

REPUBLIC OF CONGO

The Republic of Congo, with a population of approximately 3.8 million, is a parliamentary republic in which most of the decision-making authority and political power is vested directly in the president, Denis Sassou-Nguesso, and his administration. Independent monitors determined that the 2002 presidential and parliamentary elections for the Senate and National Assembly did not "contradict the will of the people"; however, there were some irregularities and manipulation in the administration of the elections. While the civilian authorities generally maintained effective control of security forces, there were instances in which members of the security forces acted independently of government authority.

The government's human rights record remained poor; although there were some improvements, serious problems remained. The following serious human rights problems were reported: mob violence, including killing of suspected criminals; security force beatings, physical abuse of detainees, rapes, looting, solicitation of bribes, and theft; harassment and extortion of civilians by uncontrolled and unidentified armed elements; poor prison conditions; impunity; arbitrary arrest; lengthy pretrial detention; a corrupt and ineffective judiciary; infringement on citizens' privacy rights; limits on freedom of the press; restrictions on freedom of movement; official corruption and lack of transparency; domestic violence and societal discrimination against women; trafficking in persons; discrimination on the basis of ethnicity, particularly against Pygmies; and child labor.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed any politically motivated killings; however, there were a few reports that security forces killed civilians.

There were reports that security forces killed persons during apprehension and while in police custody. For example, in September police shot and killed a Malian businessman for refusing to stop after reportedly running a red light. By year's

end there was no reported investigation or action taken against the police involved.

There continued to be occasional deaths due to mob violence, as civilians took vigilante action against presumed criminals or settled private disputes. Police at times intervened to stop mob violence.

The three villagers arrested after they killed an Italian missionary in 2005 remained in prison awaiting trial. One of the vehicles in the missionary's convoy had struck and killed a child.

Local inhabitants frequently took the law into their own hands to punish persons presumed or known to be police or military personnel who looted civilian residences, resulting in death or serious injury. Such incidents were most common in remote areas.

b. Disappearance

There were no reports of politically motivated disappearances.

There were unconfirmed reports that members of presidential security forces kidnapped children in and around the capital city of Brazzaville. In May police foiled such a kidnapping attempt; however, by year's end the kidnappers had not been arrested, and there had been no investigation.

By year's end the Supreme Court refused to hear the appeals of family members stemming from the 2005 "Beach" trial acquittals; in August 2005 the lower court had acquitted high-ranking military and police officials who were accused of involvement in the disappearance and presumed deaths of 353 persons who were separated from their families by security forces in 1999 upon returning to Brazzaville from the Democratic Republic of the Congo (DRC). At year's end the claimants were searching for other legal avenues to pursue their claims of criminal wrongdoing by individuals and the government.

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

Although the constitution and law prohibit such actions, security forces frequently used beatings to coerce confessions or to punish detainees. During the year there were reports that abuses continued in the jail and prison systems.

During the year there were reports by nongovernmental organizations (NGOs) that female detainees were raped, and that members of the security forces beat citizens.

In certain areas of the Pool region, unidentified armed elements, some of whom were thought to be uncontrolled government security forces or former Ninja rebels, continued to rob trains, harass citizens and NGO workers, and extort bribes. The government stated it could not determine the identity of the perpetrators.

There was no reported action in the August 2005 case of a police officer who reportedly beat a man for arguing with him.

During the year unorganized mobs often assisted property owners in beating and sometimes killing suspected thieves in the southern sector of Brazzaville (see section 1.a.).

Prison and Detention Center Conditions

Prison and detention center/jail conditions were poor. Prisons were overcrowded and food and health care were poor. The Ministry of Justice continued to repair some prisons during the year; however, lack of funds hindered efforts to improve facilities and to provide food and medicine.

During the year there continued to be credible reports that detainees held at police stations often were subjected to beatings, rapes, overcrowding, and extortion.

