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Congo, Republic of

Country Reports on Human Rights Practices - [2005](#)

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

The government's human rights record remained poor; although there were some improvements, serious problems remained. The following human rights problems were noted:

- mob violence, including killing of suspected criminals
- security force beatings, physical abuse of detainees, rapes, looting, solicitation of bribes, and theft
- uncontrolled and unidentified armed elements harassed, and extorted civilians and international NGO workers in the Pool region
- poor prison conditions
- impunity
- arbitrary arrest
- lengthy pretrial detention
- corrupt and ineffective judiciary
- infringement on citizens' privacy rights
- limits on freedom of the press
- limits on freedom of movement in some areas of the Pool region
- government corruption and lack of government transparency
- domestic violence and societal discrimination against women
- reports of trafficking in persons
- discrimination on the basis of regional ethnicity, particularly against Pygmies
- child labor

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

Unlike in the previous year, there were no reports of deaths during apprehension or while in custody.

There were no reported developments in the 2004 case of a person who was beaten to death while in police custody.

No action was taken against members of the security forces responsible for civilian deaths in 2003 and 2004.

There continued to be occasional deaths due to mob violence, as civilians took vigilante action against presumed criminals, or as individuals settled private disputes. For example, in January, after a man killed another in an altercation, his neighbors attacked and killed him. In September angry villagers killed an Italian missionary who was in a convoy, when one of vehicles accidentally hit and killed a small child. Three villagers were arrested and brought to Brazzaville to await trial. They were still being detained awaiting trial at year's end. Police at times intervened to stop mob violence.

In several instances where presumed or actual police or military personnel engaged in looting of civilian residences, local inhabitants frequently took the law into their own hands to punish the thieves; on several occasions death or serious injury resulted. Incidents such as these were most common in remote areas. During the year there was also a case where the leaders of a rural village beat an alleged thief, who subsequently died from his injuries.

b. Disappearance

There were no reports of politically motivated disappearances.

The daughter of a local nongovernmental organization (NGO) employee, who was reported missing in 2003, remained missing at year's end.

On July 19, after considerable delay, the "Beach" trial opened in the Brazzaville criminal court to hear the 1999 case of 353 persons who were separated from their families by security forces upon returning to Brazzaville from the Democratic Republic of the Congo (DRC). They subsequently disappeared and were presumed killed. On August 16, the court acquitted the high-ranking military and police officials accused of killing the victims. However, the government was found culpable for not ensuring the safety of the victims as they returned to the country and was ordered to pay approximately \$20,000 (10 million CFA francs) to the 86 victims' families. The claimants appealed the settlement to the Supreme Court and the case was ongoing at year's end.

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

Although the law prohibits such actions, security forces sometimes used beatings to coerce confessions or to punish detainees. During the year, there were reports that abuses continued in the jail system.

During the year military, gendarmerie, and police forces occasionally beat civilians and looted homes.

During the year, there were reports by NGOs that female detainees were raped and that members of the security forces beat citizens. For example, in August a police officer reportedly beat a man in front of his wife and children for arguing with him.

In certain areas of the Pool region unidentified armed elements, some of whom could be uncontrolled government security forces or former Ninja rebels, continued to rob trains and harass civilians and international NGO workers. There were reports by NGOs and members of the private sector that unidentified armed elements also extorted bribes in the Pool region. The government investigated these reports but was unable to determine the identity of the perpetrators.

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

Prison and Detention Center Conditions

Prison conditions were poor due to overcrowded facilities and lack of resources to provide food or health care to the inmates. The Ministry of Justice continued to repair some prisons during the year; however, lack of funds hindered efforts to improve physical facilities and to provide food and medicine.

