

# **REPUBLIC OF THE CONGO 2020 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

The Republic of the Congo is a presidential republic in which the constitution vests most decision-making authority and political power in the president and prime minister. In 2015 the country adopted a new constitution that extends the maximum number of presidential terms and years to three terms of five years and provides complete immunity to former presidents. In 2016 the Constitutional Court proclaimed the incumbent, Denis Sassou N’Guesso, the winner of the 2016 presidential election, despite opposition and international criticism of electoral irregularities. The government last held legislative and local elections in 2017, with legislative election irregularities sufficient to restrict the ability of citizens to choose their government. While the country has a multiparty political system, members of the president’s Congolese Labor Party and its allies retained 68 percent of legislative seats, and Congolese Labor Party members occupied almost all senior government positions.

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

Significant human rights issues included: unlawful or arbitrary killings including extrajudicial killings by the government or on behalf of government; cases of cruel, inhuman, or degrading treatment or punishment by the government, including by Congolese peacekeepers deployed to UN missions; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees;

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serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; substantial interference with the freedom of association; restrictions on political participation where the government is unelected or elections have not been found to be genuine, free, or fair; serious acts of corruption; lack of investigation of and accountability for violence against women; crimes involving violence or threats of violence targeting indigenous people; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, or intersex persons; and the worst forms of child labor.

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

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

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

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

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

In September a woman died in the southern town of Nkayi, allegedly due to injuries sustained during a beating by security forces for not wearing a mask. The Ministry of Justice began an inquiry, and parliament organized special hearings with the minister of defense on the alleged killing. Security forces placed at least one gendarme in custody.

#### **b. Disappearance**

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

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

The constitution prohibits torture, and the law contains a general prohibition against assault and battery, but there is no legal framework specifically banning torture. There were reports on social media of the government or its agents meting out cruel, inhuman, or degrading treatment to detainees or convicts. No independent confirmation was possible, leading to uncertainty regarding the frequency of the incidents and the number of persons abused.

According to the *Conduct in UN Field Missions* online portal, there were open allegations, submitted in previous years, of sexual exploitation and abuse by Congolese peacekeepers deployed to the UN mission to the Central African Republic, including six from 2019, two from 2018, two from 2017, nine from 2016, and one from 2015. Alleged offenses included rape of children, sexual assaults, exploitative relationships, and transactional sex. The Congolese Armed Forces (FAC) do not maintain a separate military justice system. In most cases the military handles allegations of abuse by soldiers outside the country through administrative procedures, which often include lengthy detentions. The FAC reported that all personnel involved in allegations in the UN peacekeeping deployments in the Central African Republic received legal or administrative discipline in line with these administrative procedures. As of September the government had not provided actions taken regarding these offenses to the United Nations.

Impunity was a significant problem in the security forces, and officials took steps to prosecute or punish offenders. Abuses are investigated by the Ministry of Defense and the Ministry of Justice.

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

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

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

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

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

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

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

In Brazzaville and Pointe-Noire, authorities equipped the prisons with some mattresses and prisoner uniforms. Most inmates, however, slept on the floor on cardboard in small, overcrowded cells that exposed them to disease. The prisons lacked drainage and ventilation, and they had poorly maintained lighting with wiring protruding from the walls. Basic and emergency medical care was limited. Medical personnel at the Brazzaville Prison cited tuberculosis, dysentery, malaria, and HIV/AIDS as the most common maladies affecting prisoners. Authorities did not provide specialized medical care to prisoners with HIV/AIDS, nor were HIV tests available in prisons. Authorities took pregnant women to hospitals to give birth, and authorities sometimes allowed them to breastfeed their infants in prison. Access to social services personnel was severely limited due to insufficient

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staffing, overcrowding, and stigmatization of those with mental health problems. Prison authorities permitted outdoor exercise intermittently.

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

**Administration:** Prison rules provide for prisoners and detainees to submit complaints to judicial authorities without censorship, but officials did not respect this right. Authorities did not investigate credible allegations of inhuman conditions brought to them by NGOs and detainees' families. Prisoners had weekly access to Christian religious services only.

Access to prisoners generally required a communication permit from a judge. The permit allowed visitors to spend five to 15 minutes with a prisoner, although authorities usually did not strictly enforce this limit. In most cases visits took place in either a crowded open area or a small room with one extended table where approximately 10 detainees sat at a time. A new permit is technically required for each visit, but families were often able to return for multiple visits on one permit. Since many prisoners' families lived far away, visits often were infrequent because of the financial hardship of travel.

