

REPUBLIC OF THE CONGO 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of the Congo is a semipresidential republic in which the constitution vests most decision-making authority and political power in the president and prime minister. In 2015 the country adopted a new constitution that extends the maximum number of presidential terms and years to three terms of five years and provides complete immunity to former presidents. In March 2021 the Constitutional Court proclaimed the incumbent, Denis Sassou Nguesso, the winner of the March 21 presidential election, regardless of opposition and international criticism of electoral irregularities. The government last held legislative and local elections in July, with legislative election irregularities sufficient to restrict the ability of citizens to choose their government. While the country has a multiparty political system, members of the president's Congolese Labor Party and its allies retained 89 percent of legislative and 50 percent of the local seats, and Congolese Labor Party members occupied almost all senior government positions.

The national police, gendarmerie, army, navy, and air force have responsibility for law enforcement and maintenance of order within the country. The national police maintain internal security and report to the Ministry of Interior. The gendarmerie reports to the Ministry of Defense and conducts domestic paramilitary and law enforcement activities and reports to the Ministry of Interior. The army, navy, and air force, which also report to the Ministry of Defense, also conduct limited domestic security activities. Civilian authorities generally maintained effective control over the security forces. There were reports that police and gendarmes committed some abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; torture or cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; serious problems with the independence of the judiciary; arbitrary or unlawful interference

with privacy; serious restrictions on free expression and media, including unjustified arrests or prosecutions of journalists and censorship; substantial interference with the freedom of peaceful assembly and freedom of association; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; serious government restrictions on or harassment of domestic and international human rights organizations; lack of investigation of and accountability for gender-based violence, including but not limited to domestic and intimate partner violence; crimes involving violence or threats of violence targeting Indigenous peoples; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

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

Section 1. Respect for the Integrity of the Person

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

There were reports on social media of the government or its agents committing arbitrary or unlawful killings; however, for such reports (besides those specified below), no independent confirmation was possible, leading to uncertainty regarding the frequency of the incidents and the number of persons arbitrarily deprived of life. In some cases, the Ministry of Justice coordinated with the Ministry of Interior and Ministry of Defense to investigate security force involvement in the deaths of citizens and pursued prosecution.

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

b. Disappearance

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

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

Punishment, and Other Related Abuses

The constitution prohibits torture, and the law contains a general prohibition against assault and battery, but there is no legal framework specifically banning torture. There were reports on social media of the government or its agents meting out cruel, inhuman, or degrading treatment to detainees or convicts. In February the court convicted five police officers of torture that led to the death of one detainee and left a second detainee disabled. The officers were sentenced to five years of forced labor.

The Congolese Armed Forces (FAC) did not maintain a separate military justice system. In most cases the military handled allegations of abuse by soldiers outside the country through administrative procedures, which often included lengthy detentions. The FAC reported that all personnel involved in allegations in the UN peacekeeping deployments in the Central African Republic from 2015-18 received legal or administrative discipline in line with these administrative procedures.

Officials took steps to prosecute or punish some members of the security forces who acted with impunity, but enforcement was not consistent. Politicization and corruption were apparent factors in cases that went uninvestigated. Abuses are investigated by the Ministry of Defense and the Ministry of Justice. Police and security forces regularly received training on respect for human rights. The training covered international humanitarian law and international human rights law.

Prison and Detention Center Conditions

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

Abusive Physical Conditions: The Brazzaville Prison, built in 1943 to accommodate 150 inmates, held more than five times its designed capacity, including women and juveniles. The Pointe-Noire Prison, built in 1934 to hold 75 inmates, held more than six times its designed capacity. In addition to these official prisons, the government's intelligence and security services operated detention centers and security prisons that were inaccessible for inspection.

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

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

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

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

In January, two young men, Rodhe Dabela and Akuya, allegedly died while in prison in the town of Ouessou – Dabela reportedly due to lack of proper medical assistance while he was detained for theft, and Akuya from sudden, unknown causes.

In March there were reports that Ambroise Ndongo died while in prison in Ouessou, reportedly due to malnutrition while he was detained for murder, and that Destin Kombe died while in prison in Owando, reportedly from severe anemia and malaria.

