



## Congo, Republic of the

### Country Reports on Human Rights Practices - [2000](#)

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The Republic of the Congo (1) continued to be ruled by a transitional government that came to power by force of arms in October 1997. President Denis Sassou-Nguesso wields executive power without meaningful legislative or judicial constraints. Forces supporting Sassou-Nguesso, a northerner, defeated those of the democratically elected former president Pascal Lissouba, a southerner, with the help of Angolan troops in 1997. Sassou-Nguesso's principal base of political support lay in the sparsely populated northern region of the country. Renewed civil conflict broke out in August 1998 and continued throughout the south until the end of 1999 between forces supporting the Government, which included Angolan allies, Rwandan Hutu militiamen, and irregular fighters of Chadian and Democratic Republic of the Congo (DRC) nationality, and southern rebel groups, which included Cocoye militiamen operating in the Bouenza, Niari, and Lekoumou regions, and Ninja and Nsiloulou militiamen operating principally in southern Pool region. Fighting and heavy looting led to the destruction of many southern towns, including parts of Brazzaville, the capital, and displaced an estimated 800,000 civilians, approximately one-third of the country's total population. In 1999 the Government reestablished effective control over most of the south through military offensives, offers of amnesty, negotiations, and efforts to broaden the Government's political base. In November and December 1999, the Government signed cease-fire and reconciliation accords with rebel groups, which called for disarmament, demobilization, the reintegration of former militiamen, and a "national dialog without exclusion" to resolve political disputes underlying the military conflict. There were no cease-fire violations during the year. Omar Bongo, President of Gabon, serves as the facilitator of the cease-fire accords. Soon after taking power in 1997, President Sassou-Nguesso's Government replaced the country's 1992 constitution with a new Fundamental Act, which established a strong and highly centralized presidential system of government. The President appoints all members of the Government, all senior military officers and all subnational government officials, serves as commander in chief of the armed forces, and is mandated specifically to direct the general policy of the Government and to exercise regulatory powers.

Legislative authority is vested in the 75-member National Transition Council (NTC), which was elected at the National Reconciliation Forum convoked by the Government in January 1998. Although the forum included some representatives of opposition political parties and nongovernmental actors, the event was orchestrated by the executive and did not constitute a sufficiently broad-based forum from which to elect a genuinely representative legislature. During the forum, the Government announced its intention to create a new constitution and hold elections within a flexible 3-year timetable. A constitutional committee named by the President in late 1998 presented him with a draft constitution in August 1999. In November the Cabinet formally endorsed the draft. Elections are scheduled to take place after the implementation of a draft constitution that outlines the structure and institutions of the state. The judiciary is overburdened and subject to political interference and corruption.

The security forces include the police, the gendarmerie, and the armed forces; however, the functional distinction between these forces is not clear. In theory the police should be the first to respond to security incidents, with gendarmes and army units intervening later if necessary; in practice joint operations are common. Many new recruits who have joined the security forces since the 1997 civil war are former members of nongovernmental militias. Since the end of the 1998-1999 conflict, the Government has established increasing control over pro-government "Cobra" militiamen who previously had been effectively autonomous. Units of the Angolan armed forces remain in the country in support of the Government for security. Rwandan Hutu militiamen, formerly in refugee camps in the country, as well as former soldiers from Zaire (DRC), remain in the country but no longer participate in government military operations. A major challenge for the country is re-integration of former militiamen from all sides in the 1998-1999 conflict who have stopped fighting under the terms of the peace accords. In some cases, joint military units comprised of army troops and former rebels provide security in former rebel-controlled areas. Members of the security forces committed numerous, serious human rights abuses during the year.

The economy suffered serious losses from destruction and looting in much of the south during the 1997 civil war and the 1998-99 conflict, particularly in Brazzaville, where more than one-third of the country's population of roughly 2.8 million normally resides. However, this violence did not affect significantly the oil industry, which operates offshore. Oil exports, timber exports, and external assistance remained the country's main sources of foreign exchange. High world oil prices throughout the year increased government revenues and enabled continued payment of salaries to public sector employees, including members of the security forces. Although per capita gross domestic product was estimated at about \$850 per year, this figure includes substantial oil exports, the benefits of which are not widely distributed throughout the population. Lack of transparency in government and high levels of defense and security spending continued to impede rehabilitation and development.