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

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

The government continued to grant access to prisons and detention centers to domestic and international human rights groups. Local human rights groups, including the Congolese Observatory for Human Rights, the Association for the Human Rights of the Incarcerated, the National Council for the Promotion and Protection of the Rights of Detained Persons, and a Catholic Church organization visited prisons during the year. The International Committee of the Red Cross (ICRC) continued regular visits to prisons and detention centers in Brazzaville and Pointe Noire.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The security forces include the police, gendarmerie, and military. The police and the gendarmerie are responsible for maintaining internal domestic order, with the police operating primarily inside the cities and the gendarmerie mainly outside. The military forces are responsible for external security, but also have domestic security responsibilities, for example, protecting the president. The minister of defense overseas

the military forces and gendarmerie and the minister of security oversees the police. In practice, police, gendarmerie, and military operations often overlapped and were poorly coordinated. Although improved compared to previous years, the government did not always have full control over some members or units of the security forces. In addition, the more professional and effective security forces tended to operate only in the urban areas. The security forces were not generally considered effective. Corruption was a significant problem. During the year there were frequent reports of arrested individuals whose families successfully bribed police to secure a release. Traffic police were known for extorting bribes from taxi drivers under threat of impoundment of their vehicles. Although the Human Rights Commission (HRC) was established for the public to report security force abuses (see section 4), impunity for members of the security forces was a problem. The police at times failed to prevent or to respond to societal violence (see section 1.a.)

Arrest and Detention

The law requires that warrants be issued by a duly authorized official before arrests are made, that a person be apprehended openly, that a lawyer be present during initial questioning, and that detainees be brought before a judge within three days, and either be charged or released within four months; however, the government frequently violated these provisions. There is a system of bail, but more than 70 percent of the population had an income below the poverty level and could not afford to pay bail. Detainees generally were informed of the charges levied against them at the time of arrest but formal charges often took at least a week to be filed; however, there were numerous exceptions that allowed police to justify holding someone for up to 4 months (or longer) without charge. Justifications for some exceptions include administrative errors or delays in processing the detainees. Lawyers and family members usually were given prompt access to detainees, and indigent detainees were provided lawyers at government expense.

Arbitrary arrest was a problem.

There were some political detainees during the year. In February security forces arrested a small group of military officers and civilians, allegedly linked to the former administration, for the alleged theft of weapons from a gendarmerie camp. The detainees were still being held without formal charge at year's end. During their detention they were not permitted visits by their families or NGOs.

Unlike in the previous year, security forces did not arrest journalists.

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

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the judiciary continued to be overburdened, underfunded, and subject to political influence, bribery, and corruption. Lack of resources continued to be a severe problem.

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

Trial Procedures

In general, defendants were tried in a public court of law presided over by a state-appointed magistrate. Juries are used. Defendants have the right to be present at their trial and to consult with an attorney in a timely manner. An attorney is provided at public expense if defendants face serious criminal charges. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. The defense has access to prosecution evidence. Defendants are presumed innocent and have the right of appeal; however, the legal caseload far exceeded the capacity of the judiciary to ensure fair and timely trials. Some cases never reach the court system.

The military has a tribunal system for criminal actions of members of the military, gendarmerie or police. Civilians are not tried in this system.

Political Prisoners

There were some political prisoners. During the year the ICRC reported that it monitored the condition of approximately ten political prisoners.

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

The law prohibits such actions; however, security forces at times illegally entered, searched, and looted private homes. In some areas of the Pool region, intimidation and harassment by uncontrolled and unidentified armed elements continued according to reports from international NGOs and civilians (see section 1.c.).

Citizens generally believed that the government monitored private mail and telephone communications.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, but it also criminalizes certain types of speech, such as incitement of ethnic hatred, violence, or civil war. The government at times limited these rights in practice and government journalists practiced self-censorship.

There was no state-owned newspaper, but there were several publications, which were closely allied with the government. There were 15 to 20 private metropolitan weekly newspapers that appeared weekly in Brazzaville, which were critical of the government. Newspapers occasionally continued to publish open letters written by opponents of the government who were in the country or lived abroad. The print media did not circulate widely beyond Brazzaville and the commercial center of Pointe Noire, although it reached approximately one-third of the population.

Most citizens obtained their news from the radio or television broadcast media and primarily government-controlled radio in rural areas. There were three privately owned radio stations, all pro-government. An individual with close government ties owned two of the four privately owned television stations, of which none were critical of the government. There were three government-owned radio stations, Radio Congo, Radio Brazzaville, and Radio FM; and one government-owned television station, Tele Congo. Several satellite television connections were available and permitted viewing of a range of news and entertainment programs.

