

# REPUBLIC OF THE CONGO 2017 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Republic of the Congo is a parliamentary republic in which the constitution, promulgated in 2015, vests most decision-making authority and political power in the president and prime minister. In 2015 citizens adopted a new constitution by a 94 percent vote, but in a controversial process boycotted by much of the opposition. The opposition and international community questioned the credibility of the referendum process and results. The new constitution changed previous maximum presidential term limits from two terms of seven years to three terms of five years and provided complete immunity to former presidents. In April 2016 the Constitutional Court proclaimed the incumbent, Denis Sassou N'Guesso, winner of the March 2016 presidential election with 60 percent of the vote and almost 69 percent voter turnout. Domestic nongovernmental organizations (NGOs), opposition candidates, foreign governments, and international organizations questioned the validity of the results and cited electoral irregularities. The government held the most recent legislative and local elections in July for 143 of the national assembly's 151 seats, for 1,158 local seats, and 66 of the senate's 72 seats. While the country has a multiparty political system, members of the president's Congolese Labor Party (PCT) and its allies retained almost 90 percent of legislative seats, and PCT members occupied almost all senior government positions.

Civilian authorities generally maintained effective control over the security forces.

The most significant human rights issues included torture and other cruel, inhuman, or degrading treatment or punishment of detainees by security services; disappearances; harsh detention conditions; arbitrary arrests and the holding of political prisoners; lack of due judicial process; infringement of citizens' privacy rights; abuses in internal conflict including killings of civilians, sexual violence, and restriction of relief supplies; restrictions on freedoms of assembly and association; abuses related to the harsh treatment of undocumented immigrants; restrictions on the ability of citizens to change their government peacefully; restrictions on the activities of opposition political groups; corruption on the part of officials and lack of transparency; violence against women, including rape; domestic violence, child abuse and early marriage with little government action to enforce accountability against perpetrators; and trafficking in persons.

The government seldom took steps to prosecute or punish officials who committed abuses, whether in the security services or elsewhere in the government, and official impunity was a problem.

Conflict in the Pool region involving government security forces and the Nsiloulou faction of the Ninja militia, known as “Ninja/Nsiloulou” militia continued during the year. The conflict displaced more than 81,000 persons. These antigovernment Ninja militia committed human rights abuses and failed to protect civilians in conflict zones. The government’s military operations sought to hold perpetrators accountable for alleged abuses, although there was no information on judicial actions to investigate, prosecute, or punish perpetrators of these actions.

## **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 several reports in social media of the government or its agents committing arbitrary or unlawful killings; however, no independent confirmation was possible, leading to uncertainty regarding the frequency of the incidents and the total number of persons arbitrarily deprived of life.

There was no further information available in the 2016 deaths of Olgane Nioko Ngambou, Steve Malonga, Yeutcheu Faustin Aime, Mankou Albert, Aikon Apollinaire, Nsihou Paul, and Ngembo Olombi Mignon.

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

### **b. Disappearance**

There were no credible reports of politically motivated disappearances, however disappearances did occur. For example, in February independent media and local human rights NGOs reported the disappearances of Nimi Ngoma Guedj, Akonga Hosny Normand, and Awambi Elmich, who were arrested and detained at the Poto-Poto 2 police jail facility. Guedj, Normand, and Elmich were allegedly separated from a group of 15 young men who were arrested and taken to an unknown location. As of December 11, no further information was known of their whereabouts. Additionally, there were several reports of night raids and daytime state-sponsored kidnappings by security forces in the southern neighborhoods of

Brazzaville and in Pointe-Noire. Family members were unable to find any information about the victims' welfare and whereabouts.

In 2016 political opposition members Marion Michel Ehouango Madzimba and Rodriguez Bazemba disappeared. As of September police had released Madzimba and he was living abroad. There was no information on the whereabouts of Bazemba.

Police detained minor children, who subsequently disappeared.

### **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 widespread reports of cases of government-led torture and other cruel, inhuman, and degrading treatment.

On January 19, security officials at the National Assembly detained Dongui Christ before turning him over to the Directorate General of Territorial Security. According to a human rights NGO, Christ was subjected to torture for one month. On February 22, authorities charged him with spreading false information and disturbing public order.

In December 2016 prison authorities brought Roland Gambou, the younger brother of opposition political figure Andre Okombi Salissa, to the Central University Hospital. Gambou subsequently died, and photographs of his injuries circulated on social media.