In Brazzaville and Pointe-Noire, authorities equipped the prisons with some mattresses and prisoner uniforms. Most inmates, however, slept on the floor on cardboard 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. Local NGOs commented that the cells were infested with insects and rats. Basic and emergency medical care were limited. Medical personnel at the Brazzaville Prison cited tuberculosis, dysentery, malaria, and HIV and AIDS as the most common maladies affecting prisoners. Authorities did not provide specialized medical care to prisoners with HIV and AIDS, nor

were HIV tests available in prisons. Authorities took pregnant women to hospitals to give birth, and authorities sometimes allowed them to breastfeed their infants in prison. Access to social services personnel was severely limited due to insufficient staffing, overcrowding, and stigmatization of those with mental disabilities. Prison authorities permitted outdoor exercise intermittently.

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

Administration: Prison rules allow 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. Prisoners only had weekly access to Christian religious services.

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 in either a crowded open area or 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 were infrequent because of the financial hardship of travel and COVID-19 preventive measures.

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

Other 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 Christian and Muslim religiously affiliated charitable organizations visited prisons and detention centers for charitable work and religious counseling in line with a framework agreement that allows for visits from chaplains or equivalent to provide religious counseling in prison.

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 reported arbitrary arrest continued to be a problem. The constitution and law provide detainees the right to challenge the legal basis of their detention before a competent judge or authority, but the government did not observe the law regularly.

Arrest Procedures and Treatment of Detainees

The constitution and law require that a duly authorized official issue warrants before officers make an arrest, that a person be apprehended openly, that a lawyer be present during initial questioning, and that detainees be brought before a judge within three days and either charged or released within four months. The government regularly violated these provisions.

There was 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. Authorities sometimes informed detainees of charges against them at the time of arrest, but the filing of formal charges often took more than one week. There were reports authorities arrested detainees secretly and without judicial authorization and sometimes detained suspects incommunicado or put them under de facto house arrest. Police at times held persons for six months or longer before filing charges. Observers attributed most administrative delays to lack of staff in the Ministry of Justice and

the court system. Family members sometimes received prompt access to detainees but often only after payment of bribes. The law requires authorities to provide lawyers at government expense to indigent detainees facing criminal charges, but this regularly did not occur.

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

Arbitrary Arrest: Reports suggested arbitrary and false arrests continued to occur (see section 1.e., Political Prisoners and Detainees). On October 14, the government provisionally released Chancelia Moulounda, a student detained since February 2021, after being accused of undermining the international security of the state and illegal possession of weapons of war (see also section 2.a., Freedom of Expression).

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

Lengthy pretrial detentions were due to the judicial system's lack of capacity and,

according to observers, a lack of political will to address the problem. The law defines three levels of crime: misdemeanors (punishable by less than one year in prison), delicts (punishable by one to five years in prison), and felonies (punishable by more than five years in prison). Criminal courts tried 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, but the government held only three criminal sessions in each of the five appeals courts and continued to hold persons accused of felonies in pretrial detention, pending trial.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but the government did not always respect judicial independence and employed political influence at times. Corruption also undermined judicial independence. International NGOs reported in 2019 the judiciary was dominated by allies of the president. 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, as well as domestic conflicts that could not be resolved within the family.

Trial Procedures

The constitution provides for the right to a fair trial, but authorities did not always respect this right.

Defendants in all criminal trials enjoy the presumption of innocence and 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. In highly politicized cases, the government denied defendants the right to a fair, timely, and public trial, to adequate time and facilities to prepare a defense, to confront prosecution's witnesses, and to present their own witnesses and evidence.

Political Prisoners and Detainees

There were reports of political prisoners and detainees, although verifiable estimates of their total number were not available. While the government asserted there were no political prisoners, human rights groups and international observers maintained the government detained or imprisoned persons solely or chiefly because of their political beliefs. In 2020 the UN Mission in Brazzaville, based on information gathered from local NGOs, reported 24 persons in detention for political reasons. The government did not comment on the release of any prisoners.

