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## 1999 Country Reports on Human Rights Practices

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### REPUBLIC OF CONGO\*

The Republic of Congo 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 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 and in particular among his minority Mbochi ethnic group. Lissouba was elected democratically in 1992 after 28 years of one-party rule, including a lengthy period (1979-91) during which Sassou-Nguesso served as President. Lissouba's administration was characterized by severe mismanagement and by recurring clashes among militia forces loyal to the country's major political leaders. A civil war began when Lissouba's forces surrounded Sassou-Nguesso's home in June 1997, in an apparent attempt to eliminate his political-military faction. Civil conflict between the Government and armed groups of southerners throughout much of the south broke out in August 1998 and continued during the year. Fighting and heavy looting led to the destruction of many southern towns, including parts of Brazzaville, the capital. An estimated 800,000 civilians, mostly from the south--approximately one-third of the country's total population--were displaced as a result of the violence. During the second half of the year, 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 August President Sassou offered amnesty to rebel fighters who renounced violence and turned in their arms. The Government signed cease-fire and reconciliation accords with leaders of some rebel groups in November and with most other rebel groups in late December. Soon after taking power in 1997, President Sassou-Nguesso's Government replaced Congo's 1992 constitution with a new Fundamental Act. The Fundamental Act establishes 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 exercise regulatory powers.

Legislative authority is vested in the 75-member National Transition Council (NTC), a body that 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. In August a constitutional committee named by the President in late 1998 presented him with a draft constitution that, once approved by the Cabinet, is to be submitted to the NTC and then to a popular referendum. The President has announced his intention to complete the constitutional reform process during the year 2000 and then hold elections. The judiciary is overburdened and subject to political interference and corruption.

The security forces include the police, the gendarmerie and the armed forces; 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. Effectively autonomous progovernment "Cobra" militia units also continued to operate, although the Government asserted increasing control over these units during the second half of the year. Units of the Angolan armed forces operated inside the country in support of the Government. Rwandan Hutu militiamen, formerly in refugee camps in the country, as well as citizens of Chad and the Democratic Republic of Congo (DROC), also participated in government military operations. Members of the security forces committed numerous, serious human rights abuses.

The economy has 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 2.7 million normally resides. However, this violence did not affect significantly the oil industry, which operates offshore. Oil exports and external assistance remained the country's main sources of foreign exchange. The doubling of world oil prices during the year greatly increased government revenues and by mid-year enabled the Government to stop the accumulation of salary arrears to public sector employees including members of the security forces. Although per capita gross domestic product was estimated at about \$670 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 growth. During the first half of the year, large salary arrears for state employees including members of the security forces continued to contribute to widespread looting and other human rights abuses.

The Government's human rights record was poor, and there continued to be numerous serious abuses. Citizens do not have the right to change their government peacefully. Security forces, which included many undisciplined and poorly controlled former members of nongovernmental militias, were responsible for extrajudicial killings, including summary executions; disappearances; rapes; beatings and physical abuse of detainees and the civilian population; arbitrary arrest and detention; and arbitrary searches and widespread looting of private homes. Prison conditions remained life threatening. The judiciary was overburdened, underfinanced, and subject to corruption and political influence. It was unable to ensure fair and expeditious trials. The Government infringed

on citizens' privacy rights. The Government continued to monopolize domestic broadcast media, although private newspapers circulated freely and were sometimes critical of the authorities. 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 returned to Brazzaville during the year and were permitted to resume political activities, the Government also repeatedly stated that the most senior figures--including former President Lissouba and Prime Minister Kolelas--would be subject to trial for war crimes. Security forces restricted freedom of movement within the country. Violence and societal discrimination against women are serious problems, and incidents of rape increased during the renewal of civil unrest. Some minority indigenous Pygmies face severe exploitation and are inherited by Bantu patrons. Societal discrimination on the basis of ethnicity remained widespread. Ethnic and regional tensions continued to contribute to large-scale organized civil violence. Child labor, reportedly including forced labor, persists. Citizens sometimes resorted to vigilante justice, killing those presumed to be criminals.

