

# REPUBLIC OF THE CONGO 2018 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Republic of the Congo (ROC) is a presidential republic in which the constitution, promulgated in 2015, vests most decision-making authority and political power in the president and prime minister. In 2015 the Republic of the Congo adopted a new constitution, that extended previous maximum presidential term limits to three terms of five years, and provided complete immunity to former presidents. In April 2016 the Constitutional Court proclaimed the incumbent, Denis Sassou N'Guesso, winner of the March 2016 presidential election despite complaints of electoral irregularities. The government held the most recent legislative and local elections in July 2017. While the country has a multiparty political system, members of the president's Congolese Labor Party (PCT) and its allies retained almost 90 percent of legislative seats, and PCT members occupied almost all senior government positions.

Civilian authorities generally maintained effective control over the security forces.

During the year the country experienced significant positive changes regarding internal peace and security. In December 2017 the government and representatives of the Nsiloulou faction of the Ninja rebel militia group agreed to a ceasefire, thereby ending the conflict in the Pool region that had been ongoing since 2016. In June government and UN sources stated approximately 80-90 percent of the 161,000 persons displaced by the conflict had returned to their homes and villages.

Human rights issues included reports of unlawful or arbitrary killings; forced disappearance; arbitrary detention by the government; harsh and life threatening prison conditions; political prisoners; infringement of citizens' privacy rights; restrictions on freedoms of assembly and association; restrictions on the ability of citizens to change their government peacefully; corruption on the part of officials; violence against women, including rape, domestic violence, and child abuse; trafficking in persons; and child labor, including worst forms.

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

According to the United Nations, the security situation in the Pool region improved significantly. In contrast with 2017, reports of human rights abuses against civilians in the conflict zone committed either by government-controlled or rebel

forces declined significantly as the security situation improved. The government did not take steps to investigate, prosecute, or punish perpetrators of human rights abuses committed during the Pool conflict by government-controlled or rebel forces in 2016 and 2017. In August the government, rebel leaders, and the United Nations Development Program announced a joint program to conduct disarmament, demobilization, and reintegration (DDR) activities in the Pool region.

## **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 several reports on social media of the government or its agents committing arbitrary or unlawful killings; however, for most such reports of killings besides those specified below, no independent confirmation was possible, leading to uncertainty regarding the frequency of the incidents and the total number of persons arbitrarily deprived of life.

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

On July 23, 13 persons between the ages of 12 and 22 died in police custody in the Chacona police station in Brazzaville. Significant public backlash contributed to a shifting government narrative of the incident. The government's public prosecutor originally announced that the deaths resulted from armed street violence between rival gangs. On July 26, however, the minister of interior admitted before Parliament that the young men died in unclear circumstances in police custody. In the days following the incident, the government announced it would launch an investigation into the incident, detained members of the police unit that worked at the Chacona police station, and paid families 2,000,000 Central African Francs each (\$3,530). As of December 10, a judicial review was underway but not yet complete.

### **b. Disappearance**

There were no new reports of politically motivated disappearances. There was no new information on the February 2017 disappearances of Nimi Ngoma Guedj,

Akongas Hosny Normand, and Awambi Elmich, who were arrested and detained at the Poto-Poto 2 police jail facility.

### **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 under the criminal code. There were reports of cases of cruel, inhuman, and degrading treatment.

In January authorities released Dongui Christ, an activist, from custody. Authorities had accused Christ of spreading false information and disturbing the public order and subjected him to cruel, inhuman, and degrading treatment during his detention.

The United Nations reported that during the year it received two allegations of sexual exploitation and abuse against peacekeepers from the Republic of the Congo deployed in the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA). One case alleged sexual assault (rape), the other allegation reported sexual exploitation (exploitative relationships involving 13 peacekeepers and 11 victims). Investigations by both the UN and the ROC government were pending. Four allegations were reported in 2017, of which two were pending (and one was unsubstantiated). Ten allegations dating back to 2015 were pending. In 2017 a UN review of the deployment of uniformed personnel from the ROC in MINUSCA found that the nature and extent of allegations of sexual exploitation and abuse pointed to systemic problems in command and control, leading the Republic of the Congo to withdraw its military personnel deployed in MINUSCA.

In June the government convicted three ROC military personnel accused of committing war crimes in the Central African Republic (CAR). A court sentenced the three military personnel to three years in prison before releasing them for time served. The armed forces reportedly imposed nonjudicial punishments on personnel accused of sexual exploitation and abuse in the CAR.