The United Nations reported that since 2015 it had received 16 allegations of sexual exploitation and abuse by Republic of the Congo (ROC) military and police personnel deployed to the UN Multidimensional Integrated Stabilization Mission in the CAR (MINUSCA). In June the ROC military contingent withdrew from MINUSCA following a Security Council resolution 2272 review conducted by the UN Secretariat on the performance of ROC peacekeepers. The review found that the nature and extent of the allegations of sexual exploitation and abuse against the ROC military contingent pointed to systemic problems in command and control. The government conducted investigations into all of the allegations and provided feedback to the United Nations. As of November the United Nations and the government continued their investigations pending final action on 12 cases.

In June 2016 the NGO Human Rights Watch reported that ROC peacekeepers in Boali, CAR, killed 18 civilians between December 2013 and June 2015. The NGO made these allegations based on a grave exhumed near a peacekeeping base in February 2016 in which the remains of 12 bodies matched the identities of missing persons from 2014. In June 2016 former minister of justice Pierre Mabilia responded that the soldiers in question would face justice by the end of that year. As of September the investigation was pending.

### **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 August the Brazzaville Prison, built in 1943 to accommodate 150 prisoners, held more than 1,034 inmates, including women and minors. The Pointe-Noire Prison, built in 1934 to hold up to 75 inmates, held an estimated 800, including 60 foreign nationals, more than half of whom were from the DRC. 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 several secret detention centers and security prisons, which were inaccessible for inspection.

Authorities generally maintained separate areas within facilities for minors, women, and men in Brazzaville and Pointe-Noire; however, there were times when 16- and 17-year-old male prisoners were held in the same area as women in 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. Human rights NGOs reported that politically targeted inmates, including Jean Ngouabi, Jacques Banagandzala, and

Anatole Limbongo Ngoka, did not have any access to medical care and reported that their health status was poor.

There were several reported deaths resulting from abuse, neglect, and overcrowding in prisons and pretrial detention centers. According to an NGO, an unconfirmed number of inmates died in the Brazzaville Prison during the year for reasons prison administrators did not disclose.

In Brazzaville and Pointe-Noir, 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 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 mental health issues.

Prison inmates reportedly received, on average, two daily meals consisting of rice, bread, and fish or meat. Authorities permitted women to cook over small fires built on the ground 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 different 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.

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

The constitution and law prohibit arbitrary arrest and detention, but local NGOs report arbitrary arrest continued to be a widespread 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.

#### **Role of the Police and Security Apparatus**

Security forces consist of police, gendarmerie, and military. Police and the gendarmerie are responsible for maintaining internal order, with police primarily operating in cities and the gendarmerie mainly in other areas. Military forces are responsible for territorial security, but some units also have domestic security responsibilities. For example, the specialized Republican Guard battalion is charged with the protection of the president, government buildings, and diplomatic missions. The Ministry of Defense oversees the military and gendarmerie, and the Ministry of the Interior and Decentralization oversees the police.

A civilian police unit under the Ministry of Interior and Decentralization is responsible for patrolling the borders. Separately, a military police unit reports to the Ministry of Defense and is composed of military and police officers responsible for investigating professional misconduct by members of any of the security forces.

Civilian authorities generally maintained effective control over the security forces; however, there were members of the security forces who acted independently of civilian authority, committed abuses, and engaged in malfeasance. The law charges both the military police and the Office of the Inspector General of Police with investigating reports of misconduct by security forces.

The government-established Human Rights Commission (HRC) receives reports from the public of security force abuses, but it was ineffective in addressing human rights concerns.

Impunity for members of the security forces remained widespread, and there were several reports of security force members robbing displaced persons of their valuable possessions, such as cell phones, and demanding bribes at checkpoints in major cities and rural areas within the city. Additionally, there were reports of commanders and other government officials ordering security forces to commit human rights abuses.

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

The constitution and law require that a duly authorized official issue warrants before making arrests, a person be apprehended openly, a lawyer be present during initial questioning, and 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 filing of formal charges often took at least one week. There were reports that 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 the cases or administrative errors. 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 to indigent detainees facing criminal charges at government expense, but this usually did not occur.

The penal code 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, a

decision must be made either 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 criminal code states that 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 that the judicial investigation is sufficiently advanced, that the accused does not pose a risk of subornation of witnesses, and does not pose a threat of disturbance to public order caused by the offense initially alleged; however, this law was not respected in practice.

Arbitrary Arrest: Arbitrary and false arrests continued to occur. For example, on November 27, international and domestic media outlets reported on the arrest of lawyer Steve Bagne in Pointe Noire. Heavily armed security forces disrupted a meeting of lawyers before taking Bagne into custody for having spread sensitive information about security forces over the internet. As of December 11, Bagne remained in detention at the Directorate General of Territorial Security.

Although prostitution is legal, there were reports of police arresting prostitutes, including gay men, for alleged illegal activity.