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

Other human rights NGOs that monitored detention conditions requested letters of permission from the Ministry of Justice to visit prisons. Their repeated requests went unanswered.

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Representatives of religiously affiliated charitable organizations visited prisons and detention centers for charitable work and religious counseling.

Authorities granted diplomatic missions access to both prisons and police jails to provide consular assistance to their citizens.

**Improvements:** In June the government rehabilitated and reopened a detention center in the city of Ouesso.

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

The constitution and law prohibit arbitrary arrest and detention, but local NGOs reported arbitrary arrest continued to be a problem. The constitution and law provide detainees the right to challenge the legal basis of their detention before a competent judge or authority, but the government generally did not observe the law. Some members of the security forces acted independently of civilian authority, committed abuses, and engaged in malfeasance.

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

The constitution and law require that a duly authorized official issue warrants before officers make an arrest, that a person be apprehended openly, that a lawyer be present during initial questioning, and that detainees be brought before a judge within three days and either charged or released within four months. The government habitually violated these provisions. There is a bail system, but with 70 percent of the population living in poverty, most detainees could not afford to post bail. There is an option for provisional release, but officials usually denied these requests, even for detainees with serious medical conditions. Authorities sometimes informed detainees of charges against them at the time of arrest, but the filing of formal charges often took at least one week. There were reports authorities arrested detainees secretly and without judicial authorization and sometimes detained suspects incommunicado or put them under de facto house arrest. Police at times held persons for six months or longer before filing charges. Observers attributed most administrative delays to lack of staff in the Ministry of Justice and the court system. Family members sometimes received prompt access to detainees but often only after payment of bribes. The law requires authorities to

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provide lawyers at government expense to indigent detainees facing criminal charges, but this usually did not occur.

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

**Arbitrary Arrest:** Reports suggested arbitrary and false arrests continued to occur.

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

Lengthy pretrial detentions were due to the judicial system's lack of capacity and, according to observers, a lack of political will to address the problem. The law defines three levels of crime: misdemeanors (punishable by less than one year in prison), delicts (punishable by one to five years in prison), and felonies (punishable by more than five years in prison). Criminal courts try misdemeanor and delict cases regularly. The judicial system, however, suffered from a serious backlog of felony cases. By law criminal courts must hear felony cases four times per year,

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but the government held only one criminal session in each of the five appeals courts and continued to hold persons accused of felonies in pretrial detention pending trial.

**Detainee's Ability to Challenge Lawfulness of Detention before a Court:** The constitution and law prohibit arbitrary arrest, arbitrary detention, and false arrest and provide detainees the right to challenge the legal basis of their detention before a competent judge or other authority. If an investigating judge determines a detainee to be innocent, his or her release is promptly ordered, and he or she is entitled to file suit with the Administrative Court. The government, however, generally did not observe this law. Local human rights NGOs reported numerous occasions when officials denied detainees in Brazzaville the right to challenge their detention.

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

The constitution and law provide the framework for an independent judiciary, but the government did not always respect judicial independence and employed political influence at times. Corruption also undermined judicial independence. Freedom House noted the judiciary was dominated by allies of the president. Authorities generally abided by court orders; however, judges did not always issue direct court orders against accused authorities.

In rural areas traditional courts continued to handle many local disputes, particularly property, inheritance, and witchcraft cases, as well as domestic conflicts that could not be resolved within the family.

### **Trial Procedures**

The constitution provides for the right to a fair trial presided over by an independent judiciary, but authorities did not always respect this right. Appeals courts existed in five departments--Brazzaville, Pointe-Noire, Dolisie, Owando, and Ouessou--and each had authority to try felony cases brought within its jurisdiction.

Under the law all defendants must be informed promptly and in detail of the charges, with free interpretation as necessary, and have a right to a fair and public



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trial in all criminal cases. Defendants in all criminal trials enjoy the presumption of innocence and have the right to be present at their trials and to consult with an attorney in a timely manner, although this did not always occur. The law obligates the government to provide legal assistance to any indigent defendant facing serious criminal charges, but such legal assistance was not always available because the government did not generally pay for public defenders.

