

## REPUBLIC OF THE CONGO

The Republic of the Congo, with a population estimated to be between 2.8 million and 3.2 million, is a parliamentary republic in which most of the decision-making authority and political power is vested in the president, Denis Sassou-Nguesso, and his administration. Parliamentary elections for the Senate and National Assembly in June and August were marred by irregularities and widely viewed as poorly run and highly disorganized, with four district results later overturned by the courts. Independent monitors determined the 2002 presidential elections did not "contradict the will of the people" despite 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 fewer documented abuses during the year, serious problems remained. Citizens' right to peacefully change their government was limited. In addition, the following serious human rights problems were reported: killings of suspects by security forces; 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; an 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, security forces killed persons.

According to a local human rights nongovernmental organization (NGO), in January police in Brazzaville beat a prisoner, Guy Yombo, who later died from his injuries. Yombo had been arrested by police in the city's Ouenze District nearly two weeks earlier without clear charges filed against him. No known investigation or charges against police were reported by year's end.

On January 23, guards at the Brazzaville central prison killed a prisoner who reportedly attempted to escape when almost 200 prisoners protested poor conditions. There was no report of any action being taken against the authorities responsible for the killing.

On September 10, police officers in Brazzaville shot and killed three armed suspects who were resisting arrest. The suspects had established a makeshift roadblock at the Djoue Bridge and were accused of robbing travelers. Police officers were injured in the shootings.

In some areas of the Pool region, armed elements believed to be Ninja rebels killed citizens. On November 24, Ninja rebels reportedly killed one civilian and four rival rebels in Kibouende during a dispute over rights to work for a communications company installing a cellular tower.

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.

Three villagers arrested in 2005 for killing an Italian missionary, who was killed after his convoy had struck and killed a child, reportedly remained in prison, although the victim's family made personal appeals during the year for a pardon.

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 during the year.

Families of 353 persons who disappeared in the 1999 "Beach" incident continued during the year to search for legal avenues—including using French courts—to pursue their claims of criminal wrongdoing by individuals and the Congolese government. In 2005 a Brazzaville court acquitted 15 high-ranking military and police officials accused of involvement in the disappearance and presumed deaths of the 353 persons separated from their families by security forces in 1999 upon their return to Brazzaville from the Democratic Republic of Congo (DRC). In 2006 the Supreme Court refused to consider an appeal.

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.

As in previous years, there were reports by NGOs that security forces members raped female detainees and beat citizens.

In certain areas of the Pool region, unidentified armed elements, some of whom were thought to be uncontrolled elements of government security forces or former Ninja rebels, continued to rob trains, harass citizens and NGO workers, and extort bribes. The government blamed Ninja rebels for the incidents.

Prison and Detention Center Conditions

Prison and detention center conditions were harsh and life threatening. Prisons were overcrowded, with more than 500 prisoners housed in a facility built for fewer than 100. In Brazzaville's central prison, built in 1944, most cellmates slept on the floor, on cardboard or thin mattresses in their small cells, leaving them exposed to diseases. Food provision was poor and health care was virtually nonexistent, provided primarily by outside charities. Prisoners and detainees in the Brazzaville central prison, the only prison in the capital, usually received only one meal a day. The Ministry of Justice continued to repair some prisons; however, lack of funds hindered efforts to improve facilities and to provide food and medicine.

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 total prison population was estimated at more than 900; more than 500 inmates were in Brazzaville's prison.

In August, following protests by prisoners over poor conditions in Brazzaville, 242 prisoners—including numerous political prisoners—were ordered released from the Brazzaville and Pointe Noire prisons, with the government citing space concerns in the overcrowded prisons.

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 Person, and a Catholic Church organization visited prisons and detention centers. 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 unreasonably detained persons for minor offenses, mostly traffic related, and subjected them to fines to be paid on the spot as a condition for release. Reports of arbitrary arrests and detentions continued to decrease.

#### 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, with police primarily inside cities and the gendarmerie mainly in other areas. 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.

During the year the security forces established a joint police and military unit known as COMUS, under the Ministry of Security and Public Order, responsible for patrolling the frontiers. Another unit, the military police, is composed of military and police officers and is primarily responsible for investigating professional misconduct by all the security forces. Overall, the professionalism of the security forces continued to improve in large part due to training by the international law enforcement community. The government generally maintained effective control over the security forces; however, some members of the security forces who acted independently of government authority committed abuses.