Pretrial Detention: The penal code sets a maximum of four months in pretrial detention, which may be extended an additional two months with judicial approval; thereafter, detainees must be released pending their court hearings. Authorities did not respect this limit, arguing that the two-month extension is renewable. Between 60 and 75 percent of detainees in the prisons were pretrial detainees. Prison authorities stated the average provisional 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.

For example, in November 2015 authorities arrested Paulin Makaya, president of the opposition United for Congo Party for “incitement to public disorder” for organizing and participating in an unauthorized demonstration in October 2015 against the constitutional referendum. Makaya remained in pretrial detention as of September.

Lengthy pretrial detentions were primarily due to the judicial system’s lack of capacity and political will. The penal code defines three levels of crime: the



misdemeanor (punishable by less than one year in prison), the delict (punishable by one to five years in prison), and the felony (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. This was not possible because the ministry received funding irregularly for processing the more expensive and legally complex felony cases.

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 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 a miscarriage of justice suit against the government with the Administrative Court. The government generally did not observe the 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**

Although the constitution and law provide for an independent judiciary, the judiciary continued to be overburdened, underfunded, and subject to political influence and corruption. 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.

Defendants have the right to be informed promptly and in detail of the charges, with free interpretation as necessary. They 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.

### **Political Prisoners and Detainees**

According to local NGOs, approximately 140 persons remained in detention for political reasons. For example, authorities continued to detain senior campaign officials of opposition presidential candidates, including Jean Ngouabi, Jacques Banagandzala, Anatole Limbongo Ngoka, Christine Moyen, Dieudonne Dhir, and Raymond Ebonga. In addition, the government continued to put several opposition figures under house arrest or had their houses surrounded by security forces. For example, on June 8, Claudine Munari, the chairperson of opposition platform the Initiative for Democracy in Congo-Republican Front for the Respect of Constitutional Order and Democratic Change (IDC-FROCAD), a coalition of major opposition figures, reported her house was under security force surveillance for her participation in an unauthorized political march. Other IDC-FROCAD leaders, including Charles Bowao and Clement Mierrassa, reported similar harassment on September 4.

Former presidential candidates were at risk of harassment and detention, including retired general Jean-Marie Michel Mokoko and Andre Okombi Salissa. Security forces continued to harass members of Okombi Salissa's family and his political supporters.

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

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

In contrast to felony courts, civil courts reviewed cases on a regular basis throughout the year. Civil courts experienced long delays--although shorter than felony courts--but were considered functional. 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.

#### **g. Abuses in Internal Conflict**

In the Pool region, clashes between Ninja/Nsiloulou armed groups and government security forces continued, with credible allegations of abuse of civilians by both security forces and armed groups. Due to security concerns and limited access given by the government to the Pool region, no independent confirmation was possible, leading to uncertainty around the total number of military, armed group, or civilian deaths.

Killings: Military and armed groups reportedly killed civilians in conflict areas without public inquiry or accountability. Use of indiscriminate force also reportedly resulted in civilian deaths.

According to government sources, militia groups allegedly carried out more than 60 fatal attacks since the beginning of the conflict in April 2016.

Other Conflict-related Abuse: According to the UN Office for the Coordination of Humanitarian Affairs, the government deliberately restricted the passage of relief supplies to the Pool region, including food, drinking water, and medical aid provided by impartial international humanitarian organizations such as the United Nations. In July the United Nations reported access to eight of 13 districts in the region had been limited since July of the previous year. It noted that while there was not a ban, instability impacted access to the region.

Conflict in the Pool region led to the displacement of more than 81,000 civilians, although estimates were difficult to verify. A UN humanitarian report said the government systematically burned and destroyed approximately half of homes in some villages in the region. According to NGOs, authorities ordered villagers in the region to flee the area, obligating them to walk many miles to larger urban areas. NGOs also reported a series of lootings by security forces in the region.

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

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

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

Freedom of Expression: Individuals could criticize the government publicly or privately but risked 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: 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. In contrast with the previous year, there was greater space in electronic media for open discussion of government policy, including critical discussion. Satellite television services were available for the few who could afford them.

Violence and Harassment: There were reports of direct and indirect intimidation by the government. For example, on the morning of January 11, security forces arrested Ghys Fortune Dombe Bemba, the head of the *Talassa* newspaper, at Brazzaville's airport. *Talassa* had published a manifesto by Pastor Ntumi, and the government accused Bemba of undermining national security and complicity with Ninja/Nsiloulou militia leader Pastor Ntumi. Bemba remained in detention in the Brazzaville Prison as of September.