Women were incarcerated with men, except in the city of Brazzaville, where separate facilities were maintained. Juveniles were held with adults, and pretrial detainees were held with convicted prisoners.

There were six prisons and numerous police jails throughout the country. The prison population was estimated at 900 for the country; 400 of these were in Brazzaville's prison. An estimate of the number of persons held in police jails was not available.

The government continued to grant access to prisons and detention centers to domestic and international human rights groups. During the year local human rights groups, including the Congolese Observatory for Human Rights, the Association for the Human Rights of the Incarcerated, the National Council for the Promotion and Protection of the Rights of Detained Persons, and a Catholic Church organization, visited prisons and detention

centers/jails. The International Committee of the Red Cross (ICRC) continued regular visits to prisons and detention centers in Brazzaville and Pointe Noire and reported that it had received appropriate cooperation from the government on its visits during the year.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, members of the security forces committed such acts. There were somewhat fewer reports of arbitrary arrest and detention than in previous years. Local and international NGOs reported that members of the security forces commonly used arbitrary arrest and detention to extort funds from citizens.

Role of the Police and Security Apparatus

The security forces include the police, gendarmerie, and military. The police and the gendarmerie are responsible for maintaining internal order, the police primarily inside cities and the gendarmerie mainly outside. The military forces are responsible for external security, but also have domestic security responsibilities, such as protecting the president. The minister of defense oversees the military forces and gendarmerie, and the minister of security oversees the police. In practice police, gendarmerie, and military operations often overlapped and were poorly coordinated. Although improved compared to previous years, the government did not always have full control over some members or units of the security forces. The more professional security forces tended to operate only in urban areas.

The security forces were not generally considered effective, and corruption was a significant problem. During the year there were frequent reports of arrested individuals whose families bribed police to secure a release. Traffic police extorted bribes from taxi drivers under threat of impoundment of their vehicles. Although the Human Rights Commission (HRC) was established for the public to report security force abuses (see section 4), impunity for members of the security forces was a widespread problem.

The police at times failed to prevent or to respond to societal violence (see section 1.a.).

Arrest and Detention

The constitution and law require that warrants be issued by a duly authorized official before arrests are made, 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; however, the government frequently violated these provisions. There is a system of bail, but more than 70 percent of the population had an income below the poverty level--defined as income of less than \$1 (500 CFA francs) a day--and could not afford to pay bail. Detainees generally were informed of the charges against them at the time of arrest, but formal charges often took at least a week to be filed; police at times held persons for six months or longer due to administrative errors or delays in processing detainees. Lawyers and family members usually were given prompt access to detainees, and indigent detainees were provided lawyers at government expense. In those cases where indigent detainees were detained outside a major city, they were often transferred to the closest town or city where an attorney was available.

Arbitrary arrest was a problem. The most common cases were threats of arrest to extort bribes. These were perpetrated most often against vehicle operators (mainly taxi drivers) by police, gendarmes, or soldiers. Immigration officials also routinely stopped people and threatened them with arrest, claiming they lacked some required document, were committing espionage, or on some other pretext to extort funds. Most often, these incidents resulted in the bribe being paid; if not, the person was detained at a police station (or the airport) until either a bribe was paid or pressure was brought to bear to get the person released.

In May five individuals were detained for suspected gun trafficking near the interior city of Dolisie and then transferred to Brazzaville where, by year's end, there had been no known formal charges or progress in their cases.

In August there was an unconfirmed report that police visited a local Nigerian businessman's home, accused him of drug dealing, confiscated all his household belongings, and detained him at the local jail. After the Nigerian embassy intervened, the man was released without charge; however, when he requested return of his property, he received everything back except for approximately \$4,000 (two million CFA francs) that the police refused to return. The embassy and individual dropped the matter after it became clear that the police were threatening anyone who might step forward as a witness.

