

# REPUBLIC OF THE CONGO 2014 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Republic of the Congo is a parliamentary republic in which the constitution vests most decision-making authority and political power in the president and his administration. Denis Sassou N’Guesso won re-election as president in 2009 with 78 percent of the vote, but opposition candidates and domestic nongovernmental organizations (NGOs) questioned the validity of this figure and cited electoral irregularities. Legislative elections were held in July and August 2012 for 137 of the National Assembly’s 139 seats. The African Union declared the elections free, fair, and credible, while at the same time citing numerous irregularities. While the country has a multi-party political system, members of the president’s Congolese Labor Party (PCT) and its allies held almost 85 percent of legislative seats and occupied most senior government positions. Local elections originally scheduled for 2013 were delayed until September 28. The PCT dominated those elections as well, in addition to the senate elections in October, winning almost 80 percent of the vote. The government generally maintained effective control over the security forces.

Major human rights problems included political prisoners, beatings and torture of detainees by security forces, and lengthy or indefinite pretrial detention in poor prison conditions.

Other human rights abuses included arbitrary arrest; lack of due judicial process; infringement of citizens’ privacy rights; restrictions on freedoms of speech, press, assembly, and association; harsh treatment of undocumented immigrants; refugee abuse; 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; discrimination against women; sexual and gender-based violence, including domestic violence, child abuse, female genital mutilation/cutting (FGM/C), and forced child marriage; trafficking in persons; lack of access for persons with disabilities; discrimination on the basis of ethnicity, particularly toward indigenous persons (Baka); discrimination based on sexual orientation and HIV/AIDS status; and child labor.

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.

**Section 1. Respect for the Integrity of the Person, Including Freedom from:****a. Arbitrary or Unlawful Deprivation of Life**

There were no reports the government or its agents committed arbitrary or unlawful killings.

**b. Disappearance**

In December 2013 authorities reportedly detained Chardin Bouzeze Milandou, a former member of the Ninja militia that opposed President Sassou's forces during the civil war. He was reportedly held for a month at the police commissariat in the Mampassi neighborhood in northern Brazzaville without being charged. During that month his friends and family were able to visit him and reported the chief of police twice questioned Bouzeze Milandou about his connections to former colonel Marcel Ntsourou. His friends and family reported they had had no contact with or news of Bouzeze Milandou since January.

On June 2, Human Rights Watch released the report *Central African Republic: Peacekeepers Tied to Abuse* detailing eyewitness accounts that personnel of the African-led International Support Mission to the Central African Republic (MISCA) from the Republic of the Congo forcibly disappeared at least 11 persons on March 24 from a private home in Boali following their reported arrest. According to the Central African Human Rights League, MISCA troops killed two anti-Balaka chiefs and arrested 11 others after a MISCA peacekeeper was killed in an ambush. MISCA continued to investigate the disappearances at year's end. Pending the outcome of the investigation, on July 16, MISCA announced the suspension of the commander of the Congolese contingent in Boali and the redeployment of all the soldiers of the unit who had been in the town at the time of the incident. According to the Congolese army, the troops involved were all recalled to the Congo and were no longer operating in the Central African Republic (CAR).

In its 2012 report, the UN Working Group on Enforced or Involuntary Disappearances recommended the government continue to investigate the fate of all alleged victims of the 1999 Beach disappearances, in which a significant number of refugees returning to Brazzaville from Kinshasa disappeared (claims ranged from 70 to 353 missing persons). In August 2013 French authorities briefly arrested a Congolese military officer, General Norbert Dabira, and initiated a formal investigation of him for complicity in the disappearances. In 2005 a

Congolese court had cleared General Dabira of charges related to the incident. Pointing out this clearance, Dabira filed a request with the French court of appeals to annul the indictment, but the court denied his request in October, and the investigation continued.

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

The law prohibits such practices; however, NGOs reported cases of government-led torture and other cruel, inhuman, and degrading treatment.

For example, there were widespread credible reports from local human rights NGOs of detainees being regularly beaten while in jail. Detainees were frequently required to pay police for protection or risk being beaten. The NGOs also reported authorities generally ignored allegations of prisoner mistreatment. The Directorate General of Human Rights at the Ministry of Justice is responsible for overseeing prison conditions and acknowledged prisoners had been mistreated, but blamed the mistreatment on the lack of proper training for prison personnel.

### **Prison and Detention Center Conditions**

Prison and detention center conditions were harsh and life threatening.

Physical Conditions: As of September 8, there were approximately 1,240 prisoners. A government source estimated 60 percent of prisoners awaited trial, but, according to an NGO, that number was closer to 75 percent. As of September 8, the Brazzaville prison, built in 1943 to accommodate a maximum of 150 prisoners, held approximately 725, including 30 women and 37 minors. The Pointe-Noire prison, built in 1934 to hold up to 75 prisoners, held nearly 240, including six women and five minors. There were 30 to 40 detainees and prisoners in each of the remaining 10 departmental prisons. Police stations regularly housed individuals in their limited incarceration facilities beyond the maximum statutory holding period of 48 to 72 hours.

Authorities generally maintained separate facilities for minors, women, and men in Brazzaville and Pointe-Noire. In the other 10 prisons, there were limited numbers of juvenile detainees sometimes held with adult prisoners; other convicted minors in these districts were given punishments that did not include prison sentences. Men were held separately from women. Prison conditions for women were better than those for men in the 12 prisons. There was less crowding in the women's

cells than in those for men. Authorities held pretrial detainees with convicted prisoners in the 12 prisons. In Brazzaville prisoners with illnesses were kept in one cell but allowed to interact with other inmates.

In Brazzaville prison conditions for wealthy or well-connected prisoners generally were better than conditions for others. Authorities held government employees separately from the general prison population. For example, in 2013 the defendants held in pretrial detention in relation to the 2012 explosions at a Brazzaville armored regiment were kept separately from the general prison population. These prisoners had access to a DVD player, were permitted to keep their own luggage, and had an air conditioner installed in one of the cells.

Unlike in 2013 there were no reports of prisoners dying from neglect at any of the prisons.

Most inmates slept on the floor on cardboard or thin mattresses in small, overcrowded cells, exposing them to disease. The prisons lacked any significant ventilation, had poorly maintained lighting, and had wiring protruding from the walls. In Pointe-Noire water regularly backed up into prisoners' cells. Basic and emergency medical care was limited. Access to social services personnel was severely limited due to insufficient staffing and overcrowding.