Additional reports of alleged intimidation included the following: police use of nonlethal force against journalists attempting to report on sensitive events, 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, an official regulatory body. Media outlets that violated council regulations were subject to financial sanctions. The president appoints the director of the council.

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

There were no reports that the government revoked journalists' accreditations if their reporting reflected adversely on the government's image. Some journalists reported a fear of termination from their government positions for doing so.

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.

National Security: Journalists reported authorities employed immigration law and regulations to restrict foreign media criticism of government policies or public officials. For example, Reporters Without Borders reported that on March 15, citing a lack of "press visas," two Italian journalists, Luca Chianca and Paolo Palermo, were arrested by plainclothes officers of the Directorate for Territorial Surveillance (intelligence arm of the police) in Pointe-Noire. The two were working on an investigative program regarding alleged corruption involving relatives of President Denis Sassou N'Gusso.

## **Internet Freedom**

Unlike in previous election cycles in 2015 and 2016, the government did not cut internet service during the legislative and local elections during the year.

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.

According to the International Telecommunication Union, approximately 8 percent of individuals used the internet in 2016.

## **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. University-level professors were not always intellectually independent, since many held second jobs as close advisors to government officials.

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

The government restricted freedoms of peaceful assembly and association.

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

The constitution and law provide for freedom of peaceful assembly; however, the government often did not respect this right.

The government required groups that wished to hold public assemblies to seek authorization from the Ministry of Interior and Decentralization and appropriate local officials. Both the ministry and local officials sometimes withheld authorization for meetings they claimed might threaten public order. They also created unnecessary obstacles to gaining authorization and called police to disperse meetings they claimed had not received proper authorization.

For example, on June 8, authorities stopped IDC-FROCAD from holding a peaceful march in Brazzaville to condemn the incarceration of opposition leaders and to urge the government to stop the security operation underway in the Pool region. Similar events on July 16 and July 30 were disrupted. Security forces prevented persons from gathering in public locations.

Local NGOs reported restrictions on freedom of assembly throughout the year. For example, members of Ras-le-Bol (“enough is enough”)--a political youth activist group whose members had been arrested for politically oriented activities in the past--reported numerous direct threats from police to stop their activities. Other members reported that police harassed their families and friends to ascertain their whereabouts. On May 20, authorities deployed police to prevent members of

Ras-le Bol and the Congolese Human Rights Observatory from holding a briefing on human rights with citizens in Brazzaville.

### **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 generally respected these rights for refugees and asylum seekers, but not for undocumented immigrants from the DRC in the country's larger cities. The government attempted to restrict foreign travel of opposition figures during the year.

The government usually cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: Authorities harassed and arrested refugees during the year. Police arrested at least 217 refugees and asylum seekers, including 108 in Brazzaville and 109 in the northern town of Betou. According to UNHCR, the primary reason for arrest of refugees or asylum seekers was theft. In March police conducted a raid in the Ouenze neighborhood of Brazzaville that led to the arrest of 26 refugees from the CAR. Following the raid, UNHCR conducted training sessions on international protection with representatives from law enforcement representing the immigration, judiciary, and

local police, leading to a drop in the number of arrests of refugees in the second half of the year.

UNHCR reported 20 cases of rape from January through October at a refugee camp in Betou, 16 of which involved rape of a minor. Rape and sexual abuse commonly occurred during the initial flight; many women and girls engaged in survival sex in exchange for protection, material goods, or money. Women often remained with abusive partners who offered protection during the flight and subsequently reported domestic abuse and marital rape. The vast majority of gender-based violence incidents went unreported because complaints could take three or more years before courts examined them. Families of victims often preferred settlements through traditional justice mechanisms of negotiating directly with the perpetrators. UNHCR's protection officers and medical partners provided medical, psychosocial, and legal assistance to victims of gender-based violence, including rape. There was a national shortage of rape kits and HIV testing to respond to victims. Refugees had equal access to community health centers and hospitals but reported discriminatory treatment at some hospitals, including insults by medical personnel and not being treated in priority order relative to their medical condition. Refugees had equal legal recourse for criminal complaints (for example, rape) and civil disputes.

Foreign Travel: The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government repeatedly violated these rights. The government attempted to restrict foreign travel of opposition politicians and supporters trying to depart the country by using administrative or bureaucratic delays.

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.

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

Internal conflict began in the Pool region in April 2016 and affected more than 81,000 IDPs. A humanitarian relief organization's nutrition survey indicated acute malnutrition levels of 17 percent or higher among displaced persons, exceeding emergency thresholds. Affected populations received only limited assistance, in part owing to insecurity that limited humanitarian access to conflict-affected areas.