Rebel militiamen were responsible for serious abuses, including summary execution, rape and extortion. Rebel militias severed rail and power lines, thereby causing serious food and water shortages in southern towns. Militia commanders prevented displaced civilians from returning to their homes, prolonging their suffering under conditions of inadequate food and medical care.

## **RESPECT FOR HUMAN RIGHTS**

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

#### a. Political and Other Extrajudicial Killing

Security forces committed many extrajudicial killings. There were numerous reported cases of summary execution of suspected rebels among displaced civilians, most of whom were southerners, as they returned from other countries to which they had fled or emerged from forests or other places of refuge within the country. Young men were singled out for beatings or execution, and women were raped routinely. There were reports that in May members of the security forces shot and killed men a group of who were separated from groups of returning refugees.

In some cases, security forces summarily executed soldiers or members of progovernment militias who were looting (see Section 1.f.).

The Government often deployed undisciplined troops, including some recently 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. Numerous incidents were documented by local human rights groups, as well as humanitarian organizations such as Medecins sans Frontieres. While some improvements in government forces' discipline were noted as the year progressed, serious abuses continued. In October the Minister of Defense announced that military tribunals would be established to bring to justice those responsible for such abuses and the Government introduced legislation to that end; however, as of year's end these tribunals were not in

place.

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

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.

Rebel militiamen, particularly the "Ninjas" and "Nsiloulou" based in the southern Pool region, also committed summary executions. These militiamen questioned young men among displaced civilians in the local dialect to ascertain their ethnicity and, if they were unable to answer, killed them as suspected government infiltrators. There were credible reports that rebels burned villages suspected of harboring infiltrators or whose inhabitants contemplated returning to government-controlled areas. During rebel advances in the town of Dolisie in January and February, opposition "Cocoye" militiamen summarily executed government officials and military officers in the town, although precise numbers are unknown.

#### b. Disappearance

According to credible reports, young men, mostly members of southern ethnic groups, who took refuge in the Democratic Republic of Congo (DROC) early in the year were separated from their families by security forces upon returning to Brazzaville in May and subsequently disappeared. While some sources reported that security forces shot and killed these men, no firm evidence was developed, and a poor counting of the returnees made it difficult to verify what happened to them after arrival in Brazzaville. As a result of these reports, the U.N. High Commissioner for Refugees (UNHCR) increased monitoring of returnees which largely ended further charge of disappearance. An association of family members of persons who disappeared reported that 74 of those who returned in May remained unaccounted for as of year's end. A joint report issued by a local human rights group and an international human rights federation in June reported that approximately 30 persons who had been detained in late 1998 by security forces remained unaccounted for; these detainees were transferred late in the year to Impfondo, in the Likouala region, and subsequently were released.

Given the incomplete figures on those killed in the 1997 civil war and subsequent civil conflict, and the massive displacement of civilian populations 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. Security forces generally operated with impunity in committing such acts. Members of the security forces looted citizens' homes (see Section 1.f.), and security forces extorted money from travelers at checkpoints (see Section 2.d.). Security force officers sometimes beat and released civilian looters instead of arresting them.

There were reports that security forces repeatedly separated males from groups of displaced southerners returning to the country or emerging from forests where they had

hidden, detained them, stripped and searched them for scars or other evidence of combat experience, and beat and interrogated those whom they suspected of having ties to rebel groups. Some persons reportedly died from such beatings.

Security forces routinely raped internally displaced women. Humanitarian NGO's cited more than a thousand cases of rape by security force members of such women returning to Brazzaville and believed that many more cases went unreported.

Security forces also were responsible for looting (see Section 1.f.).

There were credible reports that rebel militia groups from the Lari ethnic group and operating in the Pool region repeatedly raped women, looted homes, and killed person, even among their own ethnic group, and that they also tortured suspected infiltrators from other groups.