The Government's human rights record remained poor; although there were some improvements in several areas during the year, there continued to be numerous serious problems. Citizens do not have the right to change their government peacefully. Security forces were responsible for extrajudicial killings, including summary executions, rapes, beatings, and physical abuse of detainees and the civilian population, arbitrary arrest and detention, and looting. The Government often deployed undisciplined troops, including some former Cobras. These government forces also were responsible for summary executions, as well as rape, looting, and other violent acts. Prison conditions remained life threatening. The judiciary was overburdened, underfinanced, subject to corruption and political influence, and unable to ensure fair and expeditious trials. The Government infringed on citizens' privacy rights. The Government and its political allies continued to monopolize domestic broadcast media; however, private newspapers circulated freely and often were critical of the authorities. There were some limits on freedom of movement, although security force restrictions on freedom of movement within the country decreased. The Government permitted opposition political parties and nongovernmental organizations (NGO's), including human rights organizations, to function, and there was a relatively open dialog on public policy issues. The Government sent mixed signals on political participation by opposition figures. While many former cabinet ministers and other officials of the Lissouba government have returned to Brazzaville and resumed political activities, several were tried and convicted in absentia of serious war crimes during the year. Violence and societal discrimination against women were serious problems; however, incidents of rape decreased during the year following the end of the 1998-1999 conflict. Societal discrimination on the basis of ethnicity remained widespread, including against minority indigenous Pygmies. Child labor, including forced child labor, continued. Citizens sometimes resorted to vigilante justice and killed suspected criminals.

Members of Angolan troops allied with the government reportedly also committed acts of summary execution, rape, and looting.

## RESPECT FOR HUMAN RIGHTS

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

#### a. Political and Other Extrajudicial Killing

Security forces continued to commit extrajudicial killings; however, the number of such killings decreased during the year following the end of the 1998-1999 civil conflict. In August soldiers killed two family members of a policeman in revenge for the killing of a fellow soldier by another policeman. Reportedly there was no investigation nor action taken in this case by year's end. In some cases, security forces summarily executed soldiers who were responsible for rapes or other abuses (see Sections 1.c. and 1.f.). For example, in September in Mouyondzi (Bouenza Region), the military command executed three soldiers recruited from former militia forces for attempted looting and extortion. Unlike in the previous year, there were no reported cases of the summary execution of suspected rebels among displaced civilians.

There were a number of armed confrontations between members of government military units and affiliated militias during the year, which resulted in civilian deaths. On July 13, a personal dispute between a member of the Presidential Guard and a Police Officer escalated into an armed confrontation between their units, which lasted several hours in Brazzaville's Poto-Poto neighborhood. Members of the Presidential Guard involved in the incident reportedly were punished for undisciplined behavior; however, the forms of punishment were not known. In September in Brazzaville's Kinsoundi neighborhood, fighting between security forces, Willy Matsanga, a security advisor at the Ministry of Interior and former militia commander, and some of Matsanga's supporters after a dispute over access to the airport, resulted in the death of one civilian by a stray bullet.

The Government often deployed undisciplined troops, including some recruited from President Sassou-Nguesso's former Cobra militia. These government forces were responsible for summary executions as well as rape, looting, and other violent acts. In October 1999, the Minister of Defense announced that military tribunals would be established to bring to justice soldiers responsible for abuses, and the Government

introduced legislation to that end. However, by year's end, no such law had been adopted and these tribunals were not yet in place.

Angolan troops allied with the government generally were better disciplined, but individual troops reportedly also committed acts of summary execution, rape, and looting.

On November 12 and 13, 12 persons, many of whom were under the age of 18, suffocated in an overcrowded jail cell in Pointe Noire (see Section 1.c.). Senior government officials acknowledged the incident publicly, and the duty officer was brought to trial. The status of the case was not known at year's end.

According to a report by the International Federation of Leagues of Human Rights, one of the detainees held without charge since 1998 in Pointe Noire and then in Impfondo, Gabriel Louya, died in detention after suffering a stroke as a result of torture and poor prison conditions (see Section 1.c.).

There continued to be deaths due to mob violence, as civilians took vigilante action against presumed criminals, although police sometimes intervened to stop such action.

#### b. Disappearance

There were no reports of disappearance during the year.