### **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.

Physical Conditions: As of September the Brazzaville Prison, built in 1943 to accommodate 150 inmates, held more than 1,016, including 33 women and 17 minors. The Pointe-Noire Prison, built in 1934 to hold 75 inmates, held an estimated 325 persons. Police stations regularly housed individuals in their limited incarceration facilities beyond the maximum statutory holding period of 72 hours. In addition to these official prisons, the government's intelligence and security services operated several secret detention centers and security prisons, which 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, 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 than in those for men. Authorities held pretrial detainees with convicted prisoners. In Brazzaville, authorities housed 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. As in 2017, a local NGO reported that figures on the number and causes of death while in custody were unavailable.

In Brazzaville and Pointe-Noire, most inmates slept on the floor on cardboard or thin mattresses 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 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 staffing, overcrowding, and stigmatization of those with mental health issues. Prisoners had weekly access to Christian religious services only. 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 built on the ground 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.

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 either in a crowded open area or in a small room with one extended table where approximately 10 detainees sat at a time. A new permit is 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 different prisons on multiple occasions throughout the year.

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

Representatives of 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.

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

The constitution and law prohibit arbitrary arrest and detention, but local NGOs report 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.

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

Security forces consist of police, the gendarmerie, and the military. Police and the gendarmerie are responsible for maintaining internal order, with police primarily operating in cities and the gendarmerie mainly in other areas. Military forces are responsible for territorial security, but some units also have domestic security responsibilities. For example, the specialized Republican Guard battalion provides protection for the president, government buildings, and diplomatic missions. The Ministry of Defense oversees the military and gendarmerie, and the Ministry of the Interior and Decentralization oversees the police.

A civilian police unit under the Ministry of Interior and Decentralization is responsible for patrolling the borders. Separately, a military police unit reports to the Ministry of Defense and is composed of military and police officers responsible for investigating professional misconduct by members of any of the security forces.

Civilian authorities generally maintained effective control over the security forces; however, there were members of the security forces who acted independently of civilian authority, committed abuses, and engaged in malfeasance. The law charges both the military police and the Office of the Inspector General of Police with investigating reports of misconduct by security forces. The civilian justice system is responsible for conducting trials of military force members accused of crimes.

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

The constitution and law require that a duly authorized official issue warrants before making arrests, a person be apprehended openly, a lawyer be present during initial questioning, and detainees be brought before a judge within three days and

either charged or released within four months. The government habitually violated these provisions. There is a bail system, but with 70 percent of the population living in poverty, most detainees could not afford to post bail. 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 filing of formal charges often took at least one week. There were reports that 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 due to the political nature of the case or administrative errors. Observers attributed most administrative delays to lack of staff in the Ministry of Justice and the court system. Family members sometimes received prompt access to detainees but often only after payment of bribes. The law requires authorities to provide lawyers to indigent detainees facing criminal charges at government expense, but this usually did not occur.

The penal code 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 criminal code states that 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 that the judicial investigation is sufficiently advanced, that the accused does not pose a risk of subornation of witnesses, and does not pose a threat of disturbance to public order caused by the offense initially alleged; however, this law was not respected in practice.

Arbitrary Arrest: Reports suggest that arbitrary and false arrests continued to occur.

In November 2017 plain-clothes members of the security forces arrested Steve Bagne Batongo, a lawyer, in Brazzaville. Authorities arrested Bagne in his law office in violation of Article 53 of Congolese Law 026-92 on the Organization of Professional Lawyers. Authorities held Bagne in custody without charge longer than the 72 hours allowed under Article 48 of the penal code. In January authorities released Bagne from detention without trial.

Prostitution is legal. Under the law procuring (arranging the prostitution of another for financial gain) and sex trafficking are illegal. In November, the Brazzaville police arrested a Cameroonian national accused of procuring prostitution. In December, the Ministry of Women's Promotion conducted job training for 20 former female prostitutes to encourage them to pursue other types of employment. There were unconfirmed reports that police arrested prostitutes, including gay men, for alleged illegal activity.

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

For example, in November 2015 authorities arrested British citizen Paulin Makaya, president of the opposition United for Congo Party, for "incitement to public disorder" for organizing and participating in an unauthorized demonstration in October 2015 against the constitutional referendum. Makaya remained in pretrial detention for two years and eight months under the charge of disturbing public order. On March 18, authorities charged Makaya with inciting disorderly conduct. His trial took place in July, and the court sentenced Makaya to one year in jail and eligible for release based on time served as of September 15. The government released Makaya on September 17.

Lengthy pretrial detentions were due to the judicial system's lack of capacity, and a lack of political will to address the issue. The penal code defines three levels of crime: misdemeanors (punishable by less than one year in prison), the 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. Due to a lack of funding, no felony cases took place from 2014 until March. Authorities held in pretrial detention those accused of felonies for the duration of this period. From March to May, criminal courts held felony sessions throughout the country. Brazzaville's criminal court heard 132 felony cases.

