectors, do not effectively enforce health and safety standards.³²

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 status.³³

Forced Labor

The constitution of the DRC prohibits all forms of forced labor and trafficking; however, the government reportedly has not effectively enforced the law.³⁴



Child Labor

According to the U.S. Department of Labor, the DRC’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, parents are often expected to pay a portion of the expenses.³⁵ 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.³⁶

Civil Society Organizations

In 2019, Freedom House reported that since taking office, President Tshisekedi has affirmed civil rights and political liberties. However, arrests of journalists, closings of media outlets, and impunity in courts have continued.³⁷ Further, in 2019, the U.S. Department of State reported that security force actors “continued to kill, harass, beat, intimidate, and arbitrarily arrest and detain domestic human rights advocates and domestic NGO workers.” According to the U.S. Department of State, when NGOs report abuse or offer support to victims of abuse by the security forces, or report on illegal exploitation of natural resources in the east, they are particularly likely to experience such violation of civil rights.³⁸

After analyzing the legal, political, and economic environment, Freedom House reported that the DRC scored 4 out of 40 for political rights and 14 out of 60 for civil rights, with 40 and 60 being the most free.³⁹ According to Amnesty International, the authorities have banned and repressed assemblies and protests, and went as far as shutting down the internet for 20 days in January 2019 to dampen speculation over election fraud in the country.⁴⁰

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 because 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.⁴¹



Ratification of ILO Conventions Related to Human Trafficking or Rights of Workers and Migrants

Conventions	Status
ILO 29 Forced Labor	In force
ILO 87 Freedom of Association and Protection of the Right to Organize	In force
ILO 98 Right to Organize and Collective Bargaining	In force
ILO 100 Equal Remuneration	In force
ILO 105 Abolition of Forced Labor	In force
ILO 111 Discrimination	In force
ILO 138 Minimum Age	In force
ILO 181 Private Employment Agencies	Not ratified
ILO 182 Worst Forms of Child Labor	In force
ILO 97 Migration for Employment	Not ratified

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Use of Export Processing Zones (EPZs)

According to the U.S. Department of State, as of 2019, the DRC does not have designated free trade areas or free port zones. President Tshisekedi sent a bill to Parliament in November 2019 which would ratify the DRC as a member of the African Continental Free Trade Area (ZLEC), but the bill has not yet been approved or signed into law.⁴³

Political Risk Factors

Political Instability or Conflict

The DRC has been the site of prolonged armed conflict since the mid-1990s, significantly impacting 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 primarily in the eastern provinces and Kasai region of the country. 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, and occupation of schools.⁴⁴ The conflict is transnational, multi-ethnic, and according to the U.S. Department of State, fueled by a struggle to control sovereignty (national or tribal), local loyalty, land rights, and smuggling and legitimate trade routes, along with other motivations.⁴⁵

The U.S. Department of State has also reported arbitrary or unlawful killings, disappearances, and other human rights violations at the hands of state security forces who are fighting rebel and militia groups.⁴⁶

Political instability increased significantly in 2016 when elections were not held and Joseph Kabila overstayed his term limit.⁴⁷ Elections were eventually held in December 2018, the results of which were widely disputed.⁴⁸ The U.S. Department of State reported that political and civil unrest has decreased since that time.⁴⁹

The Fund for Peace ranked the DRC as the fifth most unstable nation out of 178 countries assessed in 2020. Using the same analysis, the DRC was issued a score of 109.4 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.⁵⁰

Level of Crime and Violence

In its 2020 Crime and Safety Report, the United States Department of State Bureau of Diplomatic Security characterized the situation in the country as unstable. Although unrest has decreased after the country’s first successful transfer of power, crime and violence are still prevalent due to armed conflict between government security forces and militia groups. The police force is characterized as “generally ineffectual and dysfunctional” and as not having the ability to respond to emergency situations.⁵¹

State Persecution

In 2015, the U.S. Department of State reported general societal discrimination and abuse against multiple groups including ethnic minorities, indigenous persons, and foreign minority groups.⁵² This report described harassment, arbitrary detention, disappearances, and cruel and inhumane methods of punishment by the state security forces on civil society activists.⁵³ There were also reports that displaced and refugee Hutus were 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).⁵⁴

In 2020, the U.S. Department of State noted a change in governmental attitude toward human rights as the Tshisekedi administration granted a visa to Human Right Watch’s lead human



rights analyst on the DRC; the analyst had previously been barred from the country for several years. However, overall human rights violations at the hands of state security forces persist.⁵⁵