## Protection of Refugees

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 53,200 refugees and 3,100 asylum seekers during the year.

The National Refugee Assistance Committee (CNAR), a joint committee under the Ministry of Social Affairs and Humanitarian Action, Ministry of Justice, and 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 207 asylum cases during the year; it granted refugee status to 1,004, put six cases on hold for further processing, and denied refugee status in 216 cases.

The country saw an influx of persons fleeing violence in the CAR beginning in 2012. According to UNHCR, as of October 20, the country hosted 36,183 CAR refugees and asylum seekers.

As of July 2015 the government stopped granting prima facie status to refugees fleeing from the CAR. During the year UNHCR registered 4,523 CAR asylum seekers. With the support of UNHCR, the CNAR adopted an expedited procedure to process asylum requests. As of October the government registered 2,652 asylum-seeking families from the CAR.

Local integration for refugees in the country was particularly difficult due to the cost of acquiring a residence permit. According to UNHCR, the government intermittently enforced a 1996 law requiring the monetary value of a return ticket to a refugee's country of origin as a deposit for a residence permit. UNHCR was not aware of any refugees who obtained a residency card or alternative status as of October 20.

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. Following the

operation to expel undocumented migrants in 2014, police aggressively implemented these laws, resulting in sudden and mass unemployment of refugees.

According to NGOs, on multiple occasions during the year, refugees in Brazzaville reported police arbitrarily confiscated items they were selling, such as eggs and fruit, under threat of arrest or demand for a bribe.

Several rural localities banned foreigners from continuing their farming activities. According to customary laws, property owners may require foreigners to pay an extra licensing fee to lease property or land.

In recent years anecdotal evidence suggested quotas and excessive work permit fees limited refugee employment opportunities in the formal sector. Authorities required refugees to obtain two-year work permits that cost approximately 150,000 CFA francs (\$265), approximately equivalent to three months' salary.

Many refugees worked informally in the agriculture sector to obtain food. Some refugees farmed land that belonged to local nationals in exchange for a percentage of the harvest or a cash payment.

Access to Basic Services: UNHCR-funded primary schooling was accessible to most refugees. During the academic year, primary schools enrolled 6,291 refugee children, including 3,152 girls. Authorities severely limited access to secondary and vocational education for refugees. Most secondary education teachers at such schools were refugees who either volunteered to teach or were paid by parents of refugee children.

Durable Solutions: As of September 27, the country hosted 10,424 Rwandan refugees, 55 percent of whom were born in the Republic of the Congo. According to UNHCR, approximately 2,000 children of Rwandan refugees were unable to obtain birth certificates due to administrative delays, particularly in the Likouala Department. According to UNHCR, the government voluntarily repatriated 12 Rwandan refugees during the year, making a total of 475 repatriations since 2004.

At a tripartite meeting on April 3-4 in Kigali, Rwanda, the governments of the Republic of the Congo and Rwanda, with UNHCR, agreed to invoke a cessation clause that would revoke the refugee status of Rwandans in the country beginning on December 31, 2017. As of that date, the agreement requires Rwandan refugees to return to Rwanda, formalize their legal status in the Congo, or apply for refugee status based on individual claims due to particular circumstances. UNHCR

reported that 4,029 Rwandans subject to the cessation clause filed exemption requests with the government. A UNHCR-run office in Brazzaville acted as a one-stop shop to assist refugees with paperwork and bureaucratic processes.

### **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. Nevertheless, irregularities restricting this ability occurred during legislative elections during the year and in previous elections.

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

Recent Elections: In the July legislative and local elections, the PCT presented 128 candidates for legislative races and 123 lists for local elections. The country's main vocal opposition parties announced their intention to boycott the elections contingent on a political dialogue to address the security crisis in the Pool region and the release of opposition political prisoners.

On July 16 and 30, two rounds of voting took place. According to government figures, turnout was 44.44 percent; international observers in Brazzaville, however, indicated participation at a lower rate. The previous legislative term ran from 2012 to 2017 with a national assembly of 139 seats. The 2015 constitution expanded the size of the parliament by nearly 9 percent to 151 seats beginning with the 2017-22 term. The PCT and its allies controlled 102 of 151 or 68 percent of seats following the election. Three members of the Sassou-N'Gusso family were elected during the first round of voting--Denis Christel (son), Stella (daughter), and Claudia (daughter).

International observers conducted observations in Brazzaville during the two rounds of voting. Most observers reported that 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 of polling stations was robust and critical in dispute resolution. Observers, however, reported the heavy presence of security forces both outside and inside polling stations.