Prison inmates reportedly received, on average, only one meal a day, consisting of inadequate portions of rice, bread, and fish or meat. Authorities allowed families to bring meals to inmates. Prisoners and detainees had access to potable water. The Pointe-Noire prison occasionally had running water. All of the prisons supplied potable water to inmates in buckets.

Administration: Recordkeeping in the penitentiary system continued to be inadequate, and authorities did not take steps to improve it. Despite having the necessary computer equipment in Brazzaville and Pointe-Noire, prison officials continued to use a noncomputerized system, citing a lack of internet access and training.

Authorities occasionally used alternatives to incarceration for nonviolent offenders; however, typically only defendants with the means to hire private attorneys were able to access these alternatives. There was no ombudsman.

Access to prisoners generally requires a communication permit from a judge. The permit allows visitors to spend five to 15 minutes with a prisoner, although this

limit was usually not strictly enforced. In most cases visits took place in either 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 notionally 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. Prisoners and detainees were permitted religious observance. Representatives of religiously affiliated charitable organizations visited prisons and detention centers for charitable work and religious counseling. The prisons in Brazzaville and Pointe-Noire had classrooms where outside instructors could teach basic academics to prisoners, although the classroom in Pointe-Noire was sometimes unused for weeks. Prisoners in Pointe-Noire were permitted to make crafts to sell and reportedly were permitted to keep part of the proceeds.

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

Independent Monitoring: The government provided domestic and international human rights groups with only limited access to prisons and detention centers. The primary local NGO focused on prison conditions was believed to be generally independent. Authorities granted diplomatic missions access to both prisons and police jails to provide consular assistance to their citizens and for general inspection.

Improvements: The government took some steps to improve prison conditions with support from the EU. Construction of workshops for prisoners continued at the prisons in Brazzaville, Pointe-Noire, and Dolisie. Work also commenced on substantial structural improvements to the prisons in Pointe-Noire and Dolisie.

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

The constitution and law prohibit arbitrary arrest and detention. Nevertheless, arbitrary arrest continued to be a problem.

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

Security forces consist of the 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 country's frontiers. 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 military police and the Office of the Inspector General of Police are both charged with investigating reports of misconduct by security forces.

Many citizens and human rights groups reported incidents of abuse by police officers targeting Democratic Republic of the Congo (DRC) nationals during a police operation to expel undocumented immigrants from April to June. Military and police authorities investigated some abuses but issued punishment as an internal matter and not through the legal system. Traffic police extorted bribes from drivers under threat of seizure of their identity cards or impoundment of their vehicles. In September the Ministry of Interior and Decentralization issued uniforms with a large number on the back to all traffic police so that victims of extortion could identify the perpetrators. Extortion, however, continued to be a problem.

The government established the Human Rights Commission (HRC) to receive reports from the public of security force abuses, but it was ineffective. It did not meet regularly, reportedly due to renovation of its offices. Additionally, HRC president Jean Martin Mbemba spent much of 2013 under the equivalent of house arrest, accused of harboring in his compound a member of the security forces allegedly in criminal possession of weapons. Mbemba was reportedly permitted to travel to France for medical care during the year and remained hospitalized there at year's end.

Impunity for members of the security forces remained widespread. Overall professionalism of the security forces continued to improve, however, in large part due to training by the international law enforcement community. The government provided training in Brazzaville and Pointe-Noire for police from throughout the country on the prevention of human rights abuses. The government continued a process of decentralizing management of the police.

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

The constitution and law require that a duly authorized official issue warrants before arrests are made, 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. Authorities generally informed detainees of charges against them at the time of arrest, but filing of formal charges often took at least one week. Police at times held persons for six months or longer before filing charges due to administrative errors or delays in processing. Most delays were attributed to lack of staff in the Ministry of Justice and the court system. Family members usually were given prompt access to detainees but often only after payment of bribes. The law requires indigent detainees facing criminal charges be provided lawyers at government expense, but this usually did not occur.

The penal code states a detainee may be detained for a maximum of 48 to 72 hours in a police jail before the case is reviewed by an attorney general. Thereafter a decision must be made either to release or to transfer the individual to a prison for pretrial detention. The 72-hour maximum was not observed. Authorities frequently held detainees for several weeks before an attorney general freed or transferred them to a prison to await trial.

Arbitrary Arrest: Arbitrary arrest continued to be a problem. Police, gendarmes, and soldiers often detained vehicle operators (mainly taxi drivers) for minor and frequently nonexistent offenses. To extort funds immigration officials routinely stopped persons and threatened them with arrest on some pretext, claiming, for example, they lacked some required document or were committing espionage. The victim usually paid a bribe. If a bribe was not offered, the person was detained at a police station (or the airport) until either a bribe was paid or someone with influence put pressure on authorities to release the individual. The Department of the Interior's antiextortion program was intended to help combat these practices.

For example, according to a local NGO, in 2013 Destin Mpikinza and his driver, Prudent Kikeni, were arrested but never formally charged. After 10 days of detention, they were allowed to see their families, who then reported both showed signs of having been beaten. Without informing his lawyer or family, the authorities transferred Mpikinza to a holding facility in Ouenze. There the authorities held him in a nine-by-nine foot cell, without climate control or bathroom facilities, and he was forbidden to go outside. Mpikinza was diabetic and had a doctor's certification stating for medical reasons he could work only in Brazzaville or Pointe Noire, where he had access to proper medical facilities. He was able to administer insulin injections to himself, and after lobbying by the same local NGO, he was transferred back to Brazzaville, where he and Kikeni remained.

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. This requirement was not observed. Between 60 and 75 percent of detainees in Brazzaville's prison were pretrial detainees; other prisons had similar estimates. 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, sometimes exceeding the maximum sentence for the alleged crime.

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 jail), the delict (punishable by one to five years in jail), and the felony (punishable by more than five years in jail). 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.

Despite this reported irregularity in funding, the dockets for felony trials filled in 2013 and during the year, some possibly based on political motivations. For example, there had been no felony trials for almost two years before the criminal court in Brazzaville heard in August 2013 the case against defendants charged in relation to the 2012 munitions explosions, including Colonel Marcel Ntsourou. The court convicted six, acquitted 26, gave Ntsourou a five-year suspended sentence of hard labor, and released him.



