

# REPUBLIC OF THE CONGO 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Republic of the Congo (ROC) is a presidential republic in which the constitution vests most decision-making authority and political power in the president and prime minister. In 2015 the Republic of the Congo adopted a new constitution that extended the maximum number of presidential terms and years to three terms of five years and provided complete immunity to former presidents. In 2016 the Constitutional Court proclaimed the incumbent, Denis Sassou N’Guesso, the winner of the 2016 presidential election, despite opposition and international criticisms of electoral irregularities. The government last held legislative and local elections in 2017, with legislative election irregularities sufficient to restrict the ability of citizens to choose their government. While the country has a multiparty political system, members of the president’s Congolese Labor Party (PCT) and its allies retained 68 percent of legislative seats, and PCT members occupied almost all senior government positions.

National police, gendarmes, and the military have responsibility for law enforcement and maintenance of order within the country. The national police maintain internal security and report to the Ministry of Interior. The gendarmerie reports to the Ministry of Defense and conducts domestic paramilitary and law enforcement activities. The army, navy, and air force, which also report to the Ministry of Defense, secure the country from external threat but also conduct limited domestic security activities. Civilian authorities generally maintained effective control over the security forces.

Significant human rights issues included: reports of unlawful or arbitrary killings by the government or on behalf of the government; harsh and life-threatening prison conditions; political prisoners; infringement of citizens’ privacy rights; restrictions on freedoms of peaceful assembly and association; restrictions on the ability of citizens to change their government peacefully; corruption by government officials; violence against women and girls to which government negligence significantly contributed; trafficking in persons; and forced child labor, including the worst forms.

The government took limited steps to prosecute or punish officials who committed abuses, and official impunity was a problem.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

**a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were reports on social media of the government or its agents committing arbitrary or unlawful killings; however, for most such reports (besides those specified below), no independent confirmation was possible, leading to uncertainty regarding the frequency of the incidents and the number of persons arbitrarily deprived of life.

Human rights nongovernmental organizations (NGOs) continued to report deaths resulting from abuse in prisons and pretrial detention centers (see sections 1.c. and 1.g.).

In July 2018, 13 persons between the ages of 12 and 22 died in police custody in the Chacona police station in Brazzaville. The government conducted an investigation and ensuing judicial review. In the days following the incident, the government paid families 2,000,000 Central African francs (CFAF) (\$3,400) each. On March 8, the 3rd Chamber of the Brazzaville Criminal Court sentenced six police officers implicated in the killings, including the Chacona Police Station commissioner and deputy commissioner, to jail terms ranging from 12 months to three years. The Brazzaville Civil Court declined to hear a case brought by the victims' families for additional compensation, citing a lack of jurisdiction. Local NGOs asserted the jail sentences and monetary restitution were not proportional to the crimes.

**b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

**c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibits torture, and the law contains a general prohibition against assault and battery, but there is no legal framework specifically banning torture under the criminal code. There were reports on social media of the government or its agents meting out cruel, inhuman, or degrading treatment to detainees or convicts. For most such reports, no independent confirmation was possible, leading to uncertainty regarding the frequency of the incidents and the number of persons abused.

## **Prison and Detention Center Conditions**

Prison and detention center conditions were harsh and life threatening due to inadequate sanitary conditions, gross overcrowding, and a severe deficit of medical and psychological care.

Physical Conditions: As of September the Brazzaville Prison, built in 1943 to accommodate 150 inmates, held more than 1,038 inmates, including women and minors. The Pointe-Noire Prison, built in 1934 to hold 75 inmates, held an estimated 350 persons. Police stations regularly housed individuals in their limited incarceration facilities beyond the maximum statutory holding period of 72 hours. In addition to these official prisons, the government's intelligence and security services operated detention centers and security prisons that were inaccessible for inspection.

Authorities generally maintained separate areas within facilities for minors, women, and men in Brazzaville and Pointe-Noire. In Brazzaville, while these areas were separate, they were sometimes easily accessible with no locked entryways. In the other 10 prisons, authorities sometimes held juvenile detainees with adult prisoners.

Prison conditions for women were generally better than those for men. There was less crowding in the women's cells than in those for men. Authorities held pretrial detainees with convicted prisoners. In Brazzaville authorities housed and treated prisoners with illnesses in one area but allowed them to interact with other inmates.

In the Brazzaville Prison, conditions for wealthy or well-connected prisoners generally were better than conditions for others.

There were several reported deaths resulting from abuse, neglect, and overcrowding in prisons and pretrial detention centers. As in 2017 a local NGO reported that figures on the number and causes of death while in custody were unavailable.