Corruption remained a significant problem in the security forces. During the year there were frequent reports of arrested individuals whose families bribed police to secure their 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, impunity for members of the security forces was a widespread problem.

#### 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 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. Most delays were attributed to lack of staff in the Ministry of Justice and court system. 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 continued to be 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 placed on authorities to release the individual.

According to police documents, authorities had released and did not file charges against 16 individuals detained in 2005 for suspected gun trafficking near the city of Dolisie. It was believed the government closed the case.

Lengthy pretrial detention due to judicial backlogs was a problem. Pretrial detainees were reported to be the majority of the prison population; one local human rights NGO estimated that nearly 67 percent and 52 percent of the Brazzaville and Pointe Noire prisoners, respectively, were pretrial detainees. On average detainees waited six months or longer before going to trial. It was a general belief that bribes determine the length of 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, appointed in 2004, began work at the end of 2006. During the year, in its highest-profile case, the court overturned election results in four districts, citing poorly run polls by the government. 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 most cases never reached the court system. The courts have not heard any civilian criminal trials since 2005, with the government citing a lack of funds to organize trials; some prisoners were subsequently freed and considered in pending trial status, while most remained in pretrial detention. 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. Historically this body, the Marshal Court, is believed to be subject to influence and corruption. During the year, however, the Marshal Court ordered an inquiry into corrupt military payroll practices and suspended 150 bank accounts of former military personnel pending the investigation. There was no resolution to the investigation by year's end. Civilians were 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 several political prisoners.

Three exiled DRC military officers remained in pretrial detention in military headquarters, where they have been held since March 2004, when they were arrested for political reasons

following disturbances in Kinshasa. The three were reportedly being held pending extradition, although an effective extradition policy between the two countries did not exist.

#### Civil Judicial Procedures and Remedies

There is a civil court system; however it was widely believed to be subject to the same corrupt practices alleged in the criminal court system. Although civilians can file a lawsuit in court seeking damages or cessation of a human rights violation, no such cases were known to exist, and there remained general mistrust of the judicial system as a means to address human rights issues.

#### 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.

In September police in the Ouenze District of Brazzaville entered a home without a warrant under the pretense that they were looking for narcotics. The accused was never charged, and complained that money taken during the unlawful search of his home was never returned. An official complaint was filed against the police officers; however, no action was taken against the police by the end of the year.

Citizens generally believed the government monitored telephone and mail communications of selected individuals.

#### 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 also criminalize certain types of speech, such as incitement of ethnic hatred, violence, or civil war. The government at times limited freedom of speech and the press. Broadcast journalists and government print media journalists practiced self-censorship. 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 named high-level officials while criticizing government policies. 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, three government-owned radio stations, and one government-owned television station. There were four privately owned television stations; none were critical of the government. Several satellite television connections were available and permitted viewing a wide range of news and entertainment programs by the relative few who could afford it.

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.

In June a television journalist reported receiving death threats from military and government authorities after interviewing a prominent opposition leader, who criticized the president during the aired interview. Shortly before the June elections, a second television journalist reported receiving anonymous, threatening phone calls after airing an interview with political opposition leaders. Both journalists refrained from discussing the incidents publicly or reporting them to authorities, saying they feared reprisals by government agents.

A number of Brazzaville-based journalists represented international media. The government continued to revoke journalists' accreditations if their reporting reflected adversely on the country's image, although fewer instances were reported during the year. This policy affected journalists employed by both international and government-controlled media.

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

Unlike in previous years, there were no reported cases of newspapers forced by the government to suspend publication or journalists arrested for defaming the president.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Estimates from 2005, the last available, 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.

Unlike in previous years, demonstrations by public workers protesting salary arrears at a prominent downtown Brazzaville intersection were allowed to continue without interruption or interference from the police.

However, two demonstrations were halted by the government during the year. In April political opposition parties were prevented by security forces from continuing with a rally calling for the creation of an independent electoral commission.

In November human rights NGOs and family members of the individuals who disappeared in the Beach incident were prevented by government officials from holding a demonstration, despite prior governmental approval of the rally. The Beach demonstration was to have taken place during the 42nd session of the African Commission on Human and Peoples' Rights, held in Brazzaville in mid-November.

#### 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.

#### Societal Abuses and Discrimination

There were no reports of discrimination against members of religious groups. There was no substantial Jewish community in the country, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation; however, in practice the government at times imposed limitations. Immigration officials routinely stopped travelers on various pretexts to extort funds.

In the Pool region, unidentified armed elements believed to be Ninja rebels continued to harass and intimidate citizens, resulting in limited freedom of movement.