International electoral observers reported examples of fraud that likely benefitted candidates of the PCT and its allies in both rounds. For example, on July 16, 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. On July 30, international observers witnessed busloads of soldiers at the CEG De La Paix voting station in the Mougali neighborhood of Brazzaville. Local residents inside and outside the voting station claimed that soldiers who lacked appropriate documentation had voted in the CEG De La Paix voting station, compromising the election results.

Traditional and social media outlets noted that voting generally passed without major incident. In Kelle, in the Cuvette-Ouest Department, media reports noted an incident in which protesters temporarily removed ballot boxes from polling stations, alleging favoritism by the local electoral officials toward the PCT's candidate. On July 24, a new vote was held in Kelle, and votes were counted without incident. Elections were not held in eight of the Pool Department's 14 constituencies due to the conflict.

In April 2016 national presidential election, the Constitutional Court declared incumbent President Denis Sassou N'Gusso the winner of the March 20 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; 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; not posting final vote tally sheets on the exterior wall of polling stations as required; burning ballots after the polling station count; and prohibiting observation at regional and national vote compilation centers.

Political Parties and Political Participation: In the pre-electoral period leading up to the July elections, civil society faced restrictions on its ability to participate in the electoral process. The Congolese Electoral Commission did not grant the Yuki organization official party status, which left Yuki candidates to run as

independents. There were numerous reports that persons were paid with government money to attend rallies and vote in support of the PCT and allied candidates. Some opposition supporters faced intimidation and security restrictions on attending their rallies or in trying to vote, according to numerous eyewitness and media accounts. Attempts to impede criticism of the government through intimidation, arrests, and routine disruption of political meetings remained common. Authorities continued to detain opposition figures (see section 1.e., political prisoners and detainees).

Participation of Women and Minorities: No laws limit women's or minorities' 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 eight women in the 35-member cabinet appointed on August 22.

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 excludes 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 that during the October 2015 referendum, the voting booth in Sibiti, a rural city with many indigenous persons, was open for only 30 minutes, from 7:30-8:00 a.m. Because indigenous communities in outer villages must travel several hours 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; however, the government did not implement the law effectively, and many officials engaged in corrupt practices with impunity, despite the president's call for an end to corruption in his inauguration speech in April 2016.

There was a widespread perception of corruption throughout government, including misuse of revenues from the oil and forestry sectors. Some local and

international organizations claimed some government officials, through bribes or other fraud, regularly diverted revenues from these sectors into private overseas accounts before officially declaring the remaining revenues.

Corruption: On April 22, French authorities seized two luxury apartments in Paris owned by First Lady Antoinette Sassou N’Guesso, the result of an investigation of ill-gotten gains first started in 2010. In February French authorities seized 15 luxury vehicles belonging to members of the Sassou family and in 2015 seized a luxury property in France titled in the name of President Sassou’s nephew. In August international media reported the president’s son Denis Christel Sassou N’Guesso sold exclusive mining rights to Australian mining company Sundance in exchange for 30 percent of profits, according to leaked internal company documents. Denis Christel Sassou N’Guesso denied involvement.

Financial Disclosure: The constitution mandates that senior elected or appointed officials disclose their financial interests and holdings both before taking office and upon leaving office. Failure to do so is legal grounds for dismissal from a senior position. The Constitutional Court is tasked with enforcement of this constitutional provision; however, authorities did not enforce this provision, and no financial disclosure statements were made public during the year. One official noted that disclosure of assets could lead to attacks on personal property of elected officials by opposition supporters as occurred prior to the referendum.

## **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 operated without government restriction during their investigations and when publishing their findings on human rights cases. Government officials were no more cooperative with and responsive to international groups than with domestic human rights groups. Some domestic human rights groups tended not to report on specific incidents due to fear of reprisal by the government, while others were denied access or permission to perform assessments.

For example, authorities reportedly denied access to several local human rights organizations to conduct humanitarian assessment missions in the Pool region due to security operations. International humanitarian organizations worked with local authorities to provide emergency assistance to persons displaced by violence in the region.

The United Nations or Other International Bodies: The government continued to restrict access to the Pool region at year's end. In 2016 international human rights organizations that requested access to the region, such as U.K.-based Amnesty International and French-based International Federation for Human Rights, were denied access.

Government Human Rights Bodies: The government-sponsored HRC is charged with acting as a government watchdog and addressing public concerns on human rights problems. The HRC did not undertake any activities directly responding to human rights problems during the year. Its headquarters building remained vacant.

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

### **Women**

Rape and Domestic Violence: Rape is illegal, but the government did not effectively enforce the law. The law prescribes five to 10 years in prison for violators. According to a local women's group, however, 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.