Defendants have the right to adequate time and facilities to prepare a defense. They also have the right to confront or question accusers and witnesses against them and present witnesses and evidence on their own behalf. Defendants have the right not to be compelled to testify or confess guilt and have the right to appeal. The government generally abided by these provisions, except in highly politicized cases.

### **Political Prisoners and Detainees**

There were reports of political prisoners and detainees, although verifiable estimates of their total number were not available. While the government claimed there were no political prisoners, human rights groups and international observers maintained the government detained or imprisoned persons solely or chiefly because of their political beliefs. The UN Mission in Brazzaville, based on information gathered from local NGOs, reported 40 persons in detention for political reasons. Additional reports claimed authorities released 12 detainees. The government did not publicize the release of any prisoners.

Former presidential candidate Andre Okombi Salissa remained in prison as of October. In August the government transferred Jean-Marie Michel Mokoko, a former presidential candidate, into the central military hospital for medical treatment, where he remained in detention. Mokoko and Okombi Salissa were serving sentences of 20 years with hard labor.

The government detained Parfait Mabiala, a supporter of the opposition movement Incarner l'espoir (Embody Hope) in November 2019 in Pointe-Noire. The government subsequently detained three other opposition members in Brazzaville in December 2019, Franck Donald Saboukoulou Loubaki, Guil Miangué Ossebi, and Meldry Rold Dissavoulou. Also in December 2019 authorities arrested

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Celeste Nlemvo Makela, an activist with the citizen movement Ras-le-Bol (Had Enough).

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

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

Individuals may file lawsuits in court on civil matters related to human rights, including seeking damages for or cessation of a human rights abuse. The public, however, generally lacked confidence in the judicial system's ability to address human rights problems.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

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

There were reports government authorities entered homes without judicial or other appropriate authorization, monitored private movements, and employed informer systems.

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

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

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

**Freedom of Speech:** Individuals could criticize the government publicly or privately but feared reprisal. The constitution criminalizes speech that incites ethnic hatred, violence, or civil war and makes it punishable by no less than five years in prison. It also criminalizes any act or event that promotes racism or xenophobia.

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**Freedom of Press and Media, Including Online Media:** Independent media were active and expressed a wide variety of views with some restrictions. Press and media outlets regularly published criticism and satire of the government and senior officials. Most citizens obtained their news from local retransmission of international media and local radio or television stations. There was greater space in electronic media for open and critical discussion of government policy. International radio broadcasts and satellite television services were available and encouraged discussions of public policy.

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

Private media reported that government spokesperson and journalist Rocil Otuna lost his broadcast reporting responsibilities after interviewing the minister of justice on the government-owned television station Telecongo in May and suggesting the then popular belief that the coronavirus was a hoax. Private media and the government's media watchdog criticized Otuna's removal from the airwaves.

**Censorship or Content Restrictions:** Media outlets were required to register with the Superior Council for Liberty of Communication (CSLC), an official regulatory body. Media outlets that violated council regulations were subject to financial sanctions or temporary shutdown. The president appoints the director of the council.

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

There were no reports the government revoked journalists' accreditations if their reporting reflected adversely on the government's image.

In July the CSLC suspended the weekly newspaper *Manager Horizon* for defamation for three months. The CSLC found the *Manager Horizon*'s editor unable to justify claims in its June 2 edition that two ministers and a government

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official had criticized the prime minister's decision to practice social distancing. As of December the newspaper had resumed operation.

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

### **Internet Freedom**

There were unverifiable reports government authorities monitored private digital communications without appropriate legal authority, including email, text messaging, or other digital communications intended to remain private. Government officials often corresponded with opposition or diaspora personalities using social media accounts, encouraging online discussion of major news events.

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

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

Self-censorship was common in academia and at cultural events, especially in universities, where there was little room for public discourse on politically sensitive topics. Many university-level professors held second jobs as close advisors to government officials, possibly lessening their intellectual independence.

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

The government limited freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

The constitution and law provide for freedom of peaceful assembly. The government generally respected this right.

The government required authorization from the Ministry of Interior and Decentralization and appropriate local officials for assemblies and demonstrations.