Former presidential candidate Andre Okombi Salissa and Jean-Marie Michel Mokoko remained in prison as of December. In 2020 the government transferred Jean-Marie Michel Mokoko to Turkey (Türkiye) for one month of medical treatment. Upon his return, due to pending health conditions related to pneumonia, he was placed in the Brazzaville Military Hospital for treatment and subsequently moved back to the central prison of Brazzaville. Mokoko and Okombi Salissa were serving sentences of 20 years at hard labor after being convicted of “undermining the internal security of the state” as well as “illegal possession of weapons and ammunition of war.”

The government arrested five political activists in March 2021 on allegations of posing a threat to national security: Landry Boumbeya, Alex Dzabana Ibacka, Rive Niaty, Christ Belvy Dongui, and Jean Louis Packat. Boumbeya, Dongui, and Dzabana Ibacka were released in July. Packat and Niaty remained in custody.

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

Civil Judicial Procedures and Remedies

Individuals may file lawsuits in court on civil matters related to human rights, including seeking damages for or cessation of a human rights abuse. 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. Conflict-related Abuses

Physical Abuse, Punishment, and Torture: According to the *Conduct in UN Field Missions* online portal, there were a total of 14 open allegations of sexual exploitation and abuse by the country's peacekeepers deployed to the UN Multidimensional Integrated Stabilization Mission in the Central African Republic in 2015-18. This included one allegation received during the year involving alleged rape of a child and exploitative relationships with adults. The United Nations also received three allegations during 2021, one in 2020, two in 2019, two in 2018, and six in 2016. Of the allegations from previous years, eight allegedly involved the rape of a child, including one alleged rape of a child by four peacekeepers, and two cases allegedly involved exploitative relationships with an adult. As of October, the government had not reported to the United Nations regarding accountability measures taken for any open allegations.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and

Other Media

The constitution and law provide for freedom of expression in all forms of communication and prohibit censorship, including for the press and other media, but the government did not always respect these rights.

Freedom of Expression: Individuals could criticize the government publicly or privately but feared reprisal. The constitution 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. In July the government suspended a ruling party candidate in Ouesso city for using ethnically charged hate speech during the legislative elections campaign.

On December 2, authorities detained an opposition leader for six days following a press conference in which he called for the government to release two former presidential candidates, Andre Okombi Salissa and Jean-Marie Michel Mokoko, who were each serving 20-year sentences. The government did not provide an explanation for the detention, nor did it comment on the opposition leader's arrest.

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

Plainclothes policemen arrested editor in chief of the satirical newspaper *Sel & Piment* (Salt and Pepper) Raymond Malonga for refusing to appear in court to face charges of libel and defamation in February 2021 for alleging the wife of the head of the National Security Council used money from the National Treasury for personal use. Malonga was released in August 2021 and was ordered to pay a fine of 30 million CFA francs (\$54,500). *Sel & Piment* resumed publication in July.

On December 21, the Superior Council for the Freedom of Communication (CSLC) suspended indefinitely the news channel VoxTV on grounds that the channel "transmitted, on a loop, information that could threaten public order." The CSLC did not specify what content led to the decision, but NGOs and observers reported the suspension was due to the channel broadcasting an interview with the

opposition leader who had been detained for calling for the release of political prisoners earlier in the month. The CSLC lifted the suspension on December 27 without providing further details on the grounds for the suspension but stated the channel was at fault for “failure to uphold professional obligations” and calling on the station to ensure it presented only “balanced information” in the future.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Media outlets were required to register with the CSLC, an official regulatory body. Media outlets that violated council regulations were subject to financial sanctions or temporary shutdown. The president appoints the director of the council.

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

Libel/Slander Laws: The law provides for monetary penalties and suspension of a publication’s permission to print for defamation and incitement to violence. Authorities sometimes brought charges under these laws.

Internet Freedom

There were unverifiable reports government authorities monitored private digital communications without appropriate legal authority, including email, text messaging, or other digital communications intended to remain private. During the July local and legislative elections, the government did not censor the internet.

b. Freedoms of Peaceful Assembly and Association

The government limited freedoms of peaceful assembly but generally respected freedom of association.

