

Congo, Republic of (Brazzaville)

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Overview:

The repression of opposition parties and independent media outlets in the Republic of Congo continued in 2013; in June, the government suspended three newspapers for printing articles linking President Denis Sassou-Nguesso to an assassination decades earlier.

Six soldiers were convicted in September 2013 for their role in an arms depot explosion in Brazzaville the previous March; 26 others were acquitted. A French investigation into crimes against humanity allegedly committed by General Norbert Dabira began in August 2013, though he was released pending his trial.

Congo is one of sub-Saharan Africa's major oil producers, but corruption and decades of instability have contributed to poor humanitarian conditions and extreme poverty for much of the population. Congo was ranked 142 out of 186 countries on the 2013 UN Human Development Index. In March 2013, Brazil announced the cancellation of US\$352 million in debt for the Congo. A French investigation into Sassou-Nguesso and his family for alleged embezzlement of public funds to acquire assets in France has been ongoing since 2010.

Political Rights and Civil Liberties:

Political Rights: 7 / 40 [[Key](#)]

A. Electoral Process: 1 / 12

The 2002 constitution limits the president to two seven-year terms, although Sassou-Nguesso has held office since seizing power in 1997 after a brief civil war; he had previously been president from 1979 until 1992. In 2009, Sassou-Nguesso eliminated the post of prime minister, becoming both head of state and head of government. The Senate consists of 72 members, with councilors from each department electing six senators for five-year terms. Half of them come up for election every three years. Members of the 139-seat National Assembly are directly elected for five-year terms. Irregularities, opposition boycotts and disqualifications, and the absence of an independent electoral commission consistently tarnish elections in Congo.

Sassou-Nguesso was reelected in 2009 with 78 percent of the popular vote in a peaceful election that was criticized by both opposition parties and nongovernmental organizations (NGOs) for irregularities. The next presidential election is scheduled for 2016.

Sassou-Nguesso's Congolese Labor Party (PCT) took 89 of the 139 available seats in the July 2012 National Assembly elections amid concerns that he was considering constitutional amendments to remove presidential term limits. The PCT and its allies now control 117 of the body's seats. The elections were marred by accusations of fraud, low voter turnout, and postelection violence. The next Senate election is set for July 2014, and the next National Assembly election is planned for 2018.

B. Political Pluralism and Participation: 3 / 16

Most of the more than 100 registered political parties in Congo are personality-driven and ethnically based.

Members of Sassou-Nguesso's northern Mbochi ethnic group dominate key government posts, while the opposition remains weak and fragmented. The PCT and its allies control 95 percent of Congo's legislative seats, and hold most senior positions in the government. Voters elected seven opposition candidates in 2012, all of whom belong to the Pan-African Union for Social Democracy (UPADS), though the courts overturned the elections of four of these candidates.

The government regularly restricts opposition parties' rights, especially during the most recent presidential and legislative elections. Indigenous populations are often excluded from the political process, in part due to stigmatization by majority ethnic groups, cultural barriers, and geographical isolation.

C. Functioning of Government: 3 / 12

Corruption, especially in the extractive industries, remains pervasive in Congo, though reform measures were undertaken in 2013 that included a public anticorruption campaign and efforts to draft an anticorruption law. In 2004, the country was barred from the Kimberley Process because it could not account for the origins of its diamonds, and in 2006 the International Monetary Fund (IMF) delayed debt relief due to the high level of corruption in the country. Both the World Bank and the IMF proceeded with a debt relief program for the country in 2010. Congo became fully compliant with the Extractive Industries Transparency Initiative (EITI) in February 2013. Compliance with these standards comes as a result of increased accuracy in reporting revenue from oil exploitation in the country, and requires the government to have procedures in place to disclose annual government income from extractive industry activities. The Congo also cooperates with the African Peer Mechanism Review, and a national Anti-Corruption Commission was created in 2009. The state oil company is directly under the control of the president's family and advisers.

In July, the chairman of the Anti-Corruption Oversight Committee and four members of the Committee were arrested for alleged misappropriation of funds. The National Commission for Fighting Corruption and Fraud released a report in November that described systemic corruption among the "majority of civil servants."

French authorities have been investigating Sassou-Nguesso and his family for the alleged embezzlement of public funds to acquire assets in France, including real estate and bank accounts, since 2010. Domestic prosecutions for corruption have been limited and are often politically motivated when they do occur. Congo was ranked 154 out of 177 countries and territories surveyed in Transparency International's 2013 Corruption Perceptions Index.

Civil Liberties: 23 / 16 (+1)

D. Freedom of Expression and Belief: 8 / 16

While the constitution provides for freedom of speech and of the press, the government's respect for press freedom is limited. Speech that is perceived as inciting ethnic hatred, violence, or civil war is illegal, and the government can impose fines for defamation and incitement to violence. During the election campaign period in 2012, opposition parties reported a lack of access to state media. The High Council for Freedom of Communication (CSLC) suspended three independent newspapers in June 2013 for alleged defamation and incitement of violence. The papers had reprinted a 1977 article linking the president to the assassination of then military ruler Marien Ngouabi. A fourth paper that had not published the article was nonetheless suspended for two months for failing to comply with the CSLC.