Prison conditions remained life threatening, as they have been for years, due to overcrowded facilities and scarcity of resources to provide food or health care to the inmates. The Brazzaville prison (Maison d'Arret), which was vacated by all inmates due to heavy fighting in 1997, was repaired and re-occupied during the year. The Pointe Noire prison continued to function. Detainees held at police stations often were subjected to beatings, overcrowding, extortion, and other cruel, inhuman, or degrading treatment. Paul Omoye Kamaro, a detainee held without charge for twelve months in the Regional Directorate for Territorial Surveillance (DGST) in Pointe Noire, contracted pulmonary tuberculosis while in detention and died shortly after being transferred to the Pointe Noire military hospital in October.

Human right groups sometimes encountered difficulty in gaining access to prisons. However, a local human rights group sometimes was able to gain access to Pointe Noire prison through informal channels during the year. In November the Government signed an agreement to permit the International Committee of the Red Cross (ICRC) complete access to all prisoners and detainees, and by year's end the ICRC had been permitted to visit several detention centers.

#### 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. Detainees usually were informed of the charges levied against them, and lawyers and family members usually had free access to them.

There were political detainees at year's end. Precise figures are unknown, but local human rights groups estimated fewer than 20 political detainees remaining in Pointe Noire at the end of November. In most cases, no formal charges had been brought. The detainees were primarily minor officials of the former Lissouba Government. No figures were available for political detainees at locations elsewhere in the country. In February Nestor Makounzi Wolo, who had been detained since November 1998 in connection with his service on the

Lissouba-era Constitutional Court, was released from detention. In October Bar Association President Herve Ambroise Malonga, another former Constitutional Court member held since November 1998, was also released. Also in October, the Government freed 12 Lissouba-era military officers who had been detained since the 1997 civil war, and announced that they would be re-integrated into the national armed forces.

The Fundamental Act does not address forced exile, and the Government does not practice it formally. Some officials of the predecessor government including former president Lissouba and former Prime Minister Kolelas remained outside the country, and in practice the threat of trial for war crimes in Congo was among the factors discouraging their return. However, other officials of the former government--including cabinet members--returned during the year.

#### 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. Resource problems increased as a result of the destruction and looting sustained by judicial facilities during the 1997 civil war.

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 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, they were not functioning by year's end.

During the last quarter of the year, a court tried former President Lissouba and three other former government officials in absentia on charges of having conspired to kill President Sassou in June using four Europeans alleged to be mercenaries. In December the court convicted all four former officials and sentenced them in absentia to 20 years' imprisonment. The Government subsequently expelled the four Europeans, who also were tried and convicted in the same process.

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 often illegally entered, searched, and looted private homes.

Members of government security forces continued to loot the southwest Brazzaville neighborhoods of Bacongo and Makelekele during the first 4 months of the year, and other areas of the south throughout the year. Following the return of civilians, first to Bacongo and Makelekele in May, and later to areas beyond the Djoue River southwest of the city, the Government increased efforts to prevent looting. These methods were often brutal and included summary executions and beatings of looters (see Sections 1.a. and 1.c.). Looting also was widespread in other areas of southern Congo where Government forces clashed with rebel militiamen and continued through November. The town of Dolisie, in Niari Region, served as a market for looted goods brought by government forces from throughout the southern zone of military operations.

The Government was widely believed to monitor private mail and telephone communications. An NGO report in June cited two cases in which civilians were detained apparently after security forces intercepted their mail and found reports of summary executions by the security forces or hardship among displaced civilians.

#### g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

The civil conflict that broke out in mid-1998 intensified in early 1999 before subsiding during the second half of the year. During the year, the conflict pitted forces supporting the Government, including Angolan allies, Rwandan Hutu militiamen, and irregular fighters of Chadian and DROC nationality, against southern rebel groups, including Cocoye militiamen operating in Bouenza, Niari, and Lekoumou regions, and Ninja and Nsiloulou militiamen operating principally in southern Pool region. Although the Cocoyes were formed from a nucleus of former President Lissouba's Presidential Guard and the Ninjas originally were founded by former Prime Minister Kolelas, it was unclear whether Lissouba and Kolelas continued to exercise any meaningful control over rebel military operations. The Ninjas and Nsiloulou were based largely in the Lari ethnic group. Members of the Nsiloulou widely believed that traditional indigenous religious practices made them invisible or bulletproof (see Section 5).