Freedom of Peaceful Assembly

The constitution and law provide for freedom of peaceful assembly. Nevertheless, the government required authorization from the Ministry of Interior and Decentralization and appropriate local officials for assemblies and demonstrations. There were no reports of any cases where groups were denied a permit from these

authorities during the reporting period. There were no reports of violence against demonstrators.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

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

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 a time-consuming and difficult process for most persons.

e. Protection of Refugees

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

Access to Asylum: The law provides for the granting of refugee status, and the government has a system for providing protection to refugees and asylum seekers. The National Refugee Assistance Committee, a joint committee under the Ministry of Social Affairs and Humanitarian Action, the Ministry of Justice, and the Ministry of Foreign Affairs, handled applications for refugee status. The committee received most of its operating budget from UNHCR.

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

Access to Basic Services: UNHCR-funded primary schooling was accessible to most refugees. Authorities limited access to secondary and vocational education for refugees. Some secondary education occurred at schools where refugees volunteered to teach or received payment from parents of refugee children.

Although refugees had equal access to community health centers and hospitals, there were reports of refugees receiving discriminatory treatment at some hospitals, including insults by medical personnel and long waiting times for treatment without regard to priority relative to their medical conditions.

Durable Solutions: Former Rwandan refugees could obtain resident status provided they had a valid Rwandan passport. Many Rwandans feared deportation if they received a passport, despite the assurances of local authorities and UNHCR this would not be the case.

f. Status and Treatment of Internally Displaced Persons

UN and government officials reported 40,329 of the estimated 264,000 estimated internally displaced persons (IDPs) who fled the Pool region during the 2016-17 conflict had returned to their homes and villages; the government promoted their safe and voluntary return. Anecdotal reports suggested that IDPs who did not return to their home areas resettled voluntarily in other parts of the country. Other IDPs in the country included residents in areas affected by seasonal floods, who generally returned home when waters receded. The number of IDPs increased as flooding grew worse in recent years.

g. Stateless Persons

UNHCR reported that nearly 105,340 persons were at risk of statelessness in the country. As of August, the government issued approximately 2,000 birth certificates with UNHCR support to the Indigenous population.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: The government last held legislative and local elections in July, with reported irregularities in both legislative and local races. While the country has a multiparty political system, members of the ruling Congolese Labor Party and its allies retained 89 percent of legislative and 50 percent of local seats.

For the July general election and the runoffs, most observers reported polling stations and electoral officials conducted their business professionally, while noting some logistical challenges, including partial distribution of voter cards, incomplete supplies, and the delayed opening of several polling stations. Civil society and political party representation was present inside polling stations. Observers, however, reported the heavy presence of security forces both inside and outside polling stations.

In several neighborhoods, crowds protested at polling stations against bringing in outside voters, accusing them of ballot stuffing. One parliamentary candidate from a northern district was arrested for three days after a dispute with police, who prevented him from accessing the original vote count despite his legal authority to be present.

Some opposition parties boycotted the election and the vote.

The Constitutional Court in September invalidated the victory of the ruling party in favor of an independent legislative candidate in Makelekele neighborhood after having confirmed the ruling candidate's victory in an earlier decision.

Political Parties and Political Participation: Political parties and civil society groups faced restrictions on their ability to participate in the political and electoral process. The law conferred recognition on 55 of 200 parties. According to the government, the remaining political parties did not meet the nationwide representation requirements.

There were unconfirmed reports of government funds being used to secure transportation and illicit votes, and for campaigning activities leading up to and during the two weeks of the legislative and local elections campaign. Since no official report was available on campaign financing, however, these reports could

not be verified.

Participation of Women and Members of Minority Groups: No laws limit participation of women or minority groups in the political process, and they did participate. Some voting sites on election day lacked accommodations to make polling stations fully accessible to persons with disabilities.

The political process excluded many Indigenous persons. Reasons included their isolation in remote areas, lack of registration, cultural barriers, and stigmatization by the majority Bantu population (see section 6).