Level of Corruption

The Transparency International Corruption Perception Index scores the DRC 18 out of 100, where 0 signals “Highly Corrupt” and 100 signals “Very Clean.” The DRC is ranked 168 out of 180 on that index.⁵⁶ In 2019, the U.S. Department of State reported that corruption law was not enforced effectively, and officials frequently engaged in corrupt activities with impunity. This corruption is stated to have deprived the government of millions of dollars each year.⁵⁷

Police and military personnel were reported to regularly stop and detain travelers at checkpoints to demand bribes, and in some cases, steal valuables.⁵⁸

Socio-Economic Risk Factors

Level of National Economic Development

The United Nations has classified the DRC as a “least developed country” since 1991.⁵⁹ The DRC’s Human Development Index score for 2019 was .459, ranking the country 179 out of 189 countries.⁶⁰ All of the countries neighboring the DRC have higher Human Development Index scores, with the exception of Burundi, with a score of .423; South Sudan, with a score of .413; and the Central African Republic, with a score of 0.381.⁶¹

Level and Extent of Poverty

The DRC has a high level of poverty, with 74 percent of the population determined to be in multidimensional poverty. An additional 16.8 percent of the population was determined to be vulnerable to multidimensional poverty.⁶² When adjusted for inequality, the DRC’s Human Development Index score falls from .459 to .316.⁶³ The DRC’s gross national income (GNI) per capita was USD 520 in 2019, an increase from USD 320 in 2010.⁶⁴

Degree of Gender Inequality

In 2018, the DRC scored .655 and ranked 156th on the Gender Inequality Index, indicating high levels of gender inequality across different indicators.⁶⁵

In 2019, the Organization for Economic Co-operation and Development (OECD) reported that violence against women was endemic, exacerbated by the ongoing armed conflict. While rape is criminalized, a small fraction of crimes of violence against women were prosecuted in recent years, and the total number of attacks against women may be underestimated.⁶⁶ The U.S. Department of State reported that state security forces and armed rebel and militia groups perpetuated widespread sexual violence, most commonly in conflict areas in the East.⁶⁷ Sexual



violence is used as a war tactic to punish women believed to belong to specific groups. Sexual harassment is also common, and enforcement of sexual harassment law is ineffective.⁶⁸

While many laws guarantee equal rights to women, the OECD reports that women face barriers due to prevailing attitudes and customary laws regarding marriage arrangements, positions in the household, inheritance, land ownership, and financial independence.⁶⁹

The government ratified international conventions and updated the Labor Code with regard to gender providing 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. However, employment discrimination still takes place and since most women (and men) are employed in the informal sector, they may not benefit from these provisions in practice.⁷⁰

Landlessness and Dispossession

According to the Internal Displacement Monitoring Centre, there were over five and a half million IDPs in the DRC by the end of 2019. However, in the first six months of 2020, over 1.7 million new displacements were recorded.⁷¹ Much of the displacement has been caused by conflict in the eastern provinces of the DRC over the past few decades. According to the U.S. Department of State, 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.⁷²

After fleeing 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.⁷³

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.⁷⁴

According to the Internal Displacement Monitoring Centre, 233,000 individuals were displaced in the DRC due to disasters, most often flooding.⁷⁵ The World Bank reports that natural disasters are likely to occur more frequently as the climate changes, impeding economic development.⁷⁶



The CIA also reports that volcanoes in the East which are found along the Great Rift Valley pose potential threats to the DRC, including the city of Goma with a population of a quarter million people.⁷⁷ 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.

Documented Trafficking Risk in Key Commodity Supply Chains

Artisanal Mining (Gold, Conflict Minerals, Diamonds)

Artisanal Mining (Gold, Conflict Minerals, Diamonds) Overview

The DRC has undergone massive changes in the last couple decades regarding the export of minerals. Large foreign investments in the mining sector resulted in the DRC being the first exporter of copper in Africa and the world's first cobalt exporter.⁷⁸ This investment diversified the economy that was previously focused largely on diamonds. A significant majority of miners, according to some sources up to two million, work in artisanal or small-scale mining of cassiterite, cobalt, coltan, copper, diamond, gold, tantalite, tungsten, and wolframite.⁷⁹

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."⁸⁰ Instead, most mining takes place on informal mining concessions, which violates national law.⁸¹ 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.⁸²

Documented TIP Risk in Artisanal Mining (Gold, Conflict Minerals, Diamonds)