According to a local NGO, in Brazzaville and Pointe-Noire, most inmates slept on the floor on cardboard or thin mattresses in small, overcrowded cells that exposed them to disease. The prisons lacked drainage and ventilation, and they had poorly maintained lighting with wiring protruding from the walls. Basic and emergency medical care was limited. Medical personnel at the Brazzaville Prison cited

tuberculosis, dysentery, malaria, and HIV/AIDS as the most common maladies affecting prisoners. Authorities did not provide specialized medical care to prisoners with HIV/AIDS, nor were HIV tests available in prisons. Authorities took pregnant women to hospitals to give birth, and authorities sometimes allowed them to breastfeed their infants in prison. Access to social services personnel was severely limited due to insufficient staffing, overcrowding, and stigmatization of those with mental health issues. Prisoners had weekly access to Christian religious services only. Prison authorities permitted outdoor exercise intermittently.

Prison inmates reportedly received, on average, two daily meals consisting of rice, bread, and fish or meat. The food provided in prisons did not meet minimum caloric or nutrition requirements; however, prison authorities usually permitted inmates' families to supply them with additional food. Authorities permitted women to cook over small fires in a shared recreational space. The Pointe-Noire Prison occasionally had running water. All of the prisons supplied potable water to inmates in buckets.

Administration: Prison rules provide for prisoners and detainees to submit complaints to judicial authorities without censorship, but officials did not respect this right. Authorities did not investigate credible allegations of inhuman conditions brought to them by NGOs and detainees' families.

Access to prisoners generally required a communication permit from a judge. The permit allowed visitors to spend five to 15 minutes with a prisoner, although authorities usually did not strictly enforce this limit. In most cases, visits took place either in a crowded open area or in a small room with one extended table where approximately 10 detainees sat at a time. A new permit is technically required for each visit, but families were often able to return for multiple visits on one permit. Since many prisoners' families lived far away, visits often were infrequent because of the financial hardship of travel.

Independent Monitoring: The government provided domestic and international human rights groups with limited access to prisons and detention centers. Observers generally considered the primary local NGO focused on prison conditions independent; authorities, however, denied it access to the interior of several prisons on multiple occasions throughout the year.

Throughout the year human rights NGOs that monitored detention conditions requested letters of permission from the Ministry of Justice to visit prisons. Their repeated requests went unanswered.

Representatives of religiously affiliated charitable organizations visited prisons and detention centers for charitable work and religious counseling.

Authorities granted diplomatic missions' access to both prisons and police jails to provide consular assistance to their citizens. During a visit to the Brazzaville prison by a diplomatic mission in May, the prison cells appeared clean, classrooms were operational, and cooks prepared meals for detainees; negative conditions remained, such as overcrowding and lack of drainage or ventilation.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention, but local NGOs reported arbitrary arrest continued to be a problem. The constitution and law provide detainees the right to challenge the legal basis of their detention before a competent judge or authority, but the government generally did not observe the law. Some members of the security forces acted independently of civilian authority, committed abuses, and engaged in malfeasance.

#### **Arrest Procedures and Treatment of Detainees**

The constitution and law require that a duly authorized official issue warrants before law enforcement officials make an arrest, that a person be apprehended openly, that a lawyer be present during initial questioning, and that detainees be brought before a judge within three days and either charged or released within four months. The government habitually violated these provisions. There is a bail system, but with 70 percent of the population living in poverty, most detainees could not afford to post bail. There is an option for provisional release, but officials usually denied these requests, even for detainees with serious medical conditions. Authorities sometimes informed detainees of charges against them at the time of arrest, but the filing of formal charges often took at least one week. There were reports authorities arrested detainees secretly and without judicial authorization and sometimes detained suspects incommunicado or put them under de facto house arrest. Police at times held persons for six months or longer before filing charges due to the political nature of a case or administrative error. Observers attributed most administrative delays to lack of staff in the Ministry of Justice and the court system. Family members sometimes received prompt access to detainees but often only after payment of bribes. The law requires authorities to provide lawyers at government expense to indigent detainees facing criminal charges, but this usually did not occur.

The law states authorities may hold a detainee for a maximum of 48 to 72 hours in a police jail before an attorney general reviews the case. Thereafter, authorities must decide to release or to transfer the individual to a prison for pretrial detention. Authorities generally did not observe the 72-hour maximum and frequently held detainees for several weeks before an attorney general freed or transferred them to a prison to await trial. The law states a defendant or accused person may apply for provisional release at any point during his or her detention, from either an investigating judge or a trial court, depending on the type of case. The law states that provisional release should generally be granted, provided the judicial investigation is sufficiently advanced and the accused does not pose a risk of suborning witnesses or a threat to public order. This provision of the law was not respected in practice.

Arbitrary Arrest: Reports suggested arbitrary and false arrests continued to occur.

Senior army officer Servais Magloire Babissat died in custody in January after nearly three years in detention at a military base in Pointe Noire. Army personnel reportedly deposited Magloire Babissat's corpse at the municipal morgue in Pointe Noire. NGOs and media reported the government arrested Magloire Babissat in 2016 without charge, did not allow him access to a lawyer or his family, did not begin judicial proceedings for any alleged crimes, and did not allow the family to conduct an autopsy before burial. As of October 16, the family's civil court case against the government was pending at the Pointe Noire district court.