Section 4. Corruption and Lack of Transparency in Government

The law provides for criminal penalties for corruption by officials. The government did not apply the anticorruption law, however, and many officials engaged in corrupt practices with impunity. There were some reports of government corruption during the year.

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

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups occasionally faced government restrictions during their investigations and when publishing their findings on human rights cases. Government officials were not cooperative with or responsive to international or domestic human rights groups. According to Freedom House, some domestic human rights groups did not report on specific human rights abuses due to fear of reprisal by the government.

Retribution against Human Rights Defenders: In August several police officers were detained following accusations they had participated in an armed robbery of a woman known as “Mere Alice” in Brazzaville. Videos of the officers’ interrogation circulated on social media, appearing to show the officers confessing and implicating a police captain in a series of armed robberies in Brazzaville. Several days later, police officials held a press conference exculpating that captain of any involvement in the robbery of Mere Alice. On September 7, a coalition of local human rights NGOs, led by the Congolese Organization for Human Rights (OCDH), called for a judicial investigation, independent of police, to formally investigate the series of robberies and the captain’s involvement. On September 9, local press reported the captain had been arrested and detained on charges of abuse of office and arbitrary arrests. On September 12, OCDH and human rights NGO Forum for Governance and Human Rights reported break-ins of their Brazzaville offices, including the theft of several laptops and documents. The organizations alleged that “uniformed individuals” entered the offices to remove the materials. Both organizations filed police reports, but as of October there had been no reported progress on the investigations.

Among those arrested and detained after the March 2021 elections was Alexandre Dzabana Ibacka, the coordinator of a platform of human rights groups (see section 1.e., Political Prisoners and Detainees). The government released Dzabana in July for medical treatment abroad pending trial due to serious deterioration of his health.

Government Human Rights Bodies: The government-sponsored Human Rights Commission is the government human rights watchdog and is responsible for addressing public concerns regarding human rights. The commission had little effectiveness or independence, and it undertook few activities directly responding to human rights concerns.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law prohibits rape and punishes rape with imprisonment. A new law passed in May addresses spousal rape, also punished

with imprisonment. The law strengthens penalties and facilitates reporting for spousal rape, domestic violence, and sexual harassment. Court personnel reported no prosecutions under the new law due to need for the courts to institutionalize the law and a lack of reporting. The law is written to cover only women; in the country's legal vernacular, "rape" is used exclusively to refer to women victims, while "indecent assault" is used to refer to male victims of rape. The law prescribes monetary fines based on the severity of the crime and between 10 and 20 years in prison for violators.

Authorities enforced the law; however, judgments often took years to be rendered and penalties applied. NGOs and women's advocacy groups reported rape, especially spousal rape, was common. The law prohibits domestic violence, with maximum penalties including prison terms and hard labor. The government generally enforced the law but was impeded by low reporting due to societal pressure to stay silent. According to court system observers, most of the reported cases came from women who had since left the country or who usually lived abroad.

Sexual Harassment: Sexual harassment is illegal. Generally, the penalty is two to five years in prison. In particularly egregious cases, the penalty may be 10 years. The government did not effectively enforce this law.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

According to the Ministry of Health, 92 percent of women gave birth with skilled health attendants. Government officials noted these figures were based on populations in urban areas; women in rural or hard to access locations in northern departments faced geographic barriers and a lack of access to transportation infrastructure limiting their access to care. NGOs reported local health clinics and public hospitals were generally in poor condition and lacked experienced health-care staff.

The government provided access to sexual and reproductive health services for survivors of sexual violence. Emergency contraception was generally available as part of clinical management of rape. The coverage was limited to the three large

urban centers: Brazzaville, Pointe-Noire, and Dolisie.

In 2017 the World Health Organization estimated there were 378 maternal deaths per 100,000 live births. Government officials cited limitations on women's empowerment to make their own health decisions, geographic barriers, lack of qualified health-service personnel and of health centers, and a limited number of referrals by general practitioners as the primary factors influencing maternal deaths. Women sometimes died in labor on the way to the hospital in rural areas, especially in the north of the country. Women from both Indigenous and other geographically isolated communities suffered disproportionately from rates of obstetric fistula due to unattended childbirth. Despite the law mandating free emergency obstetric care and caesarian sections, women often had to pay for care before they received any procedures.