The Justice Ministry's Human Rights Directorate continued to investigate allegations that up to 350 young men, who took refuge in the DRC in 1999, were separated from their families by security forces upon returning to Brazzaville in May 1999, and subsequently disappeared. While some sources reported that security forces had shot and killed these men, no firm evidence was available, and a poor counting of the returnees made it difficult to verify what had happened to them after arrival in Brazzaville. The results of the Government's investigation were not released by year's end.

Given the incomplete figures on those killed or displaced in the 1997 civil war and the 1998-1999 civil conflict, and the massive displacement of the civilian population as a result of the fighting, many disappearances may have occurred that have not been reported.

#### c. Torture and Other Cruel and Inhuman Treatment or Punishment

The Fundamental Act prohibits torture; however, in practice, security forces sometimes used beatings to extract confessions or merely to punish detainees, and sometimes raped women detainees. During the second half of the year, a police newsletter published several reports of such incidents and described the administrative discipline, criminal investigations, and judicial proceedings pursued against those responsible. Members of the security forces looted citizens' homes (see Sections 1.a. and 1.f.), and security forces extorted money from travelers at checkpoints, although less frequently than in the previous year (see Section 2.d.). There were no reports that security force officers beat and released civilian looters instead of arresting them.

Undisciplined government forces were responsible for summary executions as well as rape, looting, and other violent acts. While there were some improvements in government forces' discipline, serious abuses continued.

In some cases, security forces summarily executed soldiers who were responsible for rapes or other abuses (see Sections 1.a. and 1.f.). Unlike in the previous year, there were no reports that security forces harassed internally displaced persons (IDP's); all IDP's returned to their homes during the year (see Section 2.d.).

Angolan troops allied with the government generally were better disciplined, but individual troops reportedly also committed acts of summary execution, rape, and looting.

In May a court convicted and sentenced to death in absentia former Prime Minister Kolelas of torture and other crimes during the 1997 civil war (see Section 1.e.). The court also sentenced to death former Interior Minister Philippe Bikinkita on similar charges in the same trial.

Unlike during the 1997 civil war and the 1998-1999 conflict, there were no reports during the year of activity by rebel militia groups, including killings, rape, torture, or looting.

Prison conditions remained life threatening due to overcrowded facilities and scarcity of resources to provide food or health care to the inmates. Prisons (Maisons d'Arret) functioned in Brazzaville and Pointe Noire and to

a lesser degree in the smaller, more remote towns of Owando, Ouesso, and Djambala. The Ministry of Justice continued to repair some prisons during the year. Detainees held at police stations often were subjected to beatings, overcrowding, extortion, and other cruel, inhuman, or degrading treatment. On November 12 and 13, 12 persons, many of whom were under the age of 18, suffocated in an overcrowded jail cell in Pointe Noire (see Sections 1.a. and 1.d.). Police had detained approximately 40 detainees in a cell designed to hold 10. The police captain responsible was suspended from his post and was being investigated at year's end. The Minister of Interior stated publicly that those responsible would be prosecuted; however, no action was taken by year's end.

According to a report by the International Federation of Leagues of Human Rights, one of the detainees held without charge since 1998 in Pointe Noire and then in Impfondo, Gabriel Louya, died in detention after suffering a stroke as a result of torture and poor prison conditions (see Sections 1.a. and 1.d.).

Access to prisons and detention centers by domestic and international human rights groups improved during the year. Local human rights groups, including the Congolese Observatory for Human Rights (OCDH), the Association for the Human Rights of the Incarcerated (ADHUC), and a Catholic church organization visited prisons during the year. The International Committee of the Red Cross (ICRC) conducted regular visits to prisons and detention centers throughout the country. For example, between September and December, ICRC visited five police detention centers and one gendarmerie detention center in Brazzaville and Doloise.

#### d. Arbitrary Arrest, Detention, or Exile

The Fundamental Act prohibits arbitrary arrest and detention; however, in practice security forces frequently commit such acts. The Code of Penal Procedure, which remains in force, requires that a person be apprehended openly and that a lawyer be present during initial questioning. The code further stipulates that warrants be issued before arrests are made and that detainees be brought before a judge within 3 days and either charged or released within 4 months. In practice the Government often violates these legal provisions. However, detainees usually were informed of the charges levied against them, and lawyers and family members usually had free access to them.

There were no known political detainees at year's end. In January the Government released 17 political detainees who had been held without charge since 1998 in Pointe Noire and then in Impfondo. The detainees primarily were minor officials of the former Lissouba Government and affiliated parties. According to a report by the International Federation of Leagues of Human Rights, one of the detainees, Gabriel Louya, died in detention after suffering a stroke as a result of torture and poor prison conditions (see Sections 1.a. and 1.c.).