Pretrial Detention: The law sets a maximum of four months in pretrial detention. Under the law pretrial detention is extendable for two additional months with judicial approval. The law is not clear on whether the two-month extension is renewable. Judges often renewed the two-month extension of pretrial detainees. Between 60 and 75 percent of detainees in prison were pretrial detainees. Prison authorities stated the average pretrial detention for noncriminal cases lasted one to three months and for criminal cases at least 12 months. Human rights activists, however, stated the average was much longer, commonly exceeding a year, and sometimes exceeding the maximum sentence for the alleged crime.

Lengthy pretrial detentions were due to the judicial system's lack of capacity and a lack of political will to address the issue. The law defines three levels of crime: misdemeanors (punishable by less than one year in prison), delicts (punishable by one to five years in prison), and felonies (punishable by more than five years in prison). Criminal courts try misdemeanor and delict cases regularly. The judicial

system, however, suffered from a serious backlog of felony cases. By law criminal courts must hear felony cases four times per year. From January to October, the government held only one criminal session and continued to hold those accused of felonies in pretrial detention pending trial.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The constitution and law prohibit arbitrary arrest, arbitrary detention, and false arrest and provide detainees the right to challenge the legal basis of their detention before a competent judge or other authority. If an investigating judge determines a detainee to be innocent, his or her release is promptly ordered, and he or she is entitled to file suit with the Administrative Court. The government, however, generally did not observe this law. Local human rights NGOs reported numerous occasions when officials denied detainees in Brazzaville the right to challenge their detention.

#### **e. Denial of Fair Public Trial**

The constitution and law provide the framework for an independent judiciary. High caseloads, political influence, and corruption remained problematic. Authorities generally abided by court orders; however, judges did not always issue direct court orders against accused authorities.

In rural areas traditional courts continued to handle many local disputes, particularly property, inheritance, and witchcraft cases, and domestic conflicts that could not be resolved within the family.

#### **Trial Procedures**

The constitution provides for the right to a fair trial presided over by an independent judiciary, but authorities did not always respect this right. In 2011 the Ministry of Justice began to decentralize the trial process. Appeals courts existed in five departments--Brazzaville, Pointe-Noire, Dolisie, Owando, and Ouesso--and each had authority to try felony cases brought within its jurisdiction.

Under the law all defendants must be informed promptly and in detail of the charges, with free interpretation as necessary, and have a right to a fair and public trial in all criminal cases and felony cases. Defendants in all criminal trials have the right to be present at their trials and to consult with an attorney in a timely manner, although this did not always occur. The law obligates the government to provide legal assistance to any indigent defendant facing serious criminal charges,

but such legal assistance was not always available because the government did not generally pay for public defenders.

Defendants have the right to adequate time and facilities to prepare a defense. They also have the right to confront or question accusers and witnesses against them and present witnesses and evidence on their own behalf. Defendants have the right not to be compelled to testify or confess guilt and have the right to appeal. The law extends these rights to all citizens, and the government generally abided by these provisions, except in highly politicized cases.

The judiciary heard felony court cases in April. Brazzaville's felony court tried 180 pending cases during the April criminal session.

### **Political Prisoners and Detainees**

There were reports of political prisoners and detainees, although verifiable estimates of their total number were not available. While the government claimed there were no political prisoners, human rights groups and international observers maintained the government detained or imprisoned persons solely or chiefly because of their political beliefs. During the year authorities released numerous prisoners and detainees. Of the approximately 70 persons that local NGOs reported in detention for political reasons at the end of 2018, reports during the year indicated authorities released an undetermined number. Former presidential candidates Jean-Marie Michel Mokoko and Andre Okombi Salissa remained in jail as of October 16. Mokoko, sentenced in 2018, and Okombi Salissa, sentenced in March, were each serving sentences of 20 years with hard labor.

The government permitted limited access to those considered political prisoners by international human rights and humanitarian organizations and diplomatic missions.

### **Civil Judicial Procedures and Remedies**

Civil courts continued to review cases on a regular basis throughout the year. Those courts experienced long delays, although shorter than felony courts did. Individuals may file a lawsuit in court on civil matters related to human rights, including seeking damages for or cessation of a human rights violation. The public, however, generally lacked confidence in the judicial system's ability to address human rights problems.



## **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions; the government, however, did not always respect these prohibitions.

There were reports government authorities entered homes without judicial or other appropriate authorization, monitored private movements, and employed informer systems.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of expression, including for the press, and the government generally respected this right.

Freedom of Expression: Individuals could criticize the government publicly or privately but feared reprisal. The constitution provides for freedom of expression in all forms of communication and prohibits censorship. The constitution, however, criminalizes speech that incites ethnic hatred, violence, or civil war and makes it punishable by no less than five years in prison. It also criminalizes any act or event that promotes racism or xenophobia.