Lengthy pretrial detention due to judicial backlogs was a problem. An estimated 40 percent of the prison population were pretrial detainees. On average detainees would wait six months or longer before going to trial. They were occasionally held awaiting trial for periods longer than the sentence associated with the crime. Reportedly, bribes generally determined the length of a detention.

e. Denial of Fair Public Trial

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

The judicial system consists of traditional and local courts, courts of appeal, a Court of Accounts, the High Court of Justice, the Constitutional Court, and the Supreme Court. In rural areas, traditional courts continued to handle many local disputes, particularly property and inheritance cases, and domestic conflicts that could not be resolved within the family. The Court of Accounts' function is to hear cases related to mismanagement of government funds. The Constitutional Court's responsibility is to adjudicate the constitutionality of laws and judicial decisions. The High Court of Justice's function is to review judicial decisions or crimes involving the president and other high-ranking authorities in the conduct of their official duties. Members of the High Court of Justice were appointed in 2004, but due to lack of funds the court was still not functioning by year's end. Local courts dealt with criminal and civil complaints. The Supreme Court met regularly and primarily heard cases related to the legality of land seizures by the government during the civil war. It also reviewed administrative and penal cases from lower courts.

Trial Procedures

The constitution provides for the right to a fair trial presided over by an independent judiciary; however, the legal caseload far exceeded the capacity of the judiciary to ensure fair and timely trials, and some cases never reached the court system. In general defendants were tried in a public court of law presided over by a state-appointed magistrate. Juries are used. Defendants have the right to be present at their trial and to consult with an attorney in a timely manner. An attorney is provided at public expense if an indigent defendant faces

serious criminal charges. Defendants can confront or question accusers and witnesses against them and present witnesses and evidence on their own behalf. The defense has access to prosecution evidence. Defendants are presumed innocent and have the right of appeal. The law extends the above rights to all citizens.

The military has a tribunal system to try criminal cases involving military members, gendarmerie, or police; however, this body was thought to function poorly and was subject to influence and corruption. Civilians are not tried under this system.

Political Prisoners and Detainees

There were some political prisoners and detainees. During the year the ICRC reported that it continued to monitor the condition of approximately 10 political prisoners.

In February 2005 security forces reportedly detained between 20 and 30 persons, including police, gendarmes, and civilians; in September 2005 they were charged with the alleged theft of weapons from a gendarmerie camp and "plotting against the government." Four were granted provisional release in September 2005. Since then, the other individuals have not been accorded due process under the law. The remaining detainees were being held without charge at year's end. During the year there were extended periods when they were not permitted visits by their families or NGOs.

Three exiled Democratic Republic of the Congo (DRC) military officers have remained in pretrial detention in military headquarters since March 2004, when they were arrested for political reasons following disturbances in Kinshasa; they were reportedly being held pending extradition, although an effective extradition policy between the two countries does not exist.

Civil Judicial Procedures and Remedies

There is a civil court system. However, due to government influence it was not fully impartial or independent.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions; however, security forces at times illegally entered, searched, and looted

private homes (see section 1.d.). For example, in May soldiers attempted to loot commercial establishments in downtown Brazzaville because they reportedly were upset about pay discrepancies; military police intervened to prevent the looting.

In some areas of the Pool region, intimidation and harassment by uncontrolled and unidentified armed elements continued, according to reports from international NGOs and civilians (see section 1.c.).

Citizens generally believed the government monitored telephone and mail communications of individuals it had an interest in.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, but it also criminalizes certain types of speech, such as incitement of ethnic hatred, violence, or civil war. The government at times limited these rights. Broadcast journalists and government print media journalists practiced self-censorship for fear of reprisals. In contrast, the nongovernment print media felt fewer constraints, as long as its reporting stayed only in print form and was not broadcast.

Individuals could criticize the government publicly or privately without reprisal on relatively minor issues. However, persons feared reprisal if they criticized government policies or high-level officials. The government generally did not proactively attempt to impede criticism by, for example, monitoring political meetings, but sometimes punished critics after the fact.