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### **Freedom of Association**

The constitution and law provide for freedom of association, and the government sometimes respected this right. Political, social, or economic groups or associations were required to register with the Ministry of Interior and Decentralization. Authorities sometimes rejected registration requests due to political influence. According to a local NGO, groups that spoke openly against the government encountered overt or veiled threats and found the registration process more time consuming than organizations less critical of the government.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport](http://www.state.gov/religiousfreedomreport).

### **d. Freedom of Movement**

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

**Foreign Travel:** The law provides for freedom of internal movement, foreign travel, emigration, and repatriation.

By law all citizens are eligible for a national passport. The government, however, lacked the capacity to produce passports in sufficient numbers to meet demand and prioritized providing passports to those individuals who could demonstrate imminent need to travel or who had strong government connections. Obtaining a passport was a time consuming and difficult process for most persons.

### **e. Status and Treatment of Internally Displaced Persons**

UN and government officials reported approximately 95 percent of the 160,000 estimated internally displaced persons (IDPs) who fled the Pool region during the 2016-17 conflict had returned to their homes and villages; the government promoted their safe and voluntary return. Anecdotal reports suggested that those who did not return had resettled voluntarily in other parts of the country. Other IDPs in the country included residents in areas affected by seasonal floods, who

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generally returned home when waters receded. The number of IDPs increased as flooding grew worse in recent years.

### **f. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to IDPs, refugees, asylum seekers, stateless persons, and other persons of concern. UNHCR conducted training sessions on international protection with representatives from national police and the gendarmerie, immigration service, judiciary, and local police.

**Access to Asylum:** The law provides for the granting of asylum or refugee status, and the government has a system for providing protection to refugees but not asylum seekers. There are no laws recognizing asylum seekers. The National Refugee Assistance Committee (CNAR), a joint committee under the Ministry of Social Affairs and Humanitarian Action, the Ministry of Justice, and the Ministry of Foreign Affairs, handled applications for refugee status. The CNAR received most of its operating budget from UNHCR.

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

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

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

**Durable Solutions:** Resident Rwandan refugees who had not applied or qualified for refugee status could obtain permanent status if they applied for a Rwandan

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passport. Many Rwandans feared deportation if they received a passport, despite the assurances of local authorities and UNHCR this would not be the case. As of September the government did not deport any former Rwandan refugees.

### **Section 3. Freedom to Participate in the Political Process**

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

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

**Recent Elections:** During the 2017 legislative and local elections, international observers conducted two rounds of electoral observation. Most observers reported polling stations and electoral officials conducted their business professionally and had the tools necessary to conduct two parallel and concurrent elections for legislative and local races. Civil society and political party representation inside polling stations was robust and critical in dispute resolution. Observers, however, reported the heavy presence of security forces both inside and outside polling stations.

International electoral observers reported instances of fraud that likely benefitted candidates of the ruling Congolese Labor Party (PCT) and its allies in both rounds. During the first round of voting in 2017, international observers witnessed ballot box stuffing after the close of voting and before vote counts at the Foyer Social voting station in the Poto-Poto neighborhood of Brazzaville. During the second round of voting in 2017, international observers witnessed busloads of soldiers at the CEG De La Paix voting station in the Moungali neighborhood of Brazzaville. Local residents claimed these soldiers lacked appropriate documentation for that voting station, thus compromising the election results.

Some opposition parties boycotted the vote. The 2017 legislative elections gave the PCT and its allies control of 102 of 151 seats.

The Constitutional Court declared incumbent president Denis Sassou N'Guesso the winner of the 2016 presidential election in the first round with 60.29 percent of the

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vote. The court cited a 68.92 percent voter turnout among the more than two million eligible voters, with a 100 percent voter turnout in at least three regions.

On presidential election day, international observers witnessed a number of irregularities including: incorrect voter lists; inconsistency in ballot boxes; prefilled voting tally sheets for voter stations in Brazzaville; polling officials allowing and encouraging underage and multiple voting and instructing voters to vote only for the incumbent; polling stations opening late and without adequate supplies; polling officials refusing entry to accredited international observers; persons paying voters to vote for certain candidates; lack of uniform enforcement of voter identification requirements; polling officials, at separate locations, loyal to either the incumbent president or opposition candidates blocking entry to voters supporting opposing candidates; ruling party loyalists impersonating representatives of other candidates; polling officials not posting final vote tally sheets on the exterior wall of polling stations as required and burning ballots after the polling station count; and officials prohibiting observation at regional and national vote compilation centers.