In urban centers, women and girls generally had good access to menstruation products, either because they could afford them or had access to local and international NGOs that provided these products free of charge. As a result, there were no reports of girls' education being interrupted or their exclusion from participation in other aspects of society. In rural areas fewer families had the money to buy items outright, but local and international NGOs worked to provide menstruation products.

There are no laws or school rules banning pregnant girls from attending school, and they were generally not excluded from education or other services by the service provider. In urban centers, girls who were pregnant generally continued in school unless there were health concerns. In some circumstances, families removed their daughters from school in the case of pregnancy due to social expectations for motherhood, but this was not the norm. In rural areas it was more common for girls to leave school if pregnant due to family and social expectations that they no longer need school, and the next step is instead motherhood.

Discrimination: Customary marriages, family laws, and civil laws enacted by the government control the rights of women, children, and extended families. Women are provided the same legal status as men under the law, and authorities enforced those laws. Individual bias and customary beliefs, however, contributed to societal pressures to limit the rights of women. Adultery is illegal for both women and

men, although the penalty differs. Under civil law the husband could receive only a fine for adultery, while the wife could receive a prison sentence. Polygamy is legal, while polyandry is not. Women experienced discrimination in divorce settlements, specifically regarding property and financial assets. The law considers the man 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 (see section 7.d.), credit, equal pay, and owning or managing businesses.

Systemic Racial or Ethnic Violence and Discrimination

The law prohibits discrimination based on ethnicity, but the government made little effort to enforce it.

Indigenous Peoples

Locally, the phrase “Indigenous peoples” refers to forest-dwelling communities that lived a seminomadic lifestyle and practiced a traditional socioeconomic system based on hunting and gathering of forest products. Most Indigenous communities lived in rural or isolated parts of the country with limited access to the government or its representatives. According to a joint survey by the government and the United Nations in 2017, Indigenous peoples represented 10 percent of the country’s total population, while other international and domestic NGOs reported figures of approximately 7 percent.

The law provides special status and recognition for Indigenous populations. Additionally, the constitution stipulates the state shall provide promotion and protection of Indigenous peoples’ rights. In 2019 the government adopted six decrees on the Protection and Promotion of Indigenous Peoples. These decrees created an interministerial committee for the monitoring and evaluation of Indigenous rights, protection of cultural property, the status of certain civil measures, and promotion of education, literacy, and basic social services. The government continued a series of public campaigns to educate members of Indigenous communities, civil society, and government agencies regarding the six

decrees.

Nevertheless, according to local NGOs, geographic isolation, cultural differences, and lack of political inclusion marginalized Indigenous peoples throughout the country. NGOs and UN agencies reported members of Indigenous communities experienced episodic discrimination, forced labor, and violence. The UN special rapporteur on the rights of Indigenous peoples, after a visit in 2019, reported that Indigenous peoples faced significant discrimination, exclusion, and marginalization, including in their access to health services, education, employment, and political participation. According to UNICEF, poverty levels remained high in Indigenous communities and a lack of access to social services remained the main socioeconomic hurdle for these populations. Other Indigenous communities living in more urban areas had greater access to social services but feared harassment by members of the majority Bantu non-Indigenous population. Government decrees in 2019 mandated free access to education until age 16 for all Indigenous children, regardless of whether they had birth certificates, yet education access remained a problem for many Indigenous youth due to discrimination.

Children

Birth Registration: Children can acquire citizenship from one citizen parent. Birth within the territory of the country does not 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 but adjudicates births on a nondiscriminatory basis; it is up to parents to request birth registration for a child. Failure to register births could result in denial of public services such as education and issuance of national identity documents, including passports.

Education: Education is compulsory, tuition free, and universal until age 16, but families are required to pay for books, uniforms, and health insurance fees. Boys were five times more likely than girls to attend high school and four times more likely than girls in high school to attend university (see also section 6, Women, Reproductive Rights).