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 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 are the framework for an independent judiciary. High caseload, lack of financial resources, political influence, and corruption remained problematic. 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, and 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. In 2011, the Ministry of Justice began to decentralize the trial process. 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 trial in all criminal cases and felony cases. Defendants in all criminal trials 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 law extends these rights to all citizens, and the government generally abided by these provisions, except in highly politicized cases.

### **Political Prisoners and Detainees**

During the year, authorities released numerous prisoners and detainees. According to local NGOs, approximately 70 persons remained in detention for political reasons. On June 26, authorities released 81 supporters of the leader of the Ninja militia, Pasteur Ntumi to solidify the December 23 ceasefire agreement signed between the government and rebel forces.

In December 2017 authorities released an American citizen who served 20 months of prison time for political reasons.

Former presidential candidates Jean-Marie Michel Mokoko and Andre Okombi Salissa remained in jail as of November 14. On October 19, however, authorities released senior members of their staff including Jean Ngouabi, Jacques Banaganzala, Anatole Limbongo Ngoka, Christine Moyon, Dieudonne Dhird, and Raymond Ebonga.

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

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

The judiciary heard felony court cases from March to May for the first time since September 2014. Brazzaville's felony court tried 132 pending cases.

Civil courts continued to review cases on a regular basis throughout the year. Civil courts experienced long delays, although shorter than felony courts. Individuals may file a lawsuit in court on civil matters related to human rights, including seeking damages for or cessation of a human rights violation. The public, however, generally lacked confidence in the judicial system's ability to address human rights problems.

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

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

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

### **g. Abuses in Internal Conflict**

In the Pool region, a conflict between the Ninja/Nsiloulou armed rebel group and government security forces ended with a ceasefire agreement in December 2017. To the end of the reporting year, neither party to the conflict has violated the ceasefire. Authorities vacated an arrest warrant for the leader of the rebel group, Frederick Bintsamou a.k.a. “Pastor Ntumi,” in August. As of September, the judicial system had not held perpetrators of abuses committed in the Pool conflict in 2016 and 2017 accountable for any crimes committed during the conflict.

Killings: There were no reports of military or armed groups killing civilians in conflict areas during the reporting period.

Other Conflict-related Abuse: According to the UN Development Program, humanitarian workers now have access to all areas of the Pool that were restricted during the 2016-17 conflict. The government ceased restricting the passage of humanitarian relief supplies, including food, drinking water, and medical aid provided by international humanitarian organizations such as the United Nations. In June a UN agency reported that members of the Ninja armed group detained aid workers for several hours before releasing them unharmed.

UN and government sources estimated that 80 to 90 percent of the 161,000 internally displaced persons from the Pool region conflict returned home as of September. The government designated a high commissioner for reinsertion of former combatants charged with implementing DDR activities, in coordination with the United Nations, in efforts to end the conflict and reduce the possibility for violence or other human rights abuses. The minister of interior chairs the Equal Representation Ad-hoc Commission (Commission Ad-hoc Mixte Paritaire, or CAMP) charged with coordinating between the former Ninja rebel group and the government.

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

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

The constitution and law provide for freedom of expression, including for the press, and the government generally respected this right.

Freedom of Expression: Individuals could criticize the government publicly or privately but risked reprisal. The constitution provides for freedom of expression in all forms of communication and prohibits censorship. The constitution, however, criminalizes speech that incites ethnic hatred, violence, or civil war and makes it punishable by no less than five years in prison. It also criminalizes any act or event that promotes racism or xenophobia.

Press and Media Freedom: 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 discussion of government policy, including critical discussion. International radio broadcasts and satellite television services were available and encouraged discussions of public policy.

Violence and Harassment: There were reports of direct and indirect intimidation of journalists by the government. For example, in June Fortunat Ngoualali, a 36-year-old journalist for VoxTV, was held in police custody for four days for publishing a readout of a closed-door meeting of the ruling Congolese Labor Party (PCT) on social media.

In July authorities released Ghys Fortune Dombe Bemba, a journalist arrested in January 2017 for publishing a manifesto by rebel leader Frederic Bintsamou a.k.a. Pastor Ntumi. Dombe Bemba's release fulfilled a key demand of the Ninja militia that was identified in the December 23 cease-fire agreement ending the Pool region conflict.

Additional reports of alleged intimidation included the following: police use of nonlethal force against journalists attempting to report on sensitive events, telephone calls from official and anonymous persons warning journalists not to use footage of politically sensitive events, and pressure on news outlets not to run certain stories or footage.