After Ntsourou subsequently made public statements criticizing the prosecution and President Sassou's government, police and military personnel executed a warrant for Ntsourou's arrest and raided his home in December 2013. Dozens of armed men loyal to or paid by Ntsourou guarded his compound, and between two and three dozen persons (including three government security personnel) were killed during an ensuing five-hour firefight. After Ntsourou surrendered, the government arrested him and dozens of his supporters, his wife, and his teenage niece for threatening national security. Starting July 2, Brazzaville's high court tried Ntsourou and 113 codefendants on counts of rebellion, criminal association, illegal possession of weapons and ammunition, assault and battery, murder, and endangering national security. On September 11, the court sentenced Ntsourou to forced labor for life. The court sentenced 59 others to prison terms ranging from seven to 15 years and acquitted 54 others, including Ntsourou's wife and niece.

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

Although the constitution and law provide for an independent judiciary, the judiciary continued to be overburdened, underfunded, poorly organized, 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 cases, inheritance cases, and domestic conflicts that could not be resolved within the family.

The Martial Court, a military tribunal established to try criminal cases involving military members, gendarmes, or police, does not try civilians. The court was believed to be subject to influence and corruption.

#### **Trial Procedures**

The constitution provides for the right to a fair trial presided over by an independent judiciary, but this right was not always respected. Through 2010 all felony cases were tried in Brazzaville, but 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. As of 2011 each of the appeals courts had authority to hold trials for felony cases that are brought within its jurisdiction.

Defendants have the right to be informed promptly and in detail of the charges (with free interpretation as necessary). Defendants have a right to a fair and public trial in all criminal cases and to a trial by jury in felony cases. Defendants in all criminal trials have the right to be present at their trial 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. The defense has the right to access government-held evidence. Defendants 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. In principle the law extends these rights to all citizens, and the government generally abided by these provisions.

### **Political Prisoners and Detainees**

During the year authorities held at least 27 political prisoners who had publicly expressed their opposition to the government. According to a human rights NGO and press reports in April, members of the political group Circle of Democrats and Republicans of Congo had organized a protest march in Pointe-Noire in August 2013. The marchers reportedly carried banners with antigovernment slogans and demanded the resignation of the government for alleged malfeasance and the establishment of a government of national unity under Modeste Boukadi, a 2009 presidential candidate who at that time was in self-imposed exile in Paris. Authorities arrested 27 members of the group for holding an unauthorized public march and threatening public order. Authorities detained the protesters for seven months. On April 9, the criminal court in Pointe-Noire acquitted 14 of the group's members but convicted 13 of "an attempt on state security," issuing sentences of two to seven years. The court sentenced Modeste Boukadi in his absence to 30 years of hard labor.

### **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 to be 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 Interference with Privacy, Family, Home, or Correspondence**

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

A human rights NGO reported that since April 2013 the government had expropriated 200 acres of privately owned land in the town of Kintele, north of Brazzaville, without a court order. The government was constructing a stadium and sports complex to host the Africa Games in 2015. As of September 16, the landowners had not received compensation as required by expropriation law.

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

#### **a. Freedom of Speech and Press**

The constitution and law provide for freedom of speech and press, but these rights were sometimes restricted. The government increased its media restrictions and journalist intimidation by closing newspapers, shutting down one radio show, and deporting journalists.

Freedom of Speech: Individuals could criticize the government publicly or privately on relatively minor issues but risked reprisal if they named high-level officials while criticizing government policies. 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 jail. Authorities cited this law at least once during the year in the context of the public debate over whether to change or replace the country's 2002 constitution (see section 3).

On April 21, authorities in the Bouenza neighborhood of Brazzaville arrested two men who were selling T-shirts emblazoned with a skull and crossbones and "Touche Pas a ma Constitution" ("Don't Touch my Constitution"). Authorities reportedly released one man the same day but held the second man for three days on the ground he incited hatred.

Press Freedoms: There was one official state-owned newspaper, *La Nouvelle Republique*, which published irregularly, and approximately 100 private publications, most of which were closely aligned with the government; others occasionally criticized the government. *Les Depeches de Brazzaville*, the only daily newspaper that received government funding, and *La Semaine Africaine*, a twice-weekly newspaper founded by the Catholic Church, were the only publications with circulation outside Brazzaville.

Most citizens obtained their news from local radio or television stations. The government-owned television and radio stations, Tele-Congo and Radio Congo respectively, were the only stations with nationwide coverage. There were approximately 95 radio stations, three of which were government owned, and 26 television stations, of which two were government owned. The majority of radio and television stations not owned by the government had low bandwidth, did not reach large parts of the country, and was owned by politicians or members of the government. Several satellite television services were available for the few who could afford them.

By law media outlets are required to register with the High Council for Freedom of Communication (CSLC), the independent media regulatory body whose director is selected by the president. According to its charter, the CSLC is authorized to impose financial sanctions on any media outlet that breaks media regulations. On January 25, the CSLC announced 90 percent of the 92 privately owned radio stations, 24 privately owned television stations, and approximately 100 private newspapers were “irregular” or unregistered, but no known action was taken to fine or close unregistered media outlets. Such unregistered media had no official, declared office or staff.

Government journalists generally were not independent, and the majority of journalists and editors practiced self-censorship and promoted the editorial views of media ownership, most of whom were current or former government officials. Newspapers occasionally published open letters written by government opponents.

Violence and Harassment: There were reports of direct and indirect intimidation by the government. In September, two journalists were deported. Sadio Kante Morel, a Malian born in the Congo, was deported for not having a residence permit. Outspoken Cameroonian journalist Elie Smith’s home was robbed, his sister was assaulted, and he was later deported. A police press release cited “seditious and subversive acts, secret dealings with foreign powers working against the Congo’s interests, and excessive political activism.” Smith was the managing

director at MNCOM, a television and radio media group and Voice of America partner, owned by President Sassou N'Guesso's older brother, Maurice N'Guesso. Smith alleged he was deported for publicly calling for an investigation into who ordered the robbery and assault on his sister after police arrested the alleged gang members who carried out the act. The government's media regulatory body, the CSLC, said the deportation was not related to Smith's role as a journalist.

Additional reports of alleged intimidation included the following: police use of force against journalists attempting to report on sensitive events; attempts to prevent journalists sympathetic to the opposition from traveling internationally; telephone calls from official and anonymous persons threatening journalists not to use footage of politically sensitive events; the dismissal of at least one journalist from a post for attempting to publish a news story; and pressure on news outlets not to run certain stories or footage.

Censorship or Content Restrictions: Media censorship extended to radio stations, when the CSLC banned the Radio Forum program, "Direct Expression of Citizens and Associations" on December 10. CSLC alleged that the show "incited violence and ethnic divisions, broadcasting information that does not support the consolidation of peace, manipulating public opinion, and insulting the head of state." Radio Forum's director is also the vice president of the country's Human Rights Commission.