According to the U.S. Department of State 2019 *Trafficking in Persons Report*, diamonds, copper gold, ores and tin are all produced with forced labor in the Democratic Republic of the Congo (DRC).⁸³ 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."⁸⁴

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 conscribed into work at the mines.⁸⁵ In 2010, the U.N. Group of



Experts stated that, “in the Kivu provinces, almost every mining deposit [was] controlled by a military group.”⁸⁶ 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 2016.⁸⁷

¹ BBC. *DR Congo country profile*. 10 January, 2019. <https://www.bbc.com/news/world-africa-13283212>

² U.S. Department of State, Bureau of Democracy, Human Rights, and Labor. *Country Reports on Human Rights Practices for 2016: Democratic Republic of Congo*. 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265242>.

³ Fund for Peace. *Fragile States Index*. 2019. <https://fragilestatesindex.org/country-data/>.

⁴ Central Intelligence Agency. *The World Factbook: Congo, Democratic Republic of the*. 2019. <https://www.cia.gov/library/publications/the-world-factbook/geos/cg.html>.

⁵ The World Bank. *Data: Congo, Dem. Rep.* 2017. <http://data.worldbank.org/country/congo-dem-rep>

⁶ The UN. *DRC economy: The Giant Awakens*. <https://www.un.org/africarenewal/magazine/august-2016/drc-economy-giant-awakens>

⁷ The World Bank. *Doing Business 2019: Training for Reform*. 2019.

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⁸ International Trade Centre. *List of products at 2 digits level exported by Congo, Democratic Republic of the in 2018 (Mirror)*. 2018. https://www.trademap.org/Product_SelProductCountry.aspx?nvpm=

⁹ The World Bank. *Democratic Republic of the Congo Overview*. 2017. <http://www.worldbank.org/en/country/drc/overview>

¹⁰ The World Bank. *World Development Indicators*. 2020. <https://databank.worldbank.org/reports.aspx?source=2&country=COD>

¹¹ Associated Press. *UN experts: Gold from Congo going to armed groups, criminals*. 2020.

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¹² United Nations Development Programme (UNDP). *Human Development Indices and Indicators: 2018 Statistical Update. Congo Democratic Republic of the*. 2018. http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/COD.pdf.

¹³ United Nations Development Programme (UNDP). *International Human Development Indicators*. 2019.

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¹⁴ Central Intelligence Agency (CIA). *The World Factbook: Democratic Republic of the Congo*. 2020.

<https://www.cia.gov/library/publications/the-world-factbook/geos/cg.html>

¹⁵ Overseas Security Advisory Council - OSAC. *Democratic Republic of the Congo 2019 Crime and Safety Report*. 2019.

<https://www.osac.gov/Content/Report/09b61b82-602a-43fa-8dfb-15f4aec11692>.

¹⁶ International Migration Organization (IOM). *Democratic Republic of the Congo*. 2020.

<https://www.iom.int/countries/democratic-republic-congo>

¹⁷ United Nations High Commissioner for Refugees (UNHCR). *DRC Situation*. 2020. <https://data2.unhcr.org/en/situations/drc>

¹⁸ United Nations High Commissioner for Refugees (UNHCR). *DR Congo Emergency*. 2020. <https://www.unhcr.org/dr-congo-emergency.html>

¹⁹ International Organization for Migration (IOM). *Global Migration Flows*. <http://www.iom.int/world-migration#source>

²⁰ International Organization for Migration (IOM). *Global Migration Flows*. <http://www.iom.int/world-migration#source>

²¹ International Organization for Migration (IOM). *Global Migration Flows*. <http://www.iom.int/world-migration#source>

²² International Trade Centre. *List of products at 4 digits level exported by Congo, Democratic Republic of the in 2019 (Mirror)*.

2019. http://www.trademap.org/Product_SelProductCountry.aspx?nvpm=

²³ International Trade Centre. *List of products at 4 digits level exported by Congo, Democratic Republic of the in 2019 (Mirror)*.

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²⁴ International Trade Centre. *List of importing markets for the product exported by Congo, Democratic Republic of the in 2019 (Mirror)*.

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²⁵ International Trade Centre. *List of importing markets for the product exported by Congo, Democratic Republic of the in 2019 (Mirror)*.

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- ⁴¹ U.S. Department of State. *Investment Climate Statements for 2017: Democratic Republic of the Congo*. 2017. <https://www.state.gov/e/eb/rls/othr/ics/investmentclimatestatements/#wrapper>
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