There was one state-owned newspaper, *La Nouvelle Republique*, and several publications which were closely allied with the government. There were 15 to 20 private weekly newspapers in Brazzaville that criticized the government. Newspapers occasionally published open letters written by government opponents. The print media did not circulate widely beyond Brazzaville and the commercial center of Pointe Noire, although it reached approximately one-third of the population.

Most citizens obtained their news from the radio or television, and primarily from government-controlled radio in rural areas. There were three privately owned radio stations, all

progovernment. There were three government-owned radio stations--Radio Congo, Radio Brazzaville, and Radio FM--and one government-owned television station, Tele Congo. An individual with close government ties owned three of the four privately owned television stations; none were critical of the government. Several satellite television connections were available and permitted viewing of a range of news and entertainment programs by the relative few who could afford it.

Most journalists worked in various government ministries as press attaches or worked for the newspaper *La Nouvelle Republique* or the Congolese Information Agency, both government-owned. News coverage and editorial positions of the government-owned media reflected government priorities and views. Government journalists were not independent and were expected to report positively on government activities. There was evidence that when government journalists deviated from this guidance there were adverse consequences, especially if they were critical of the president.

A number of Brazzaville-based journalists represented international media, including the BBC, Associated Press, Reuters, Agence France Presse, Voice of America, Canal France International, and TV5. The government continued to revoke journalists' accreditations if their reporting reflected adversely on the country's image. This policy affected journalists employed with both international and government-controlled media.

The press law provides for monetary penalties for defamation and incitement to violence.

On April 20, security forces arrested a print journalist, Ghys Fortune Dombe Bemba, for allegedly defaming the president. In an article, he had accused the president of poisoning a high-ranking army officer. Bemba was released the following day; however, his newspaper, *Thalassa*, was fined and in June compelled to suspend publication for six months.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. Estimates from 2005 indicated that only 1 percent of the population had access to the Internet, due to the lack of

infrastructure, reliable power, and telephone or satellite services.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government generally respected this right in practice.

Groups that wished to hold public assemblies were required to inform the Ministry of Territorial Administration and appropriate local officials, who could withhold authorization for meetings that they claimed might threaten public order.

In advance of a July visit by foreign dignitaries, security forces forcibly dispersed a demonstration by former public workers who had been gathering almost daily for several months at a prominent downtown Brazzaville intersection to protest salary arrears (see section 6.a.).

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right in practice. Groups or associations--political, social, or economic--were generally required to register with the Ministry of Territorial Administration. Although registration could sometimes be subject to political influence, during the year there were no reports that this occurred.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice.

All organizations, including religious organizations, are required to register with and be approved by the government. There were no reports of discrimination against any religious group in this process, although it was lengthy. Penalties for failure to register could include fines, confiscation of goods,

invalidation of contracts, and deportation of foreigners, but no criminal penalties are applicable.

Societal Abuses and Discrimination

There were no reports of discrimination against members of religious groups. There were small communities of several dozen Jews in Brazzaville and Pointe Noire. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the *2006 International Religious Freedom Report*.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The constitution and law provide for these rights; however, in practice, the government at times imposed limitations. Unlike in previous years, checkpoints were rare and generally only established in response to short-term security concerns.

International NGOs reported serious incidents of harassment and intimidation by unidentified armed elements, which resulted in the curtailment of NGO movement in certain areas of the Pool region (see section 4).

The law prohibits forced exile. Unlike in previous years, the government did not prevent the return of citizens, including political opponents of the president.

Internally Displaced Persons (IDPs)

NGOs working in the Pool region reported that by the end of 2005 the vast majority of the estimated 150,000 persons internally displaced by the civil war had either returned to their home areas or had chosen to resettle in other regions of the country. The Ministry of Social Affairs reported that all IDPs who wished to return to their villages had done so by the end of 2005.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided some protection against

refoulement, the return of persons to a country where they feared persecution and granted refugee status or asylum.