Unlike in the previous year, security forces did not beat or detain journalists.

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

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

In September 2004 a journalist at Tele Congo interviewed an opposition leader, who was critical of the president's policies, on his talk show. Station management ordered the journalist to stay home to await a decision concerning his tenure at the station. He was allowed to return to work after a few months.

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

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

The law provides for the freedom of assembly and association, and the government generally respected these rights in practice. Groups that wished to hold public assemblies were required to inform the Ministry of Territorial Administration and the appropriate local officials, which could withhold authorization for meetings that threatened public order. In October security forces disrupted a demonstration by some striking teachers who were not satisfied with the progress of negotiations between union leaders and the government.

Groups or associations--political, social, or economic--were generally required to register with the Ministry of Territorial Administration. Although registration could sometimes be subject to political influence, there was no evidence that this occurred during the year.

c. Freedom of Religion

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

All organizations, including religious organizations, are required to register with and be approved by the government. There were no reports of discrimination against religious groups in this process, although it is time-consuming and lengthy. Penalties for failure to register involve fines and potential confiscation of goods, invalidation of contracts, and deportation for foreigners, but no criminal penalties are applicable.

Societal Abuses and Discrimination

There were no reports of anti-Semitic acts. The Jewish community was small; there were small communities composed of perhaps several dozen Jews in the cities of Brazzaville and Pointe Noire.

For a more detailed discussion, see the 2005 [International Religious Freedom Report](#).

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

The law provides for these rights; however, in practice, the government at times imposed some limitations. Unlike in previous years, checkpoints were rare and generally established in response to short-term security situations. For example, they occurred in May when some criminal elements threatened a police station in Brazzaville for a few hours, and again in October when armed militants sought to occupy the residence of their leader in the Bacongo neighborhood of Brazzaville even after the police and military ordered them to depart. Unlike in previous years, international NGOs reported considerably fewer incidents of harassment and intimidation by unidentified armed elements in certain areas of the Pool region (see section 1.c.).

Although the law prohibits forced exile, the government prevented the return of some citizens, including political opponents of the president. In a positive step, in October after the death of the wife of exiled former prime minister Kolelas, the government permitted him to return to bury her in the country. In late November former prime minister Kolelas was granted clemency for the alleged war crimes he was convicted of in absentia in 2000.

Internally Displaced Person (IDPs)

NGOs working in the Pool Region reported by year's end that the vast majority of the estimated 150 thousand persons internally displaced by the civil war had either returned or had chosen to resettle in different regions of the country. The Ministry of Social Affairs reported that all IDPs who wished to return to their villages had done so by year's end.

Protection of Refugees

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

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

The government also provides temporary protection to individuals who may not qualify as refugees under the 1951 convention or its 1967 protocol; however, until November of this year, there had been no functioning process for dealing with the indeterminate status of these individuals. However, in October a group of former Mobutu-era soldiers from the Democratic Republic of Congo (DRC) attempted to return to the DRC via the river crossing between Brazzaville and Kinshasa. This was prevented by the closure of the ports on both sides of the river, which also cut-off the river commerce between the two countries. In response to this, the group staged a sit-in at the Brazzaville river port to pressure the governments to deal with their repatriation cases. In early November, after two weeks of the sit-in, 557 of these soldiers, along with their wives and children, were repatriated to DRC.

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

The law provides citizens with the right to change their government; however, during the 2002 elections significant irregularities were observed, including leaving the entire Pool region disenfranchised.

Elections and Political Participation

Independent observers determined the national elections in 2002 did "not contradict the will of the people"; however, they noted obvious flaws like insufficient numbers of ballots at certain polling stations, confusion over their locations, and the boycott by some opposition members who claimed the elections were biased. In addition, some international NGOs and foreign observers viewed the constitution and the elections as designed to protect the status quo. The 2002 elections remained incomplete at year's end because of continued lack of security in some areas of the Pool region, which meant that eight of the Pool's 12 parliamentary seats remained vacant. At year's end it was unknown when or if new elections will occur.