Domestic violence against women, including rape and beatings, was widespread but rarely reported. There were no specific provisions in the law outlawing spousal battery other than general statutes prohibiting assault.

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, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: Both customary marriage and family laws and civil laws enacted by the government govern the rights of women, children, and extended families. Adultery is illegal for both women and men, although the penalty differs. Under

civil law the husband can receive only a fine for adultery, while the wife can receive a prison sentence. Polygyny is legal, while polyandry is not.

Women experienced discrimination in divorce settlements, especially in regard to retaining property and financial assets. By law men are considered 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 (\$2.12) per month 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 years 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 (\$265 to \$2,650).

Sexual Exploitation of Children: A child protection code 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 (\$17,667) 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 (\$883). 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 (\$17,667). A lack of specificity in the child protection code was an obstacle to successful prosecution.

There were cases of children, particularly those who lived on the streets in the larger cities, subjected to sexual exploitation. Authorities increasingly enforced laws that prohibit the exploitation of children, including sexual exploitation.

Displaced Children: There were large numbers of internally displaced children in Brazzaville as well as the southern Pool region due to insecurity from attacks and security operations (see section 1.g.).

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 [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

There was 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 [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **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 into regular public schools.

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

The law prohibits discrimination based on ethnicity. There were no episodes of regional or ethnic violence reported during the year. The perception of regional and ethnic bias was most acute in the upper echelons of government wherein a large portion of the general officer corps consisted of individuals from the northern departments.

### **Indigenous People**

According to UNICEF and local NGOs, indigenous peoples throughout the country, in both remote and urban areas, were severely marginalized with regard to employment, health services, housing, and education, in part due to their geographic isolation and different cultural norms. Many indigenous peoples in remote areas were not aware of the concept of voting and had minimal ability to influence government decisions affecting their interests, despite government claims of high voter registration and participation in the presidential election. Other indigenous communities living in more-urban areas understood the concept of political participation but feared harassment by members of the Bantu population for participation and lacked access to travel to voting booths.

Indigenous communities living among the majority Bantu populations lived in substandard housing on the perimeters of villages. Beatings and killings of indigenous people by Bantus were common in rural areas. Bantus often forced indigenous people to work in their fields for little to no pay and refused to purchase food from indigenous vendors. A government official reported that indigenous women and girls suffered from gender-based violence, and teenage pregnancy among indigenous girls was common. Bantu men often impregnated indigenous girls and later denied paternity, offering no child support. Indigenous women suffered from a disproportionate rate of fistulas resulting from unattended childbirth and rape.

A 2011 law provides special status and recognition for indigenous populations. Additionally, the constitution stipulates the state shall provide promotion and

protection of indigenous peoples' rights. The government did not implement these laws.

### **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 penal code 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 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, police officers harassed gay men and claimed the law prohibited same-sex sexual activity to elicit a small bribe.

There were no known cases of violence against LGBTI individuals during the year. Although at the official level authorities did not discriminate against LGBTI persons, gay men, particularly the young and the poor, reportedly were vulnerable.

### **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 health-care professionals, family abandonment, and unwarranted termination of employment. Civil society organizations advocating for the rights of persons with HIV/AIDS were fairly well organized and sought fair treatment, especially regarding employment.

### **Other Societal Violence or Discrimination**

After the government launched security operations in the Pool region in April 2016, there were more than 30 incidents of highway robbery and carjacking in the region, largely populated by the Lari people. Many of these incidents involved violence, and there were confirmed cases of rape, shooting, beating, and stabbing.

## **Section 7. Worker Rights**

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

The law provides for the right of 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,” including members of the armed forces, police, gendarmerie, and some personnel at ports and airports. 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 due notice. Participation in an unlawful strike constitutes serious misconduct and can result in criminal prosecution. The law requires the continuation of a minimum service in all public services as essential to protect the general interest. A minimum service requirement binds workers in essential services to a limit on the length of time they may strike. The employer determines the extent of the minimum service without negotiating with the parties to the dispute. It is gross misconduct to refuse to take part in providing the minimum service during strikes.

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

The government and employers occasionally violated the unions’ right to collective bargaining and freedom of association. Most unions were reportedly weak and subject to government influence due to corruption. As a result, in cases where demonstrations would run counter to the government’s interest, the government persuaded union leaders to prevent workers from demonstrating.

In August workers in the hydrocarbon sector in Pointe-Noire attempted to strike to address longstanding labor grievances. The government moved to prevent a strike by organizing a dialogue between workers and management, including significant participation by security forces and representatives of government agencies.

There were reports employers 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 persons to be requisitioned for work of public interest and provides for their possible imprisonment if they refuse.