During January and February, opposition groups denied the Government control of a large area of southern Congo extending nearly 210 miles, from Dolisie to the outskirts of Brazzaville. Combat at Dolisie was intense in late January and early February as government forces deployed heavy artillery and Angolan aircraft to prevent rebel capture of the city, Congo's third largest. Government troops gradually drove the rebels east from Dolisie and west from Brazzaville, and then north and south from these positions, reducing the zone of rebel control. However, as late as May 12 rebel Ninja forces briefly penetrated Brazzaville, but subsequently were not able to threaten the capital. By the end of November, Government forces had recaptured most of the south and pushed remaining rebel concentrations to the vicinity of the Gabonese border. The northern region was unaffected by the conflict.

Government forces used artillery and aerial bombardment from helicopters in areas populated by civilians during the year. They also engaged in widespread looting in all areas where they were present. Despite a presidential amnesty offered in August to opposition militiamen who renounced violence and turned in their weapons, there were reports of summary execution of some militiamen who surrendered both before and after the amnesty. Following the amnesty and subsequent cease-fire agreements, Government sources reported that some 6,000 militiamen had surrendered and were being returned to

civilian life or integrated into the military. Parties to the conflict generally did not take prisoners.

From January through mid-August, opposition forces cut electric power to much of Pointe Noire, Congo's second largest city and principal port, causing severe hardship for the civilian population. Rebel forces also disrupted the economically vital Pointe Noire to Brazzaville railroad and sabotaged bridges and railway stations along the route. While partial train service was restored from Pointe Noire to Nkayi during the year, full operations did not resume by year's end. The power and transport cutoffs caused serious water and food shortages in southern towns, contributing to widespread hunger, disease, and displacement.

The conflict in southern Congo displaced approximately 800,000 civilians, according to U.N. estimates, or nearly one-third of Congo's population of 2.7 million. Tens of thousands of persons fled into neighboring countries, chiefly Gabon and the DROC. The health and nutritional conditions under which the displaced lived were life threatening. Among the more than 200,000 displaced persons who returned to Brazzaville in the late spring and summer, humanitarian agencies noted a 40 percent malnutrition rate among children under 5 years of age and a high incidence of adult malnutrition. Insecure conditions precluded humanitarian access to most of those displaced to rural areas and, for much of the year, rebel forces prevented civilians from returning to government-controlled areas where they could receive assistance. Although the Government appealed for the return of civilians to areas under its control, in practice government forces' continued extortion, rape, and summary execution of returnees undermined this message until late in the year, after cease-fire and reconciliation accords were concluded.

In November the Government and leaders of some rebel groups signed an accord calling for a cessation of hostilities and disarmament of militias. In late December, representatives of the Government and most other rebel groups also signed cease-fire agreements.

## 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 this right, although 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 on occasion published open letters written by opponents of the Government who are in detention or living abroad. Print media do not circulate widely beyond a small elite in Brazzaville and Pointe Noire.

Most citizens obtained their news from the broadcast media, which remained effectively a government monopoly. Government-owned Radio Congo broadcast approximately 18 hours a day; Government-owned Television Congo broadcast for fewer hours. However,

Radio France Internationale was rebroadcast on a local FM station, and radio and television broadcasts from neighboring Kinshasa, in the DROC, could be received in Brazzaville. The independent Radio Liberte, established by President Sassou-Nguesso's forces during the civil war, continued to broadcast. A new Government station, Radio Brazzaville, was established at mid-year to serve listeners in the capital.

Local rebroadcast of Gabon-based Africa Number One was suspended from February through July after the Government accused the station of promulgating rebel views.

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 the government officials and their supporters; there was no meaningful airing of alternative political views.

No Internet service providers were based in the country, but connections through providers in the neighboring DROC were available.

There were no known abridgements of academic freedom. The Marien Ngouabi University, which was disrupted by civil unrest in fall 1998, resumed classes in fall 1999.

#### 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 for request to meet.

The Fundamental Act provides for freedom of association, and the Government largely respected this right in practice. The act permits associations, political parties and other groups to form freely, provided that they respect principles of Congolese 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. There is no official state religion. About half the population is Christian; most of the rest practices either traditional indigenous religions or no religion.