The government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

The government also provides temporary protection to individuals who may not qualify as refugees under the 1951 convention or its 1967 protocol; however, the government was not generally effective in dealing with such cases. During the previous year, 557 of an estimated 800 to 900 Mobutu-era soldiers were repatriated to the DRC. The remaining soldiers remained in an indeterminate status.

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

The constitution and law provide citizens with the right to peacefully change their government; however, during the 2002 elections significant irregularities occurred, and the entire Pool region was unable to vote.

Elections and Political Participation

Independent observers determined that the national elections in 2002 did "not contradict the will of the people"; however, they noted obvious flaws such as insufficient ballots at certain polling stations, confusion over voting locations, and the boycott by some opposition members who claimed the elections were biased. The European Union and other observers stated that the electoral process was manipulated. Most key presidential candidates were banned or withdrew at the last minute, and the legislative elections were almost totally boycotted by the opposition. In addition some international NGOs and foreign observers viewed the constitution and the electoral system as designed to protect the status quo. The 2002 elections remained incomplete at year's end because of continued lack of security in some areas of the Pool region, causing eight of the region's 12 parliamentary seats to remain vacant. There is no independent national electoral commission.

Major political parties included the ruling Congolese Labor Party, the Pan-African Union for Social Development, the Congolese Movement for Democracy and Integrated Development, the Union for Democracy and the Republic, the Rally for Democracy and Social Progress, and the Union for Progress. Some opposition

party leaders remained in exile. There was no cohesive opposition, and many of the smaller political parties were more personality centered than representative of a significant constituency. Northern ethnic groups, such as the president's Mbochi group and related clans, dominated the political system.

There were eight women in the 66-seat Senate and 11 women in the 136-seat National Assembly (although only 128 seats were filled, since eight seats from areas of the Pool region remained vacant). There were five women in the 35-member cabinet.

There were 14 members in the 66-seat senate, 36 in the 136-seat National Assembly, and 11 in the 35-member cabinet who were not members of the dominant northern tribes. Pygmies were excluded from the political process, due to their isolation in remote forested areas, their culture, and their stigmatization by the majority Bantu population. However, during the year a law was passed reaffirming the Pygmies' right to vote.

Government Corruption and Transparency

There was a widespread perception of corruption throughout government, including misuse of revenues from the oil and forestry sectors. According to the International Monetary Fund (IMF), World Bank, and local and international NGOs, official corruption was widespread; the most serious was reflected in the mismanagement of natural resources. The IMF and World Bank expressed concern about problems with governance and lack of financial transparency, inadequate internal controls and accounting systems, and conflicts of interest in the marketing of oil by the state-owned oil company. Government officials, through bribes or fraud, regularly siphoned off the bulk of revenues from these industries into private overseas accounts. Pervasive lower-level corruption included security personnel and customs and immigrations officials demanding bribes.

On April 6, two prominent anticorruption activists investigating the lack of transparency in the petroleum sector, Christian Mounzeo and Brice Mackosso, were arrested on charges of embezzlement, and later released to stand trial. During the year both were illegally detained at various times. After an eight-month trial, on December 27 a court sentenced the two to 12-month suspended prison sentences and ordered each to pay fines of approximately \$600 (300,000 CFA francs) on charges of forgery and breaching public trust (misappropriating funds belonging to their human rights NGO). At year's end the two were appealing their convictions. International supporters of the activists'

NGO denied the two had engaged in any mismanagement of funds, and they helped to fund their legal defense. Several international organizations and foreign governments criticized the trial for systematic violations of due process and blatant political interference. They called the trial an attempt by the government to silence critics of widespread official corruption and lack of transparent management of the country's oil wealth. Mounzeo was also a member of the Extractive Industries Transparency Initiative's board. Formal charges were not filed by year's end regarding November charges against Mounzeo of defaming the president when he was abroad.

The law provides for public access to government information for citizens, noncitizens, and the foreign media; however, in practice there were lengthy delays before the government released information.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated, with some exceptions, without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were uncooperative and unresponsive to local human rights groups; however, they were generally cooperative and responsive to international organizations.