Press and Media Freedom, Including Online Media: Independent media were active and expressed a wide variety of views with some restrictions. Press and media outlets regularly published criticism and satire of the government and senior officials. Most citizens obtained their news from local retransmission of international media and local radio or television stations. There was greater space in electronic media for open discussion of government policy, including critical discussion. International radio broadcasts and satellite television services were available and encouraged discussions of public policy.

Violence and Harassment: There were unconfirmed reports of direct and indirect intimidation of journalists by the government, including telephone calls from official and anonymous persons warning journalists not to use footage of politically sensitive events, and pressure on news outlets not to run certain stories or footage.

Censorship or Content Restrictions: Media outlets were required to register with the Superior Council for Liberty of Communication (CSLC), an official regulatory body. Media outlets that violated council regulations were subject to financial sanctions or temporary shutdown. The president appoints the director of the council.

Many journalists and editors at larger circulation media outlets practiced self-censorship and promoted the editorial views of media owners. Newspapers published open letters written by government opponents.

There were no reports the government revoked journalists' accreditations if their reporting reflected adversely on the government's image. An international NGO reported that the CSLC threatened closure of the general news weekly *Manager Horizon* due to a series of reports it published about alleged embezzlement of public funds by the National Civil Aviation Agency (ANAC). The CSLC summoned *Manager Horizon's* editor for questioning on June 24 and August 8 and told him to produce hard evidence of the publication's claims or refrain from further coverage. The editor received a formal warning notice to comply with the CSLC's instructions on August 9. As of October 16, the newspaper remained in operation.

Libel/Slander Laws: The press law provides for monetary penalties and suspension of a publication's permission to print for defamation and incitement to violence.

### **Internet Freedom**

There were reports government authorities monitored private digital communications without appropriate legal authority, including email, text messaging, or other digital communications intended to remain private. Government officials often corresponded with opposition or diaspora figures using social media accounts, encouraging online discourse of major current events.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

Self-censorship was common in academia and at cultural events, especially in universities, where there was little room for public discourse on politically sensitive topics. Many university-level professors held second jobs as close

advisors to government officials, possibly lessening their intellectual independence.

### **b. Freedoms of Peaceful Assembly and Association**

The government limited freedoms of peaceful assembly and association.

#### **Freedom of Peaceful Assembly**

The constitution and law provide for freedom of peaceful assembly. The government generally respected this right.

The government required authorization from the Ministry of Interior and Decentralization and appropriate local officials for assemblies. Unlike in 2018, in August and September, law school graduates conducted a multiweek demonstration at the Ministry of Justice seeking employment opportunities without government restriction or harassment.

#### **Freedom of Association**

The constitution and law provide for freedom of association, and the government sometimes respected this right. Political, social, or economic groups or associations were required to register with the Ministry of Interior and Decentralization. Authorities sometimes subjected registration to political influence. According to a local NGO, groups that spoke openly against the government encountered overt or veiled threats and found the registration process more time consuming.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport](http://www.state.gov/religiousfreedomreport).

### **d. Freedom of Movement**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation. The government sometimes respected these rights.

Foreign Travel: The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. There were reports the government attempted to restrict foreign travel.

According to UN officials, the government did not allow the executive director of a prominent local NGO to leave the country on May 11 to participate in a UN-funded conference in June that included the Congolese minister of justice. The executive director could not provide required proof the NGO did not owe arrears to the Caisse Nationale de Securite Sociale (CNSS) on behalf of its employees before boarding his flight.

By law all citizens are eligible for a national passport. The government, however, lacked the capacity to produce passports in sufficient numbers to meet demand and prioritized providing passports to those individuals who could demonstrate imminent need to travel or who had strong government connections. Obtaining a passport was a time consuming and difficult process for most persons.

#### **e. Internally Displaced Persons (IDPs)**

The internal conflict that took place in the Pool region from 2016 to 2017 affected an estimated 161,000 IDPs. Following a cease-fire agreement signed in 2017, IDPs began returning to their homes and villages. According to UN and government sources, close to 100 percent of IDPs have returned to their homes. The December cease-fire agreement has held, violence has subsided, and humanitarian actors have access to all previously inaccessible areas.

#### **f. Protection of Refugees**

Abuse of Migrants, Refugees, and Stateless Persons: The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to IDPs, refugees, asylum seekers, stateless persons, and other persons of concern. UNHCR conducted training sessions on international protection with representatives from law enforcement, the immigration service, the judiciary, and local police during the year. Authorities arrested 81 refugees between January and August on suspicion of criminal offenses including rape, false documentation, poaching, and breach of public order. Although refugees had equal access to community health centers and hospitals, there were reports of refugees receiving discriminatory treatment at some hospitals, including insults by medical personnel and long waiting times for treatment without regard to priority relative to their medical conditions.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has a system for providing protection to refugees but not asylum seekers. There are no laws recognizing asylum seekers nor any laws implementing the protections afforded in the 1951 Refugee Convention, to which the government is a signatory. According to UNHCR the country hosted approximately 43,500 refugees, 13,825 asylum seekers, and 11,728 other persons of concern during the year. From January to July, UNHCR facilitated the voluntary repatriation of more than 1,797 CAR refugees from Congo to the CAR.