The law prohibits forced exile, and the government did not use it. The government did not prevent the return of citizens,

including political opponents of the president. By year's end, former president Pascal Lissouba, who was sentenced in absentia in 2001 to 30 years in prison for "economic crimes," had not returned to the country, despite a November announcement that President Sassou-Nguesso had agreed to allow his return and pardon him. In August a former prime minister, Joachim Yhombi-Opango, returned to the country after the Council of Ministers granted him amnesty in May for a 2001 conviction in absentia for allegedly improperly selling the country's oil while in office.

#### 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 there is reason to believe 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. During the year the government cooperated with the UNHCR in the voluntary return of refugees, including ex-combatants from the DRC, to their homes.

The government also provides temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol; however, the government was not generally effective in dealing with such cases. The National Refugees Committee's offices were closed during the year due to a lack of funds, and the committee was unable to offer meaningful services. Requests for refugee status continued to remain unprocessed as a result.

#### 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, legislative elections during the year were marred by irregularities and characterized as chaotic. During the 2002 presidential elections, significant irregularities occurred, and the entire Pool region was unable to vote.

#### Elections and Political Participation

Legislative elections in June and August were widely considered fraught with poor organization and low voter turnout, although there were no confirmed incidences of violence. The ruling Congolese Labor Party and independent candidates aligned with it won 125 seats, with 12 seats won by candidates from two opposition parties. There were widespread reports of citizens being allowed to vote despite having national election identification cards with erroneous information, while others holding seemingly correct cards were not allowed to cast ballots. Examples of irregularities included the use of outdated voter registration rolls across the country, confusion over polling locations, and polls that either opened extremely late or closed extremely early. Calls by local NGOs, opposition parties, and international organizations throughout the year for the government to create an independent national election commission went unheeded. Local human rights NGOs characterized the parliamentary elections a "sham" and a "disgrace". Results in four districts, primarily south of Brazzaville, were revoked by the High Court of Justice due to irregularities. Following new elections in those districts in December, a candidate who had lost in the discarded poll won; the results in the other three districts remained the same as those of the discarded poll.

The 2002 parliamentary elections were finalized during the year, when eight of 12 seats for the Pool region were decided in the June and August polls. The seats had been vacant since 2002.

Independent observers determined that the presidential 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 completely boycotted by the opposition.

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 returned from exile during the year. 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 six women in the 137-seat National Assembly. There were five women in the 35-member cabinet.

There were 14 members of tribes other than the dominant northern tribes in the 66-seat senate, 36 in the 137-seat National Assembly, and 11 in the 35-member cabinet. Despite a 2006 parliamentary reaffirmation of their right to vote, 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.

#### Government Corruption and Transparency

The law provides for criminal penalties for official corruption.

There was a widespread perception of corruption throughout government, including misuse of revenues from the oil and forestry sectors. According to the World Bank's Worldwide Governance Indicators, government corruption was a severe problem. Also, according to the International Monetary Fund (IMF) and local and international NGOs, official corruption was widespread, particularly in the mismanagement of natural resources. The IMF and World Bank expressed concern about 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.

Two prominent anticorruption and human rights activists, Christian Mounzeo and Brice Mackosso, reported ongoing harassment during the year, following their arrest and convictions in 2006 on embezzlement charges that international organizations and foreign governments alleged were politically motivated. Mounzeo and Mackosso denied the charges and appealed their convictions-which, after an eight-month trial, included 12-month suspended sentences and fines equivalent to US \$600 (300,000 CFA)-but the appeal had not been heard by year's end. On several occasions in January and February, both men were prevented by security officials from leaving Pointe Noire,

despite intervention by the prime minister and the ministries of justice and of territorial administration. These restrictions caused both men to miss several energy sector and anti-corruption meetings in Europe and Brazzaville early in the year. In April Mounzeo was again prevented by immigration and security officials from leaving the country, this time from Brazzaville; two weeks later, however, Mackosso was permitted to leave Brazzaville without problems or interference. By June Mounzeo was also able to travel freely, and the harassment had subsided somewhat by year's end.

In November the country was readmitted to the Kimberley Process, an international multi-stakeholder initiative to stem the trade of conflict diamonds, after being suspended in 2004 once reviews showed the country's diamond exports vastly outnumbered its production capacity.

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 more cooperative and responsive to international groups than to domestic human rights groups; however, domestic human rights groups did not report specific incidents of being impeded in their work during the year.

