

REPUBLIC OF THE CONGO 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of the Congo is a parliamentary republic in which the constitution vests most of the decision-making authority and political power in the president and his administration. Denis Sassou-N'Guesso won re-election as president in 2009 with 78 percent of the vote, but opposition candidates and domestic nongovernmental organizations (NGOs) questioned the validity of this figure and cited electoral irregularities. Legislative elections were held in July and August 2012 for 137 of the National Assembly's 139 seats. The African Union declared the elections free, fair, and credible, while at the same time citing numerous irregularities. While the country has a multi-party political system, members of the president's Congolese Labor Party (PCT) and its allies won 95 percent of the legislative seats and occupied most of the senior government positions. Security forces reported to civilian authorities. The government generally maintained effective control over the security forces; however, some members of the security forces acted independently of government authority, committed abuses, and engaged in malfeasance.

Major human rights problems included beatings and torture of detainees by security forces, poor prison conditions, and lengthy pretrial detention.

Other human rights abuses included: lack of due judicial process; arbitrary arrest; political prisoners; infringement of citizens' privacy rights; restrictions on freedoms of speech, press, assembly, and association; refugee abuse; restrictions on the right of citizens to change their government peacefully; restrictions on the activities of opposition political groups; official corruption and lack of transparency; discrimination against women; sexual and gender-based violence, including domestic violence, child abuse, female genital mutilation/cutting, and forced child marriage; trafficking in persons; lack of access for persons with disabilities; discrimination on the basis of ethnicity, particularly toward indigenous persons; discrimination based on sexual orientation and HIV/AIDS status; and child labor.

The government seldom took steps to prosecute or punish officials who committed abuses, whether in the security services or elsewhere in the government, and official impunity was a problem.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports the government or its agents committed arbitrary or unlawful killings.

The military police and the Office of the Inspector General of Police are both charged with investigating reports of misconduct or killings by security forces.

b. Disappearance

There were no new reports of disappearances or politically motivated abductions or kidnappings. The UN Working Group on Enforced or Involuntary Disappearances visited the country in September and October 2011 and issued its final report in January 2012. The working group recommended the government continue to investigate the fate of all alleged victims of the 1999 Beach disappearances, in which more than 350 persons disappeared. In August 2012 French authorities briefly arrested a Congolese military officer, General Norbert Dabira, and initiated a formal investigation of him for complicity in the disappearances. In 2005 a Congolese court cleared General Dabira of charges related to the incident.

In 2004 authorities in Brazzaville arrested three former government agents of the Democratic Republic of the Congo (DRC) – Major Germain Ndabamenya Atakilome, Staff Chaplain Medard Mabwaka Egbonde, and Police Captain Bosch Ndala Umba – under suspicion of passing intelligence to a foreign power and for undermining national security. They released Atakilome and Egbonde in 2012 after eight years of detention at the Central Directorate of Military Intelligence and the Directorate General of Territorial Surveillance (DGST). Umba remained in detention at the DGST at year's end. None of the three had ever met with a magistrate or been convicted of a crime.

Arbitrary detention for extended periods remained a problem. On April 23, agents of the DGST took Armand Bouassi, an employee of the Bank of Central African States (BEAC), into custody. He remained in detention and had not been charged by year's end.

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

The law prohibits such practices; however, NGOs reported cases of government-led torture and other cruel, inhumane, and degrading treatment.

For example, there were widespread, credible reports from local human rights NGOs– the Congolese Organization for Human Rights (OCDH) and the Association for Prisoners’ Human Rights (ADHUC)– of detainees being regularly beaten while in jail. Detainees were frequently required to pay police for protection or risk being beaten. The OCDH and the ADHUC also reported authorities generally ignored allegations of prisoner mistreatment. The Directorate General of Human Rights at the Ministry of Justice is responsible for overseeing prison conditions and acknowledged prisoners had been mistreated, but blamed the mistreatment on the lack of proper training for prison personnel. In contrast with last year, medical personnel at the Pointe-Noire prison did not acknowledge that pretrial detainees who arrived from jails were malnourished and ill due to mistreatment.

Prison and Detention Center Conditions

Prison and detention center conditions were harsh and life-threatening.

Physical Conditions: At year’s end there were approximately 1,500 prisoners. According to a government source, an estimated 60 percent of prisoners were awaiting trial, but according to an NGO, that number was closer to 75 percent of prisoners. As of August 9, the Brazzaville prison, built in 1943 to accommodate a maximum of 150 prisoners, held approximately 640, including 17 women and 32 minors. The Pointe-Noire prison, built in 1934 to hold up to 75 prisoners, held nearly 300, including 10 women and five minors. There were approximately 50 to 70 detainees and prisoners in each of the remaining 10 departmental prisons. Due to the facilities’ infrastructure constraints and lack of education services, these departmental facilities did not hold minors. Convicted minors in these districts were therefore given punishments that did not include prison sentences. Police stations regularly housed individuals in their limited incarceration facilities beyond the maximum statutory holding period of 48-72 hours.

Authorities generally maintained separate facilities for minors, women, and men in Brazzaville and Pointe-Noire. In the other 10 prisons, there were no reported juvenile detainees, and men were held separately from women. Prison conditions for women were better than those for men in the 12 prisons. There was less crowding in the women’s cells than in those for men. Security measures in Brazzaville’s prison were insufficient to maintain minors’ isolation from the

general prison population. Authorities held pretrial detainees with convicted prisoners in the 12 prisons. In Brazzaville prisoners with illnesses were kept in one cell but allowed to interact with other inmates.

In Brazzaville prison conditions for wealthy or well-connected prisoners generally were better than those for the less affluent. Authorities held government employees separately from the general prison population. For example, the defendants held in pretrial detention in relation to the March 2012 explosions were kept separate from the general prison population. These prisoners had access to a DVD player, were permitted to keep their own luggage, and had an air conditioner installed in one of the cells.

An NGO reported that in January at least one prisoner died from neglect at the prison in Ouessou.

Most inmates slept on the floor on cardboard or thin mattresses in small, overcrowded cells, exposing them to disease. The prisons lacked any significant ventilation, had poorly maintained lighting, and had wiring protruding from the walls. In Pointe-Noire, water regularly backed up into prisoners' cells. Basic and emergency medical care was limited. Meaningful access to social services personnel was severely limited due to insufficient staffing and overcrowding.