Child Abuse: There are laws against child abuse. NGOs reported child abuse was

prevalent but not commonly reported to authorities. Authorities generally investigated these reports.

Child, Early, and Forced Marriage: The law prohibits child marriage, and the legal age for marriage is 18 for women and 21 for men. According to UNICEF, 27 percent of girls were married before age 18 and 7 percent before age 15. 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 informal marriages that were not legally recognized.

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 fines. During the year the government did not prosecute any cases.

Sexual Exploitation of Children: The law provides penalties for crimes against children such as trafficking, pornography, neglect, and abuse. The minimum age for consensual sex is 18. A lack of specificity in the law was an obstacle to successful prosecution because it does not address sale, offering, or procuring for sexual exploitation. The government generally enforced laws on child pornography when reported.

Antisemitism

There was a very small Jewish community. There were no known reports of antisemitic acts.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No law specifically prohibits consensual same-sex sexual

conduct between adults. The law prescribes a punishment of six months to three years' imprisonment and a fine for anyone who "commits a shameless act or an act against nature with an individual of the same sex under the age of 21." The language is ambiguous and was unclear whether this law includes same-sex sexual conduct between two individuals younger than age 21 as well. Authorities did not invoke the law to arrest or prosecute lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons. On occasion, however, to elicit a bribe, police officers harassed gay men and claimed the law prohibited same-sex sexual conduct between adults.

Violence against LGBTQI+ Persons: Local NGOs reported some violence, predominantly psychological and physical but also including instances of financial extortion, sexual abuse, and housing discrimination, by government authorities and private citizens against LGBTQI+ persons. Authorities investigated and punished these acts of violence. Surveys of LGBTQI+ persons by local NGOs indicated most violence was perpetrated by family members. According to local NGOs, incidents of violence toward LGBTQI+ persons rose due to economic hardships and forced confinement due to the COVID-19 pandemic.

Discrimination: No law prohibits discrimination against LGBTQI+ persons in housing, employment, nationality laws, and access to government services. The scope of discrimination was difficult to measure due to the fear of LGBTQI+ individuals to reveal their sexual orientation, gender identity or expression, or sex characteristics. Discrimination against LGBTQI+ persons remained widespread in health care, housing, personal safety, employment, education, family, and access to other social services.

Availability of Legal Gender Recognition: Legal gender recognition, by which a government allows individuals to change their gender identity marker on legal and identifying documents to bring them into alignment with their gender identity, was not available. The lack of legal identity documents that align with their gender expression created significant problems for transgender and nonbinary persons in employment, education, housing, and other aspects of life.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no reports of involuntary or

coercive medial or psychological practices specifically targeting LGBTQI+ persons.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

There are no specific restrictions on freedom of expression, association, or assembly beyond those experienced by the rest of the population (see section 2, subsections a and b).

Persons with Disabilities

Persons with disabilities generally could access education, health services, public buildings, and transportation on an equal basis with others, despite the absence of laws that specifically mandate access for persons with disabilities. The government provided limited official information and communications in accessible formats to persons with disabilities.

The law prohibits discrimination against persons with disabilities, including in employment and occupation, but authorities did not enforce these provisions effectively. The Ministry of Social Affairs and Humanitarian Action is the lead ministry responsible for protecting the rights of persons with disabilities. The government provides separate schools for students with hearing disabilities in Brazzaville and Pointe-Noire. The government mainstreamed children with vision disabilities and children with physical disabilities in regular public schools.

Other Societal Violence or Discrimination

Anecdotal reports showed significant societal discrimination against persons with HIV and 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.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination

and requires reinstatement of workers dismissed for union activity.

The government generally did not effectively enforce applicable laws. The government provided inspections or remediation. There are no penalties for violations.

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

The law allows the Recommendations Committee, a government body, to intervene in labor disputes and recommend resolutions, which become legally binding if the parties to the dispute do not challenge it within four days.