The National Refugee Assistance Committee (CNAR), a joint committee under the Ministry of Social Affairs and Humanitarian Action, the Ministry of Justice, and the Ministry of Foreign Affairs, handled applications for refugee status. The CNAR received most of its operating budget from UNHCR.

According to UNHCR the CNAR eligibility board processed 200 asylum cases between June and July, granting refugee status to none of the cases. As of July 1, CNAR placed 11 cases on hold pending further processing and denied 189.

Beginning in December 2018 the country saw an influx to the districts of Makotipoko and Bouemba of persons fleeing violence in the DRC. UNHCR registered 8,452 refugees and an estimated 10,000 more sought asylum. According to UNHCR, as of August 30, the country hosted 19,831 CAR refugees and asylum seekers.

In 2015 the government stopped granting prima facie status to refugees fleeing from the CAR. During the year UNHCR registered 3,645 CAR asylum seekers. With the support of UNHCR, the CNAR adopted an expedited procedure to process asylum requests. As of August the government registered 1,490 asylum-seeking families from the CAR.

Employment: The law does not address employment for refugees, but various government decrees prohibit foreigners, including refugees, from practicing small trade activities and working in the public transportation sector.

Access to Basic Services: UNHCR-funded primary schooling was accessible to most refugees. During the academic year, primary schools enrolled 2,945 refugee children, including 1,419 girls. Authorities severely limited access to secondary and vocational education for refugees. Most secondary education teachers at such

schools were refugees who volunteered to teach or received payment from parents of refugee children.

Durable Solutions: As of September the country hosted 12,436 former Rwandan refugees. Former Rwandan refugees may obtain permanent status in Congo if they apply for a Rwandan passport. Many former Rwandan refugees in Congo feared deportation if they received a passport, despite the assurances of local authorities and UNHCR this would not be the case. The government did not deport any former Rwandan refugees as of October.

#### **g. Stateless Persons**

Not applicable.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: During the 2017 legislative and local elections, international observers conducted two rounds of electoral observation. Some opposition parties boycotted the vote. Most observers reported polling stations and electoral officials conducted their business professionally and had the tools necessary to conduct two parallel and concurrent elections for legislative and local races. Civil society and political party representation inside polling stations was robust and critical in dispute resolution. Observers, however, reported the heavy presence of security forces both inside and outside polling stations.

The 2017 legislative elections gave the ruling PCT and its allies control of 102 of 151 seats.

International electoral observers reported examples of fraud that likely benefitted candidates of the PCT and its allies in both rounds. During the first round of voting in 2017, international observers witnessed ballot box stuffing after the close of voting and before vote counts at the Foyer Social voting station in the Poto-Poto neighborhood of Brazzaville. During the second round of voting in 2017, international observers witnessed busloads of soldiers at the CEG De La Paix

voting station in the MOUNGALI neighborhood of Brazzaville. Local residents claimed these soldiers lacked appropriate documentation for that voting station, thus compromising the election results.

The Constitutional Court declared incumbent president Denis Sassou N'Gusso the winner of the 2016 presidential election in the first round with 60.29 percent of the vote. The court cited a 68.92 percent voter turnout among the more than two million eligible voters, with a 100 percent voter turnout in at least three regions.

On presidential election day, international observers witnessed a number of irregularities including: incorrect voter lists; inconsistency in ballot boxes; prefilled voting tally sheets for voter stations in Brazzaville; polling officials allowing and encouraging underage and multiple voting and instructing voters to vote only for the incumbent; polling stations opening late and without adequate supplies; polling officials refusing entry to accredited international observers; persons paying voters to vote for certain candidates; lack of uniform enforcement of voter identification requirements; polling officials, at separate locations, loyal to either the incumbent president or opposition candidates blocking entry to voters supporting opposing candidates; ruling party loyalists impersonating representatives of other candidates; polling officials not posting final vote tally sheets on the exterior wall of polling stations as required and burning ballots after the polling station count; and officials prohibiting observation at regional and national vote compilation centers.

Political Parties and Political Participation: Political parties and civil society groups faced restrictions on their ability to participate in the political and electoral process. In June the Ministry of Interior published a law that confers recognition on 55 of 200 existing parties. According to the government, the remaining political parties did not meet the requirements, including nationwide representation.

Participation of Women and Minorities: No laws limit women's or minority groups' political participation as voters or candidates. Observers suggested cultural constraints might limit the number of women in government. Sexual harassment discouraged women's participation in political activities. There were 14 women in the 72-seat senate and 15 women in the 151-seat national assembly. There were seven women in the 35-member cabinet appointed in 2017.