Prison inmates reportedly received, on average, only one meal a day, consisting of inadequate portions of rice, bread, and fish or meat. Authorities allowed families to bring meals to inmates. Authorities in the prisons provided detainees and prisoners potable water. The Pointe-Noire prison occasionally had running water. All of the prisons supplied potable water to inmates in buckets.

Administration: Recordkeeping in the penitentiary system continued to be inadequate, and authorities did not take steps to improve it during the year. Prison officials continued to use a noncomputerized recordkeeping system despite having the necessary computer equipment, citing a lack of internet access and training.

Authorities occasionally used alternatives to incarceration for nonviolent offenders; however, typically only defendants with the means to hire private attorneys were able to access these alternatives. There was no provision for ombudsmen.

Access to prisoners requires a communication permit from a judge. The permit allows visitors to spend five to 15 minutes with a prisoner. Visits take place in a

small room that holds one extended table at which approximately 10 detainees at a time may sit and converse with their visitors. A new permit is required for each visit. Visitors often had to bribe prison authorities to be allowed in. Since many prisoners' families lived far away, visits often were infrequent because of the financial hardship of travel. Prisoners and detainees were permitted religious observance. Representatives of religiously affiliated charitable organizations visited prisons and detention centers for charitable work and religious counseling.

Prison rules provide for prisoners and detainees to submit complaints to judicial authorities without censorship, but this right was not respected. Authorities did not investigate credible allegations of inhumane conditions brought to them by NGOs and detainees' families.

Independent Monitoring: As in previous years, the government provided domestic and international human rights groups with only limited access to prisons and detention centers. It granted diplomatic missions, however, access to both prisons and police jails to provide consular assistance to their nationals.

Improvements: The government took some steps during the year to improve prison conditions with support from the European Union. Construction of a prisoners' workshop began at the Brazzaville prison. Work also commenced on substantial structural improvements to the prisons in Pointe-Noire and Dolisie.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention. Arbitrary arrest continued to be a problem, however.

Role of the Police and Security Apparatus

The security forces consist of the police, gendarmerie, and the military. The police and the gendarmerie are responsible for maintaining internal order, with police primarily operating in cities and the gendarmerie mainly in other areas. Military forces are responsible for territorial security, but some units also have domestic security responsibilities. For example, the specialized Republican Guard battalion is charged with the protection of the president, government buildings, and diplomatic missions. The Ministry of Defense oversees the military and the gendarmerie, and the Ministry of the Interior and Decentralization oversees the police.

A civilian police unit under the Ministry of Interior and Decentralization is responsible for patrolling the country's frontiers. Separately, a military police unit reports to the Ministry of Defense and is composed of military and police officers responsible for investigating professional misconduct by members of any of the security forces.

Civilian authorities generally maintained effective control over the security forces; however, there were members of the security forces who acted independently of civilian authority, committed abuses, and engaged in malfeasance. Traffic police extorted bribes from drivers under threat of seizure of their identity cards or impoundment of their vehicles. Military and police authorities investigated some abuses, but issued punishment as an internal matter and not through the legal system. The government established the Human Rights Commission (HRC) to receive reports from the public of security force abuses. The HRC was ineffective during the year. It did not meet regularly, allegedly due to renovation of its offices. Additionally, the president of the HRC, Jean Martin Mbemba, spent much of the year under de facto house arrest; the DGST accused him of harboring in his compound a member of the security forces allegedly in criminal possession of weapons.

Impunity for members of the security forces remained widespread. Overall professionalism of the security forces continued to improve, however, in large part due to training by the international law enforcement community. The government provided training in Brazzaville and Pointe-Noire for police from around the country on the prevention of human rights abuses. The government continued a process of decentralizing management of the police.

Arrest Procedures and Treatment While in Detention

The constitution and law require that: a duly authorized official issue warrants before arrests are made; a person be apprehended openly; a lawyer be present during initial questioning; and detainees be brought before a judge within three days, and either charged or released within four months. The government, however, habitually violated these provisions. There is a bail system, but with 70 percent of the population living in poverty, most detainees could not afford to post bail. Detainees generally were informed of charges against them at the time of arrest, but filing of formal charges often took at least one week. Police at times held persons for six months or longer before filing charges due to administrative errors or delays in processing. Most delays were attributed to lack of staff in the Ministry of Justice and the court system. Family members usually were given

prompt access to detainees but often only after payment of bribes. The law requires indigent detainees facing criminal charges be provided lawyers at government expense, but this usually did not occur.

The penal code states a detainee may be detained for a maximum of 48 to 72 hours in a police jail before the case must be reviewed by an attorney general. Thereafter a decision must be made either to release the individual or transfer him or her to a prison for pretrial detention. The 72-hour maximum, however, was not observed. Authorities frequently held detainees for several weeks before being freed by an attorney general or transferred to a prison to await trial.

Arbitrary Arrest: Arbitrary arrest continued to be a problem. Police, gendarmes, and soldiers often detained vehicle operators (mainly taxi drivers) for minor and frequently nonexistent offenses. To extort funds, immigration officials routinely stopped persons and threatened them with arrest on some pretext, claiming, for example, they lacked some required document or were committing espionage. The victim usually paid a bribe. If a bribe was not offered, the person was detained at a police station (or the airport) until either a bribe was paid or someone with influence put pressure on authorities to release the individual.

For example, on April 19, agents of the DGST detained Jean Claude Nzingoula, a faculty member at the medical school in Brazzaville, allegedly for involvement with a national teachers' strike. Authorities did not charge him but held him five days, in violation of the law that allows a maximum 72-hour detention without charge.

Pretrial Detention: The penal code sets a maximum of four months in pretrial detention – which may be extended an additional two months with judicial approval – and thereafter detainees must be released pending their court hearings. This requirement, however, was not observed. Between 60 and 75 percent of detainees in Brazzaville's prison were pretrial detainees, and the percentages were estimated to be similar in other prisons. Prison authorities stated the average provisional detention for noncriminal cases lasted one to three months and for criminal cases at least 12 months. Human rights activists, however, stated the average was much longer.