Workers have the right to strike, provided they have exhausted lengthy and complex conciliation and nonbinding arbitration procedures and given seven business days’ notice. Solidarity strikes or strikes regarding political matters are unlawful. Participation in an unlawful strike constitutes serious misconduct and can result in criminal prosecution and forced labor. Nonviolently occupying a premise also constitutes serious misconduct. The law requires the continuation of a minimum service in all public services as essential to protect the general interest, and workers’ refusal to take part is considered gross misconduct. Some employers used 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. Penalties were commensurate with those for comparable crimes. The law, however, allows authorities to requisition persons to work in the public interest and permits imprisonment if they refuse. The government practiced forced prison labor, including of prisoners held for political offenses and for participating in illegal strikes.

The government used mandatory military service to compel labor unrelated to military work. The law providing for compulsory emergency work allows the

government to compel a broad range of work. Forced labor, including forced child labor, occurred (see section 7.c.), including in agriculture, domestic service, and market vending. NGOs in Bambama and Sibiti, in the southern part of the country, reported the majority Bantu population forced adult Indigenous persons to harvest manioc and other crops with limited or no pay and under the threat of physical abuse or death. Some reports alleged that hereditary servitude took place, but such reports were unverifiable. The government conducted an awareness campaign with a focus on government officials, NGOs, and members of the Indigenous communities regarding amendments intended to improve the legal regime governing the rights of Indigenous persons in the country.

c. Prohibition of Child Labor and Minimum Age for Employment

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

d. Discrimination with Respect to Employment and Occupation

The law prohibits 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, and disability. The law does not specifically protect persons from discrimination based on national origin or citizenship, sexual orientation or gender identity, or having communicable diseases other than HIV.

Sexual harassment in the workplace was a problem. Women disproportionately worked in the informal sector and in lower-paying jobs, where they were less likely to benefit from legal protections. Reliable data on the gender wage gap were unavailable. Sexual harassment was rarely formally reported, but when it was reported, penalties were rarely applied against violators. A law enacted in May, however, covering spousal rape, domestic violence, and sexual harassment, was introduced to facilitate easier reporting and strengthen the legal basis for prosecution.

The government did not effectively enforce applicable law and penalties were not commensurate with laws related to civil rights.

e. Acceptable Conditions of Work

Wage and Hour Laws: Workers in the public sector are accorded a national minimum wage, which exceeded the poverty line. The minimum wage for private sector employees exceeded the poverty line. No official minimum wage exists in the agricultural or informal sectors. The law provides for a standard workweek of 40 hours and provides for overtime pay for hours worked in excess of the 40-hour limit. The law does not limit the maximum number of hours one can work per week, although it calls for a minimum of 24 hours without work per week. The law provides for 10 paid holidays per year and 15 weeks of maternity leave. NGOs reported violations of wage, hour, or overtime laws were common in fishing, logging, quarries, and private construction sites.

Occupational Safety and Health: The Ministry of Labor sets health and safety regulations that correspond with international standards. Inspectors are trained for both wage and hour and occupational safety and health (OSH) compliance. Workers have no specific right to remove themselves from situations that endanger their health or safety without jeopardizing their employment. NGOs reported safety violations commonly occurred in commercial fishing, logging, quarries, and at private construction sites.

Wage, Hour, and OSH Enforcement: The Ministry of Labor enforced the minimum wage law, and penalties were commensurate with those for comparable violations. Penalties were rarely applied against violators. Minimum wage law does not apply to the informal sector, leaving the most vulnerable for underpayment without legal recourse.

The government did not effectively enforce OSH laws. While health and safety regulations require biannual Ministry of Labor inspections of businesses, businesses reported the visits occurred much less frequently. The size of the inspectorate was not sufficient to enforce compliance with the law. Penalties for noncompliance of OSH laws were not commensurate for similar crimes such as negligence. Penalties were uncommon but were regularly applied against violators in egregious cases.

Informal Sector: During the COVID-19 pandemic the number of workers in the

informal sector rose from previous years. There were no existing credible data from the government, but international organizations estimated that approximately 65 percent of the workforce, overwhelmingly female, worked in the informal sector. According to the law, workers in the informal sector and part-time workers are covered by wage, hour, and OSH laws and inspections. The government, however, did not provide adequate social protections for workers in the informal economy.