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 that the government revoked journalists' accreditations if their reporting reflected adversely on the government's image. The CSLC suspended the operations and circulation of at least two newspapers during the year. The CSLC suspended "Le Nouveau Regard" in July and "Le Troubador" in September. The CSLC accused both newspapers of printing information that was untrue or unverified. Several journalists have expressed a fear of termination from their positions for reporting on politically sensitive topics.

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

National Security: There were no reports of government actions to restrict foreign media criticism during the reporting period.

### **Internet Freedom**

There were 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 figures using social media accounts encouraging online discourse of major current events.

According to the International Telecommunication Union, 8.6 percent of individuals used the internet in 2017.

### **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 influencing their intellectual independence.

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

The government restricted freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

The constitution and law provide for freedom of peaceful assembly; however, the government often did not respect this right.

The government required all groups that wished to hold public assemblies to seek authorization from the Ministry of Interior and Decentralization and appropriate local officials. Both the ministry and local officials sometimes withheld authorization for meetings they claimed might threaten public order. They also created unnecessary obstacles to gaining authorization and called police to disperse meetings they claimed had not received proper authorization.

Local NGOs and political groups reported restrictions on freedom of assembly throughout the year. For example, in May security forces arrested 23 activists from the political youth activist movement Ras-le-Bol (“enough is enough”), including coordinator Frank Nzila, for “association with criminals and participation in an unauthorized demonstration” following their demonstration in Pointe-Noire on May 7 calling on the government to release political prisoners. In July the government released Ras-le-Bol’s members from custody. Ras-le-Bol’s members also reported numerous direct threats from police to stop their activities, and police harassment targeting their families and friends to ascertain their whereabouts.

### **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 subjected registration 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.

### **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 for refugees and asylum seekers.

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

Abuse of Migrants, Refugees, and Stateless Persons: UNHCR conducted training sessions on international protection with representatives from law enforcement representing the immigration service, judiciary, and local police during the year.

UNHCR reported 12 cases of rape from January through September at a refugee camp in Betou, all of which involved rape of a minor. Rape and sexual abuse commonly occurred during initial displacement from their home regions; many women and girls engaged in survival sex in exchange for protection, material goods, or money. Women often remained with abusive partners who offered protection during their initial displacement and subsequently reported domestic abuse and marital rape. The vast majority of gender-based violence incidents went unreported because complaints could take three or more years before courts examined them. Families of victims often preferred settlements through traditional justice mechanisms of negotiating directly with the perpetrators. UNHCR's protection officers and medical partners provided medical, psychosocial, and legal assistance to victims of gender-based violence, including rape. There was a national shortage of rape kits and HIV testing to respond to victims. 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 for priority order relative to their medical conditions. Refugees had equal legal recourse for criminal complaints (for example, rape) and civil disputes.

Foreign Travel: The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. There were unverified reports that the government attempted to restrict foreign travel.

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

### **Internally Displaced Persons (IDPs)**

The internal conflict that took place in the Pool region from March 2016 to December 2017 affected an estimated 161,000 IDPs. A 2017 UN humanitarian relief nutrition survey indicated acute malnutrition levels of 17 percent or higher among displaced persons, exceeding emergency thresholds, which catalyzed international humanitarian action. Major donor countries have contributed to the humanitarian response encouraging peace, providing emergency food assistance, and a return to normalcy. Following a cease-fire agreement signed in December 2017, IDPs began returning to their homes and villages. According to UN and government sources, close to 100 percent of IDPs have returned to their homes. Insecurity and limited access to the conflict affected areas has left much of the IDP population with moderate acute malnutrition despite an end to the violence. The December 23 cease-fire agreement has held, violence has subsided, and humanitarian actors have access to all previously inaccessible areas.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has a system for providing protection to refugees but not asylum seekers. There are no laws recognizing asylum seekers nor any laws implementing the protections afforded in the 1951 Refugee Convention, to which the government is a signatory. According to UNHCR, the country hosted 39,148 refugees and 8,305 asylum seekers during the year. UNHCR invoked the cessation clause at the end of 2017, thus ending the protected status of 12,436 former Rwandan refugees in Congo; UNHCR continued to provide support to the community, and there were no reports of deportations of Rwandans. Congo has offered resident status to documented Rwandans who apply. UNHCR facilitated the voluntary repatriation of more than 3,000 refugees from Congo to the CAR.

The National Refugee Assistance Committee (CNAR), a joint committee under the Ministry of Social Affairs and Humanitarian Action, Ministry of Justice, and Ministry of Foreign Affairs, handled applications for refugee status. The CNAR received most of its operating budget from UNHCR.

According to UNHCR, the CNAR eligibility board processed 542 asylum cases during the year; it granted refugee status to 460, and denied refugee status in 82 cases.