Major political parties included the ruling Congolese Ruling Party, the Pan-African Union for Social Democracy, the Congolese Movement for Democracy and Integrated Development, the Union for Democracy and the Republic, the Rally for Democracy and Social Progress, and the Union for Progress. Some opposition party leaders remained in exile. There was no cohesive opposition, and many of the smaller political parties were more personality centered than representative of a significant constituency. Northern ethnic groups, such as the president's Mbochi group and related clans dominated the political system.

There were 8 women in the 66-seat Senate and 12 women in the 136-seat National Assembly but only 128 seats were filled, as eight seats from areas of the Pool remained vacant. There were 5 women in the 35-member cabinet.

There were 14 members of minorities in the 66-seat senate and 36 members of minorities in the 136-seat National Assembly and 11 members of minorities in the 35-member cabinet. Pygmies were excluded from the political process, in part due to their isolation in remote

forested areas, their culture, and their stigmatization by the majority Bantu population.

Government Corruption and Transparency

There were press reports of government corruption, particularly regarding the misuse of the country's revenues in the oil and forestry sectors. In November several Brazzaville newspapers printed articles critical of the government's publishing of oil revenue data they said was contrived and disguising continued government corruption.

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

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

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

The ICRC maintained an office in Brazzaville. Access to government officials and to detainees continued to improve for international humanitarian officials during the year.

The HRC is charged with acting as a government watchdog and reacting to public concerns on human rights issues. Local observers claimed that it was completely ineffective and hasn't met or taken any significant action since its creation

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

Although the law prohibits discrimination on the basis of race, gender, language, or social status, the government did not effectively enforce these prohibitions. Societal discrimination and violence against women, reports of trafficking in persons, regional ethnic discrimination, and discrimination against indigenous peoples were problems.

Women

Domestic violence against women, including rape and beatings, was widespread but rarely reported. There were no specific provisions under the law for spousal battery, apart from general statutes prohibiting assault. Domestic violence usually was handled within the extended family, and only the more extreme incidents were brought to the police. According to a local NGO, there were no official statistics on the number of cases of domestic violence against women. However, during the year they reported over 500 cases of women and children who were victims of sexual violence seeking medical assistance. They reported providing 100 HIV tests. This NGO organized public awareness workshops and offered training for 220 community chiefs, 124 police officers, 17 health workers, 9 magistrates, 31 journalists, and 144 others from the public and private sectors. NGOs, such as the local Human Rights Center, the Center to Combat Violence Against Women Group, the International Rescue Committee, and Doctors Without Borders continued to draw attention to the issue and provided counseling and assistance to victims.

Rape, including spousal rape, is illegal; however, the government did not effectively enforce the law. The penalties for rape, depending on the severity of the circumstances, could be as few as several months to three or more years' imprisonment. Rape goes largely unreported, thus its extent is unknown.

Female genital mutilation (FGM) was not practiced indigenously and is against the law; however, it may have occurred in some of the immigrant communities from West African countries where it was common.

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

Sexual harassment is illegal; however, the government did not effectively enforce the law. Sexual harassment was very common but very rarely reported. Successful prosecutions were only achieved when a victim actively pursued a case with good legal representation or connections.

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

The law prohibits discrimination based on gender and stipulates that women have the right to equal pay for equal work; however, women

were underrepresented in the formal sector. Most women worked in the informal sector and thus had little or no access to employment benefits. Women in rural areas were especially disadvantaged in terms of education and wage employment and were confined largely to family farming, petty commerce, and childrearing responsibilities. Many local and international NGOs have developed micro-credit and micro-finance programs to address this problem, and government ministries such as social affairs and agriculture were active in addressing these problems. For example, women received assistance to set up dressmaking and beauty salons as well as gardening and manioc flour-making to provide an income for their families.

Children

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

Child abuse was rare and was predominately found among the West African communities

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

There were reports of isolated cases of child prostitution among street children. The prevalence of the problem still remained unclear. According to reports from international and local NGOs and others, the isolated cases were not linked to trafficking but used as an economic means by the street children to purchase food and other items. International organizations were assisting with programs to feed and shelter street children, although one program, operated by the ICRC and the UN International Children' Emergency Fund (UNICEF), ended in June.