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

**Participation of Women and Members of Minority Groups:** No laws limit women's or minority groups' political participation as voters or candidates. Observers suggested cultural constraints might limit the number of women in government. Sexual harassment discouraged women's participation in political activities. There were 14 women in the 72-seat senate and 15 women in the 151-seat national assembly. There were seven women in the 35-member cabinet. The law required that women make up 30 percent of each party's slate of candidates for local or legislative elections. The constitution grants parity for women in political positions and mandated the creation of a national advisory council for women, but it did not specify whether the promotion of parity related to pay, benefits, appointment to political positions, or other topics.



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

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides for criminal penalties for corruption by officials. The government did not apply the anticorruption law evenly, however, and many officials engaged in corrupt practices with impunity.

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

In July the government removed from office the then mayor of Brazzaville, Christian Roger Okemba, and subsequently sentenced him to five years in prison for embezzling two million dollars of public funds. The court also sentenced Okemba's wife, Anastasie Eleonore Okemba, to a three-year suspended sentence.

In June international media reported seizure of an overseas apartment owned by the president's son and member of parliament, Denis-Christel Sassou N'guesso, as part of an investigation into the alleged misuse of state funds during his tenure as chief executive officer of the country's parastatal oil company from 2010 to 2015.

**Financial Disclosure:** The constitution mandates elected and senior appointed officials disclose their financial interests before taking office and upon leaving office. Failure to do so constitutes legal grounds for dismissal from a senior position. The constitution does not require that financial disclosure statements be made public.

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

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A number of domestic and international human rights groups occasionally faced government restrictions during their investigations and when publishing their findings on human rights cases. Government officials were not cooperative with or responsive to international or domestic human rights groups. Some domestic human rights groups did not report on specific incidents due to fear of reprisal by the government.

**Government Human Rights Bodies:** The government-sponsored Human Rights Commission (HRC) is the government human rights watchdog and is responsible for addressing public concerns regarding human rights problems. The HRC had little effectiveness or independence; it did not undertake any activities directly responding to human rights problems.

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

#### Women

**Rape and Domestic Violence:** The law prohibits rape, but it does not specifically address spousal rape or the gender of victims. The law prescribes unspecified monetary fines based on the severity of the crime and between 10 and 20 years in prison for violators. Authorities enforced the law; however, judgments often took years to be rendered and penalties applied. According to a local women's group, penalties imposed for rape ranged from as few as several months' imprisonment to rarely more than three years. NGOs and women's advocacy groups reported rape, especially spousal rape, was common. The law prohibits domestic violence, with maximum penalties including prison terms and hard labor. One local NGO working on women's topics reported police often brought victims to the NGO's headquarters due to the lack of a formal shelter or other area of refuge.

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

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**Reproductive Rights:** Couples have the right to decide the number, spacing, and timing of their children, free from violence, but they often lacked the information and means to do so.

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

The government provided access to sexual and reproductive health services for survivors of sexual violence. The coverage, however, was limited to the two large urban centers, Brazzaville, and Pointe Noire.

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

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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

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a fine for adultery, while the wife could receive a prison sentence. Polygamy is legal, while polyandry is not.

Women experienced discrimination in divorce settlements, specifically regarding property and financial assets. The law considers the man the head of the household, unless the father becomes incapacitated or abandons the family. The law dictates that in the absence of an agreement between spouses, men shall choose the residence of the family.

Women experienced economic discrimination with respect to employment, credit, equal pay, and owning or managing businesses.

### Children

**Birth Registration:** Children can acquire citizenship from one citizen parent. Birth within the territory of the country does not confer citizenship, although exceptions exist for children born of missing or stateless parents or children born of foreign parents, at least one of whom was also born in the country. The government does not require registration of births but adjudicates births on a nondiscriminatory basis; it is up to parents to request birth registration for a child.

**Education:** Education is compulsory, tuition-free, and universal until age 16, but families are required to pay for books, uniforms, and health insurance fees. Boys were five times more likely than girls to attend high school and four times more likely than girls in high school to attend university.

**Child Abuse:** NGOs reported child abuse was prevalent but not commonly reported to authorities. Authorities generally investigated these reports.