Several newspaper suspensions announced in 2013 continued. In November 2013 the CSLC suspended *La Glaive*, *La Voix du Peuple*, and *Sel-Piment* for nine months. All three newspapers returned to circulation in August. In December 2013 the CSLC permanently banned *La Griffes*, *Le Nouveau Regard*, and *La Verite* for allegedly committing defamation, manipulating public opinion, publishing false information, and making accusations without proof. This was the first time newspapers had been closed since the creation of the media regulatory body in 2003. On February 25, the CSLC suspended the newspaper *Talassa* for four months for recidivism. In April it accused the *Talassa* owner of violating a law that prohibits individuals from owning a media group. When *Talassa* failed to send a representative to appear before the CSLC, the council suspended the publication permanently. *Talassa* was first suspended in June 2013 for allegedly having published seditious material, propaganda, and false news as well as manipulating opinion and inciting violence and division.

Many independent and government-employed journalists continued to practice self-censorship. There were no reports of the government revoking journalists'

accreditations if their reporting reflected adversely on the government's image, but the government did not repeal the policy that allowed such revocation.

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

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. A growing proportion of the public, especially youth, accessed the internet more frequently and used online social media. Only the most affluent had internet access in their own homes, while others used cybercafes and wireless browsing on their mobile telephones. According to the International Telecommunication Union, 6.6 percent of individuals used the internet in 2013.

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

There were no reported government restrictions on academic freedom or cultural events. The atmosphere of public discourse in the country, however, was such that some degree of self-censorship was common in academia and at cultural events. This was especially true 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. Additionally, the traditional classroom format was a teacher-led lecture, and open dialogue was generally not part of the academic environment.

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

### **Freedom of Assembly**

The constitution and law provide for freedom of assembly; however, the government generally 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 on police to disperse meetings they claimed had not received proper authorization.

For example, in two separate incidents June 13 and November 4, police dispersed meetings of the Citizens' Movement to Respect Constitutional Order on the premise they had not been properly authorized. For the July 13 meeting, the organization had submitted its request for permission for the meeting to authorities well within the legally required window but did not receive a response officially granting authorization. It held the meeting nonetheless. There was no request for permission for the November 4 meeting, held in the private residence of the president of the organization. Police and gendarmes, using tear gas grenades and batons and wielding guns, raided the meeting on the further grounds of its being a threat to public order. Police arrested over thirty meeting participants and detained them for several days before being gradually released over the course of several weeks.

Groups also alleged the government incited violence at registered meetings to discredit those groups holding them and give the government an excuse to deny future meeting permits. For example, on September 7, having obtained official permission, a coalition of opposition parties held a meeting with supporters and the press at the main congress building. According to news reports and opposition parties, as supporters attempted to board busses after the rally was over, violence erupted in the crowd. Men in civilian clothes allegedly wielded blunt instruments and injured at least five persons. The opposition parties alleged the men wielding weapons were plainclothes police agents placed in the crowd by authorities. Authorities replied that the violence resulted when opposition leaders failed to pay their supporters the money promised for having attended the rally.

### **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 generally were required to register with the Ministry of Interior and Decentralization. Registration sometimes was subjected to political influence. According to a local NGO, groups who spoke openly against the government encountered overt or implied intimidation 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, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights as applied to refugees and asylum seekers but not for undocumented immigrants from the DRC in the country's larger cities.

The government 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.

Foreign Travel: 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 therefore a time-consuming and difficult process for most persons, with processing often taking up to one year.

#### **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.

As of September 1, the country hosted 51,054 refugees.

The country, especially in areas that border the DRC, received numerous waves of displaced persons in previous years. Between October 2009 and May 2010, nearly 140,000 refugees fleeing ethnic violence and rebellion in Equateur Province of the DRC sought shelter in Likouala Department, adding to several thousand DRC refugees who were already in the region. As of October 6, 119,024 DRC nationals had repatriated since 2012, including 9,945 during the year. An additional 1,596 new DRC refugees registered with the UNHCR during the year, for a total of 23,331 registered DRC refugees. There were 148 new requests for asylum from DRC nationals, for a total of 2,012 asylum seekers from the DRC.



As of September 9, the country hosted 9,028 Rwandan refugees who fled the genocide in 1994. At a tripartite meeting in 2012, the governments of the Republic of the Congo and Rwanda, with the UNHCR, agreed to invoke a cessation clause that would revoke the refugee status of Rwandans in the Congo beginning on June 30, 2013. As of that date, Rwandan refugees were required to return to Rwanda, formalize their legal status in the Congo, or apply for refugee status based on individual claims due to particular circumstances. The UNHCR reported nearly all Rwandans subject to the cessation clause chose to file for an individualized determination of refugee status. The Congolese government had not begun the interviews to determine individualized status and said it would consider those who have filed to be refugees until a final decision is taken on their applications. Between January 1 and September 9, 13 Rwandans repatriated from the Congo without seeking Congolese citizenship. Nineteen Rwandan nationals applied for asylum during the year, making a total of 244 asylum seekers from Rwanda in the Congo.

The UNHCR recommended cessation of refugee status for Angolan refugees--effective June 2012--and the government began implementing cessation for Angolans in September 2012. As of September 9, the Congo hosted 473 refugees from Angola who had filed for individualized determinations of refugee status. The government had not begun interviews to determine individualized status and stated it would consider those who had filed to be refugees until a final decision was taken on their applications. The country hosted 60 Angolan asylum seekers; there were no new asylum applications from Angolans during the year.

The country saw an influx of persons fleeing the violence in the CAR beginning in December 2012. According to the UNHCR, as of October 6, the country hosted 20,007 refugees, 7,961 of whom arrived during the year. There were 96 registered asylum seekers from the CAR, of whom 19 registered during the year.

The National Refugee Assistance Center handled applications for refugee status. The center received 80 to 90 percent of its operating budget from the UNHCR.

According to the UNHCR, as of September 9, 193 persons applied for asylum during the year, and 2,735 asylum seekers remained in the country.

**Refoulement:** The government reportedly did not always provide protection against the expulsion or return of refugees to countries where their lives or freedom might be threatened because of race, religion, nationality, membership in a particular social group, or political opinion.