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

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

During the year, the number of street children decreased. UNICEF estimated in 2004 that most of the street children in Brazzaville were from the DRC. Street children from the DRC also were found in Pointe Noire. Street children were not known to suffer from targeted abuse by government authorities or vigilante groups, but they were vulnerable to sexual exploitation and often fell prey to criminal elements including drug smugglers. Many of the street children begged or sold cheap or stolen goods to support themselves; some also may have engaged in prostitution or petty theft to support themselves without third party involvement.

Trafficking in Persons

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

There were unconfirmed reports that the Republic of Congo was a country of destination. It was not a country of transit or origin. There also were unconfirmed reports that minor relatives of West African immigrants from Benin and Togo could be victims of trafficking. There was no evidence of trafficking in men or women. Outside of the unconfirmed reports of "minor-aged relatives" of West African immigrants, there were no other reports of trafficking in children. Children from West Africa worked as fishermen, shop workers, street sellers, or domestic servants. There were reports some were physically abused. There were reports of isolated cases of child prostitution, which according to international and local NGOs were not linked to trafficking or forced labor (see section 5, Children).

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

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

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, although the government generally did not enforce it the law because the ministry responsible for implementation of this provision lacked the necessary funds. There were no laws mandating access for persons with disabilities.

National/Racial/Ethnic Minorities

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

Regional ethnic discrimination was prevalent among all ethnic groups, was evident in government and private sector hiring and buying patterns, and apparent in the effective north-south regional segregation of many urban neighborhoods. The relationship between ethnic, regional, and political cleavages was inexact; however, supporters of the government included persons mostly, but not solely, from northern

ethnic groups, such as the president's Mbochi group and related clans.

Indigenous People

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

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

Other Societal Abuses and Discrimination

The social stigma associated with homosexuality is significant. People are not openly homosexual in the country. In contrast to this, persons with HIV/AIDS are fairly well-organized and fight for fair treatment, especially regarding employment. NGOs work on HIV/AIDS issues widely, including raising public awareness that those living with HIV/AIDS are still able to be contributing members of society.

Section 6 Worker Rights

a. The Right of Association

The law provides for the right of workers, except members of the security forces, to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. Almost 100 percent of workers in the public sector and approximately 50 percent of workers in the formal wage sector were union members. The law prohibits antiunion discrimination; however, there were a few reports that antiunion discrimination occurred.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law also provides for the right to collective bargaining, and workers freely exercised this right, although collective bargaining was not widespread due to the severe economic conditions.

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

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

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

According to the ILO, at year's end there was no indication that the government repealed a 1960 law, which allows for persons to be requisitioned for work of public interest and if they refused they could be imprisoned.

d. Prohibition of Child Labor and Minimum Age for Employment

Although there were laws and policies designed to generally protect children from exploitation in the workplace, child labor was a problem. Under the law, children under age 16 are not permitted to work, but this law generally was not enforced, particularly in rural areas and in the informal sector in cities. Children worked with their families on farms or in small businesses in the informal sector without government monitoring or supervision. The Ministry of Labor, which is responsible for enforcing child labor laws, concentrated its limited resources on the formal wage sector where its efforts generally were effective.

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

e. Acceptable Conditions of Work

The national minimum wage, which was approximately \$100 (54 thousand CFA francs) per month in the formal sector, did not provide a decent standard of living for a worker and family. High urban prices and dependent extended families obliged many workers, including teachers and health workers, to seek secondary employment, mainly in the informal sector. At year's end the government owed 27 months of

back salary to government workers.

Regulations provide for a standard workweek of seven hours per day, six days a week with a one-hour lunch break per day. There were no legal limits on the number of hours that could be worked per week. The law stipulates that overtime must be paid for all work in excess of 40 hours per week; however, there is no legal prohibition against excessive compulsory overtime, which was subject to agreement between employer and employee.

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

* The U.S. Chancery in Brazzaville was destroyed in the 1997 civil war, and there is no American chancery or interim office space in the country. However, American diplomats are assigned to Kinshasa and travel by boat to Brazzaville on extended temporary duty status to cover the full range of bilateral issues.

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