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

The Fundamental Act provides for freedom of movement; however, the Government restricted this right in practice. Military checkpoints sometimes interfered with the movement of civilians. Members of the security forces manning these checkpoints

commonly extorted bribes from travelers. The number of checkpoints increased late at night and in areas of insecurity. Government forces operating southwest of Brazzaville routinely stopped vehicles carrying displaced persons returning to the capital, and often extorted money, brutalized or killed young men, and raped women.

For much of the year, rebel 'Ninja' and 'Nsiloulou' militiamen prevented the return to Brazzaville of civilians who had fled the capital in December 1998. Rebels denied the displaced persons access to information about conditions in Brazzaville and punished families or villages of those who sought to return. Throughout the year, insecurity and rebel sabotage of the railway prevented train service between Brazzaville and Pointe Noire.

The Fundamental Act provides for the right of asylum. The Government reiterated its commitment to respect applicable international refugee law, but it permitted Hutu militiamen from refugee camps to join in military operations with government forces. The country was host to a small number of Burundians and approximately 7,000 Rwandan, largely members of the Hutu ethnic group, who fled camps in eastern Zaire (now the DROC) in 1996 and arrived in Congo in May and June 1997. The Government, in collaboration with the office of UNHCR, has announced plans to integrate these refugees in regions of north-central Congo.

A total of approximately 45,000 Congolese fled to the Bas-Congo Province of the DROC in late 1998 and early 1999. Beginning in May, the Congolese and DROC governments agreed to repatriation, with UNHCR facilitation, of those refugees who wished to return to Brazzaville. By year's end, approximately 40,000 had been repatriated. As a result of military operations in northwest Niari and Lekoumou regions in July, approximately 15,000 Congolese fled to Gabon. None were repatriated as of the end of November.

Approximately 6,000 Angolan refugees fled the Angolan province of Cabinda in 1992 and continue to receive UNHCR assistance in camps near Pointe Noire.

The Government granted first asylum to refugees from other countries. Fighting in the neighboring DROC's Equateur province in July prompted the flow of approximately 15,000 refugees and combatants (including both DROC troops and Rwandan Hutu militiamen) to the northern Likouala region. The combatants among the new arrivals were repatriated to Kinshasa.

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 current 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 create a new constitution and hold elections within 3 years. A constitutional committee appointed by the President presented him with a draft Constitution in August. Once approved by the cabinet, this draft must be passed by the NTC, then adopted by popular referendum. In October, President Sassou publicly reaffirmed his intention to complete the constitutional reform process during 2000 and

then to hold elections.

The executive branch dominates the current system of 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, called the NTC. The CNT was elected at the 1998 National Reconciliation Forum . 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. Although the NTC debates issues freely and summons cabinet ministers to answer questions about their portfolios, 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 remained in the country. 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 current political environment, and raised questions in the NTC. The NTC included representatives of a range of political parties but was dominated by allies of the Government.

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.

The Government has announced repeatedly its intention to bring to trial members of the former government on charges of war crimes, genocide, or other criminal acts, and in December a court convicted former president Lissouba of plotting to kill President Sassou (see Section 1.e.). 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, including former president Lissouba and former prime minister Kolelas. Nonetheless, many senior officials of the former government--including a number of cabinet ministers--returned to Congo during the year and resumed political activities without incident.

There are no legal restrictions on representation by women or minority populations; however, women were underrepresented in government and politics. Two of 25 cabinet ministers were female, and women held 2 of 7 leadership positions in the NTC. Pygmies continued to be effectively excluded from the political process. The cabinet included members of many ethnic groups throughout the country. Although many key posts were held by northerners, including members of the President's Mbochi ethnic group, 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. On one occasion, a local human rights group reported that security forces confiscated copies of an Amnesty International report; however, the report later was circulated.

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

Responding to some of the issues raised by non-governmental human rights groups, in July the Government published a "Report on Violence Committed in Congo Since the End of the Civil War," which emphasized abuses by the opposition.

While insecurity in much of the south early in the year prevented U.N. and other humanitarian agencies from assessing conditions in these areas, by year's end they enjoyed improved access to Dolisie, Nkayi, Kinkala, and among other towns in the south.