The country saw an influx of persons fleeing violence in the CAR beginning in 2012. According to UNHCR, as of August 30, the country hosted 26,479 CAR refugees and asylum seekers.

As of July 2015, the government stopped granting prima facie status to refugees fleeing from the CAR. During the year, UNHCR registered 4,887 CAR asylum seekers. With the support of UNHCR, the CNAR adopted an expedited procedure to process asylum requests. As of August the government registered 1,580 asylum-seeking families from the CAR.

In June 2013 Congolese authorities, in consultation with UNHCR, invoked the cessation clause for Rwandan refugees. Refugee status for Rwandan refugees living in Congo along with other refugee hosting countries expired on December 31, 2017. Former Rwandan refugees may obtain permanent status in Congo if they apply for a Rwandan passport. Many former Rwandan refugees in Congo fear deportation if they get a passport despite the assurance of the Congolese authorities and UNHCR that this is not the case. As a result, the overwhelming majority of former Rwandan refugees are stateless, and may be subject to deportation. The government had not deported any former Rwandan refugees as of October. According to UNHCR efforts to find a durable solution remained elusive.

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. During the academic year, primary schools enrolled 5,472 refugee children, including 2,701 girls. Authorities severely limited access to secondary and vocational education for refugees. Most secondary education teachers at such schools were refugees who volunteered to teach or received payment from parents of refugee children.

Durable Solutions: As of September the country hosted 12,436 former Rwandan refugees. According to UNHCR the government voluntarily repatriated 16 Rwandan refugees during the year, making a total of 492 repatriations since 2004.

### **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. Nevertheless, irregularities restricting this ability occurred during the most recent legislative elections, in 2017, and in previous elections.

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

Recent Elections: During the 2017 legislative and local elections, international observers conducted two rounds of electoral observation. Some opposition parties boycotted the vote. Most observers reported that 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 of polling stations was robust and critical in dispute resolution. Observers, however, reported the heavy presence of security forces both outside and inside polling stations.

The 2017 elections gave the PCT and its allies control of 102 of 151 or 68 percent of seats. According to government figures, turnout was 44.44 percent; international observers in Brazzaville, however, indicated participation was lower.

International electoral observers reported examples of fraud that likely benefitted candidates of the PCT and its allies in both rounds. For example, during the first round of voting on July 16, 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 on July 30, international observers witnessed busloads of soldiers at the CEG De La Paix voting station in the Mougali neighborhood of Brazzaville. Local residents inside and outside the voting station claimed that soldiers who lacked appropriate documentation had voted in the CEG De La Paix voting station, compromising the election results.

The Constitutional Court declared incumbent President Denis Sassou N'Gusso the winner of the March 2016 presidential election in the first round with 60.29

percent of the 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; 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; not posting final vote tally sheets on the exterior wall of polling stations as required; burning ballots after the polling station count; and 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. In June the Ministry of Interior published a law on the creation of political parties that confers recognition on 55 of 200 existing parties. According to the government, the remaining political parties did not meet requirements including nationwide representation.

In the previous electoral cycle, political groups experienced restrictions on their ability to participate in the political process including delays registering their organizations or candidates and accessing public campaign funds. Some political opposition supporters faced intimidation and security restrictions on attending their rallies or trying to vote, according to numerous eyewitness and media accounts. Attempts to impede criticism of the government through intimidation, arrests, and routine disruption of political meetings remained common. Authorities continued to detain opposition figures (see section 1.e., political prisoners and detainees).

Participation of Women and Minorities: 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 eight women in the 35-member cabinet appointed in August 2017.

In 2014 the president signed a law requiring that women make up 30 percent of each party's slate of candidates for local or legislative elections. The 2015 constitution granted 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 issues.

The political process excludes 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). For example, a local government official reported that during the October 2015 referendum, the voting booth in Sibiti, a rural city with many indigenous persons, was open for only 30 minutes, from 7:30-8:00 a.m. Because indigenous communities in outer villages must travel several hours to reach Sibiti, no one reportedly voted.

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

The law provides for criminal penalties for corruption by officials; however, the government did not implement the law effectively, and many officials engaged in corrupt practices with impunity, despite the president's calls for an end to corruption in his annual address to the nation during the year and his inauguration speech in 2016.

There was a widespread perception of corruption throughout government, including misuse of revenues from the oil and forestry sectors. Some local and international organizations claimed some government officials, through bribes or other fraud, regularly diverted revenues from these sectors into private overseas accounts before officially declaring the remaining revenues.