During the year unidentified armed groups harassed and intimidated members of humanitarian organizations, which resulted in the curtailment of their activities. Between January and March the ICRC and the NGO Doctors Without Borders-Holland froze staff movement in the Pool region due to incidents during which bandits robbed NGO vehicles at gunpoint. In one incident the lead gunman put a grenade in one of the NGO member's hands while the gunmen robbed the organization's members and looted their vehicle. Movement gradually resumed when attacks ceased (see section 1.c.).

The government-sponsored Human Rights Commission is charged with acting as a government watchdog and addressing public concerns on human rights issues. Observers claimed that the commission was completely ineffective and was not independent. The president appointed most, if not all, of its members. The commission had not met or taken any significant action since its creation in August 2003.

The ICRC maintained an office in Brazzaville. During the year access to government officials and to detainees remained good for international humanitarian officials; however, local NGOs had poor access.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law and constitution prohibit discrimination on the basis of race, gender, language, or social status; however, the government did not effectively enforce these prohibitions. Societal discrimination and violence against women, trafficking in persons, regional ethnic discrimination, and discrimination against indigenous people were problems.

Women

Domestic violence against women, including rape and beatings, was widespread but rarely reported. There were no specific provisions under the law outlawing spousal battery, other than general statutes prohibiting assault. Domestic violence usually was handled within the extended family, and only the more extreme incidents were reported to the police. This was primarily due to the social stigma for the victim, and because such matters traditionally were dealt with in the family or village. According to a local NGO, the Congolese Association to Combat Violence Against Women and Girls, there were no official statistics on domestic violence against women; however, during 2005 more than 500 women and children who were victims of sexual violence sought its medical assistance. The NGO reported it provided hundreds of HIV tests. The NGO also organized public awareness workshops and offered training for community chiefs, police officers, health workers, magistrates, journalists, and others from the public and private sectors. NGOs, such as the local Human Rights Center, the Congolese Association to Combat Violence Against Women and Girls, the International Rescue Committee, and Doctors Without Borders continued to draw attention to the issue and provided counseling and assistance to victims.

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. Rape was common, although the extent of rape was unknown because the crime was seldom reported. Depending on the severity of the circumstances, the penalties for rape, despite what the law

requires, in practice could be as few as several months but rarely more than three years' imprisonment. There were no statistics available on the incidence of rape.

Female genital mutilation (FGM) was not practiced indigenously and is against the law; however, it may have occurred in some of the immigrant communities from West African countries where it was common. There were no known government or other efforts to investigate or combat FGM.

Prostitution is illegal, but the government did not effectively enforce this prohibition. Prostitution was common, and police often accepted services in lieu of arresting prostitutes.

Sexual harassment is illegal. Generally the penalty would be two to five years in prison. In particularly egregious cases, the penalties would equal those for rape--five to 10 years in prison. However, the government did not effectively enforce the law. Sexual harassment was very common but rarely reported; there were no available statistics on its incidence. Successful prosecutions were only achieved when a victim with good legal representation or connections actively pursued a case; however, during the year no such cases were reported.

Marriage and family laws overtly discriminate against women. Adultery is illegal for women but not for men. Polygyny is legal; polyandry (having multiple husbands) is not. The law provides that a wife shall inherit 30 percent of her husband's estate; however, in practice the wife often lost all inheritance upon the death of her spouse, particularly under traditional or common-law marriage. The symbolic nature of the dowry is set in the law; however, this often was not respected, and men were forced to pay excessive bride prices to the woman's family. As a result, the right to divorce was circumscribed for some women because they lacked the means to reimburse the bride price to the husband and his family. This problem was more prevalent in rural areas than in urban centers. The Ministry of Social Affairs was in charge of protecting and promoting the legal rights of women; however, it did not effectively perform its function.