**Child, Early, and Forced Marriage:** The law prohibits child marriage, and the legal age for marriage is 18 for women and 21 for men. According to UNICEF, 27 percent of girls are married before age 18. Underage marriage is possible with a judge's permission and with the permission of both sets of parents; the law does not specify a minimum age in such a case. Many couples nevertheless engaged in informal common-law marriages that were not legally recognized.

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There was no government program focused on preventing early or forced marriage. The penalty for forced marriage between an adult and child is a prison sentence of three months to two years and fines. The government did not prosecute any cases.

**Sexual Exploitation of Children:** The law provides penalties for crimes against children such as trafficking, pornography, neglect, and abuse. Penalties for these crimes include fines and prison sentences of several years, sometimes with forced labor. The penalty for child pornography includes a prison sentence of up to one year and a fine. The minimum age for consensual sex is 18. The maximum penalty for sex with a minor is five years' imprisonment and fines. A lack of specificity in the law was an obstacle to successful prosecution; it does not address sale, offering, or procuring for prostitution.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### Anti-Semitism

There was a very small Jewish community. There were no known reports of anti-Semitic acts.

### Trafficking in Persons

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

### Persons with Disabilities

The law prohibits discrimination against persons with disabilities, but authorities did not enforce these provisions effectively. The Ministry of Social Affairs and Humanitarian Action is the lead ministry responsible for protecting the rights of persons with disabilities. There are no laws, however, mandating access for persons with disabilities. The government provides separate schools for students with hearing disabilities in Brazzaville and Pointe-Noire. The government

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mainstreamed children with vision disabilities and children with physical disabilities in regular public schools.

### **Members of National/Racial/Ethnic Minority Groups**

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

### **Indigenous People**

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

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

Nevertheless, according to UNICEF and local NGOs, geographic isolation, cultural differences, and lack of political inclusion marginalized indigenous peoples throughout the country. NGOs and UN agencies reported members of indigenous communities experienced episodic discrimination, forced labor, and violence. The UN special rapporteur on the rights of indigenous peoples, after a visit in October 2019, reported that indigenous peoples faced significant discrimination, exclusion,

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and marginalization, including in their access to health services, education, employment, and political participation. According to UNICEF poverty levels remained high in indigenous communities and a lack of access to social services remained the main socioeconomic hurdle for these populations. Other indigenous communities living in more urban areas had greater access to social services but feared harassment by members of the majority Bantu nonindigenous population. Government decrees in 2019 mandated free access education until age 16 for all indigenous children, regardless whether they had birth certificates.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

There is no law that specifically prohibits consensual same-sex sexual conduct between adults. The law prescribes imprisonment of three months to two years and a fine for those who commit a “public outrage against decency.” The law prescribes a punishment of six months to three years’ imprisonment and a fine for anyone who “commits a shameless act or an act against nature with an individual of the same sex under the age of 21.” Authorities did not invoke the law to arrest or prosecute lesbian, gay, bisexual, transgender, or intersex (LGBTI) persons. On occasion, however, to elicit a small bribe, police officers harassed gay men and claimed the law prohibited same-sex sexual conduct.

Local NGOs reported limited violence by government authorities and private citizens against LGBTI persons. Authorities investigated and punished these acts of violence. Surveys of LGBTI populations by local NGOs indicated a majority of violence occurred among persons within the same family. Authorities refused to recognize one organization until it removed from all registration documents language indicating the organization’s focus on the LGBTI community.

There is no law prohibiting discrimination against LGBTI persons in housing, employment, nationality laws, and access to government services.

### **HIV and AIDS Social Stigma**

Public opinion polls conducted by the World Bank in 2012 showed significant societal discrimination against individuals with HIV or AIDS. The law provides

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penalties for unlawful divulgence of medical records by practitioners, negligence in treatment by health-care professionals, family abandonment, and unwarranted termination of employment. Civil society organizations advocating for the rights of persons with HIV or AIDS were well organized and sought fair treatment, especially regarding employment.

### **Section 7. Worker Rights**

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

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

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

Workers have the right to strike, provided they have exhausted lengthy and complex conciliation and nonbinding arbitration procedures and given seven business days’ notice. Participation in an unlawful strike constitutes serious misconduct and can result in criminal prosecution and forced prison labor. Nonviolently occupying a premise also constitutes serious misconduct. The law requires the continuation of a minimum service in all public services as essential to protect the general interest.

There have been employers who used hiring practices, such as subcontracting and short-term contracts, to circumvent laws prohibiting antiunion discrimination.