The Fundamental Act does not address forced exile, and the Government does not practice it formally; however, some officials of the predecessor government, including former president Lissouba and former Prime Minister Kolelas remained outside the country in self-imposed exile (see Sections 1.e. and 3). Many other officials of the former government, including cabinet members, have returned to the country and resumed political activity.

#### e. Denial of Fair Public Trial

The Fundamental Act mandates the President to ensure the independence of the judiciary through the Higher Council of Magistrates; however, in practice the judiciary continued to be overburdened, underfinanced, and subject to corruption and political influence. Lack of resources became more acute as a result of the destruction and looting sustained by judicial facilities during the 1997 and 1998-1999 conflicts. In January Minister of Justice Jean Martin Mbemba acknowledged many of these shortcomings in a speech; and the Ministry of Justice continued rehabilitation of courthouses during the year, including the local court serving the southwest Brazzaville neighborhoods of Bacongo and Makelekele.

The judicial system consists of local courts, courts of appeal, the Supreme Court, and traditional courts. In rural areas, traditional courts continued to handle many local disputes, especially property and probate cases, and domestic conflicts that could not be resolved within the extended family.

In general defendants are tried in a public court of law presided over by a state-appointed magistrate. The defense has access to prosecution evidence and testimony and the right to counter it. In formal courts 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. In October 1999, the Government announced plans to establish military tribunals to try soldiers for abuses committed during recent periods of conflict, and the Government introduced legislation to establish these tribunals; however, the tribunals were not functioning by year's end.

In December 1999, President Sassou-Nguesso signed a law and implementing regulations to give amnesty for acts committed during the conduct of the civil conflicts in 1993-1994, 1997, and 1998-1999; however, this amnesty does not cover the political "authors" of these conflicts.

In May former Prime Minister Bernard Kolelas was tried, convicted, and sentenced to death in absentia on charges of having maintained private prisons in which opponents were tortured during the 1997 war. The court also sentenced to death former Interior Minister Philippe Bikinkita on similar charges in the same trial. The Government asserted that this was a purely judicial matter; however, observers believe there were political overtones evident in the broadcast of the trial on state-run television. In 1999 a court convicted and sentenced in absentia to 20 years' imprisonment former President Lissouba and three other former government officials on charges of having conspired to kill President Sassou-Nguesso in June 1999 (see Section 3).

There were no reports of political prisoners.

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

The Fundamental Act provides for the inviolability of the home, and for privacy of letters, correspondence, telecommunications, and other forms of communication, except as may be provided by law; however, in practice government security forces sometimes illegally entered, searched, and looted private homes; however, the widespread systematic looting that occurred during the 1998-1999 conflict ceased.

Citizens generally believed that the Government widely monitored private mail and telephone communications; however, unlike in the previous year, there were no reports that security forces arrested persons due to the content of their private communication.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Fundamental Act provides for freedom of speech and of the press, and in practice the Government generally respected these rights; however, it continued to monopolize broadcast media. The 1996 Press Law, which sharply increased criminal penalties for libel, remained in effect.

There is no state-owned newspaper. Approximately 10 private newspapers appear weekly in Brazzaville. Some of these newspapers take editorial positions critical of the Government and print articles unflattering to the authorities. Newspapers continued on occasion to publish open letters written by opponents of the Government who are in detention or living abroad. A small elite in Brazzaville and Pointe Noire has access to print media, which do not circulate widely beyond the two cities.

Most citizens obtained their news from the broadcast media, which remained effectively a government monopoly.

Government-owned Radio Congo and Radio Brazzaville broadcast approximately 18 hours a day; Government-owned Television Congo broadcast for fewer hours. Radio France Internationale was rebroadcast on a local FM station, and radio and television broadcasts from neighboring Kinshasa, DRC, could be received in Brazzaville. The private independent station, Radio Liberte, established by President Sassou-Nguesso's forces during the 1997 civil war, continued to broadcast. Local rebroadcasts of the Gabon-based Africa Number One also continued during the year.

The news coverage and the editorial lines of the state-owned media reflected government priorities and views. Government broadcast media focused its attention on the activities of government officials and their supporters; there was no meaningful airing of alternative political views.

Internet service was available through the Government's Ministry of Post and Telecommunications during the year. Additional connections were available through providers based in the DRC.