#### 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, especially between northern and southern ethnic groups contributed to large-scale organized civil violence during the year. Members of northern ethnic groups generally supported the Government, while nongovernmental armed rebel forces generally drew their support from southern ethnic groups.

#### 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 provisions under the law for spousal battery. Widespread rape during the recent civil conflict raised public awareness of violence against women. Nongovernmental organizations, such as the International Rescue Committee, continued to draw attention to the issue and provided some 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 women work in the informal sector and thus have little or no access to employment benefits. Women in rural areas are especially disadvantaged in terms of education and wage employment and are confined largely to family farm, petty commerce, and childrearing responsibilities. School attendance by women 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 and 70 percent for women.

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. The symbolic nature of the dowry set in the Family Code often is not respected, and men are forced to pay excessive amounts 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 law. Child labor is illegal and education is compulsory until the age of 16; however, in practice, these laws generally are not enforced, particularly in rural areas. There are indigent street children in Brazzaville, and their numbers appear to be growing as a result of civil conflict since 1997.

### People With Disabilities

The Fundamental Act prohibits discrimination based on physical condition. 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. They usually are considered social inferiors and have no political voice. Many have never heard of the concept of voting and have minimal ability to affect government decisions affecting their interests. Many Pygmies have a Bantu patron to whom they are obligated in perpetuity. These Pygmies are inherited by their patron's eldest son, an arrangement rooted in the ancestral tradition of Pygmy slavery. Many Pygmies, possibly including children, have been exploited by Bantus. The extent to which these practices continued during the year is not known.

### National/Racial/Ethnic minorities

The Fundamental Act prohibits discrimination based on ethnicity; in practice, however, the Government did not enforce this prohibition effectively, and there were credible reports that the Government and its security forces discriminated against members of southern ethnic groups, and often 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 about 13 percent of the population, and the Mbochi of the northern region, with about 12 percent of the population.

Societal ethnic discrimination is widely practiced among virtually all ethnic groups, and is evident in private sector hiring and buying patterns and de facto segregation of urban neighborhoods. The greatest interethnic tension is between the Kongo and other ethnic groups of the more prosperous and commercial south, near the Atlantic coast, and the ethnic groups of the less developed and more sparsely populated northern region, which lies deep in the interior, at the heart of Africa's equatorial rain forest. Because southerners are more numerous and tend to have more commercial opportunities than northerners, both political and economic liberalization are widely perceived as likely to advance southern interests and jeopardize northern interests. There are also longstanding tensions among some northern ethnic groups, in particular between the Mbochi and Kouyou groups; however, these tensions, unlike north-south tensions, have not contributed materially to large-scale civil violence in recent years.

Ethnic overtones were apparent in the 1997 civil war fought in Brazzaville and other areas and 1998-99 conflict in the southern part of the country since 1997. These conflicts sometimes have been oversimplified as pitting northerners, who support President Sassou, 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, 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 only approximate, and supporters of the current and recent governments have included persons from a broad range of ethnic and regional backgrounds. During the year, Sassou took steps to broaden his predominantly northern political base to include his wife's Vili ethnic group, which is concentrated in the coastal region of the south.

## Section 6 Worker Rights

### a. The Right of Association

The Fundamental Act provides workers with the right to form unions, and the Government respects 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 Labor 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. On several occasions during the year, groups of public servants protested delays in salary payment. In some cases, the relevant ministries offered partial payment to assuage these workers and persuade them to return to their jobs.

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, which is 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, but such practices occur. There have been credible reports that some Pygmies, possibly including children, have been exploited by Bantus, who inherit Pygmies and to whom Pygmies are obligated in perpetuity (see Section 5).

#### 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, and education is compulsory until the age of 16. However, child labor persists. Children continue to work in rural areas and in the informal sector in cities without government supervision or monitoring. 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 \$83 (50,00 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 prohibit trafficking in persons; however, there were no reports that persons were trafficked in, to, or from the country.

\*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 Congo. Throughout the year, fighting in both countries impeded efforts to collect information. 19

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