The law prohibits discrimination based on gender and stipulates that women have the right to equal pay for equal work; however, women were underrepresented in the formal sector. Women experienced economic discrimination in access to employment, credit, pay for similar work, and owning or managing businesses. 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 were confined largely to family farming, petty commerce, and child-rearing responsibilities. Many local and international NGOs have developed micro-credit programs to address this problem, and government ministries such as those of social affairs and agriculture were also active in addressing them. For example, women received assistance to set up dressmaking and beauty salons as well as in gardening and manioc flour-making to provide income for their families.

Children

The government was committed to protecting the rights and welfare of children. Education was compulsory, tuition-free, and universal until the age of 16, but families were required to pay for books, uniforms, and school fees. In the cities, approximately 95 percent of school-age children attended school, and in rural areas an estimated 90 percent attended. Girls and boys attended primary school in equal numbers; however, the proportion of girls who continued on to the high school and university levels was significantly lower. Girls generally quit school by age 15 or 16. In addition teenage girls often were pressured to exchange sex for better grades, which resulted in both the spread of HIV/AIDS and unwanted and unplanned pregnancies.

Child abuse was not common and was predominantly found among the West African communities.

FGM may have been performed on girls in some West African immigrant communities (see section 5, Women).

There were isolated cases of child prostitution among street children. The prevalence of the problem remained unclear. According to reports from international and local NGOs and other observers, these cases were not linked to trafficking but were efforts by some street children to survive. International organizations assisted with programs to feed and shelter street children.

There continued to be a few unconfirmed reports that children were trafficked for labor (see section 5, Trafficking).

Child labor was a problem (see section 6.d.).

During the year the number of street children remained approximately the same. In 2004 the United Nations Children's Fund estimated that most of the street children in Brazzaville were from the DRC, as were some of those in Pointe Noire. Street children were not known to suffer from targeted abuse by government authorities or vigilante groups, but they were vulnerable to sexual exploitation and often fell prey to criminal elements such as drug smugglers. Many street children begged or sold cheap or stolen goods to support themselves.

Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and there were unconfirmed reports of trafficking of children by West African immigrants living in the country. Trafficking could be prosecuted under existing laws against slavery, prostitution, rape, illegal immigration, forced labor, and regulations regarding employer-employee relations; however, there were no known cases of the government prosecuting any trafficker under these laws. The ministries of security, labor, and social affairs, as well as the gendarmerie, have responsibility for trafficking issues.

There were unconfirmed reports that the country was a country of destination for trafficked persons. It was not known to be a country of transit or origin. There were unconfirmed reports that minor relatives of immigrants from West Africa could be victims of trafficking. There was no evidence of trafficking in adults. Children from West Africa worked as fishermen, shop workers, street sellers, or domestic servants. There were reports that some were physically abused. There were reports of isolated cases of child prostitution, which according to international and local NGOs were not linked to trafficking or forced labor (see section 5, Children).

There were no known cases of the government assisting with international investigations or extraditing citizens who were accused of trafficking in other countries.

There was no evidence of involvement of government officials in trafficking, although bribery and corruption were problems.

The government did not provide any protection or assistance to trafficking victims since there were no confirmed cases of trafficking.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, although the government generally did not enforce the law. There were no laws mandating access for persons with disabilities. The Ministry of Social Affairs is the lead ministry responsible for these issues.

National/Racial/Ethnic Minorities

The law prohibits discrimination based on ethnicity; however, the government did not effectively enforce this prohibition.

Regional ethnic discrimination was prevalent among all ethnic groups, was evident in government and private sector hiring and buying patterns, and apparent in the effective "north-south" regional segregation of many urban neighborhoods. The relationship between ethnic, regional, and political cleavages was inexact; however, supporters of the government included persons mostly from northern ethnic groups, such as the president's Mbochi group and related clans.