In 2014 the president signed a law requiring that women make up 30 percent of each party's slate of candidates for local or legislative elections. The 2015

constitution granted parity for women in political positions and mandated the creation of a national advisory council for women, but it did not specify whether the promotion of parity related to pay, benefits, appointment to political positions, or other issues.

The political process excluded many indigenous persons. Reasons included their isolation in remote areas, lack of registration, cultural barriers, and stigmatization by the majority Bantu population (see section 6). For example, a local government official reported a voting booth in Sibiti, a rural city with many indigenous persons, was open only from 7:30 to 8:00 a.m. during the 2015 referendum. Since indigenous communities in outer villages must travel several hours on foot to reach Sibiti, no one reportedly voted.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides for criminal penalties for corruption by officials. The government did not apply the anticorruption law evenly, however, and many officials engaged in corrupt practices with impunity. The government prosecuted one low-level official for corruption during the year.

**Corruption:** Local and international organizations regularly accused government officials, including the president, his family, and senior ministers of corruption. The accusations generally alleged officials divert revenues from their official portfolios into private, overseas accounts before officially declaring the remaining revenues.

In September international media reported the government of San Marino seized 19 million euros from 36 bank accounts belonging to President Sassou Nguesso and members of his family. The funds were seized from deposits made between 2006 and 2011.

**Financial Disclosure:** The constitution mandates elected and senior appointed officials disclose their financial interests before taking office and upon leaving office. Failure to do so constitutes legal grounds for dismissal from a senior position. The constitution does not require that financial disclosure statements be made public.

#### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**



A number of domestic and international human rights groups occasionally faced government restrictions during their investigations and when publishing their findings on human rights cases. Government officials were not cooperative with or responsive to international or domestic human rights groups. Some domestic human rights groups did not report on specific incidents due to fear of reprisal by the government.

The United Nations or Other International Bodies: The government cooperated with the United Nations and other international bodies during the year. For example, the government hosted major international conferences, partnered with resident UN agencies to deliver humanitarian assistance, and consulted regularly with the Office of the Special Representative of the UN Secretary-General for Central Africa, focusing on regional peace, security, and environmental issues.

Government Human Rights Bodies: The government-sponsored Human Rights Commission (HRC) is the government human rights watchdog and is responsible for addressing public concerns about human rights problems. The HRC had little effectiveness or independence; it did not undertake any activities directly responding to human rights problems during the year.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: Rape is illegal in the country; spousal rape is not specifically addressed. The law prescribes unspecified monetary fines based on the severity of the crime and between 10 and 20 years in prison for violators. Authorities enforced the law effectively, however judgments often took years to be rendered and penalties applied. According to a local women's group, penalties actually imposed for rape ranged from as few as several months' imprisonment to rarely more than three years. NGOs and women's advocacy groups reported rape, especially spousal rape, was common. The law prohibits domestic violence, with maximum penalties including prison terms and hard labor. One local NGO working on women's issues reported more than 450 cases of domestic violence in the city of Pointe Noire between January and September, with police often bringing victims to the NGO's headquarters due to the lack of a formal shelter or other area of refuge.

Sexual Harassment: Sexual harassment is illegal. Generally, the penalty is two to five years in prison. In particularly egregious cases, the penalty may equal the 10-

year prison sentence maximum for rape. The government did not effectively enforce these laws.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Both customary marriage and family laws and civil laws enacted by the government govern the rights of women, children, and extended families. Women are provided the same legal status as men under the law, and authorities generally effectively enforced those laws. Individual bias and customary beliefs, however, contributed to societal pressures to limit the rights of women. Adultery is illegal for both women and men, although the penalty differs. Under civil law, the husband could receive only a fine for adultery, while the wife could receive a prison sentence. Polygyny is legal, while polyandry is not.

Women experienced discrimination in divorce settlements, specifically regarding property and financial assets. National law considers men the head of the household, unless the father becomes incapacitated or abandons the family. The law dictates that in the absence of an agreement between spouses, men shall choose the residence of the family.

Women experienced economic discrimination with respect to employment, credit, equal pay, and owning or managing businesses.

## **Children**

Birth Registration: Children acquire citizenship from their parents. Birth within the territory of the country does not automatically confer citizenship, although exceptions exist for children born of missing or stateless parents or children born of foreign parents, at least one of whom was also born in the country. The government does not require registration of births; it is up to parents to request birth registration for a child. For additional information, see Appendix C.

Education: Education is compulsory, tuition free, and universal until age 16, but families are required to pay for books, uniforms, and health insurance fees. Most indigenous children could not attend school because they did not have birth certificates or could not afford the 1,200 CFA francs (\$2.00) per month health insurance fee. Boys were five times more likely than girls to go to high school and four times more likely than girls in high school to go to a university.