Lengthy pretrial detentions primarily were due to the judicial system's lack of capacity and financing. Judges often had a large backlog of cases, and the Ministry of Justice typically waited six months for funding from the national treasury before cases could go to trial. By law criminal courts must hear felony

cases (those punishable by more than five years in jail) four times per year. This was not possible since the ministry receives funding for processing felony cases once a year based on the number of pending cases at the time of the request for funding. Criminal courts that try delict cases (those punishable by up to five years in jail) and misdemeanor cases meet more regularly.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the judiciary continued to be overburdened, underfunded, poorly organized, and subject to political influence and corruption. Authorities generally abided by court orders; however, judges generally did not direct court orders towards them.

In rural areas traditional courts continued to handle many local disputes, particularly property cases, inheritance cases, and domestic conflicts that could not be resolved within the family.

The Martial Court, a military tribunal established to try criminal cases involving military members, gendarmes, or police, does not try civilians. The court was believed to be subject to influence and corruption.

Trial Procedures

The constitution provides for the right to a fair trial presided over by an independent judiciary, yet this right was not always respected. The penal code defines three levels of crime: the misdemeanor; the delict; and the felony. Through 2010 felony cases were all tried in Brazzaville, but in 2011 the Ministry of Justice began to decentralize the trial process. Appeals courts exist in five departments (Brazzaville, Pointe-Noire, Dolisie, Owando, and Ouessou), and as of 2011, each of the appeals courts had authority to hold trials for felony cases that are brought within its jurisdiction. In August the criminal court in Brazzaville heard the case against defendants charged in relation to the March 2012 munitions explosions. This was the first felony trial in the country in almost two years.

Defendants have the right to be informed promptly and in detail of the charges (with free interpretation as necessary). Defendants have a right to a fair and public trial in all criminal cases and to a trial by jury in felony cases. Defendants in all criminal trials have the right to be present at their trial and to consult with an attorney in a timely manner, although this did not always occur. The law obligates the government to provide legal assistance to any indigent defendant facing serious

criminal charges who cannot afford to hire a private attorney, yet the availability of this legal assistance was inconsistent because the government did not generally pay for public defenders.

Defendants have the right to adequate time and facilities to prepare a defense, and these rights were generally honored. The defense has access to government-held evidence. Defendants had the right to confront or question accusers and witnesses against them and present witnesses and evidence on their own behalf, and these rights were generally honored. Defendants have the right not to be compelled to testify or confess guilt and have the right to appeal. In principle the law extends the above rights to all citizens, and the government generally abided by these provisions.

Political Prisoners and Detainees

Authorities held at least 32 political prisoners during the year, including the military and civilian personnel arrested in connection with the March 2012 explosions at the armored regiment weapons depot in Brazzaville. The government permitted the detainees' lawyers and families access to the detainees on a regular basis. The detainees received better treatment than other prisoners. In August the criminal court in Brazzaville tried the detainees, convicted six, and acquitted 26. The press and the families of the convicted publicly complained the prosecution failed to provide any evidence regarding either the actual cause of the explosions or how the convicted parties' actions related to the explosions.

In mid-April, during a 10-week-long nationwide teachers' strike, police detained two leaders of the national teachers' union without charge. Police released Hilaire Eyima and Claude Nzingoula on April 25 after the two appeared on television and read a statement in which they apologized for their role in the strike and called on other teachers to return to work.

Civil Judicial Procedures and Remedies

In contrast to felony courts, the civil courts review cases on a regular basis throughout the year. The civil courts experienced long delays – although less than the felony courts– but were considered to be functional. Individuals may file a lawsuit in court on civil matters related to human rights, including seeking damages for or cessation of a human rights violation. The public, however, generally lacked confidence in the judicial system's ability to address human rights problems.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions. The family of the highest-ranking defendant in the March 4 trial, Colonel Marcel Ntsourou, however, complained officials searched his home illegally.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press, but these rights were sometimes restricted. The human rights NGO OCDH reported freedom of expression was threatened during the year through increased government restrictions on print media.

Freedom of Speech: Individuals could criticize the government publicly or privately without reprisal on relatively minor issues. Persons feared reprisal if they named high-level officials while criticizing government policies. The constitution criminalizes speech that incites ethnic hatred, violence, or civil war. The penal code defines this type of speech as a felony, meaning the crime is punishable by more than five years in jail, but does not prescribe a specific sentence. There were no instances during the year of the government accusing someone of violating this law.

Press Freedoms: There was one state-owned newspaper, *La Nouvelle Republique*, and 101 private publications, some of which were closely allied with the government and others that were at times critical of the government. Government journalists generally were not independent. Newspapers occasionally published open letters written by government opponents. The print media did not circulate widely beyond Brazzaville and Pointe-Noire.

Most citizens obtained their news from local radio or television stations. There were no nationwide radio or television stations. There were 61 radio stations, three of which were government-owned, and 29 television stations, of which two were government-owned. Several satellite television services were available for the few who could afford them.

By law media outlets are required to register with the High Council on the Liberty of Communication (CSLC). The CSLC's survey during the year of media, however, found that only 11 of the 101 private newspapers, two of the 58 privately owned radio stations, and none of the 27 privately owned television stations were officially registered. There were no reports the government moved to fine or shut-down the unregistered media outlets following release of the survey.

Censorship or Content Restrictions: The nine-month ban on *La Voix du Peuple* reported in 2012 continued into mid-2013. In May the CSLC prohibited the newspaper *Le Glaive* from publishing for four months for failing to respond to a summons to appear before the CSLC. In June the CSLC prohibited newspapers *Le Trottoir*, *Talassa*, and *l'Observateur* from publishing for four months for allegedly having published seditious material, propaganda, and false news, as well as manipulating opinion and inciting violence and division. The three newspapers had each printed an article either critical of the government or that discussed decades-old allegations of illegal activity made against President Sassou. On November 13, the CSLC announced it would suspend *La Glaive*, *La Voix du Peuple*, and a third newspaper, *Sel-Piment*, for nine months. *Sel-Piment* had allegedly published defamatory and false information in an article entitled "How the national police are killing the Congolese." The CSLC called *La Glaive* "recidivist" for publishing an article stating the country's borders were in "crisis" and calling the army an "empty shell." The CSLC suspended *Le Glaive* also due to an article it published entitled "Sassou no longer controls anything; cancer in the management at the port of Pointe-Noire."

Many broadcast journalists and government print journalists practiced self-censorship. There were no reports of the government revoking journalists' accreditations if their reporting reflected adversely on the government's image; however, the government did not repeal the policy that allowed for such revocation. This policy potentially affected journalists employed by both international and government-controlled media. Local private journalists were not affected.