With no nationwide radio or television stations, most citizens get their news from local broadcast sources,

and the state publishes the only daily newspaper. The government systematically censors journalists, and uses government-owned media to counter critical reports in the independent media. Self-censorship among journalists is common. Most of the newspapers published in Brazzaville are privately owned, and some print articles and editorials critical of the government. There are no government restrictions on internet access, though sites that “radically criticize” the government are only permitted to operate outside of the country.

Religious and academic freedoms are generally guaranteed and respected.

E. Associational and Organizational Rights: 6 / 12

Freedoms of assembly and association are provided for in the constitution, though security forces have shown little tolerance for political demonstrations. Groups must receive official authorization to hold public assemblies. Nongovernmental organizations generally operate without interference, so long as they do not challenge the ruling elite. Workers’ rights to join trade unions and to strike are protected, and collective bargaining is practiced freely, though rarely. Most workers in the formal business sector, including the oil industry, belong to unions, which have also made efforts to organize informal sectors, such as agriculture and retail trade. Members of the security forces and other essential services are not allowed to form unions.

Police detained two leaders of the national teachers’ union without charge in April during a 10-week-long national teachers’ strike; they were only released once they had apologized for their participation and called for the end of the strike. Hundreds of students were tear gassed by police in April when they attempted to protest the government response to the teachers’ strike. In August, police briefly arrested several trade union representatives from the bank workers’ union, and allegedly forced one unionist to sign a memorandum of understanding on the collective agreement.

F. Rule of Law: 2 / 16

Congo’s underfunded judiciary is subject to corruption and political influence, and crippled by institutional weakness and a lack of technical capability. However, for the most part the authorities respect court orders, though they are rarely issued.

Traditional courts are the dominant judicial system in rural Congo, presiding over local property, inheritance, and domestic cases. The Human Rights Commission (HRC), charged with addressing complaints about abuses committed by security forces, is largely ineffectual and does not enjoy the trust of the people, as most of its members are presidential appointees. The president of the HRC was placed under de facto house arrest for much of the year, and the Commission did not meet regularly in 2013.

The government generally maintains control over security forces, though there are instances in which members of the security forces act with impunity. There have been reports of arbitrary arrests and suspects being tortured and dying during apprehension or in custody. Prison conditions are life threatening. The death penalty is still on the books, though executions are not carried out.

In September 2013, six soldiers were convicted of involvement in an explosion in a Brazzaville arms depot in March 2012 that killed at least 240 people, seriously injured 2,300, and displaced 17,000 families. The accused leader of the group was sentenced to 15 years’ hard labor for deliberately setting fire to the depot, and the former deputy secretary general to the National Security Council was sentenced to 5 years’ labor for his role in the explosion. Twenty-six others were acquitted of wrongdoing linked to the blast.

In August, General Norbert Dabira was briefly arrested in France, where he owns a home, for crimes against humanity for his role in the 1999 disappearance of returning refugees from the neighboring Democratic Republic of Congo. He was released pending his trial, which was not scheduled by the end of 2013.

Indigenous groups are often concentrated in isolated rural areas, are not registered to vote, and are actively discriminated against, leaving them politically marginalized. In particular, native Mbendjele Yaka suffer discrimination, with many held in lifetime servitude. Ethnic discrimination is common in hiring practices, and urban neighborhoods tend to be segregated. The National Action Plan on the Improvement of Quality of Life of Indigenous Peoples, introduced in 2009 and set to end in 2013, established benchmarks for measures to improve the lives of the Congolese indigenous population. This plan set the stage for the adoption of Africa's first law on indigenous rights in February 2011. The Promotion and Protection of Indigenous Populations Act contains provisions on cultural rights, education, and land rights, explicitly prohibiting forced assimilation and discrimination; the law has widely known nationally and accelerated the process of improving access to basic services for indigenous populations.

While there is no law that specifically prohibits same-sex sexual relations, people found to have committed a "public outrage against decency" face punishments of up to two years in prison; however, this is rarely enforced.

G. Personal Autonomy and Individual Rights: 7 / 16 (+1)

Harassment by military personnel and militia groups inhibits travel, though such practices have declined. The judicial system offers few protections for business and property rights.

Despite constitutional safeguards, legal and societal discrimination against women persists. Equal access to education and employment is limited, and civil codes regarding marriage formalize women's inferior status. Most women work in the informal sector, and do not receive employment benefits or protection from abusive employers. Violence against women is reportedly widespread. Rape, including marital rape, is illegal, but this common crime is rarely reported or prosecuted. Abortion is prohibited in all cases except to save the life of the mother. There are no restrictions on access to contraceptives. Women are underrepresented in government and decision-making positions, holding just 13 seats in the National Assembly, 10 Senate seats, and 4 positions in a cabinet comprised of 37 individuals.

The government has made a significant effort to improve maternal morbidity and mortality, including providing free Caesarean sections since 2011. Congo has seen a 50 percent decrease in the number of women dying during childbirth over the previous 10 years, with the most significant rate of decrease occurring over the past 2 years. Congo's continued progress puts it on track to be 1 of only 12 countries to meet the 2015 Millennium Development Goal for maternal mortality.

Congo is a destination for and source of human trafficking, and substantial improvements to the prevention and prosecution of the practice have not occurred.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

[Full Methodology](#)