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

The constitution prohibits forced or compulsory labor unless imposed pursuant to a criminal penalty lawfully mandated by a court. Penalties were commensurate with those for comparable crimes. The law, however, allows authorities to requisition



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persons to work in the public interest and permits imprisonment if they refuse. The government practiced forced prison labor, including of prisoners held for political offenses and for striking workers. The government used mandatory military service to compel labor unrelated to military work. The law providing for compulsory emergency work allows the government to compel a broad range of work.

Forced labor, including forced child labor, occurred (see section 7.c.), including in agriculture, domestic service, and market vending. In previous years NGOs in Bambama, Sibiti, and Dolisie reported the majority Bantu population forced adult indigenous persons to harvest manioc and other crops with limited or no pay and under the threat of physical abuse or death. Some reports suggested that hereditary servitude was taking place. The government conducted an awareness campaign with a focus on government officials, NGOs, and members of the indigenous communities regarding amendments intended to improve the legal regime governing the rights of indigenous persons in the country.

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

The law criminalizes the worst forms of child labor. Under the law employers may not hire children younger than age 16, even as apprentices, without a waiver from the minister of national education. Minimum age protections, however, do not extend to children younger than age 18 who engage in hazardous work, but who do so without an employment contract. The law criminalizes the sexual exploitation of children, as well as forced labor, trafficking, and all forms of slavery. In June 2019 the government adopted a comprehensive antitrafficking law making all forms of human trafficking illegal. The law prohibits child soldiering and forced recruitment for child soldiering but does not set a minimum age for voluntary enlistment into the military service.

The law includes specific ranges of penalties for violators of the worst forms of child labor. Penalties were not commensurate with penalties for similar crimes. In August the felony chamber of the Criminal Court of Brazzaville found six defendants guilty of trafficking eight Beninese children to the country. The court sentenced the defendants, all Beninese citizens, included four women and two men, to a total of 30 years in prison.

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The Ministry of Labor and Social Security is responsible for enforcing child labor laws. The government did not provide adequate staff, and labor inspections were not conducted in some parts of the country, especially in rural areas where child labor was prevalent. Child labor was a problem, particularly in the informal sector. Internal child trafficking brought children from rural areas to urban centers for forced labor in domestic work and market vending. Children also engaged in agricultural work and the catching and smoking of fish. NGOs working with indigenous communities reported children were forced to work in fields for low or no wages harvesting manioc under the threat of physical abuse or death. Children from West Africa worked in forced domestic servitude for West African families in Pointe-Noire and Brazzaville. Children also engaged in the worst forms of child labor, including in commercial sexual exploitation and forced recruitment for armed conflict.

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

### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination based on family background, ethnicity, social condition, age, political or philosophical beliefs, gender, religion, region of origin within the country, place of residence in the country, language, HIV-positive status, and disability. The law does not specifically protect persons from discrimination based on national origin or citizenship, sexual orientation or gender identity, or having communicable diseases other than HIV.

Sexual harassment in the workplace was a problem. Women disproportionately worked in the informal sector, where they were less likely to benefit from legal protections. Penalties were not commensurate with those for comparable offenses.

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

Workers in the public sector are accorded a national minimum wage, which exceeded the poverty line. The minimum wage for private sector employees exceeded the poverty line. No official minimum wage exists in the agricultural or

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informal sectors. The government enforced the minimum wage law, and penalties were commensurate with those for comparable violations.

The law provides for a standard workweek of 40 hours and provides for overtime pay for hours worked in excess of the 40-hour limit. The law does not limit the maximum number of hours one can work per week, although it calls for a minimum of 24 hours without work per week. The law provides for 10 paid holidays per year and 15 weeks of maternity leave.

The Ministry of Labor sets health and safety regulations that correspond with international standards. While health and safety regulations require biannual Ministry of Labor inspections of businesses, businesses reported the visits occurred much less frequently. The Ministry of Labor employed an insufficient number of inspectors to enforce the law. Inspectors only conducted inspections in the formal sector. The size of the inspectorate was not sufficient to enforce compliance with the law.

Workers have no specific right to remove themselves from situations that endanger their health or safety without jeopardizing their employment. NGOs reported safety violations commonly occurred in commercial fishing, logging, quarries, and at private construction sites.