Libel Laws/National Security: For defamation and incitement to violence, the press law provides for monetary penalties and suspension of the publication's printing.

Internet Freedom

There were no government restrictions on access to the internet or reports the government monitored e-mail or internet chat rooms. A growing proportion of the public, especially youth, accessed the internet more frequently and used online social media. Only the most affluent had internet access in their own homes, while others used cyber cafes. The government made no known attempts to collect personally identifiable information via the internet. According to the International Telecommunication Union, the percentage of individuals who used the internet (2011 figure) was 5.6 percent.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly; however, the government generally did not respect this right.

The government required groups that wished to hold public assemblies to seek authorization from the Ministry of Interior and Decentralization and appropriate local officials. Both the ministry and local officials sometimes withheld authorization for meetings they claimed might threaten public order. They also created unnecessary obstacles to gaining authorization and called on police to disperse meetings they claimed had not received proper authorization. For example, on May 4, police arrested a well-known public figure and president of the March 4 Victims Association, Joe Washington, for allegedly holding a public rally without prior authorization. Ebina claimed the event his organization was holding did not require prior authorization, because it was a meeting and not a public rally. Authorities released him two days later without charge.

Authorities sometimes used tear gas to disrupt demonstrations. For example, in April police used tear gas to prevent hundreds of students from assembling to protest the government response to the teachers' strike. A second-year law student who attempted to pick up a tear gas canister was injured when it exploded.

Freedom of Association

The constitution and law provide for freedom of association, and the government sometimes respected this right. Political, social, or economic groups or associations generally were required to register with the Ministry of Interior and Decentralization. Registration sometimes was subject to political influence. The process was more time-consuming for groups who spoke openly against the government.

c. Freedom of Religion

For a description of religious freedom, see the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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

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

Protection of Refugees

The law provides for the granting of asylum or refugee status, and the government has a system for providing protection to refugees. The government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened because of race, religion, nationality, membership in a particular social group, or political opinion.

As of October 1, the country hosted a total of 52,601 refugees.

The country, especially in areas that border the DRC, received numerous waves of displaced persons in recent years. Between October 2009 and May 2010, nearly 115,000 refugees fleeing ethnic violence and rebellion in Equateur Province of the DRC sought shelter in the country's Likouala Department. Most of these refugees have since been repatriated. As of October 31, the country hosted 36,986 refugees and 1,942 asylum seekers from the DRC.

As of October 31, the country hosted 8,487 Rwandan refugees who fled the genocide in 1994. At a tripartite meeting in 2012, the governments of the Republic of the Congo and Rwanda, with the UNHCR, decided to invoke a cessation clause that would revoke the per se refugee status of Rwandans in the Congo beginning on June 30. As of that date, Rwandan refugees were required either to return to Rwanda, change their status to permanent resident, or seek an individual status as refugee due to particular circumstances. In August the UNHCR reported that, following the June 30 deadline, the majority of Rwandans subject to the cessation clause chose to file for an individualized determination of refugee status. The government announced in September that exemption interviews would begin for approximately 4,000 Rwandans affected by the cessation.

The UNHCR recommended the cessation of refugee status for Angolan refugees – effective June 2012 – and the government began implementing cessation for Angolans in September 2012.

The country also saw an influx of persons fleeing the violence in the Central African Republic (CAR) beginning in December 2012. According to the UNHCR, as of October 31, the country hosted 8,555 refugees and 128 registered asylum seekers from the CAR.

The National Refugee Assistance Center handled applications for refugee status. The center received 80 to 90 percent of its operating budget from the UNHCR.

Access to Asylum: According to the UNHCR, as of June 30, 308 people applied for asylum during the year; and as of October 31, a total of 2,695 asylum seekers remained in the country.

Refugee Abuse: Gender-based violence was frequent at refugee sites, with 31 cases of rape reported up to June 30, of which 13 involved minors. There were 59 cases concerning gender-based violence pending before the courts. According to the UNHCR, the vast majority of such cases went unreported because complaints could take a year or more before courts would examine them; therefore, families of victims often preferred to negotiate settlements directly with the perpetrators. The UNHCR's protection officers and medical personnel provided medical, psychosocial, and legal assistance to victims of gender-based violence, including rape. Refugees had equal access to community health centers and hospitals and legal recourse for criminal complaints (e.g., rape) and civil disputes.

Employment: The law does not address employment for refugees. Anecdotal evidence suggested quotas and excessive work permit fees limited refugee employment opportunities. A health-care organization stated the law required it to hire the country's nationals for at least 90 percent of its positions. The same organization stated refugees were required to obtain two-year work permits that cost approximately 150,000 CFA francs (CFA) (\$309), approximately equivalent to three months' salary.

Many refugees worked informally in the agriculture sector to obtain food. Some refugees farmed land that belonged to local nationals in exchange for a percentage of the harvest or for a cash payment.

Access to Basic Services: UNHCR-funded primary schooling was accessible to all refugees. During the academic year primary schools enrolled 16,726 refugee children, including 8,176 girls. Access to secondary education for refugees was severely limited. Most secondary education teachers were refugees themselves who either volunteered to teach or were paid by the parents of refugee children. There were 5,250 refugee children enrolled in secondary school, including 1,886 girls.

Durable Solutions: In 2010 the government signed a tripartite agreement with the government of the DRC and the UNHCR that outlined the conditions and means for voluntary repatriation of the Likouala refugees to the DRC's Equateur Province. Large-scale repatriation was delayed, however, due to the refugees' desire to wait for both international repatriation assistance and the consolidation of postconflict peace and reconciliation between the Lobala and Boba tribes. Since the UNHCR began its repatriation campaign in May 2012, the agency repatriated 105,836 DRC nationals to Equateur Province.

In October 2011 the government convened a second tripartite meeting with the government of Angola and the UNHCR. Agreement was reached to launch a voluntary repatriation effort in November 2011 that would fall within the framework of the 2002 tripartite agreement. The government invoked the cessation clause and revoked refugee status for the Angolan refugees remaining in the country as of September 30, 2012. Most Angolans who previously maintained refugee status returned to Angola, but as of October 31, 326 remained in the country.

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

The constitution and law provide citizens the right to change their government peacefully; however, this right was restricted by irregularities during the 2009 presidential and 2012 legislative elections.

Elections and Political Participation

Recent Elections: The president's Congolese Labor Party (PCT) and its allies won 95 percent of National Assembly seats during the legislative elections in July and August 2012. Voters elected seven opposition assembly candidates, all of whom belonged to the Pan-African Union for Social Democracy (UPADS). Civil society election observers estimated the voter participation rate at 10 to 15 percent.

In late October 2012, following complaints of fraud during the legislative elections, the Constitutional Court invalidated the victories of the PCT candidates in three districts. The court, however, ultimately reversed its position for two of the districts and reinstated the PCT winner. In the third district, the PCT candidate won the revote. The court also reversed the results of a PCT victory in a fourth district, awarding the victory directly to the challenger.

Denis Sassou-N'Guesso won re-election as president in the 2009 election with a claimed 78 percent of the vote. Officially, 66 percent of eligible voters participated in the election, although the opposition estimated the turnout to be much lower. While the election was peaceful, opposition candidates and NGOs criticized the election for irregularities, such as gross manipulation of voter lists and discrepancies between the officially reported rates of voter participation and those observed by independent election observers. The African Union declared the elections free and fair.

Political Parties: Major political parties included the PCT, UPADS, the Congolese Movement for Democracy and Integrated Development (MCDDI), the Union for Democracy and the Republic (UDR-Mwindu), and the Assembly for Democracy and Social Progress (RDPS). Opposition parties did not encounter government restrictions, unlike the previous year, when opposition parties encountered restrictions with regard to the right to organize before, during, and after elections. The government, however, fomented the splintering of the political opposition. In March the government hosted a national dialogue in the city of Dolisie for the stated purpose of developing a framework for local elections. The government provided participants from all parties excessive cash per diem in addition to paying all hotel and travel expenses. Three weeks after the national dialogue, five well-

known figures in the political opposition announced the formation of a new “centrist” coalition that would express its opposition through dialogue with the government and the PCT. The new coalition explicitly contrasted its approach with that of the few opposition parties that boycotted the national dialogue.

Participation of Women and Minorities: After the 2012 elections, there were 10 women in the 72-seat Senate and 13 women in the 139-seat National Assembly. There were four women in the 37-member cabinet. There were no laws or cultural practices that limited women’s political participation as voters or candidates.

Many indigenous persons– mostly Pygmies– were excluded from the political process due to their isolation in remote areas, lack of registration, cultural barriers, and stigmatization by the majority Bantu population (see section 6). Parliament’s passage, however, of an indigenous persons’ rights protection bill in 2010, which became law in February 2011, strengthened indigenous rights. The law, however, had no reported impact on indigenous persons’ political participation.

Section 4. Corruption and Lack of Transparency in Government

The law provides for criminal penalties for corruption by officials; however, the government did not implement the law effectively, and officials engaged in corrupt practices with impunity. There were several reports of government corruption during the year.

According to the World Bank’s 2012 Worldwide Governance Indicators, government corruption was a severe problem, although the bank and the International Monetary Fund noted the government undertook reform measures to combat corruption. These reform measures continued during the year. The government’s National Commission for Fighting Corruption and Fraud (CNLCCF) and the Anti-Corruption Oversight Committee (OAC) conducted a public anticorruption campaign through holding publicized information sessions and discussions. The two agencies began drafting an anticorruption law during the year.

There was a widespread perception of corruption throughout government, including misuse of revenues from the oil and forestry sectors. Some local and international organizations claimed government officials, through bribes or other fraud, regularly diverted revenues from these sectors into private overseas accounts before the remaining revenues were officially declared. On February 27, however, the Extractive Industries Transparency Initiative (EITI) declared the country to be

compliant with the EITI standard, which requires the country to have functional procedures for annual disclosure of all government income resulting from oil, gas, and mining activities.

Corruption: The CNLCCF, created in 2004, and the OAC, created in 2007, are responsible for combating corruption and fraud. The CNLCCF is tasked with: maintaining a record of reported cases of fraud in the public and private sectors; instituting a government anticorruption plan; and providing technical support for any public or private institution seeking to establish its own antifraud or anticorruption plan. The OAC is an independent government body created under the auspices of the CNLCCF. The OAC is tasked with: auditing the government; implementing the anticorruption plan as it applies to central government agencies; and developing governance reforms.

On July 19, authorities arrested OAC chairman Joseph Mapakou and four other members of the committee for alleged misappropriation of funds. Authorities accused them and a senator of stealing thousands of dollars in the budget earmarked to construct a new OAC office. The senator publicly alleged the charges were intended to destabilize the committee's anticorruption efforts. The CNLCCF released its annual report for 2012 on November 7, noting in the report it found "trustworthy and credible" evidence of corruption throughout the government. In announcing the report, the CNLCCF president, Lamyr Nguele, declared that "the majority of civil servants are guilty of complicity" in corrupt activities. The report identified customs, taxes, law enforcement, teaching, and the disbursement of public funds as the most affected services, but cited the execution of agency budgets as another area of significant concern. Specifically, the report found significant discrepancies involving: the counting of containers arriving in Pointe-Noire for customs duties; the execution of regional government construction projects; the public housing departments in the largest urban areas; regional offices tasked with providing free HIV/AIDS and obstetric services; and the distribution of stipends to university students. The report suggested several remedies, including: criminal investigations into customs fraud; civil investigations into existing and completed or abandoned housing and construction projects; better record keeping for housing projects; the appointment of a new director of public housing; and creation of a centralized office for the purchase and distribution of publicly provided medicines.

Whistleblower Protection: There is no law that provides protection to public or private employees who make internal disclosures or lawful public disclosures of evidence of illegality.

Financial Disclosure: The constitution mandates senior elected or appointed officials disclose their financial interests and holdings both before taking office and upon leaving office. Failure to do so is legal grounds for dismissal from a senior position. The Constitutional Court is tasked with enforcement of this constitutional provision; however, this provision was not enforced, and no financial disclosure statements were made public during the year. The Ministry of Finance created the National Agency for Financial Investigation (ANIF) in 2008. ANIF is an autonomous agency tasked with investigating suspicious financial transactions and, if necessary, forwarding the information to the competent judicial authorities. Its mandate is primarily related to the fight against money laundering and financing transnational criminal groups; however, the ANIF's mandate theoretically covers transactions by government officials as well.

Public Access to Information: The constitution and law provide for public access to government information for citizens, noncitizens, and the foreign media; however, the law was not effectively implemented. There were no unreasonable processing fees associated with requests for information, although there were generally lengthy delays before the government released information, if at all. Denials of disclosure may be appealed to the Constitutional Court; however, the court did not hear denial appeals.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction during their investigations and when publishing their findings on human rights cases. Government officials generally were more cooperative with and responsive to international groups than to domestic human rights groups. Some domestic human rights groups tended not to report on specific incidents due to fear the government would impose obstacles to their work.

Government Human Rights Bodies: The government-sponsored Human Rights Commission (HRC) is charged with acting as a government watchdog and addressing public concerns on human rights problems. Some civil society members claimed the commission was completely ineffective, lacked independence, was primarily composed of persons who had no expertise in human rights, and was created to appease the international community. The president appointed most, if not all, of its members.

The HRC did not undertake activities directly responding to human rights problems in the country during the year (see Section 1.d).

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination on the basis of race, gender, religion, region of origin within the country, place of residence in the country, language, social status, political orientation, or disability; however, the government did not effectively enforce these prohibitions. The law does not prohibit discrimination based on sexual orientation or gender identity.

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal; however, the government did not effectively enforce the law. The law prescribes five to 10 years in prison for violators. According to a local women's group, however, the penalties for rape ranged from as little as several months' imprisonment to rarely more than three years. The government established two centers in Brazzaville to care for rape victims. The government could not provide national figures for cases of rape, although it reported three convictions for rape in Pointe-Noire in 2012.

Rape was common, although the extent of the problem was unknown. A local NGO observed that 260 rapes were reported in the year to September, but added that only a fraction of rapes are reported. Fewer than 25 percent of reported rape cases were prosecuted, according to local and international NGO estimates. In August 2010 authorities arrested a suspected serial killer who allegedly raped and killed nine women. His trial was scheduled to take place in August but was postponed. At year's end he remained in the Brazzaville prison awaiting trial.

In April a video that appeared to show policemen in Brazzaville sexually assaulting two young women made international news after the OCDH discovered it on a publicly available website and submitted it to news agency France 24. The OCDH reported authorities detained the police officers who appeared in the video for approximately 40 days, but that the officers faced no judicial punishment.

Domestic violence against women, including rape and beatings, was widespread but rarely reported. There were no specific provisions in the law outlawing spousal battery other than general statutes prohibiting assault. The extended family or village traditionally dealt with domestic violence matters, and only more extreme incidents were reported to police because of victims' fears of social stigma

and retaliation, and a lack of confidence in the courts. Local NGOs sponsored domestic violence awareness campaigns and workshops.

Sexual Harassment: Sexual harassment is illegal. Generally the penalty if convicted is two to five years in prison. In particularly egregious cases the penalty may equal the maximum for rape, i.e., five to 10 years' imprisonment. The government did not effectively enforce the law, however. According to local NGOs, sexual harassment was very common but rarely reported. As in previous years there were no available official statistics on its occurrence.

In August a local journalist provided a video to the news agency France 24 of what appeared to be Republican Guard soldiers ordering local women to take off their clothes in the woods and then walk through high foliage. France 24 reported the video was made while the guards were on duty during the Forbes Africa Forum in Brazzaville in July. An official with the Republican Guards reported the four soldiers involved were detained in the Republican Guard jail for two months and suspended from military duties upon their release. The official stated a military court hearing was scheduled to take place in coming months, after which the soldiers would likely also appear before a civilian judge.

Reproductive Rights: No laws restrict reproductive rights, childbirth, or timing of pregnancies. There are no restrictions on the right to access contraceptives. The government worked with international NGOs to make male and female contraceptives widely available and free of charge as part of anti-HIV efforts. Contraceptives, however, were not widely used, primarily due to cultural taboos against discussing contraceptives and distrust of medical techniques. Some families see open discussion of contraceptives as condoning promiscuity. Many believed use of medical contraceptives would have a negative long-term impact on fertility. The United Nations estimated 13 percent of married girls and women ages 15 to 49 used some form of modern contraception. The United Nations estimated 560 maternal deaths per 100,000 live births, and a woman's lifetime risk of maternal death was one in 39 in 2010. Despite the high rate of maternal mortality, the World Health Organization reported that skilled health-care personnel attended approximately 94 percent of births in 2012. Health clinics and public hospitals were generally in poor condition and lacked experienced health-care staff, which limited women's access to emergency obstetric care services.

HIV-positive persons continued to experience social stigmatization and discrimination that limited their access to reproductive services. The National

Committee to Fight HIV/AIDS coordinated national policy to counter the spread of the HIV/AIDS virus.

Discrimination: Customary marriage and family laws discriminate against women. Adultery is illegal for both women and men. Polygyny is legal while polyandry is not. The law provides that a legal wife shall inherit 30 percent of her husband's estate. The law limits bridewealth to symbolic amounts. This often was not respected, however, and men were obliged to pay excessive bridewealth to the woman's family. The Ministry of Promotion of Women's Rights is in charge of protecting and promoting the rights of women.

The law prohibits discrimination based on gender and stipulates that women have the right to equal pay for equal work. Women were underrepresented in the formal sector of the economy, however. Women experienced economic discrimination with respect to employment, credit, equal pay, and owning or managing businesses. Most women worked in the informal sector and thus had little or no access to employment benefits. Women in rural areas were especially disadvantaged in terms of education and wage employment, and were confined largely to family farming, small-scale commerce, and child-rearing responsibilities. Many local and international NGOs have developed microcredit programs to address these problems, and government ministries, including those of social affairs and agriculture, also actively helped women set up small income-producing businesses.

Children

Birth Registration: Citizenship is acquired by birth in the country as well as from one's parents. The government does not require registration of births; it is up to parents to request birth registration for a child. A birth certificate is necessary for school enrollment and other services. Pygmies in particular were denied social services as a result of not being registered. Those living in remote villages had difficulty in registering, since offices for registration were located only in provincial capitals. The government continued a system of providing free birth registration in Brazzaville but not in other areas.

Education: Education is compulsory, tuition-free, and universal until the age of 16, but families are required to pay for books, uniforms, and school fees. School enrollment was generally higher in urban areas. Specific data were lacking, but most Pygmy children could not attend school because they did not have birth certificates. School facilities were overcrowded and extremely run down. Girls

and boys attended primary school in approximately equal numbers; however, boys were five times more likely than girls to go on to high school and four times more likely to go on to university. There were reports teachers pressured teenage girls to have sex with them in exchange for better grades– which contributed both to the spread of HIV/AIDS and to unwanted and unplanned pregnancies. Public school students nationwide missed two months of school during the year due to a teachers' strike.