In April police in Brazzaville launched Operation Mbata ya Bakolo (“a slap from your elders” in a local language) in response to increased gang violence in Brazzaville and Pointe-Noire. In July a human rights NGO filed a complaint with the Ministry of the Interior asserting that during the operation, authorities forcibly sent at least 60 refugees and asylum seekers back to the DRC.

Refugee Abuse: According to the UNHCR, gender-based violence was frequent at refugee sites, with 27 cases of rape reported from January through August; 20 involved minors. Only five of these complaints were lodged with authorities as official complaints. There were 64 cases concerning gender-based violence pending before the courts, none of which was resolved during the year. The vast majority of such cases went unreported because complaints could take three or more years before courts would examine them. Families of victims often preferred to negotiate settlements directly with the perpetrators. The UNHCR’s protection officers and medical personnel provided medical, psychosocial, and legal assistance to victims of gender-based violence, including rape. Refugees had equal access to community health centers and hospitals and legal recourse for criminal complaints (for example, rape) and civil disputes.

A human rights NGO reported that on June 11, police officers in the Brazzaville neighborhood of Kibeliba detained a Rwandan refugee to force him to pay money owed by his son. Police allegedly held him at the station and tortured him, placing him in stress positions until he agreed to pay 100,000 CFA francs (\$189).

Operation Mbata ya Bakolo created an exodus of DRC nationals to the DRC. The stated purpose was to crack down on undocumented immigrants, tens of thousands of whom lived in Brazzaville, and to deport those involved in criminal activity. Police activity, rumor, and ambiguous government messaging led to a mass departure as landlords asked their tenants to leave for fear of fines or government reprisal. Authorities had neither prepared for the increase in traffic at the river port nor coordinated with the DRC government.

By late April a humanitarian crisis arose as several thousand DRC nationals waited for days in unprotected, wet, unhygienic conditions at the river port in Brazzaville. Multiple sources reported allegations of abuse, mistreatment, and sexual violence inflicted on DRC citizens by police. By mid-May the governments of the Congo and the DRC had agreed on increased ferry service to alleviate crowding, and the Congolese government’s Humanitarian Action Office, with the assistance of UN

agencies, began providing basic health services, sanitation, food, water, and shelter to DRC nationals waiting at the port in Brazzaville.

From April to June, an estimated 130,000 to 160,000 DRC nationals repatriated via the port in Brazzaville. Most of them repatriated voluntarily, but under social or economic duress. By June the flood of departing DRC nationals had subsided substantially. The national police extended the operation to the southwestern cities of Dolisie and Nkayi on June 30. Throughout July, August, and September, a slow stream of DRC nationals from the south departed the country either via the Brazzaville port or by land borders closer to the coast.

Employment: The law does not address employment for refugees. Anecdotal evidence suggested quotas and excessive work permit fees limited refugee employment opportunities in the formal sector. A health-care organization stated the law required it to hire the country's nationals for at least 90 percent of its positions. The same organization stated refugees were required to obtain two-year work permits that cost approximately 150,000 CFA francs (\$284), 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 all refugees. During the academic year, primary schools enrolled 5,225 refugee children, including 2,665 girls. Access to secondary education for refugees was severely limited. Most secondary education teachers were refugees who either volunteered to teach or were paid by the parents of refugee children. There were 2,223 refugee children enrolled in secondary school, including 1,023 girls.

Durable Solutions: In 2010 the government signed a tripartite agreement with the government of the DRC and the UNHCR that outlined the conditions and means for voluntary repatriation of the Likouala refugees to the DRC's Equateur Province. Large-scale repatriation was delayed due to the refugees' desire to wait for both international repatriation assistance and the consolidation of post-conflict peace and reconciliation between the Lobala and Boba tribes. Following the beginning of the UNHCR repatriation campaign in 2012, the agency successfully repatriated more than 119,000 DRC nationals to Equateur Province.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution and law provide citizens the ability to change their government through free and fair elections; however, this was restricted by irregularities during the 2009 presidential, 2012 legislative, and 2014 local elections.

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

Recent Elections: In September the president's PCT and its allies swept local elections originally scheduled for July 2013, gaining almost half of the seats. The elections were delayed due to the protracted special administrative census agreed upon at a national political dialogue in March 2013. The government began the census in August 2013. Several opposition parties denounced the census as designed to inflate counts where the PCT was strongest. The primary opposition party, the Pan-African Union for Social Democracy (UPADS), withdrew from the process after the first round of data analysis showed a nearly 50 percent increase in the population of the northern departments (where the PCT was strongest) and an estimated 25 percent reduction in some areas of the south (where the PCT was weakest) since the 2007 general census. Opposition parties publicly alleged inflated population numbers in the north would help the PCT perpetuate its near total dominance of the senate.

The local elections determined the composition of an electoral college to select half of the members of the senate, the upper house of the bicameral legislative branch, giving the PCT almost 80 percent of senate seats. The PCT and allied parties also held 85 percent of National Assembly seats won by direct suffrage in 2012. Voters elected seven opposition National Assembly candidates, all of whom belonged to UPADS. Civil society election observers estimated the voter participation rate at 10 to 15 percent.

Denis Sassou N'Gusso won re-election as president in the 2009 election with a claimed 78 percent of the vote. Officially, 66 percent of eligible voters participated in the election, although the opposition estimated the turnout to be much lower. While the election was peaceful, opposition candidates and NGOs criticized the election for irregularities, such as gross manipulation of voter lists and discrepancies between the officially reported rates of voter participation and those observed by independent election observers. The African Union declared the elections free and fair.

Political Parties and Political Participation: Major political parties included the PCT, UPADS, the Congolese Movement for Democracy and Integrated Development (MCDDI), the Union for Democracy and the Republic (UDR-Mwinda), the Assembly for Democracy and Social Progress (RDPS), as well as the political movement Action Convention for Democracy and Development (CADD).

Opposition parties encountered government restrictions. Well-known opposition politician and former finance minister Mathias Dzon reported the government prohibited him from leaving the country between the re-arrest of former colonel Marcel Ntsourou in December 2013 and July 25. This timing coincided with Ntsourou's trial for rebellion, although the government did not draw any public connection between Dzon and Ntsourou.

Andre Okombi-Salissa, a PCT member of the National Assembly and former cabinet minister, announced his candidacy for the scheduled 2016 presidential elections and returned to Brazzaville on June 25. Approximately 200 supporters waited at the airport to greet Okombi-Salissa, who had been campaigning for several months from Paris. Police unsuccessfully attempted to disperse the peaceful supporters with tear gas. Although a member of the PCT, Okombi-Salissa was also head of the political movement CADD. Following Okombi-Salissa's return, CADD officials reported police had on at least three occasions disrupted operations at the movement's headquarters by entering unannounced and requesting to examine their permits and paperwork.