Child Abuse: NGOs reported child abuse was prevalent but not commonly reported to authorities.

Early and Forced Marriage: The law prohibits child marriage, and the legal age for marriage is 18 for women and 21 for men. Underage marriage is possible with a judge's permission and with the permission of both sets of parents; the law does not specify a minimum age in such a case. Many couples nevertheless engaged in an informal common-law marriage not legally recognized. For additional information, see Appendix C.

There was no government program focused on preventing early or forced marriage. The penalty for forced marriage between an adult and child is a prison sentence of three months to two years and a fine of 150,000 to 1.5 million CFA francs (\$255 to \$2,550).

Sexual Exploitation of Children: The law provides penalties for crimes against children such as trafficking, pornography, neglect, and abuse. Penalties for these crimes range from forced labor to fines of up to 10 million CFA francs (\$17,000) and prison sentences of several years. The penalty for child pornography includes a prison sentence of up to one year and a fine up to 500,000 CFA francs (\$850). The minimum age for consensual sex is 18. The maximum penalty for sex with a minor is five years' imprisonment and a fine of 10 million CFA francs (\$17,000). A lack of specificity in the law was an obstacle to successful prosecution.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

There is a very small Jewish community. There were no known reports of anti-Semitic acts.

## **Trafficking in Persons**

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law specifically prohibits discrimination against persons with disabilities. The Ministry of Social Affairs and Humanitarian Action is the lead ministry responsible for protecting the rights of persons with disabilities. There are no laws, however, mandating access for persons with disabilities. The government provides separate schools for students with hearing disabilities in Brazzaville and Pointe-Noire. The government mainstreamed children with vision disabilities and children with physical disabilities in regular public schools.

### **National/Racial/Ethnic Minorities**

The law prohibits discrimination based on ethnicity. There were reports of violence against indigenous groups.

### **Indigenous People**

Locally the phrase “indigenous people” refers to forest-dwelling communities that live a seminomadic lifestyle and practice a traditional socioeconomic system based on hunting and gathering of forest products. Most indigenous communities live in rural or isolated parts of the country with limited exposure to the government or its representatives. According to government statistics from 2007, indigenous people represented 1.2 percent of the country’s total population, while other international and domestic NGOs reported figures near 7 percent.

The law provides special status and recognition for indigenous populations. Additionally, the constitution stipulates the state shall provide promotion and protection of indigenous peoples’ rights. In July the government adopted six decrees on the Protection and Promotion of Indigenous Peoples. These decrees created an interministerial committee for the monitoring and evaluation of indigenous rights, protection of cultural property, the status of certain civil measures, and promotion of education, literacy, and basic social services. Beginning in October the government conducted a series of public campaigns to educate members of indigenous communities, civil society, and government agencies about the new decrees.

Nevertheless, according to UNICEF and local NGOs, geographic isolation, cultural differences, and lack of political inclusion marginalized indigenous peoples throughout the country. NGOs and UN agencies reported members of indigenous communities experienced episodic discrimination, forced labor, and violence. The

UN special rapporteur on the rights of indigenous peoples, after a visit in October, reported that indigenous peoples faced significant discrimination, exclusion, and marginalization, including in their access to health services, education, employment, and political participation. According to UNICEF poverty levels remained high in indigenous communities and a lack of access to social services remained the main socioeconomic hurdle to these populations. Other indigenous communities living in more urban areas had greater access to social services but feared harassment by members of the majority Bantu nonindigenous population.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

There is no law that specifically prohibits consensual same-sex sexual conduct. The law prescribes imprisonment of three months to two years and a fine for those who commit a “public outrage against decency.” The law prescribes a punishment of six months to three years’ imprisonment and a fine for anyone who “commits a shameless act or an act against nature with an individual of the same sex under the age of 21.” Authorities did not invoke the law to arrest or prosecute lesbian, gay, bisexual, transgender, or intersex (LGBTI) persons. On occasion, however, to elicit a small bribe, police officers harassed gay men and claimed the law prohibited same-sex sexual activity.

Local NGOs reported episodic violence by government authorities and private citizens against LGBTI persons. A local NGO reported one LGBTI organization was unable to secure legal recognition from authorities. Authorities refused to recognize the organization until it removed from all registration documents language indicating the organization’s focus on the LGBTI community.

There is no law specifically prohibiting discrimination against LGBTI persons in housing, employment, nationality laws, and access to government services.

### **HIV and AIDS Social Stigma**

Public opinion polls conducted by the World Bank in 2012 showed significant societal discrimination against individuals with HIV/AIDS. The law provides penalties for unlawful divulgence of medical records by practitioners, negligence in treatment by healthcare professionals, family abandonment, and unwarranted termination of employment. Civil society organizations advocating for the rights of persons with HIV/AIDS were well organized and sought fair treatment, especially regarding employment.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right to bargain collectively. The law prohibits antiunion discrimination and requires reinstatement of workers dismissed for union activity. The government generally did not effectively enforce applicable laws. The government did not provide adequate inspections or remediation. There are no penalties for violations.