Corruption: In his annual New Year's address to the nation, the president pledged to make anticorruption efforts a priority of his government during the year. The National Commission on the Fight against Corruption, Bribery, and Fraud accused several government officials during the year of corruption. In August the national commission issued a report that detailed investigations conducted during the first four months of the year. The report accused one minister of misusing public funds earmarked for staff training, and embezzlement of funds from a construction project. The national commission sent its report to the public prosecutor for

potential legal action. As of November investigations were ongoing. The minister denied all of the findings in the report.

Financial Disclosure: The constitution mandates that senior elected or appointed officials disclose their financial interests and holdings both before taking office and upon leaving office. Failure to do so is legal grounds for dismissal from a senior position. According to the constitution, the Constitutional Court is responsible for enforcing financial disclosure; however, authorities did not enforce this provision. No financial disclosure statements were publicly available during the year.

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

A number of domestic and international human rights groups occasionally operated without government restriction during their investigations and when publishing their findings on human rights cases. Government officials were not cooperative with and 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.

The United Nations or Other International Bodies: The government cooperated with the United Nations and other international bodies during the year. For example, the government hosted major international conferences, partnered with resident United Nations agencies to deliver humanitarian assistance, and consulted regularly with the Office of the Special Representative of the UN Secretary General for Central Africa focused on regional peace, security, and environmental issues.

Government Human Rights Bodies: The government-sponsored Human Rights Commission (HRC) is the government human rights watchdog and is responsible for addressing public concerns about human rights problems. The HRC did not undertake any activities directly responding to human rights problems during the year. As in 2017 its headquarters building remained vacant.

Human Rights and Humanitarian Law are included in Congolese Armed Forces (FAC) Professional Military Education (PME). Military Academy cadets are required to complete courses in both Public Law and Humanitarian International Law. PME for lieutenants (Officer Basic Course), captains (Captains Career Course), and majors (Staff College) directly incorporates a course in Humanitarian International Law. Within the Ministry of Defense, a committee supervises the

implementation of the human rights and humanitarian law curriculum for all PME levels from the military academy through Military Staff College.

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

### **Women**

Rape and Domestic Violence: Rape is illegal in the country. The law prescribes unspecified monetary fines based on the severity of the crime and jail time of between 10 and 20 years in prison for violators. According to a local women's group, however, penalties actually 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.

Domestic violence against women, including rape and beatings, was widespread but rarely reported. For example, in one case a woman reported domestic violence by her partner to an NGO, but declined to lodge an official criminal complaint with authorities for fear of reprisal from the former partner or his family. The NGO assisted the victim in her civil complaint seeking monetary support for herself and her children, which the court awarded. There were no specific provisions in the law outlawing spousal battery other than general statutes prohibiting assault.

Sexual Harassment: Sexual harassment is illegal. Generally, the penalty is two to five years in prison. In particularly egregious cases, the penalty may equal the 10-year prison sentence maximum for rape. The government did not effectively enforce these laws.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Both customary marriage and family laws and civil laws enacted by the government govern the rights of women, children, and extended families. Adultery is illegal for both women and men, although the penalty differs. Under civil law the husband can receive only a fine for adultery, while the wife can receive a prison sentence. Polygyny is legal, while polyandry is not.

Women experienced discrimination in divorce settlements, specifically regarding property and financial assets. National law considers men 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 acquire citizenship from their parents. Birth within the territory of the country does not automatically confer citizenship, although exceptions exist for children born of missing or stateless parents, or children born of foreign parents, at least one of whom was also born in the country. The government does not require registration of births; it is up to parents to request birth registration for a child. For additional information, see Appendix C.

Education: Education is compulsory, tuition-free, and universal until age 16, but families are required to pay for books, uniforms, and health insurance fees. Most indigenous children could not attend school because they did not have birth certificates or could not afford the 1,200 CFA francs (\$2.12) per month insurance fee. Boys were five times more likely than girls to go to high school and four times more likely than girls in high school to go to a university.

Child Abuse: NGOs reported child abuse was prevalent, but not commonly reported to authorities.

Early and Forced Marriage: The law prohibits child marriage, and the legal age for marriage is 18 years for women and 21 for men. 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 an informal common-law marriage not legally recognized. For additional information, see Appendix C.

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 a fine of 150,000 to 1.5 million CFA francs (\$265 to \$2,650).

Sexual Exploitation of Children: A child protection code provides penalties for crimes against children such as trafficking, pornography, neglect, and abuse. Penalties for these crimes range from forced labor to fines of up to 10 million CFA

francs (\$17,667) and prison sentences of several years. The penalty for child pornography includes a prison sentence of up to one year and a fine up to 500,000 CFA francs (\$883). The minimum age for consensual sex is 18. The maximum penalty for sex with a minor is five years' imprisonment and a fine of 10 million CFA francs (\$17,667). A lack of specificity in the child protection code was an obstacle to successful prosecution.