Indigenous People

The indigenous Pygmy ethnic group, who numbered in the tens of thousands and lived primarily in forest regions, did not enjoy equal treatment in the predominantly Bantu society. The government did not effectively protect their civil and political rights. Pygmies were severely marginalized in regard to employment, health services, and education, in part due to their isolation in remote forested areas of the country and their different cultural norms. Pygmies usually were considered socially inferior and had little political voice; however, in recent years several Pygmy rights groups have developed programs and were actively focusing on these issues. Many Pygmies were not aware of the concept of voting and had minimal ability to influence government decisions affecting their interests. In August a law was passed affirming the right of Pygmies to vote.

Bantu ethnic groups have exploited Pygmies, possibly including children, as cheap labor; however, there was little information regarding the extent of the problem.

Other Societal Abuses and Discrimination

The social stigma associated with homosexuality was significant. There was no open homosexuality in the country.

In contrast, persons with HIV/AIDS were fairly well-organized and sought fair treatment, especially regarding employment. NGOs worked widely on HIV/AIDS issues, including raising public awareness that those living with HIV/AIDS were still able to contribute to society. The law provides avenues for wronged persons to file lawsuits if they were, for example, terminated from employment due to their HIV/AIDS status.

Section 6 Worker Rights

a. The Right of Association

The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised this right; however, members of the security forces and other essential services do not have this right. Almost 100 percent of workers in the public sector and approximately 25 percent of workers in the formal private sector were union members. The law prohibits antiunion discrimination; however, there were a few reports that it occurred.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law also provides for the right to bargain collectively, and workers freely exercised this right, although collective bargaining was not widespread due to severe economic conditions. In the 1980s the government established wage floors on a sector-by-sector basis (and within them, according to job category). These wage floors have remained largely unchanged for the past 20 years; as a result they are not now relevant, since wages are paid above the minimum levels.

The law provides for the right to strike, except by public sector unions, subject to conditions established by law. Workers exercised this right by conducting legal strikes. Unions were free to strike after filing a letter of intent with the Ministry of Labor, which began a process of nonbinding arbitration under the auspices of a regional labor inspector from the ministry. The letter of intent had to include the planned strike date, at which time the strike legally could begin, even if arbitration was not complete. Employers have the right to fire workers if they do not give advance notice of a strike.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were unconfirmed reports that such practices occurred (see section 5).

According to the International Labor Organization, by year's end the government had not repealed a 1960 law which allows persons to be requisitioned for work of public interest and provides for their possible imprisonment if they refuse.

d. 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. Under the law, children under age 16 are not permitted to work, but this law generally was not enforced, particularly in rural areas and in the informal sector. Children worked with their families on farms or in small businesses in the informal sector without government monitoring.

There were unconfirmed reports that children were trafficked for labor, and child prostitution occurred (see section 5, Children).

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 effective. Only two inspection trips were made during the year, due to limited resources.

e. Acceptable Conditions of Work

The national minimum wage, which was approximately \$100 (54,000 CFA francs) per month in the formal sector, did not provide a decent standard of living for a worker and family. In practice none of the minimum wages, including the minimum wages for the various sectors' wage ladders (see section 6.b.) were controlling, since wages paid in the formal sector were all higher than the minimum, although often not by much. There was no official minimum wage for the informal and agricultural sectors. High urban prices and dependent extended families obliged many workers, including teachers and health workers, to

seek secondary employment, mainly in the informal sector. During the year the government paid three months of back pay to government workers, leaving 19 months of back salary (from the late 1990s civil conflict period) unpaid at year's end.

The law provides for a standard workweek of seven hours per day, six days a week with a one-hour lunch break. There was no legal limit on the number of hours worked per week. The law stipulates that overtime must be paid for all work in excess of 42 hours per week; however, there is no legal prohibition against excessive compulsory overtime. Overtime was subject to agreement between employer and employee.

Although health and safety regulations require biannual visits by inspectors from the Ministry of Labor, such visits occurred much less frequently. Unions generally were vigilant in calling attention to dangerous working conditions; however, the observance of safety standards often was lax. Workers have no specific right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment.