

Republic of the Congo 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in the Republic of the Congo during the year.

Significant human rights issues included credible reports of: arbitrary or unlawful killings, including extrajudicial killings; torture or cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; political prisoners or detainees; arbitrary or unlawful interference with privacy; serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists and censorship; substantial interference with the freedom of peaceful assembly; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; serious government restrictions on or harassment of domestic and international human rights organizations; extensive gender-based violence, including domestic and intimate partner violence and sexual violence; crimes involving violence or threats of violence targeting Indigenous peoples; trafficking in persons, including forced labor; crimes involving violence or threats of violence targeting lesbian, gay, bisexual,

transgender, queer, or intersex persons; and the existence of the worst forms of child labor.

The government took limited credible steps to identify and punish officials who may have committed human rights abuses, but enforcement was not consistent.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were reports from domestic human rights nongovernmental organizations (NGOs) and on social media that the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year. Apart from the case specified below, however, no independent confirmation was possible, leading to uncertainty regarding the frequency of the incidents and the number of persons arbitrarily deprived of life.

Credible NGOs continued to report deaths resulting from abuse in police stations and pretrial detention centers. In February, bus driver Nkounka Alphie Guelor was arrested without a warrant in Brazzaville and taken to a police station for questioning in connection with the death of his work supervisor. Nkounka's parents were permitted to visit him that day but

thereafter were only allowed to communicate with him at a distance, and they reported he complained of serious pain and injury. Five days after his arrest, Nkounka's parents were informed he had been transferred to a hospital for undisclosed health reasons. Nkounka died before receiving aid from the hospital. His parents were able to see his body at the hospital and noted signs of violent trauma. Two days after his death, Nkounka's parents met with Brazzaville police officials who claimed the death resulted from an unknown illness and denied any responsibility for his death. A domestic NGO assisted the family in obtaining an independent autopsy, which revealed Nkounka died as a result of multiple blows and resulting injuries. At year's end there were no reports of investigation into his death.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution prohibited torture and the law contained a general prohibition against assault and battery, but there was no legal framework specifically banning torture. There were credible reports from domestic human rights NGOs and on social media the government or its agents meted

out cruel, inhuman, or degrading treatment to detainees or convicts. There was at least one known case of rape and sexual abuse by a government agent: in August, a court convicted a naval officer of rape and sentenced him to 15 years of forced labor in prison.

Officials took steps to prosecute or punish some members of the security forces, but enforcement was not consistent. The security forces generally acted with impunity.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to shortages of food and potable water, gross overcrowding, and inadequate sanitary conditions.

Abusive Physical Conditions: The Brazzaville Prison, built in 1943 to accommodate 150 inmates, held more than five times its designed capacity. The Pointe-Noire Prison, built in 1934 to hold 75 inmates, held more than six times its designed capacity. The food provided to inmates did not meet minimum caloric or nutritional requirements, but prison authorities usually permitted inmates' families to supply them with additional food. Outbreaks of disease were common, and there was a severe deficit of medical and psychological care. A domestic NGO alleged prisoners died due to abuse, neglect, and overcrowding, but the number and exact causes of prisoner deaths while in custody were unavailable.

Administration: Prison rules allowed prisoners and detainees to submit

complaints to judicial authorities without censorship, but officials did not respect this right. Authorities reportedly did not investigate credible allegations of abusive conditions raised by NGOs and detainees' families.

Independent Monitoring: The government provided limited prison and detention center access to domestic human rights groups. Authorities repeatedly denied access to the interior of several prisons to a domestic NGO focused on prison conditions that was considered independent by observers. Other human rights NGOs that monitored detention conditions requested letters of permission from the Ministry of Justice to visit prisons. Their repeated requests went unanswered.

d. Arbitrary Arrest or Detention

The constitution and law prohibited arbitrary arrest and detention and provided for the right for a person to challenge the lawfulness of his or her detention in court. Domestic NGOs reported the government did not regularly observe these requirements.

Arrest Procedures and Treatment of Detainees

The constitution and law required that a duly authorized official issue a warrant before an arrest, that a person be apprehended openly, that a lawyer be present during initial questioning, and that detainees be brought before a judge within three days and either charged or released within four

months. The government regularly failed to respect these provisions.

There was a bail system, but most detainees could not afford to post bail. Authorities sometimes informed detainees of charges against them at the time of arrest, but the filing of formal charges often took more than one week. There were credible reports authorities arrested detainees secretly and without judicial authorization, and sometimes detained suspects incommunicado or put them under house arrest.

The law stated authorities could hold a detainee for a maximum of 72 hours in a police jail pending review by an attorney general. Thereafter, authorities were required to either release or transfer the individual to a prison for pretrial detention. Authorities generally did not observe the 72-hour maximum and frequently held detainees for several weeks before an attorney general freed or transferred them to a prison to await trial. The law stated a defendant or accused person could apply for provisional release at any point during his or her detention and that the request should generally be granted, provided the judicial investigation was sufficiently advanced and the accused did not pose a risk of bribing witnesses or a threat to public order. Provisional release was nevertheless often denied.

Arbitrary Arrest: Credible reports suggested arbitrary and false arrests continued to occur. From January to June, domestic NGOs documented 31 cases of arbitrary arrest and detention. In September, a court convicted five police officers of criminal conspiracy, arbitrary arrests, extortion, and abuse

of office and sentenced them to seven years of forced labor in prison.

Pretrial Detention: Lengthy pretrial detention was a problem, and between 60 and 75 percent of detainees in prison were pretrial detainees. Prison authorities claimed the average pretrial detention for nonfelony cases lasted one to three months and at least 12 months for felony cases. Human rights activists, however, stated the actual average was much longer for felony cases and sometimes exceeded the maximum sentence for the alleged crime.

Lengthy pretrial detentions were due to the judicial system's lack of capacity and, according to observers, a lack of political will to address the problem.

e. Denial of Fair Public Trial

The constitution and law provided for an independent judiciary, but the government did not always respect judicial independence and employed political influence at times. Corruption also reportedly undermined judicial independence. Authorities generally abided by court orders; however, judges did not always issue direct court orders against government officials accused of crimes.

Trial Procedures

The constitution provided for the right to a fair trial, but authorities did not always respect this right.

Defendants in all criminal trials enjoyed the presumption of innocence and had the right to be present at their trials and to consult with an attorney in a timely manner, although this did not always occur. The law obligated the government to provide legal assistance to any indigent defendant facing serious criminal charges, but such assistance was not always available because the government did not generally pay for public defenders.

Defendants had the right to adequate time and facilities to prepare a defense, to confront or question accusers and witnesses against them, and to present witnesses and evidence on their own behalf. Defendants had the right not to be compelled to testify or confess guilt and have the right to appeal. In politicized cases, the government often denied most or all of these rights to defendants.

Political Prisoners and Detainees

There were reports of political prisoners and detainees, although verifiable estimates of their total number were not available. While the government asserted there were no political prisoners, credible human rights groups and international observers alleged the government detained or imprisoned persons solely or chiefly because of their political beliefs. According to the most recent available data, a 2020 report by the UN Mission in Brazzaville based on information gathered from domestic NGOs, 24 persons were in detention for political reasons. The government did not comment on the release of any such prisoners.

Former presidential candidates Andre Okombi Salissa and Jean-Marie Michel Mokoko remained in prison at year's end, serving sentences of 20 years of hard labor after being convicted several years ago of "undermining the internal security of the state" as well as "illegal possession of weapons and ammunition of war." The government permitted limited access to those considered political prisoners by international human rights and humanitarian organizations and diplomatic officials.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibited such actions, but there were reports the government did not always respect these prohibitions.

Government authorities reportedly entered homes without judicial or other appropriate authorization, monitored private movements, and employed informer systems. There were unverified reports authorities monitored private digital communications without appropriate legal authority,

including email, text messaging, and other digital communications intended to remain private.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provided for freedom of expression in all forms of communication and prohibited censorship, including for members of the press and other media, but the government did not always respect these rights.

Freedom of Expression: Individuals could criticize the government publicly or privately but risked reprisal. The constitution criminalized speech that incited ethnic hatred, violence, or civil war and made it punishable by no less than five years in prison. It also criminalized any act or event that promoted racism or xenophobia.

In July, authorities arrested and detained an artist, Ngatali Mouya Servet known as DSP Malakay, and a medical doctor in Dolisie for several days after they posted videos criticizing the government response to an outbreak of shigellosis in the area. Another local activist, Amedee Loembe De Leau, was detained for two days after attempting to take a photograph in front of a local hospital while holding a sign reading “We All Fight Against Shigellosis.”

Violence and Harassment: There were reports of direct and indirect intimidation of journalists by the government, including telephone calls from officials and anonymous persons warning journalists and news outlets not to use videos of politically sensitive events or publish certain stories. As of December, there were no reports of journalist arrests.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Media outlets were required to register with a governmental regulatory council, and outlets that violated council regulations were subject to financial sanctions or temporary shutdown. The president appointed the director of the council.

Many journalists and editors at larger circulation media outlets reportedly practiced self-censorship. Newspapers published open letters written by government opponents.

Libel/Slander Laws: The law provided for monetary penalties and suspension of a publication's permission to print for defamation and incitement to violence. Authorities occasionally brought charges under the law.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content.

b. Freedoms of Peaceful Assembly and Association

The government limited freedom of peaceful assembly but generally respected freedom of association.

Freedom of Peaceful Assembly

The constitution and law provided for freedom of peaceful assembly. Nevertheless, the government required authorization from the Ministry of Interior and Decentralization and appropriate local officials for assemblies and demonstrations. There were credible reports of cases where groups were denied a permit from local authorities during the year. On March 9, the Brazzaville prefect denied a request from members of the opposition political party Mouvement Republicain to hold a peaceful rally in honor of deceased former presidential candidate Guy Brice Parfait Kolelas, on the grounds the group was not an officially recognized political party. On March 13, party leaders presented proof of their legal status as an organization and requested permission to hold the rally on March 25. On March 23, the prefect again denied the request on the grounds the rally would “damage the social fabric and endanger public peace.” The prefect also issued a statement threatening the arrest of anyone participating in the rally, as it had not been sanctioned by local authorities. There were no reports of violence against demonstrators.

c. Freedom of Religion

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution and law provided for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights.

Foreign Travel: By law all citizens were eligible for a passport. The government, however, lacked sufficient passports to meet demand, due in part to hoarding of blank passports for use by senior politicians and their family members. Exorbitant “expedite” fees were charged to persons lacking political connections.

e. Protection of Refugees

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

Access to Asylum: The law provided for the granting of refugee status, and

the government had a system for providing protection to refugees and asylum seekers. An interministerial committee considered applications for refugee status.

Employment: The law did not address employment for refugees, but various government decrees prohibited foreigners, including refugees, from practicing small trade activities and working in the public transportation sector.

Access to Basic Services: UNHCR-funded primary schooling was accessible to most refugees. Authorities limited access to secondary and vocational education for refugees. Some secondary education occurred at schools where refugees volunteered to teach or received payment from parents of refugee children.

Although refugees had equal access to community health centers and hospitals, there were reports of refugees receiving discriminatory treatment at some hospitals, including insults by medical personnel, and long waiting times for treatment without regard to priority relative to their medical conditions.

Durable Solutions: Former Rwandan refugees could obtain resident status provided they had a valid Rwandan passport. Many Rwandans feared deportation if they received a passport, despite the assurances of local authorities and UNHCR this would not be the case.

f. Status and Treatment of Internally Displaced Persons (IDPs)

UN and government officials reported 40,329 of the estimated 264,000 estimated IDPs who fled the Pool region during a 2016-17 conflict had returned to their homes and villages; the government promoted their safe and voluntary return. Anecdotal reports suggested IDPs who did not return to their home areas resettled voluntarily in other parts of the country, and there were no reports IDPs were targeted for abuse. Other IDPs in the country included residents in areas affected by seasonal floods, who generally returned home when waters receded. The number of IDPs increased as flooding grew worse in recent years.

For further information about IDPs in the country, please see the materials of the Internal Displacement Monitoring Center: <https://www.internal-displacement.org>.

g. Stateless Persons

UNHCR reported 105,340 persons were at risk of statelessness in the country. As of August, the government issued approximately 2,000 birth certificates with UNHCR support to the Indigenous population.

Section 3. Freedom to Participate in the Political

Process

The constitution and law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: National direct elections, last conducted in July 2022 legislative and local polling, were widely reported to be fair and free of major abuses or irregularities. Although election observation was limited by often-changing government requirements, most observers who participated noted logistical problems, including incomplete distribution of voter cards, inadequate supplies, and the delayed opening of several polling stations. They also reported a heavy presence of security forces both inside and outside polling stations.

Political Parties and Political Participation: Political parties and civil society groups faced restrictions on their ability to participate in the political and electoral process. The law conferred recognition on 55 of 200 parties. According to the government, the remaining political parties did not meet nationwide representation requirements.

There were unconfirmed reports of government funds being used to secure transportation and illicit votes, and for campaigning activities leading up to

and during the two weeks of 2022 electoral campaigning. Since no official report was available on campaign financing, however, these reports could not be verified.

Participation of Women and Members of Marginalized or Vulnerable

Groups: The political process excluded many Indigenous persons and persons with disabilities. Reasons included geographical isolation in remote areas, lack of registration, cultural barriers, stigmatization by the majority Bantu population, and government inaction (see section 6, Indigenous Persons and Persons with Disabilities).

Section 4. Corruption in Government

The law provided for criminal penalties for corruption by officials. The government did not regularly apply the anti-corruption law, however, and many officials reportedly engaged in corrupt practices with impunity. There were numerous reports of government corruption.

Corruption: Domestic and international organizations regularly accused government officials, including the president, his family, and senior ministers of corruption. The accusations generally alleged officials diverted revenues from their official portfolios into personal foreign bank accounts before officially declaring the remaining funds. The government suspended and removed nine prosecutors for alleged misconduct, including corruption and misuse of funds, during the year.

For additional information concerning corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups faced occasional government restrictions during their monitoring and investigation activities and when publishing their findings on human rights conditions or cases. Government officials were not cooperative with or responsive to the views of these groups. According to Freedom House, some domestic human rights groups did not report on specific human rights abuses due to fear of reprisal by the government.

Retribution against Human Rights Defenders: In August 2022 several police officers were detained following accusations they participated in an armed robbery of a woman known as “Mere Alice” in Brazzaville. Videos of the officers’ interrogation circulated on social media, appearing to show the officers confessing and implicating a police captain in a series of unsolved armed robberies in Brazzaville. After a coalition of domestic human rights

NGOs demanded a judicial investigation, the captain was arrested. Two of the NGOs reported subsequent break-ins at their Brazzaville offices, including the theft of several laptops and documents by uniformed individuals. The NGOs filed police reports, but at year's end there was no reported progress in the investigations.

Government Human Rights Bodies: The government-sponsored Human Rights Commission was the government human rights entity responsible for addressing public concerns regarding human rights. The commission had little effectiveness or independence, and it undertook few activities directly related to human rights concerns.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law prohibited rape, including spousal rape, and prescribed sentences of between 10 and 20 years in prison and monetary fines based on the severity of the crime. The law was written to cover only women; in the country's legal vernacular, "rape" was used exclusively in cases involving women survivors, while "indecent assault" was used in cases of rape of men. Authorities made efforts to enforce the law, but judgments often took years to be rendered and penalties applied. NGOs and women's advocacy groups reported rape, especially spousal rape, was common. Judicial sector personnel reported no prosecutions for spousal

rape due to the need for courts to institutionalize the law, a lack of reporting due to fees charged by police before they would investigate allegations, and survivors' fear of reprisal.

The law prohibited domestic violence, with maximum penalties including prison terms and hard labor. The government took steps to enforce the law but was impeded by low reporting due to societal pressure on survivors to stay silent. According to court system observers, most of the reported cases were filed by women who had since left the country or who usually lived abroad.

Other Forms of Gender-based Violence or Harassment: Widespread sexual harassment, including at the workplace, often went unreported and unpunished due to societal pressure on survivors to stay silent.

Discrimination: The law provided women the same legal status as men, and authorities made efforts to enforce the law. Individual bias and customary beliefs, however, contributed to societal pressures to limit the rights of women. Adultery was illegal for both women and men, but the penalty differed. Under civil law the husband could receive only a fine for adultery, while the wife could receive a prison sentence. Polygamy was legal, while polyandry was not. Women experienced discrimination in divorce settlements, specifically regarding property and financial assets. The law considered the man the head of the household, unless he became incapacitated or abandoned the family. The law dictated that in the absence

of an agreement between spouses, men could choose the residence of the family. Although the law prohibited gender discrimination, women experienced discrimination with respect to employment, credit, equal pay, and owning or managing businesses. Women worked in disproportionately high numbers in the informal sector and in lower-paying jobs, where they were less likely to benefit from legal protections. Reliable data on the gender wage gap were unavailable.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

According to a 2022 report by the Ministry of Health, the most recent available data, 92 percent of women gave birth with skilled health attendants. Government officials noted these figures were based on populations in urban areas; women in rural and remote locations in northern areas faced geographic barriers and a lack of access to transportation infrastructure, limiting their access to care. NGOs reported local health clinics and public hospitals were generally in poor condition and lacked experienced health care staff.

The government provided access to sexual and reproductive health services for survivors of sexual violence. Emergency contraception was generally available as part of the clinical management of rape, but this coverage was limited to three large urban centers: Brazzaville, Pointe-Noire, and Dolisie. Postexposure prophylaxis was not available.

In 2017 the World Health Organization estimated there were 378 maternal deaths per 100,000 live births. Government officials cited limitations on women's empowerment to make their own health decisions, geographic barriers, lack of qualified health service personnel and of health centers, and a limited number of referrals by general practitioners as the primary factors influencing maternal deaths. Women sometimes died in labor on the way to the hospital in rural areas, especially in the north of the country. Women from both Indigenous and other geographically isolated communities suffered disproportionately from rates of obstetric fistula due to unattended childbirth. Despite a law mandating free emergency obstetric care and caesarian sections, women often had to pay for care before they received any treatment.

There were no reports of girls' education being interrupted or their exclusion from participation in other aspects of society due to menstruation. In urban centers, women and girls generally had access to menstruation products, either because they could afford them or had access to local and international NGOs that provided such products free of charge. In rural areas, fewer families had the money to buy items, but local and international NGOs worked to provide menstruation products.

There were no laws or school regulations banning pregnant girls from attending school, and they were generally not excluded from education or other services by the service provider. In urban centers, girls who were

pregnant generally continued in school unless there were health concerns. In some circumstances, families removed their daughters from school in the case of pregnancy due to social expectations for motherhood, but this was not the norm. In rural areas, it was more common for girls to leave school if pregnant due to family and social expectations that they no longer needed school, and the next step was instead motherhood.

Systemic Racial or Ethnic Violence and Discrimination

The law prohibited discrimination based on ethnicity, but the government made little effort to enforce it.

Indigenous Peoples

Locally, the phrase “Indigenous peoples” referred to forest-dwelling communities that lived a seminomadic lifestyle and practiced a traditional socioeconomic system based on hunting and gathering of forest products. Most Indigenous communities lived in rural or isolated parts of the country with limited access to the government or its representatives. According to a joint survey by the government and the United Nations in 2017, the most recent available data, Indigenous peoples represented 10 percent of the country’s total population.

The law provided special status and recognition for Indigenous populations. Additionally, the constitution stipulated the state should provide promotion

and protection of Indigenous peoples' rights. In 2019 the government created an interministerial committee for the monitoring and evaluation of Indigenous rights, protection of cultural property, the status of certain civil measures, and promotion of education, literacy, and basic social services. The government continued a series of public campaigns to educate members of Indigenous communities, civil society, and government agencies regarding the rights of Indigenous people.

Nevertheless, according to domestic NGOs, geographic isolation, cultural differences, and lack of political inclusion marginalized Indigenous peoples throughout the country. NGOs and UN agencies reported members of Indigenous communities experienced episodic discrimination, forced labor, and violence. The UN special rapporteur on the rights of Indigenous peoples, after a visit in 2019, reported that Indigenous people faced significant discrimination, exclusion, and marginalization, including in their access to health services, education, employment, and political participation. According to UNICEF, poverty levels remained high in Indigenous communities and a lack of access to social services remained the main socioeconomic hurdle for these populations. Other Indigenous communities living in more urban areas had greater access to social services but feared harassment by members of the majority Bantu non-Indigenous population. Government decrees in 2019 mandated free access to education until age 16 for all Indigenous children, regardless of whether they had birth certificates, yet education access remained a problem for

many Indigenous youth due to discrimination.

Children

Birth Registration: Failure to register births could result in denial of public services such as education and issuance of national identity documents, including passports.

Education: Boys were five times more likely than girls to attend high school, and four times more likely than girls in high school to attend university.

Child Abuse: There were laws against child abuse. NGOs reported child abuse was prevalent but rarely reported to authorities, which hindered effective enforcement of the law. Authorities generally investigated the few reports they received.

Child, Early, and Forced Marriage: The law prohibited child marriage, and the legal age for marriage was 18 for women and 21 for men. Underage marriage was possible with a judge's permission and with the permission of both sets of parents; the law did not specify a minimum age in such cases. The penalty for forced marriage between an adult and child was a prison sentence ranging from three months to two years and fines. During the year the government did not prosecute any such cases.

There was no government program focused on preventing early or forced marriage. According to UNICEF, 27 percent of girls were married before age

18 and 7 percent before age 15. Many couples engaged in informal marriages that were not legally recognized.

Sexual Exploitation of Children: The law provided penalties for crimes against children such as trafficking, pornography, neglect, and abuse. A lack of specificity in the law was an obstacle to effective enforcement because the law did not address sale, grooming, offering, or procuring for sexual exploitation. The government generally enforced laws on child pornography when reported. The minimum age for consensual sex was 18.

Antisemitism

There was a very small Jewish community. There were no known reports of antisemitic incidents.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No law specifically prohibited consensual same-sex sexual conduct between persons older than age 21. The law prescribed a prison

term ranging from six months to three years and a fine for anyone who “commits a shameless act or an act against nature with an individual of the same sex younger than age 21.” There were no known reports of lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons being arrested or prosecuted under the law during the year.

Violence and Harassment: Local NGOs reported psychological and physical harassment of LGBTQI+ persons, as well as instances of financial extortion, by the government and nonstate actors against LGBTQI+ persons. On occasion, police used the law regarding “an act against nature” as a pretext to solicit bribes from men perceived to be gay. Because community members were often reluctant to engage for any reason with authorities, very few abuse cases were officially reported, but observers noted authorities investigated such reports when made.

Discrimination: The law did not prohibit discrimination by state or nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics. LGBTQI+ persons seldom revealed their identity due to pervasive discrimination against the community, leaving evidence of discrimination mostly anecdotal. LGBTQI+ persons faced widespread discrimination in access to health care, housing, employment, education, and other social services.

Availability of Legal Gender Recognition: Legal gender recognition was not available. Transgender and nonbinary persons faced significant problems in

securing employment, education, housing, and social services because their legal identity documents did not align with their gender expression.

Involuntary or Coercive Medical or Psychological Practices: In contrast with previous years, there were no reports of involuntary or coercive medical or psychological practices specifically targeting LGBTQI+ persons.

There were no known reports that intersex children or nonconsenting adults were subjected to medically unnecessary “normalization” surgeries.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

There were no specific restrictions on freedom of expression, association, or assembly beyond those experienced by the rest of the population.

Persons with Disabilities

Persons with disabilities generally could access education, health services, public buildings, and transportation on an equal basis with others, despite the absence of laws that specifically mandated such access. The government provided limited official information and communications in accessible formats to persons with disabilities.

The law prohibited discrimination against persons with disabilities, including in employment and occupation. The Ministry of Social Affairs and Humanitarian Action was the lead ministry responsible for protecting the rights of persons with disabilities, but authorities did not enforce the law

effectively, and persons with disabilities at times experienced discrimination. The government provided separate schools for students with hearing disabilities in Brazzaville and Pointe-Noire, but some children with physical disabilities attended regular public schools. Some voting sites on election day lacked accommodations to make polling stations fully accessible to persons with disabilities.

Other Societal Violence or Discrimination

Anecdotal reports indicated significant societal discrimination against persons with HIV and AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provided for workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibited antiunion discrimination and required reinstatement of workers dismissed for union activity. The government generally did not effectively enforce laws protecting freedom of association, collective bargaining, and the right to strike for workers. Penalties were commensurate with those for comparable violations. There were no reports the government applied penalties for violations. Formal labor complaints were rare due to workers'

fear of reprisal.

The law allowed workers to form and join unions of their choice without previous authorization or excessive requirements, excepting members of the security forces and other services “essential for protecting the general interest.” The law allowed unions to conduct their activities without interference.

The law allowed the Recommendations Committee, a government body, to intervene in labor disputes and recommend resolutions, which became legally binding if the parties to the dispute did not challenge it within four days.

Workers had the right to strike, provided they had exhausted lengthy and complex conciliation and nonbinding arbitration procedures and given seven business days’ notice. Solidarity strikes or strikes regarding political matters were unlawful. Participation in an unlawful strike constituted serious misconduct and could result in criminal prosecution and a prison sentence of forced labor. The government practiced forced prison labor, including of prisoners held for political offenses and for participating in illegal strikes. Nonviolently occupying a premise also constituted serious misconduct. The law required the continuation of a minimum service in all public services as essential to protect the general interest, and workers’ refusal to take part was considered gross misconduct. Some employers used subcontracting and short-term contracts to circumvent laws prohibiting antiunion

discrimination.

b. Prohibition of Forced or Compulsory Labor

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: Workers in the public sector were accorded a national minimum wage that exceeded the poverty line, as did the minimum wage for private-sector employees. No official minimum wage existed in the agricultural or informal sectors. The law provided for a standard workweek of 40 hours and provided for overtime pay for hours worked in excess of that figure. The law did not limit the maximum number of work hours per week, although it called for a minimum of 24 hours of time off per week.

Occupational Safety and Health: The Ministry of Labor set health and

safety regulations that corresponded with international standards. Inspectors were trained for both wage and hour and occupational safety and health (OSH) compliance. There were no known reports the government proactively identified unsafe conditions, nor of cases in which workers filed formal OSH complaints. Workers had no specific right to remove themselves from situations that endangered their health or safety without jeopardizing their employment. NGOs reported safety violations commonly occurred in commercial fishing, logging, quarries, and at private construction sites.

Wage, Hour, and OSH Enforcement: The Ministry of Labor was responsible for enforcing the minimum wage law, and penalties were commensurate with those for comparable violations. Penalties were rarely applied against violators.

The government did not effectively enforce OSH laws. While health and safety regulations required biannual Ministry of Labor inspections of businesses, businesses reported the visits occurred much less frequently. The size of the inspectorate was not sufficient to enforce compliance with the law. Penalties for noncompliance of OSH laws were not commensurate for similar crimes such as negligence. Penalties were rarely applied against violators, and generally in only the most egregious cases.

There were no existing credible data from the government, but international organizations estimated that 65 percent of workers were employed in the

informal sector. The government did not enforce labor laws in the informal sector.