Child Abuse: Child abuse was not commonly reported, but was thought to be prevalent.

Forced and Early Marriage: The law prohibits child marriage, and the legal age for marriage is 18 years for women and 21 for men. Marriage at an earlier age is permissible, however, if both sets of parents give their permission; the law does not specify a minimum age in such a case. According to the UN Population Fund (UNFPA), 33 percent of 20-24 year old women in 2009 were married by the age of 18, although an official at the Ministry of Social Affairs expressed skepticism the percentage was this high. There is no government program focused on preventing early or forced marriage. The penalty, however, for forced marriage between an adult and child is a prison sentence of three months to two years and a fine of 150,000 CFA (\$309) to 1,500,000 CFA (\$3,090).

Harmful Traditional Practices: Female genital mutilation/cutting (FGM/C), although illegal, still occurred. The scale of the phenomenon remained unclear, but was known to exist among West African immigrant communities in Pointe-Noire and Brazzaville and among the indigenous population in Likouala Department in the Northeast. Victims of FGM/C were generally between the ages of eight and 12. The UNFPA provided technical and financial assistance to the government to investigate further the extent of FGM/C in the country. The UNFPA was preparing to launch a nationwide education campaign next year aimed at informing parents about the medical risks and legal penalties associated with FGM/C.

Sexual Exploitation of Children: A child protection code promulgated in 2010 provides penalties for crimes against children such as trafficking, pornography, neglect, and abuse. Penalties for these crimes range from forced labor, to fines of up to 10,000,000 CFA (\$20,450), to prison sentences of several years. The penalty for child pornography includes a prison sentence of up to one year and a fine up to 500,000 CFA (\$1,030). The minimum age for consensual sex is 18. The

maximum penalty for sex with a minor is a prison sentence of five years and a fine of 10,000,000 CFA (\$20,450).

There were cases of children, particularly those who lived on the streets, being subject to sexual exploitation. Authorities increasingly enforced laws that prohibit the exploitation of children, including sexual exploitation. The prevalence of the problem remained unclear, although the UN Children's Fund (UNICEF) estimated in a 2007 report 25 percent of the approximately 1,800 internationally trafficked children were sexually exploited. The Organization of International Migration finalized a nationwide qualitative study during the year that analyzed trafficking in persons in the country, including sexual exploitation of children. The study found that the majority of children subjected to commercial sexual exploitation originated in the DRC and were living in the larger cities. Sexual trafficking of children was not common in rural areas and sexual exploitation of children was not prevalent in villages.

Displaced Children: International organizations assisted with programs to feed and shelter street children, the majority of whom lived in Brazzaville and Pointe-Noire and were believed to be from the DRC, according to UNICEF (see section 2.d.). Children who lived on the streets were vulnerable to sexual exploitation. Many begged, while others sold cheap or stolen goods to support themselves.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There was no substantial Jewish community. There were no reports of anti-Semitic acts.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law specifically prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or in the provision of other state services. The Ministry of Social

Affairs is the lead ministry responsible for protecting the rights of persons with disabilities. In 2009 the Ministry of Social Affairs introduced a national plan for providing access to people with disabilities. There are no laws, however, mandating access for persons with disabilities. The government did not take action during the year to provide equal access for persons with disabilities to public spaces or transportation. The government provides special schools for deaf students in Brazzaville and Pointe-Noire. Blind children and children with physical handicaps are mainstreamed into regular public schools.

National/Racial/Ethnic Minorities

The law prohibits discrimination based on ethnicity.

Regional ethnic discrimination existed, but was not as prevalent as in the years following the civil war that ended in 2002, which divided the country largely along regional and tribal lines. Discrimination was not evident in private sector hiring and buying patterns or in the provision of government services such as education, health, or housing. There were no episodes of regional or ethnic violence reported during the year. The perception of regional and ethnic bias was most acute in the upper echelons of government. Although the relationships among ethnic, regional, and political equities could be difficult to discern, many media and opposition figures accused the president of filling cabinet posts and the general officer corps with people from the northern departments. The government did not make any efforts to address the problem.

Indigenous People

According to local NGOs, Pygmies in remote areas were severely marginalized in regard to employment, health services, and education, in part due to their geographic isolation and different cultural norms. Pygmies in remote areas had restricted political rights; however, in recent years several Pygmy rights groups developed programs to overcome this. Many Pygmies in remote areas were not aware of the concept of voting and had minimal ability to influence government decisions affecting their interests. The Ministry of Justice continued to promote the rights of the indigenous population, and a community radio station called Radio Biso na Biso, located 450 miles north of Brazzaville, worked to promote mutual understanding between the Bantu majority and the indigenous Pygmy minority.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There is no law that specifically prohibits homosexuality or homosexual conduct. Article 330 of the penal code prescribes imprisonment of three months to two years and a fine for those who commit a “public outrage against decency.” Article 331 prescribes a punishment of 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 under the age of 21.” According to the gay rights NGO Association de Soutien aux Groupes Vulnérables (ASGV) and members of the homosexual community, these laws do not prohibit homosexual behavior and authorities do not employ the provisions to arrest or prosecute homosexuals. On occasion, however, police officers harassed gay men during the year and claimed the articles prohibited homosexual activity in order to elicit a small bribe. There are no laws that limit freedom of speech or assembly for lesbian, gay, bisexual, and transgender persons.

There were no known cases of violence against lesbian, gay, bisexual, or transgender individuals during the year. Although homosexual activity is generally stigmatized by society, overt intimidation was not believed to be a factor in preventing reports of incidents of abuse. The ASGV, based in Brazzaville, represents the interests of gay men, particularly in relation to HIV/AIDS and other health issues. The ASGV sits on the National HIV/AIDS Committee, whose meetings are chaired by President Sassou-N’Guesso or the minister of health. A second organization represents the interests of gay men in Pointe-Noire. There was no known advocacy group that represents the interests of lesbians or transgender individuals in the country.