The government-sponsored HRC 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 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

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 the problem was unknown because the crime was seldom reported. There was no evidence that rape was part of organized or targeted campaigns of violence, according to international NGO officials. 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. Less than 25 percent of reported rape cases were prosecuted, according to local and international NGO estimates. There were no statistics available on the incidence of rape.

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. No official statistics concerning domestic violence against women were available. Local NGOs, such as the Congolese Association to Combat Violence Against Women and Girls, organized HIV testing and domestic violence public awareness workshops and offered training for community chiefs, police officers, health workers, magistrates, journalists, and others from the public and private sectors. Other NGOs, including the local Human Rights Center, the International Rescue Committee, and Doctors Without Borders continued to draw attention to domestic violence and provided counseling and assistance to victims.

Female genital mutilation (FGM) was not practiced indigenously and is against the law; however, it may have occurred in some 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 is two to five years in prison. In particularly egregious cases, the penalties can 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. As in previous years, 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, 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, comparable 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, small-scale commerce, and child-rearing responsibilities. Many

local and international NGOs have developed microcredit programs to address this problem, and government ministries such as those of social affairs and agriculture were also active in helping women set up small income-producing businesses.

### Children

The government was committed to protecting the rights and welfare of children. There were no reports of discrimination or denial of public services based on failure to register births; the government adopted a system in previous years to provide free birth registration in Brazzaville, but by year's end the program still did not cover other areas of the country.

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. Schools were overcrowded and facilities extremely poor. 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; most reports in previous years involved the West African immigrant communities in the country.

There were isolated cases of child prostitution among children who lived on the streets. 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 of these children to survive.

With support from international organizations, the government provided economic and counseling support to former child soldiers.

During the year the number of children who lived on the streets remained approximately the same. International organizations assisted with programs to feed and shelter these children. The majority of homeless children in Brazzaville and Pointe Noire were believed to be from the DRC, according to the UN Children's Fund (UNICEF). Children who lived on the streets were vulnerable to sexual exploitation and often fell prey to criminal elements

such as drug smugglers. Many 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 reports that persons were trafficked to the country.

There continued to be unconfirmed reports of trafficking of children by West African immigrants living in the country, as well as trafficking of children from the DRC. 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.

UNICEF reports indicated the country was a destination for trafficked persons, with an estimated 1,800 children reportedly trafficked in Brazzaville and Pointe Noire. There were unconfirmed reports that underage 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.

Suspected traffickers, who were believed to be either distant relatives or fellow countrymen of the victims, recruited parents to sell their children with false promises of providing the children care or training, or visas to Europe or South Africa.

There were no known cases of the government assisting with international investigations or extraditing citizens who were accused of trafficking in other countries. In June UNICEF, local NGOs, and government officials in Pointe Noire created a joint program and reported successfully repatriating some West African children who claimed to have been trafficked, particularly from Benin.

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

There were no government programs providing protection or assistance to victims or programs to prevent 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. There were reports during the legislative elections of June and August of candidates ordering Pygmy voters to vote in their favor in exchange for promises of salt and clothes.

In June during the annual FESPAM music festival, a low-ranking government official decided to house 20 Pygmy performers in the defunct national zoo in Brazzaville, with makeshift tents as

their lodging; other, non-Pygmy performers were provided hotel rooms and proper accommodations.

During the year the National Network of Indigenous People of Congo launched an appeal to government, civil society, and international organizations to improve Pygmy living conditions. A first-ever conference dedicated to the rights of indigenous people was held in Brazzaville in late November and early December, sponsored by the Ministry of Health, Social Services and Family.

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

#### Other Societal Abuses and Discrimination

The constitution prohibits discrimination based on political, sexual or religious orientation. However, 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.

There were a few reports that antiunion discrimination occurred during the year. Most trade unions were reportedly weak and subject to government influence; as a result, workers' demonstrations were frequently prohibited, often by the unions

themselves. There were no reports during the year of employers firing workers for union activity.

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. There are no export processing zones.

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.

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.

The government has 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. The minimum age for employment or internships was 16 years; however, 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.

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. As in

previous years, limited resources prevented the ministry from carrying out regular child labor inspection trips.

International aid groups, such as UNICEF, reported little change during the year in child labor conditions: the problem existed, but had neither worsened nor improved.

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. Wage floors established in the 1980s for various sectors have remained largely unchanged and are not considered relevant, as wages in the formal sector are paid above the minimum levels, 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. The bulk of back salaries dating to the late 1990s civil conflict period remained unpaid.

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.