There were no known restrictions on academic freedom.

b. Freedom of Peaceful Assembly and Association

The Fundamental Act provides for freedom of assembly, and the Government generally respected this right in practice. Political parties and civic associations held numerous meetings during the year. Public

demonstrations were less common, and there were no known public protests. Groups that wished to hold public assemblies were required to inform the Ministry of Interior, which could withhold authorization for meetings that threatened public order; however, there were no known instances in which the authorities withheld permission to meet.

The Fundamental Act provides for freedom of association, and the Government generally respected this right in practice. The act permits associations, political parties, and other groups to form freely, provided that they respect principles of sovereignty, territorial integrity, national unity, and democracy. No political parties were banned or suspended. The parties of some prominent leaders of the former government continued to operate, but under the leadership of political figures willing to cooperate with the Government.

c. Freedom of Religion

The Fundamental Act provides for freedom of religion and the Government respected this right in practice.

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

The Fundamental Act provides for freedom of movement, and the Government's respect of this right improved during the year although there still were some limitations. Military checkpoints that sometimes interfered with the movement of civilians continued to operate during the year, and soldiers frequently extorted money from commercial traders to assure passage through these checkpoints; however, the use of checkpoints decreased during the year. Unlike in the previous year, there were no reports that government forces stopped vehicles carrying displaced persons.

Former Cocoye rebels near the town of Makabana, in Niari region, operated informal checkpoints to extort money from travelers during the first half of the year, but this practice had ended by mid-year. Former Nsiloulou rebels near the town of Vinza in southern Pool continued to maintain checkpoints at year's end.

Unlike during the 1997 civil war and the 1998-1999 conflict, there were no reports during the year that rebel "Ninja" and "Nsiloulou" militiamen prevented the return of displaced persons to Brazzaville; these rebel groups were dismantled. There also were no reports of the disruption of train service between Brazzaville and Pointe Noire.

According to U.N. estimates, the 1998-1999 conflict displaced approximately 800,000 civilians; all IDP's returned to their homes during the year.

Tens of thousands of citizens fled into neighboring countries, particularly Gabon and the DRC. A total of approximately 45,000 persons fled to the Bas-Congo Province of the DRC in late 1998 and early 1999; however, all but about 5,000 had been repatriated to the country by year's end. Approximately 15,000 citizens fled to Gabon in 1999 and, according to U.N. figures, 12,000 persons remained there at year's end. During the year, the U.N. High Commissioner for Refugees (UNHCR) began discussions with the Government to facilitate the return of these persons.

The Fundamental Act contains provisions for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government granted first asylum to refugees from other countries. The country continued to host a small number of Burundians and approximately 7,000 Rwandans, largely members of the Hutu ethnic group, who fled camps in eastern Zaire in 1996 and arrived in the country in May and June 1997. The Government, in collaboration with the office of UNHCR, integrated approximately 2,000 of these refugees in the north-central regions of the country; however, some remain loosely grouped in an encampment north of Brazzaville, and others have integrated informally into Congolese society. In March all UNHCR support to Rwandan refugees ended. Approximately 6,000 Angolan refugees fled the Angolan province of Cabinda in 1992. Humanitarian NGO's reported that there were 20,800 Angolan refugees in Pointe Noire at year's end. Of these 5,900 continue to receive UNHCR assistance in camps; the remaining 14,900 have integrated into the local communities and receive little if any assistance.

More than 100,000 refugees and several hundred combatants, including DRC troops, fled to the northern Cuvette and Likouala regions of the country due to fighting in the DRC's Equateur Province during the year. Some of the combatants were repatriated to Kinshasa by year's end. Lack of roads and airstrips, and insecurity along the Congo and Ubangui Rivers, complicated humanitarian access to these refugees. UNHCR and other humanitarian agencies only had access to approximately 70,000 of the DRC refugees in the area by year's end.

Hutu militiamen from refugee camps who had been permitted to join in military operations with government

forces in 1999 did not participate in such operations following the end of the 1998-1999 conflict.

There were no reports of the forced return of persons to countries where they feared persecution.