Other Societal Violence or Discrimination

Public opinion polls showed significant societal discrimination against individuals with HIV/AIDS. The law provides penalties for unlawful divulgence of medical records by practitioners, negligence in treatment by health-care professionals, family abandonment, and unwarranted termination of employment. Civil society, including organizations advocating for the rights of persons with HIV/AIDS, was fairly well organized and sought fair treatment, especially regarding employment. NGOs and the government worked widely on HIV/AIDS-related problems, including raising public awareness that those living with HIV/AIDS were still able to contribute to society.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows workers— except for members of the security forces and other services “essential for protecting the general interest,” including members of the armed forces, police, gendarmerie, and some personnel at ports and airports— to form and join unions of their choice without previous authorization or excessive requirements. The law allows unions to conduct their activities without interference.

Workers have the right to strike, provided all long and complex conciliation and nonbinding arbitration procedures are exhausted and due notice is given. A minimum service requirement binds workers in essential services to a limit on the length of time they may strike. Determination of the extent of the minimum service is made by the employer without negotiating with the parties to the dispute. Refusal to take part in providing the minimum service during strikes is considered gross misconduct. There were no known cases of workers in these essential services being terminated for violating the minimum service rule, likely due to the cumbersome termination process for civil servants. Instead, some workers who violated the rule were either transferred to another service or denied some job privileges.

The law also provides for the right to bargain collectively. The law prohibits antiunion discrimination; however, it does not provide adequate penalties for such discrimination. There were no reports of any particular groups of workers being excluded from relevant legal protection.

The government generally did not enforce the laws in a uniform, effective manner.

Freedom of association and the right to collective bargaining were generally respected, and there were no reports of any official government or police action against unions or unionized workers. A dialogue between unions and the government on labor problems, such as basic salary scales and bonus structures, continued. This cooperation brought some success; for example, the government increased the minimum wage in public service and implemented couples’ benefits for public service workers. Most unions, however, were reportedly weak and subject to government influence due to corruption. As a result, in cases where demonstrations would run counter to the government’s interest, the government generally was able to persuade union leaders themselves to prevent workers from demonstrating.

Workers generally exercised their right to strike freely. After public school teachers went on strike nationwide on February 25, however, national and international NGOs reported the government subjected leaders of the Teachers' Union to intimidation and arbitrary arrest. Authorities detained two leaders of the Teachers' Union for several days, after which the leaders appeared on television and urged the other teachers to return to work. The strike continued another two weeks; teachers returned to work the first week of May only after the government announced it would reconsider the teachers' pay scale in the upcoming government budget.

There were reports of antiunion discrimination or violations of collective bargaining rights during the year. In April the China State Construction Engineering Corporation's failure to respect minimum wage and working hour laws led to a violent strike during which the company's security forces reportedly injured two strikers, strikers reportedly assaulted two managers, and police arrested 18 workers. In August, after contentious collective bargaining negotiations, authorities briefly arrested several trade union representatives from the bank workers' union, FESYTRABAC, when they left a meeting to consult with their members. Police questioned one of the unionists and allegedly forced him to sign a memorandum of understanding on the collective agreement. There were no reports of employers firing workers for union activity or blacklisting union members. There were reports, however, that employers used hiring practices such as subcontracting and short-term contracts to circumvent laws prohibiting antiunion discrimination.

b. Prohibition of Forced or Compulsory Labor

The law prohibits some forms of forced or compulsory labor. The government has not repealed a 1960 law that allows persons to be requisitioned for work of public interest and provides for their possible imprisonment if they refuse. There were no reports, however, of the 1960 law ever being applied or enforced. There were no reports the government took steps to prevent and eliminate forced labor during the year, except as relating to trafficked persons. An obsolete provision in the labor code provided for compulsory military service in the event of a state emergency, but was superseded by the current Armed Forces Code that fully professionalized the armed forces.

Children— mostly from Benin, Togo, Mali, Guinea, Cameroon, Senegal, and the DRC— were subjected to domestic servitude, market vending, and forced agricultural and fishing work. Child victims experienced harsh treatment, long

work hours, and had almost no access to education or health services; they received little or no remuneration for their work. The indigenous population is especially vulnerable to forced labor in the agricultural sector.

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

Although there are laws and policies designed to protect children from exploitation in the workplace, child labor was a problem. By law children under the age of 16 may not to be employed, even as apprentices, without a waiver from the minister of national education. This law, however, generally was not enforced, particularly in rural areas and in the informal sector.

The Ministry of Labor, which is responsible for enforcing child labor laws, concentrated its limited resources on the formal wage sector, where its efforts generally were ineffective. As in the previous year, limited resources prevented the ministry from carrying out a review of the formal sector, which would include child labor inspection trips. Some labor inspections occurred during the year, but there were no official reports available at year's end. The Ministry of Social Affairs was also involved in combating child labor as part of the government's antitrafficking efforts. Data on the number of children removed from child labor were not available. International aid groups reported little change during the year in child labor conditions.

The most common forms of child labor were in markets, commercial fishing, or in domestic servitude, where children were subjected to harsh conditions, long hours, and little or no pay. Children worked with their families on farms or in small businesses in the informal sector without government monitoring. Children were engaged in the worst forms of child labor in agriculture and domestic service. There were no official government statistics on general child labor. A 2005 International Labor Organization survey, however, indicated 85 percent of the sample size of 47,000 working children resided in rural areas, and slightly more than half (53 percent) were girls who performed household chores or worked in exchange for pay.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The national minimum wage was 54,000 CFA (\$112) per month in the formal sector. There was no official minimum wage for the agricultural and other informal sectors. High urban prices and dependent extended families obliged many workers, including teachers and health-care workers, to seek secondary employment, mainly in the informal sector.

The law provides for a standard workweek of seven hours per day with a one-hour lunch break, five days a week. There was no legal limit on the number of hours worked per week. The law stipulates overtime pay for all work in excess of regular working hours. For public workers, this is 35 hours per week. In private companies, overtime is any work beyond the business' normal working hours (usually 40-42 hours per week). There is no legal prohibition against excessive compulsory overtime. Overtime is subject to agreement between employer and employee. These standards were generally observed, and workers were usually paid in cash for overtime work.

Although health and safety regulations require biannual visits to businesses by inspectors from the Ministry of Labor, such visits occurred much less frequently, and enforcement of findings was uneven. Unions generally were vigilant in calling attention to dangerous working conditions; however, the observance of safety standards often was lax in both the private and public sectors. Workers have no specific right to remove themselves from situations that endanger their health or safety without jeopardizing their continued employment. There were no exceptions for foreign or migrant workers.