The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, with the exception of members of the security forces and other services “essential for protecting the general interest.” The law allows unions to conduct their activities without interference.

Workers have the right to strike, provided they have exhausted all lengthy and complex conciliation and nonbinding arbitration procedures and given seven business days’ notice. Participation in an unlawful strike constitutes serious misconduct and can result in criminal prosecution and forced prison labor. The law requires the continuation of a minimum service in all public services as essential to protect the general interest.

There have been employers who used hiring practices, such as subcontracting and short-term contracts, to circumvent laws prohibiting antiunion discrimination.

### **b. Prohibition of Forced or Compulsory Labor**

The constitution prohibits forced or compulsory labor unless imposed pursuant to a criminal penalty lawfully mandated by a court. The law, however, allows authorities to requisition persons to work in the public interest and permits imprisonment if they refuse. The government practiced forced prison labor, including of prisoners held for political offenses.

Forced labor, including forced child labor, occurred (see section 7.c.), including in agriculture. In previous years NGOs in Bambama, Sibiti, and Dolisie reported the majority Bantu population forced adult indigenous persons to harvest manioc and other crops with limited or no pay and under the threat of physical abuse or death. Some reports suggested some servitude might be hereditary. Beginning in October, the government conducted an awareness campaign with a focus on

government officials, NGOs, and members of the indigenous communities to inform key stakeholders about amendments intended to improve the legal regime governing the rights of indigenous persons in the country.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

Under the law employers may not hire children under age 16, even as apprentices, without a waiver from the minister of national education. Minimum age protections, however, do not extend to children under the age of 18 who engage in hazardous work, but who do so without an employment contract. The law criminalizes the sexual exploitation of children, as well as forced labor, trafficking, and all forms of slavery. In June the government adopted a comprehensive antitrafficking law making all forms of human trafficking illegal. The law prohibits child soldiering and forced recruitment for child soldiering but does not set a minimum age for voluntary enlistment into the military service.

The law includes specific ranges of penalties for violators of the worst forms of child labor. Penalties were sufficient to deter violations.

The Ministry of Labor and Social Security is responsible for enforcing child labor laws. The government did not provide adequate staff, and labor inspections were not conducted in some parts of the country, especially in rural areas where child labor was prevalent. Existing penalties for the worst forms of child labor may not be severe enough to serve as deterrents because they are not commensurate with penalties for other serious crimes. Child labor was a problem, particularly in the informal sector. Internal child trafficking brought children from rural areas to urban centers for forced labor in domestic work and market vending. Children also engaged in agricultural work and the catching and smoking of fish. NGOs working with indigenous communities reported children were forced to work in fields for low or no wages harvesting manioc under the threat of physical abuse or death. Children from West Africa worked in forced domestic servitude for West African families in Pointe-Noire and Brazzaville. Children also engaged in the worst forms of child labor, including in commercial sexual exploitation and forced recruitment for armed conflict.

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

### **d. Discrimination with Respect to Employment and Occupation**

The constitution and law prohibit discrimination based on family background, ethnicity, social condition, age, political or philosophical beliefs, gender, religion, region of origin within the country, place of residence in the country, language, HIV-positive status, or disability. The law does not specifically protect persons from discrimination based on national origin or citizenship, sexual orientation or gender identity, or having communicable diseases other than HIV.

In July the government adopted six decrees on the Protection and Promotion of Indigenous Peoples. These decrees created an interministerial committee for the monitoring and evaluation of indigenous rights, protection of cultural property, the status of certain civil measures, and promotion of education, literacy, and basic social services. The government enforced these laws. Penalties were sufficient to deter violations.

#### **e. Acceptable Conditions of Work**

Workers in the public sector are accorded a national minimum wage, which exceeds the poverty line. The minimum wage for private sector employees exceeds the poverty line. No official minimum wage exists in the agricultural or informal sectors. The government enforced the minimum wage law, and penalties were sufficient to deter violations.

The labor law provides for a standard workweek of 40 hours and provides for overtime pay for hours worked in excess of the 40-hour limit. Labor law does not limit the maximum number of hours one can work per week, although it does call for a minimum of 24 hours without work per week. The law provides for 10 paid holidays per year and 15 weeks of maternity leave.

The Ministry of Labor sets health and safety regulations that correspond with international standards. While health and safety regulations require biannual Ministry of Labor inspections of businesses, businesses reported the visits occurred much less frequently. The Ministry of Labor employed an insufficient number of inspectors to enforce the law. Inspectors only conducted inspections in the formal sector. The size of the inspectorate was not sufficient to enforce compliance with labor law.

Workers have no specific right to remove themselves from situations that endanger their health or safety without jeopardizing their employment. NGOs reported safety violations commonly occurred in commercial fishing, logging, quarries, and at private construction sites.