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.html>.

### **Anti-Semitism**

There is 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 [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law specifically prohibits discrimination against persons with disabilities. 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 mainstreamed children with vision disabilities and children with physical disabilities in regular public schools.

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

The law prohibits discrimination based on ethnicity. There were no episodes of regional or ethnic violence reported during the year. The perception of regional and ethnic bias was most acute in the upper echelons of government wherein a large portion of the general officer corps consisted of individuals from the northern departments.

## **Indigenous People**

According to UNICEF and local NGOs, indigenous peoples throughout the country, in both remote and urban areas, remained marginalized. Many indigenous people, known locally as Pygmies, lacked access to gainful employment, health services, housing, and education, in part due to their geographic isolation and different cultural norms. The geographic isolation of some indigenous groups limited their ability to influence government decisions affecting their interests or vote. Other indigenous communities living in more urban areas understood the concept of political participation but feared harassment by members of the Bantu population for participation and lacked access to transportation to voting booths.

According to a local NGO, indigenous communities living among majority Bantu populations often lived in substandard housing on the perimeters of villages. During the year embassy officers received unconfirmed reports of violence between Bantus and Pygmies as well as reports of violence within the indigenous communities themselves. The NGO reported that Bantus often forced indigenous people to work in their fields for little to no pay and refused to purchase food from indigenous vendors. A law enforcement official reported that high rates of alcoholism within the indigenous community contributed to high rates of violence, poverty, and incest. A government official reported that indigenous women and girls suffered from gender-based violence, and teenage pregnancy among indigenous girls was common. Bantu men often impregnated indigenous girls and later denied paternity, offering no child support. Indigenous women suffered from a disproportionate rate of fistulas resulting from unattended childbirth and rape.

A 2011 law provides special status and recognition for indigenous populations. Additionally, the constitution stipulates the state shall provide promotion and protection of indigenous peoples' rights. The government did not implement these laws.

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

There is no law that specifically prohibits consensual same-sex sexual conduct. The penal code prescribes imprisonment of three months to two years and a fine for those who commit a "public outrage against decency." The law prescribes a punishment of six months to three years and a fine for anyone who "commits a shameless act or an act against nature with an individual of the same sex under the

age of 21.” Authorities did not invoke the law to arrest or prosecute lesbian, gay, bisexual, transgender, or intersex (LGBTI) persons. On occasion, however, police officers harassed gay men and claimed the law prohibited same-sex sexual activity to elicit a small bribe.

There were no known cases of violence against LGBTI individuals during the year.

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

Public opinion polls conducted by the World Bank in 2012 showed significant societal discrimination against individuals with HIV/AIDS. The law provides penalties for unlawful divulgence of medical records by practitioners, negligence in treatment by healthcare professionals, family abandonment, and unwarranted termination of employment. Civil society organizations advocating for the rights of persons with HIV/AIDS were fairly 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 of 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,” including members of the armed forces, police, gendarmerie, and some personnel at ports and airports. The law allows unions to conduct their activities without interference.

Workers have the right to strike, provided they have exhausted all lengthy and complex conciliation and nonbinding arbitration procedures and given seven (7) business days’ due notice. Participation in an unlawful strike constitutes serious misconduct and can result in criminal prosecution. The law requires the continuation of a minimum service in all public services as essential to protect the general interest. A minimum service requirement binds workers in essential services to a limit on the length of time they may strike. The employer determines the extent of the minimum service without negotiating with the parties to the dispute. It is gross misconduct to refuse to take part in providing the minimum service during strikes. Multiple legal strikes occurred in the education sector, including students and educators, among hospital workers, and oil sector workers.

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

The government and employers occasionally violated the unions' right to collective bargaining and freedom of association. Most unions were reportedly weak and subject to government influence due to corruption. As a result, in cases where demonstrations would run counter to the government's interest, the government persuaded union leaders to prevent workers from demonstrating.

There were reports employers 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. The law, however, allows authorities to requisition people to work in the public interest and provides for their possible imprisonment if they refuse.

The government took steps to prevent and eliminate forced labor, but only relating to trafficked persons. Beginning in 2012, the government worked with the UN Office on Drugs and Crime and a foreign partner to initiate a three-year program to train personnel and draft complete trafficking-in-persons legislation that would include both adults and children. The bill continued to await cabinet and parliamentary review before promulgation.

The indigenous population, known locally as Pygmies, was especially vulnerable to forced labor in the agricultural sector. According to a local NGO, members of the indigenous communities often incurred significant debts. According to a local NGO, members of the indigenous communities receive extremely low wages or no pay to erase the incurred debts. Reports suggested that some servitude might be hereditary. This scenario often left members of the indigenous community impoverished.