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

Citizens do not have the right to change their government peacefully. The Sassou-Nguesso Government came to power by force of arms in 1997 with the help of the armed forces of Angola. During the National Reconciliation Forum that it convened in January 1998, the Government announced its intention to enact a new constitution and hold elections within 3 years. A constitutional committee appointed by the President presented him with a draft Constitution in August 1999. According to a schedule outlined by the President in August, the draft constitution is to be the subject of nationwide consultations organized by the Government, then submitted to the NTC in 2001, and finally ratified by a popular referendum. During the summer, the document was released publicly, and presented to the Cabinet for review in September. The Cabinet considered the draft constitution during three meetings in September and October and on October 28, established an ad hoc committee to prepare a final draft for Cabinet. On November 15, the Cabinet approved an amended version of the constitution draft, which will then be submitted to, and is expected to be adopted by, the NTC. Following approval by the NTC, the draft must then be ratified by popular referendum. In August President Sassou-Nguesso announced that Government-led consultations on the draft constitution would constitute the "national dialog without exclusion" called for in the December 1999 Peace Accords; however, many opposition groups have criticized this claim. Opposition leaders also have criticized key components of the draft constitution.

The executive branch dominates the government. Under the Fundamental Act, the President is mandated to direct the general policy of the Government and to exercise regulatory powers. He appoints all significant military, executive, and judicial officials. The President convenes the interim national legislature, the NTC. The NTC was elected at the 1998 National Reconciliation Forum, which included some representatives of opposition political parties and nongovernmental actors; however, the event was orchestrated by the executive branch and did not constitute a sufficiently broad-based forum from which to elect a genuinely representative legislature. The NTC debates issues freely and summons cabinet ministers to answer questions about their portfolios; however, it was dominated by supporters of the President and did not serve as a meaningful check on executive authority.

Major political parties included the ruling Congolese Workers' Party, the Panafrican 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 many others. In some cases, party leaders remained in exile while other party officials willing to cooperate with the Government or to oppose it non-violently remained in the country (see Section 1.d.). In the absence of electoral politics or a constitutional framework for such politics, party leaders held meetings and party congresses, commented to the media on the political environment, and raised questions in the NTC.

The State is highly centralized. Since the 1997 civil war, key regional and local leaders have been appointed by the central Government. Subnational government entities lack an independent revenue base and do not represent a significant check on central authority.

In 1998 the NTC passed a law on genocide, war crimes, and crimes against humanity that permits the exclusion from public office of those found guilty of such crimes. This law could be used to exclude opponents from the political process, and the mere threat of charges under this law may dissuade political figures who are in exile from returning to the country. In December 1999, a court convicted in absentia former president Lissouba of plotting to kill President Sassou-Nguesso, and in May a court convicted in absentia former Prime Minister Kolelas of torture and other crimes during the 1997 civil war (see Section 1.e.). Nevertheless, many senior officials of the former government, including a number of former cabinet ministers, returned to the country during the year and resumed political activities without incident.

There are no legal restrictions on political participation by women or minority populations; however, women were underrepresented in government and politics. Women held 2 of 7 leadership positions in the NTC, and 2 of 25 cabinet ministers were female. Pygmies continued to be effectively excluded from the political process, in part due to their isolation in remote forested areas of the country. The Cabinet included members of many ethnic groups from all areas of the country. Many key posts were held by northerners, including members of the President's Mbochi ethnic group; however, there was no consistent pattern of clear overrepresentation of any ethnic or regional group.

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

Several domestic human rights organizations operated with minimal government restriction and investigated and published their findings on human rights problems. While some human rights leaders maintained that they sometimes were subjected to subtle forms of intimidation, they continued to publish reports that were highly critical of the Government with no apparent reprisal.

The ICRC maintained an office in Brazzaville and, among other activities, continued its program of human rights training for units of the armed forces.

Teams from the International Federation of Leagues of Human Rights (FIDH) and from Human Rights Watch Africa visited the country to evaluate conditions during the year. The Government permitted these teams to conduct their missions, and FIDH published a report of its visit.

Insecurity in the north along the Ubangui River, Kindamba region in the Pool, parts of Bouenza, and in the upper Niari river system, prevented U.N. and other humanitarian agencies from assessing conditions in these areas during much of the year; however, access to these areas had improved by year's end, and humanitarian agencies visited some of these areas. Full access to the rest of the country was made possible by security improvements during the year.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Fundamental Act specifically prohibits such discrimination; however, societal discrimination persisted in practice, particularly against women and Pygmies. Ethnic and regional differences continued; however, there was no organized civil violence during the year.