Participation of Women and Minorities: There were 10 women in the 72-seat senate and 13 women in the 139-seat National Assembly. There were four women in the 37-member cabinet. No laws or cultural practices limited women's political participation as voters or candidates. In August the president signed a law requiring that women make up 30 percent of each party's slate of candidates for local or legislative elections.

Many indigenous persons--mostly Baka--were excluded from the political process due to their isolation in remote areas, lack of registration, cultural barriers, and stigmatization by the majority Bantu population (see section 6). Parliament's passage, however, of an indigenous persons' rights protection bill in 2010, which became law in February 2011, strengthened indigenous rights. The law had little reported effect on indigenous persons' political participation.

#### **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 officials engaged in corrupt practices with impunity.

According to the World Bank's most recent Worldwide Governance Indicators, government corruption was a severe problem, although the bank and the International Monetary Fund noted the government continued anticorruption reforms. The government's National Commission for Fighting Corruption and Fraud (CNLCCF) and the Anti-Corruption Oversight Committee (OAC) conducted a public anticorruption campaign by holding publicized information sessions and discussions in 2013 and during the year. The government signed an anticorruption law, and the two agencies announced their intention to conduct a public awareness campaign to publicize the law. They had not begun the campaign as of early November.

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 government officials, through bribes or other fraud, regularly diverted revenues from these sectors into private overseas accounts before the remaining revenues were officially declared. In February 2013, however, the Extractive Industries Transparency Initiative (EITI) declared the country to be compliant with the EITI standard, which requires a country to have functioning procedures for annual disclosure of all government income resulting from oil, gas, and mining activities.

Corruption: The CNLCCF and the OAC are responsible for combating corruption and fraud. The CNLCCF is tasked with maintaining a record of reported cases of fraud in the public and private sectors, instituting a government anticorruption plan, and providing technical support for any public or private institution seeking to establish its own antifraud or anticorruption plan. The OAC is an independent government body created under the auspices of the CNLCCF. The OAC is tasked with auditing the government, implementing the anticorruption plan as it applies to central government agencies, and developing governance reforms.

OAC chairman Joseph Mapakou and four other members of the committee, arrested in July 2013 for misappropriation of funds, remained free pending trial. Authorities accused them and a senator of stealing thousands of dollars from the budget earmarked to construct a new OAC office. The senator publicly alleged the charges were intended to destabilize the committee's anticorruption efforts.

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, this provision was not enforced, and no financial disclosure statements were made public during the year. The autonomous agency National Agency for Financial Investigation (ANIF) is tasked with investigating suspicious financial transactions and, if necessary, forwarding the information to the competent judicial authorities. Its mandate is primarily related to the fight against money laundering and transnational criminal groups; however, ANIF's mandate extends to transactions by government officials as well.

Public Access to Information: The constitution and law provide for public access to government information for citizens, noncitizens, and the foreign media; however, the law was not effectively implemented. There were no unreasonable processing fees associated with requests for information, although there were generally lengthy delays before the government released information, if at all. Denials of disclosure may be appealed to the Constitutional Court, but the court did not hear denial appeals.

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

A number of domestic and international human rights groups generally operated without government restriction during their investigations and when publishing their findings on human rights cases. Government officials generally were more cooperative with and responsive to international groups than to domestic human rights groups. Some domestic human rights groups tended not to report on specific incidents due to fear the government would impose obstacles to their work.

Government Human Rights Bodies: The government-sponsored HRC is charged with acting as a government watchdog and addressing public concerns on human rights problems. Some civil society members claimed the commission was completely ineffective, lacked independence, was primarily composed of persons who had no expertise in human rights, and was created to appease the international community. The president appointed most, if not all, of its members.

The HRC did not undertake activities directly responding to human rights problems in the country during the year.

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

The constitution and law prohibit discrimination on the basis of race, gender, religion, region of origin within the country, place of residence in the country, language, social status, political orientation, or disability; however, the government did not effectively enforce these prohibitions. The law does not prohibit discrimination based on sexual orientation or gender identity. The Ministry of Social Affairs and the Ministry for Promotion of Women's Rights are the lead government bodies charged with protecting and promoting the rights of vulnerable groups, including women, children, the elderly, the handicapped, and indigenous people (Baka). The Ministry of Social Affairs was particularly active, but its effectiveness was impeded by limited funding and lack of coordination with other ministries.

### Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal; however, 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, the penalties for rape ranged from as little as several months' imprisonment to rarely more than three years. Rape was common, although the extent of the problem was unknown. The government could not provide national figures for cases of rape. A local NGO noted 260 rapes were reported in 2013 but added that only a fraction of rapes were reported. Fewer than 25 percent of reported rape cases were prosecuted, according to local and international NGO estimates. The government maintained two centers in Brazzaville to care for rape victims.

In 2010 authorities arrested a suspected serial killer who allegedly raped and killed nine women. In July he pled guilty and was sentenced to death by the criminal court. Under the penal code, the death penalty may be imposed in cases of murder, high treason, espionage, and crimes against the state. The constitution, however, guarantees the "right to life," and the death penalty reportedly had not been carried out since 1982. The convicted serial killer was, therefore, likely to serve his sentence as life imprisonment.

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. The extended family or village traditionally dealt with domestic violence matters, and only more extreme incidents were reported to police because of victims' fears of social stigma



and retaliation, and a lack of confidence in the courts. Local NGOs sponsored domestic violence awareness campaigns and workshops.

Female Genital Mutilation/Cutting (FGM/C): FGM/C, although illegal, still occurred. The scale of the phenomenon remained unclear but was known to exist among West African immigrant communities in Pointe-Noire and Brazzaville and among the indigenous population in Likouala and Sangha departments in the north. Victims of FGM/C were generally between the ages of eight and 12 when the cutting was performed.

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 maximum for rape, that is, five to 10 years' imprisonment. The government did not effectively enforce the law. No official statistics were available, but according to local NGOs, sexual harassment was very common but rarely reported.

In August 2013 a journalist provided a video to the news agency France 24 of what appeared to be Republican Guard soldiers ordering local women to take off their clothes in the woods and then walk through high foliage. An official with the Republican Guards reported authorities detained the four soldiers involved in the Republican Guard jail for two months and suspended them from military duties upon their release. The official stated a military court hearing was scheduled to take place in the following months, after which the soldiers would likely also appear before a civilian judge. In September, however, an NGO reported authorities had detained the four soldiers for no more than four months and released them without charge.