The government took steps to prevent and eliminate forced labor, but only relating to trafficked persons. Beginning in 2012 the government worked with the UN Office on Drugs and Crime and a foreign partner to initiate a three-year program to train personnel and draft complete trafficking-in-persons legislation that would include both adults and children. The bill continued to await cabinet and parliamentary review before promulgation.

The indigenous population was especially vulnerable to forced labor in the agricultural sector. On July 29, a human rights NGO reported that the majority population, called Bantus, often forced indigenous persons to harvest manioc and other crops without pay and under the threat of physical abuse or death.

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

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

According to the law, children under age 16 may not be employed, even as apprentices, without a waiver from the minister of national education. The law prohibits the following crimes against all children up to age 18: forced labor, trafficking and all forms of slavery; child soldiering and forced recruitment for child soldiering; prostitution; the use, procuring, or offering of a child for the production of pornography or for pornographic performances; and the use of children by an adult for illegal activities.

The law includes specific ranges of penalties for violators of the worst forms of child labor. The maximum penalties for many of the most serious violations are 1.16 million CFA francs (\$2,050) or five years in prison. According to a local antihuman-trafficking NGO and representatives from the Ministry of Social Affairs and Humanitarian Action, the lack of capacity to prosecute offenders in the judicial system made possible penalties even less of a deterrent. Violators did not fear prosecution.

The Ministry of Labor, which is responsible for enforcing child labor laws, concentrated its limited resources on the formal wage sector. Data on the number

of children removed from child labor were not available, although the ministry reported authorities aided an NGO's efforts to rescue 10 children from trafficking. International aid groups reported little change in child labor conditions.

Although there are laws and policies designed to protect children from exploitation in the workplace, child labor was a problem in the informal sector. Children, including children from Benin and the DRC, were subjected to domestic servitude, market vending, and forced agricultural and fishing work. Child victims experienced harsh treatment, long work hours, and almost no access to education or health services. Additionally, they received little or no remuneration for their work. There were no official government statistics on general child labor.

Children as young as six, especially indigenous children in rural areas, often worked long hours in the fields harvesting cassava and carrying heavy loads of firewood. A local authority reported that this was culturally acceptable, although not officially legal.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/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 constitution and law do not specifically prohibit discrimination against persons based on national origin or citizenship, sexual orientation or gender identity, or having communicable diseases other than HIV. The government did not effectively enforce these prohibitions. Labor law does not specifically reiterate these antidiscrimination provisions. Discrimination in employment and occupation sometimes occurred with respect to women, refugees, and indigenous people. While the law prohibits discrimination based on gender and stipulates women have the right to equal pay for equal work, women were underrepresented in the formal sector of the economy. Most women worked in the informal sector and thus had little or no access to employment benefits. Women in rural areas were especially disadvantaged in terms of education and wage employment, and they were confined largely to family farming, small-scale commerce, and child-rearing responsibilities.

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

The national minimum wage was 90,000 CFA francs (\$159) per month in the formal sector. There was no official minimum wage for the agricultural and other informal sectors. High urban prices and dependent extended families obliged many workers, including teachers and health-care workers, to seek secondary employment, mainly in the informal sector.

The law provides for a standard workweek of seven hours per day with a one-hour lunch break, five days a week. There was no legal limit on the number of hours worked per week, and the law provides for paid annual holidays and four months of maternity leave. The law stipulates overtime pay for all work in excess of regular working hours. For public-sector workers, this is 35 hours per week. In private companies overtime is any work beyond the business' normal working hours (usually 40 to 42 hours per week). There is no legal prohibition of excessive compulsory overtime. Overtime is subject to agreement between employer and employee. Employers generally observed these standards, and employers usually paid workers in cash for overtime work. The penalty for violating wage laws ranges from 10,000-20,000 CFA francs (\$18-\$36) when the violation occurs the first time, and 20,000-36,000 CFA francs (\$36-\$64) for subsequent violations. According to the Inspector General of Labor, there were no penalties issued during the year for wage law violations.

Although health and safety regulations require biannual visits to businesses by inspectors from the Ministry of Labor, such visits occurred much less frequently, and enforcement of findings was uneven. The Ministry of Labor employed 12 full-time inspectors responsible only for inspecting the formal sector, which was insufficient to enforce compliance with labor laws. Unions generally were vigilant in calling attention to dangerous working conditions; however, the observance of safety standards often was lax in both the private and public sectors. Workers have no specific right to remove themselves from situations that endanger their health or safety without jeopardizing their employment. There were no exceptions for foreign or migrant workers. According to NGOs, labor violations were common in commercial fishing and logging operations, rock quarries, and private construction sites. Authorities did not effectively protect employees in these situations.