#### Women

Domestic violence against women, including rape and beatings, is widespread but reported rarely. Domestic violence is handled within the extended family and only in the most extreme incidents is it brought to the police. There are no specific provisions under the law for spousal battery, apart from general statutes prohibiting assault. Rape is illegal, and widespread rape during the 1998-1999 civil conflict raised public awareness of violence against women. NGO's, such as the International Rescue Committee, continued to draw attention to the issue and provided counseling and assistance to victims.

The Fundamental Act provides for the equality of all citizens, prohibits discrimination based on sex, and stipulates that women have the right to equal pay for equal work. In practice women are underrepresented in the formal sector; most work in the informal sector and thus have little or no access to employment benefits. Women in rural areas especially are disadvantaged in terms of education and wage employment and are confined largely to family farming, petty commerce, and childrearing responsibilities.

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 Legal Code provides that 30 percent of the husband's estate goes to the wife, in practice the wife often loses all rights of inheritance upon the death of her spouse. The symbolic nature of the dowry set in the Family Code often is not respected, and men are forced to pay excessive brideprices to the woman's family. As a result, the right to divorce is circumscribed for some women because they lack the financial means to reimburse the brideprice to the husband and his family. This problem is more prevalent in rural areas than in urban centers.

There are a number of nongovernmental organizations that work on women's problems. However, their effectiveness varies widely. The Ministry of Public Service, Administrative Reform, and the Promotion of Women is responsible for coordinating government initiatives regarding the status of women.

#### Children

The Fundamental Act affords children equal protection under the law. Education is compulsory and free until the age of 16. Girls and boys attend primary school in equal numbers; however, school attendance by girls declines precipitously at the high school level and, especially, at the university level. In 1997 the literacy rate was 77 percent for the total adult population but only 70 percent for women.

Child labor is illegal; however, in practice this law generally is not enforced, particularly in rural areas (see Section 6.d.). Children work with their families on farms or in small businesses in the informal sector. There are indigent street children in Brazzaville, and their numbers appear to be growing as a result of civil conflict since 1997.

There have been reports of isolated cases of child prostitution, particularly among the growing numbers of street children; however, the extent of the problem is not believed to be widespread (see Section 6.d.).

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is not practiced indigenously, but may occur in some of the immigrant communities from countries such as Mauritania and Mali, where it is more common.

There were some reports that child soldiers were used during the 1997 civil war and the 1998-1999 conflict (see Section 6.d.).

#### People With Disabilities

The Fundamental Act prohibits discrimination based on physical condition; however, in practice, this prohibition generally was not enforced, because the ministry charged with implementation faced severe financial constraints. There was no overt discrimination against the disabled in employment and education. There were no laws mandating access for the disabled.

#### Indigenous People

The Fundamental Act prohibits discrimination based on ethnicity. In practice the indigenous Pygmy people, who number in the tens of thousands and live primarily in the northern forest regions, do not enjoy equal treatment in the predominantly Bantu society. Pygmies were marginalized severely in the areas of employment, health, and education, in part due to their isolation in remote forested areas of the country. They usually are considered social inferiors and have little political voice. Many have never heard of the concept of voting and have minimal ability to affect government decisions affecting their interests. There was no credible information on whether traditional practices in which Pygmies worked as indentured servants to a Bantu continued during the year. Many Pygmies, possibly including children, have been exploited by Bantus; however, little information is available regarding the extent of the problem during the year.

#### National/Racial/Ethnic minorities

The Fundamental Act prohibits discrimination based on ethnicity; however, the Government did not enforce this prohibition effectively, and in practice, ethnic divisions persist. Unlike in the previous year, there were no reports that the Government or its security forces discriminated against members of southern ethnic groups, or used violence against them.

Four major ethnic groups make up about 95 percent of the country's population; these groups speak distinct primary languages and are concentrated regionally outside of urban areas. The largest ethnic group is the Kongo, who constitute the main ethnic group in the southern part of the country and about half the country's population. Within the Kongo group are various subgroups, including the Lari and the Vili. Other major ethnic groups include the Teke of the central region, with approximately 13 percent of the population, and the Mbochi of the northern region, with approximately 12 percent of the population.