Reproductive Rights: No laws restrict reproductive rights, childbirth, or timing of pregnancies. There are no restrictions on the right to access contraceptives. The government worked with international NGOs to make male and female contraceptives widely available and free of charge as part of anti-HIV efforts. Contraceptives were not widely used, primarily due to cultural taboos against discussing contraceptives and distrust of medical techniques. Some families considered open discussion of contraceptives as condoning promiscuity. Many believed use of medical contraceptives would have a negative long-term impact on fertility. The United Nations estimated 13 percent of married girls and women ages 15 to 49 used some form of modern contraception. In a 2013 report, the World Health Organization (WHO) estimated there were 410 maternal deaths per 100,000 live births, and a woman's lifetime risk of maternal death was one in 48. Despite the high rate of maternal mortality, the WHO reported skilled health-care

personnel attended approximately 94 percent of births in 2012. Health clinics and public hospitals were generally in poor condition and lacked experienced health-care staff, which limited women's access to emergency obstetric care services.

Discrimination: The rights of women, children, and extended families are governed both by customary marriage and family laws and civil laws enacted by the government. Adultery is illegal for both women and men. Polygyny is legal, while polyandry is not. Customary law divides a husband's estate among a surviving spouse, children, and extended family. The law limits bridewealth to a symbolic amount (approximately 52,000 CFA francs or \$99). This often was not respected, however, and bride's families often obliged grooms to pay excessive sums.

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, but anecdotal evidence suggested this situation was improving. Women experienced economic discrimination with respect to employment, credit, equal pay, and owning or managing businesses (see section 7.d.). Access to education and wage employment continued to improve slowly for women, particularly outside of rural areas. Many local and international NGOs had microcredit programs for women, and government ministries, including those of social affairs and agriculture, also actively helped women set up small income-producing businesses.

## **Children**

Birth Registration: Citizenship is acquired from one's 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 Congo. The government does not require registration of births; it is up to parents to request birth registration for a child. A birth certificate is necessary for school enrollment and other services. Indigenous people (Baka), particularly those living in remote villages, had difficulty in registering since registration offices were located only in district and provincial capitals.

Education: Education is compulsory, tuition-free, and universal until the age of 16, but families are required to pay for books, uniforms, and school fees. School enrollment was generally higher in urban areas. Specific data were lacking, but most indigenous children could not attend school because they did not have birth

certificates. School facilities were overcrowded and poorly maintained. Girls and boys attended primary school in approximately equal numbers; however, boys were five times more likely than girls to go on to high school and four times more likely than girls in high school to go on to university. There were unconfirmed reports of teachers pressuring teenage girls and university students to have sex with them in exchange for better grades.

Child Abuse: Child abuse was not commonly reported but was believed to be prevalent.

Early and Forced Marriage: The law prohibits child marriage, and the legal age for marriage is 18 years for women and 21 for men. Marriage at an earlier age is permissible if both sets of parents give their permission; the law does not specify a minimum age in such a case. According to the UN Population Fund, in 2009, 33 percent of women 20 to 24 years old were married by the age of 18, although the government expressed skepticism the percentage was so high.

There is 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 (\$284 to \$2,840).

Female Genital Mutilation/Cutting (FGM/C): FGM/C, although illegal, still occurred. The scale of the phenomenon remained unclear but was known to exist among West African immigrant communities in Pointe-Noire and Brazzaville and among the indigenous population in the Likouala and Sangha departments in the north. Victims of FGM/C were generally between the ages of eight and 12 when the cutting was performed.

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 (\$18,900) 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 (\$945). The minimum age for consensual sex is 18. The maximum penalty for sex with a minor is a prison sentence of five years and a fine of 10 million CFA francs (\$18,900).

There were cases of children, particularly those who lived on the streets in the larger cities, being subjected to sexual exploitation. Authorities increasingly

enforced laws that prohibit the exploitation of children, including sexual exploitation. The prevalence of the problem remained unclear, although the UN Children's Fund (UNICEF) estimated in a 2007 report that 25 percent of the approximately 1,800 children trafficked to the Congo were sexually exploited. A 2013 study by the Organization of International Migration indicated the majority of children subjected to commercial sexual exploitation originated in the DRC. Sexual trafficking of children was not common in rural areas, and sexual exploitation of children was not prevalent in villages.

Displaced Children: International organizations assisted with programs to feed and shelter street children, the majority of whom lived in Brazzaville and Pointe-Noire and believed to be from the DRC, according to UNICEF. Children who lived on the streets were vulnerable to sexual exploitation. Many begged, while others sold cheap or stolen goods to support themselves. Police operations launched in April to expel undocumented immigrants (see section 2.d.) reduced the number of street children in Brazzaville.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

There was no substantial Jewish community. There were no 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 physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or in the provision of other state services. The Ministry of Social Affairs is the lead ministry responsible for protecting the rights of persons with disabilities. In 2009 the Ministry of Social Affairs introduced a national plan to provide access to persons with disabilities, and the ministry's 2013-16 Social Plan of Action includes an eight-point plan for improving the lives of such persons. There are no laws, however, mandating access for persons with disabilities. The

government did not take action during the year to provide equal access for persons with disabilities to public spaces or transportation. The government provides special schools for deaf students in Brazzaville and Pointe-Noire. Blind children and children with physical handicaps are mainstreamed into regular public schools.

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

The law prohibits discrimination based on ethnicity. Regional ethnic discrimination existed, but it was not as prevalent as in the years following the civil war that ended in 2003, which divided the country largely along regional and tribal lines. Discrimination was not evident in private sector hiring and buying patterns or in the provision of government services such as education, health, or housing. 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. Although the relationships among ethnic, regional, and political equities could be difficult to discern due to substantial intermarriage and increased geographic mobility over recent generations, President Sassou N'Guesso was widely perceived to have filled cabinet posts and the general officer corps with individuals from the northern departments. The government made no efforts to address the perception.

### **Indigenous People**

According to local NGOs, indigenous people (Baka) in remote areas were severely marginalized in regard to employment (see section 7.d.), health services, and education, in part due to their geographic isolation and different cultural norms. Baka in remote areas had restricted political rights; however, in recent years several rights groups developed programs to overcome this. Many Baka in remote areas were not aware of the concept of voting and had minimal ability to influence government decisions affecting their interests. The Ministry of Social Affairs and the Ministry of Justice actively promoted integration of the indigenous population and published a 2014-17 National Plan of Action for Improving the Quality of Life for Indigenous Peoples. A community radio station, Radio na Biso, worked to promote mutual understanding between the Bantu majority and the indigenous Baka minority.