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

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

According to the law, children under age 16 may not be employed, even as apprentices, without a waiver from the minister of national education. The law prohibits the following crimes against all children up to age 18: forced labor, trafficking and all forms of slavery; child soldiering and forced recruitment for child soldiering; prostitution; the use, procuring, or offering of a child for the production of pornography or for pornographic performances; and the use of children by an adult for illegal activities.

The law includes specific ranges of penalties for violators of the worst forms of child labor. The maximum penalties for many of the most serious violations are 1.16 million CFA francs (\$2,050) or five years in prison. According to a local antihuman-trafficking NGO and representatives from the Ministry of Social Affairs and Humanitarian Action, the lack of capacity to prosecute offenders in the judicial system rendered penalties ineffective as a deterrent. Violators did not fear prosecution.

The Ministry of Labor, which is responsible for enforcing child labor laws, concentrated its limited resources on the formal wage sector. Data on the number of children removed from child labor were not available, although the ministry reported authorities aided an NGO's efforts to rescue 16 children from trafficking. International aid groups reported little change in child labor conditions.

Although there are laws and policies designed to protect children from exploitation in the workplace, child labor was a problem in the informal sector. According to government sources, foreign-born children travel to Congo to work in housekeeping, market vending, agricultural and fishing work with financial remuneration sent back to their parents in their country of origin. Local NGOs report that child victims experienced harsh treatment, long work hours, and almost no access to education or health services. Additionally, they received little or no remuneration for their work. There were no official government statistics on general child labor.

Children as young as six, especially indigenous children in rural areas, often worked long hours in the fields harvesting cassava and carrying heavy loads of firewood. A local authority reported that this was culturally acceptable, although not officially legal.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

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

The constitution and law prohibit 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, or disability. The constitution and law do not specifically prohibit discrimination against persons based on national origin or citizenship, sexual orientation or gender identity, or having communicable diseases other than HIV.

The government did not effectively enforce these prohibitions. Labor law does not specifically reiterate these antidiscrimination provisions. Discrimination in employment and occupation sometimes occurred with respect to women, refugees, and indigenous people. The law prohibits discrimination based on gender and stipulates women have the right to equal pay for equal work. Most women worked in the informal sector and thus had little or no access to employment benefits. In rural areas, women's education and wage levels are lower than in urban areas with most work focused on family farming, small-scale commerce, and child-rearing.

Persons with disabilities and indigenous groups faced discrimination in hiring and access to the workplace.

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

The national minimum wage was 90,000 CFA francs (\$159) per month in the formal sector, which exceeds the poverty line. There was no official minimum wage for the agricultural and other informal sectors. High urban prices and dependent extended families obliged many workers, including teachers and health-care workers, to seek secondary employment, mainly in the informal sector where the law did not apply.

The law provides for a standard workweek of seven hours per day with a one-hour lunch break, five days a week. There was no legal limit on the number of hours worked per week, and the law provides for paid annual holidays and four months of maternity leave. The law stipulates overtime pay for all work in excess of regular working hours. For public-sector workers, this is 35 hours per week. In private companies, overtime is any work beyond the business' normal working

hours (usually 40 to 42 hours per week). There is no legal prohibition of excessive compulsory overtime. Overtime is subject to agreement between employer and employee. Employers generally observed these standards, and employers usually paid workers in cash for overtime work. The penalty for violating wage laws ranges from 10,000-20,000 CFA francs (\$17.70-\$35.40) when the violation occurs the first time, and 20,000-36,000 CFA francs (\$35.40-\$63.60) for subsequent violations. A lack of enforcement rendered the penalties ineffective, and the penalties themselves were not sufficient to deter violations. According to the Inspector General of Labor, there were no penalties issued during the year for wage law violations.

Health and safety regulations are set by the Ministry of Labor, and they are in line with international standards. Although health and safety regulations require biannual visits to businesses by inspectors from the Ministry of Labor, such visits occurred much less frequently, and enforcement of findings was uneven. The Ministry of Labor employed 12 full-time inspectors responsible only for inspecting the formal sector, which was insufficient to enforce compliance with labor laws. Unions generally were vigilant in calling attention to dangerous working conditions; however, the observance of safety standards often was lax in both the private and public sectors. Workers have no specific right to remove themselves from situations that endanger their health or safety without jeopardizing their employment. There were no exceptions for foreign or migrant workers. According to NGOs, labor violations were common in commercial fishing and logging operations, rock quarries, and private construction sites. Authorities did not effectively protect employees in these situations.