Societal ethnic discrimination is practiced widely among virtually all ethnic groups, and is evident in private sector hiring and buying patterns and de facto segregation of urban neighborhoods. Ethnic overtones were apparent in the 1997 civil war and the 1998-99 conflict. These conflicts sometimes were oversimplified as pitting northerners, who support President Sassou-Nguesso, against southerners, who support former president Lissouba and former prime minister Kolelas. There does tend to be heavy representation from each leader's ethnic group in his immediate entourage: Mbochi for Sassou-Nguesso, Lari for Kolelas, and the groups of the Niari, Bouenza, and Lekoumou regions for Lissouba; however, the correspondence between ethnic-regional and political cleavages is approximate, and supporters of the Government include persons from a broad range of ethnic and regional backgrounds.

#### Section 6 Worker Rights

##### a. The Right of Association

The Fundamental Act provides workers with the right to form unions, and the Government respected this right in practice. Any worker is free to join a union of his choice. The Labor Code affirms the right to associate freely and prohibits restrictions on the formation of trade unions. Most workers in the formal (wage) sector are union members, and unions have made efforts to organize informal sectors such as agriculture and retail trade.

The Fundamental Act also affirms workers' right to strike, subject to conditions established by Law. Unions are free to strike after filing a letter of intent with the Ministry of Labor, thereby starting 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. No formal strikes occurred during the year; however, some informal work stoppages occurred. For example, in October university workers protested salary arrears. During the year, the Government sought organized labor's agreement to a "social truce" during the period of post-conflict reconstruction, which was opposed by some labor organizations. The Government accepted certain conditions, such as regularization of salaries and rehiring of certain workers in several sectors; these conditions continued to be observed at year's end. Collective bargaining is not widespread due to the social disruption and economic hardship which occurred during much of the 1990's.

Unions are free to affiliate with international trade unions and they maintain cooperative accords with foreign trade union organizations.

b. The Right to Organize and Bargain Collectively

The Labor Code allows for collective bargaining, and this right generally is respected and practiced freely. The Government sets industry-specific minimum wage scales, but unions usually are able to negotiate higher wages for their members. Employers are prohibited from discriminating against employees who join a union. There were no reported firings for union activities.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including that performed by children; however, such practices occur. There was no credible information on whether traditional practices in which Pygmies worked as indentured servants to Bantus continued during the year (see Section 5). Many Pygmies, possibly including children, have been exploited by Bantus; however, little information was available regarding the extent of the problem during the year.

d. Status of Child Labor Practices and Minimum Age for Employment

The Ministry of Labor, which is responsible for enforcing child labor laws, concentrates its efforts only on the formal wage sector. Child labor is illegal, the minimum age for employment is 14, and education is compulsory until the age of 16 (see Section 5); however, child labor persists among children who continue to work for their families in rural areas and in the informal sector in cities without government supervision or monitoring. There were some reports that child soldiers were used during the 1997 civil war and 1998-1999 conflict (see Section 5); however, the numbers appear to be small, and the Government plans to demobilize child soldiers as required in the cease-fire agreements. It was not known whether any child soldiers were demobilized by year's end. There have been reports of isolated cases of child prostitution, particularly among the growing numbers of street children; however, the extent of the problem is not believed to be widespread (see Section 5).

The law prohibits forced labor by children; however, there have been allegations of exploitation of Pygmy children (see Sections 5 and 6.c.).

e. Acceptable Conditions of Work

The Fundamental Law provides that each citizen has the right to remuneration according to his work and merit. The Labor Code stipulates that overtime must be paid for all work in excess of 40 hours per week and that regular days of leisure must be granted by employers. The minimum wage is \$64 (50,000 CFA francs) per month. It is not sufficient to provide a worker and family with a decent standard of living. High urban prices and dependent extended families oblige many workers to seek opportunities beyond their principal employment.

Although health and safety regulations call for twice-yearly visits by inspectors from the Ministry of Labor, in practice such visits occur less regularly. While unions generally are vigilant in calling attention to dangerous working conditions, the observance of safety standards is often lax. Workers have no specific right to remove themselves from dangerous working conditions without risking loss of employment.

f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and there were reports that persons were trafficked to, from, within, or through the country. An ILO study conducted in March and April in Yaounde, Douala, and Bamenda, Cameroon, indicated that regional traffickers transported children between the Republic of the Congo, and Nigeria, Benin, Niger, Chad, Togo, and the Central African Republic, through Cameroon.

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(1) The United States Embassy evacuated its facilities in the country during the 1997 civil war and subsequently has operated out of the American Embassy in the Democratic Republic of the Congo. Fighting in both countries impeded efforts to collect information.

[End.]