### **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.” According to the gay rights NGO Association de Soutien aux Groupes Vulnérables (ASGV) and members of the lesbian, gay, bisexual, and transgender (LGBT) community in Brazzaville, these laws do not prohibit consensual same-sex conduct, and authorities did not employ the law to arrest or prosecute LGBT persons. On occasion, however, police officers harassed gay men and claimed the law prohibited same sex sexual activity in order to elicit a small bribe. There are no laws that limit freedom of speech or assembly for LGBT persons.

The ASGV sits on the National HIV/AIDS Committee, whose meetings are chaired by President Sassou N’Guesso or the minister of health. A second organization represents the interests of gay men in Pointe-Noire. There was no known advocacy group to represent the interests of lesbians or transgender individuals in the country.

There were no known publicly reported cases of violence against LGBT individuals during the year. The gay men’s group in Pointe-Noire, however, privately said police there targeted openly gay young men for verbal, physical, or sexual abuse. Although at the official level LGBT persons were not discriminated against, 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, including organizations advocating for the rights of persons with HIV/AIDS, was fairly well organized and sought fair treatment, especially regarding employment. NGOs and the government worked widely on HIV/AIDS-related problems, including raising public awareness that those with HIV/AIDS were able to contribute to society.

The National Committee to Fight HIV/AIDS coordinated national policy to counter the spread of the HIV/AIDS virus. The committee led a public awareness campaign to fight the social stigmatization associated with a known positive HIV-

status that led many to fear taking an HIV/AIDS test or seeking some reproductive services.

## **Section 7. Worker Rights**

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

The law allows workers--except for 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--to form and join unions of their choice without previous authorization or excessive requirements. The law allows unions to conduct their activities without interference.

Workers have the right to strike, provided all long and complex conciliation and nonbinding arbitration procedures are exhausted and due notice is given. By law the continuation of a minimum service in all public services is required as essential to protecting the general interest. A minimum service requirement binds workers in essential services to a limit on the length of time they may strike. Determination of the extent of the minimum service is made by the employer without negotiating with the parties to the dispute. Refusal to take part in providing the minimum service during strikes is considered gross misconduct.

The law provides for the right to bargain collectively. The law prohibits antiunion discrimination and requires reinstatement of workers dismissed for union activity; however, it does not provide adequate penalties for such discrimination. No particular groups of workers are excluded from applicable legal protection.

The government generally did not effectively enforce applicable laws. Resources, inspections, and remediation were inadequate. There are no penalties for violations.

Freedom of association and the right to collective bargaining were respected, unlike in 2013, when the government reportedly subjected leaders of the Teachers’ Union to intimidation and arbitrary arrest during a lengthy teachers’ strike. 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. There were no known cases of workers in these essential services being terminated for violating the minimum service rule, likely due to the cumbersome termination process for civil servants. Instead, some workers who

violated the rule were either transferred to another service or denied some job privileges.

A dialogue continued between unions and the government on labor problems, such as basic salary scales and bonus structures. Salary increases for unionized state workers promised by the government as part of the dialogue in 2013 had yet to materialize for some types of government employees. Teachers at the sole public university went on strike January 2-14, demanding the government implement the commitments it made to end the 2013 teachers' strike. The university teachers returned to work after the government implemented the first step in an agreed-upon graduated rise in salary.

Unlike in 2013, there were no reports of antiunion discrimination or violations of collective bargaining rights. There were no reports of employers firing workers for union activity or blacklisting union members. There were reports, however, that employers used hiring practices such as subcontracting and short-term contracts to circumvent laws prohibiting antiunion discrimination. There were no reports of any particular groups of workers being excluded from relevant legal protection.

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

The constitution prohibits forced or compulsory labor unless imposed pursuant to a criminal penalty lawfully imposed by a court. The law allows persons to be requisitioned for work of public interest and provides for their possible imprisonment if they refuse. The law prohibits the forcible or fraudulent abduction of persons including young persons under 18 and imposes penalties for these criminal offences.

The government took steps to prevent and eliminate forced labor, but only as relating to trafficked persons. There were no reports the legal abduction provisions had been applied. The government worked with the UN Office on Drugs and Crime and a foreign partner to initiate a three-year program to train personnel on and draft complete trafficking-in-persons legislation that would include both adults and children.

Children--mostly from Benin, Togo, Mali, Guinea, Cameroon, Senegal, 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. In addition they



received little or no remuneration for their work. The indigenous population was especially vulnerable to forced labor in the agricultural sector.

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

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

Although there are laws and policies designed to protect children from exploitation in the workplace, child labor was a problem. By law children under the age of 16 may not be employed, even as apprentices, without a waiver from the minister of national education. This law generally was not enforced, particularly in rural areas and in the informal sector.

The Ministry of Labor, which is responsible for enforcing child labor laws, concentrated its limited resources on the formal wage sector, where its efforts generally were ineffective. As in the previous year, some labor inspections occurred. The Ministry of Social Affairs was also involved in combating child labor as part of the government's antitrafficking efforts. Data on the number of children removed from child labor were not available, although the ministry reported five children were rescued from trafficking and repatriated to their home country of Benin during the year. International aid groups reported little change in child labor conditions.

The most common forms of child labor were work in markets, commercial fishing, or in domestic servitude, where children were subjected to harsh conditions, long hours, and little or no pay. Children worked with their families on farms or in small businesses in the informal sector without government monitoring. Children were engaged in the worst forms of child labor in agriculture and domestic service. There were no official government statistics on general child labor.

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 or Occupation**

The constitution and law prohibit discrimination on the basis of race, gender, religion, region of origin within the country, place of residence in the country, language, social status, political orientation, or disability; however, the government did not effectively enforce these prohibitions. These antidiscrimination provisions

are not specifically reiterated in labor law. Discrimination in employment and occupation sometimes occurred with respect to women and indigenous peoples (Baka) (see section 6). 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 (\$170) 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. The law stipulates overtime pay for all work in excess of regular working hours. For public 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. These standards were generally observed, and workers were usually paid in cash for overtime work.

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. 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 continued employment. There were no exceptions for foreign or migrant workers. The authorities did not effectively protect employees in these situations.