

MINISTRY OF JUSTICE AND  
HUMAN RIGHTS

-----

OFFICE OF THE MINISTER

-----

REPUBLIC OF CONGO  
Unity \* Work \* Progress

-----

**INITIAL AND CUMULATIVE  
REPORT  
OF THE REPUBLIC OF CONGO**

## PLAN

### INTRODUCTION

I – General information on the Republic of Congo.....	p1
A) Geography.....	p2
1. Climate.....	p2
2. Vegetation.....	p2
B) Administrative level.....	p3
C) Political level .....	p5
D) Economic level.....	p5
E) Social level .....	p7
1. Education.....	p7
2. Health.....	p7

### II- PROMOTION AND PROTECTION FOR HUMAN RIGHTS IN CONGO

A) Institutional and legal framework .....	p8
1. The institutional framework .....	p8
2. The legal framework .....	p10
a) International conventions .....	p10
b) Laws and regulations.....	p12
B) Areas of intervention.....	p12
1. Civil and political rights.....	p12
a) The principle of non-discrimination.....	p12
b) The right to equality .....	p13

c) The right to sanctity of life and protection of the human being .....	p14
d) The principle of the right to freedom.....	p14
*Freedom of thought, conscience and religion .....	p15
*Press freedom.....	p16
*Freedom of association.....	p17
* Freedom of assembly.....	p17
* Freedom of movement.....	p17
e) The right to a fair trial .....	p18
f) The right to participate in the management of public affairs .....	p18
2. Economic and socio-cultural rights .....	p18
a) The right to work and security .....	p21
b) The right to enjoy good health .....	p22
• Administrative organisation in the area of health .....	p25
- Public Sector Institutions .....	p25
- Private Sector Institutions .....	p25
3. The situation of vulnerable populations and Minorities.....	p26
a) Children .....	p26
b) Women.....	p29

c) The Disabled and Albinos .....	P30
d) Indigenous populations .....	p31
C) Challenges in the promotion and protection of human rights .....	p31
1. In the area of health .....	p31
2. In the area of health .....	p33
3. In the area of education .....	p35
4. On the economic plane .....	p36
Conclusion.....	p37

## **INTRODUCTION**

On its accession to independence on 15th August 1960, the Republic of Congo proclaimed its commitment to the ideals of human rights.

The ratification of a number of international legal instruments on human rights including the African Charter on Human and Peoples' Rights gave concrete expression to this commitment.

This initial and cumulative report submitted in accordance with Article 62 of the above Charter covers the commitments made by the Republic of Congo.

The report is in two (2) parts:

- I- Information on the Republic of Congo**
- II- Promotion and protection of human rights in Congo**

## **I- GENERAL INFORMATION ON THE REPUBLIC OF CONGO**

### **A/- Physical features**

Straddling the Equator, 60% of Congo is covered by dense forest. The country is 342,000 sq. kms in area with a population of some 3,500,000 inhabitants.

Situated in Central Africa, Congo covers a 1,200 km stretch from the North to the South and is bordered to the North by the Central African Republic and Cameroun, to the South, by Angola and the Democratic Republic of Congo, to the South-East by the Atlantic Ocean, to the East by the Congo River and its tributary the Oubangui, and to the West by Gabon.

Congo has three main types of features:

- Plains in the Niara Valley, the coastal plain and the Congolese Basin ;
- Mountain areas whose altitude ranges between 800 and 1000m  
The most representative are the Mayombe Range, the Chaillu Highlands and Mount NABEMBA, the peak ;
- Plateau areas including the Batékés Plateau.

#### **1. Climate**

Due to its geographic position (4th degree latitude North and 5th degree latitude South), the whole of the Republic of Congo is in the hot and humid zone, with average temperatures estimated at 25 degrees and heavy and regular rains. There are three types of climates in Congo: the equatorial climate to the North, the tropical humid climate to the South and the so-called transitional sub-equatorial climate in the Plateau area.

#### **2. Vegetation**

Due to the diverse climatic conditions Congo has a wide range of vegetation. The dense forest grows on the dry land, especially in Mayombe, Chaillu, and the North Western Plateaus. Generally it is a primary forest, with an extraordinary range of species such as Okoumé, Terminalia Superba, Mahogany, Sappelli and Iroko. The dense floodplain forest is mainly in the Congolese Basin ; the gallery forest mainly borders the waterways especially in the middle of the Savannah, whereas mangroves thrive in the salty waters of the Atlantic in the Kouilou ; the savannah extends from the edge of the dense forest to the North on the maritime seaboard, interspersed by the Mayombe and Chaillu Forest.

These natural assets explain the presence of a particularly rich and varied fauna which makes Congo a first class tourist destination.

## B/- At the administrative level

The Republic of Congo is divided into six regions, eighty six districts, six communes and fifteen arrondissements.

Departments	County Seat	Districts	Communes	Arrondissements
			Brazzaville	<ol style="list-style-type: none"> <li>1. Makélékélé</li> <li>2. Bacongo</li> <li>3. Poto-Poto</li> <li>4. Mougali</li> <li>5. Ouenzé</li> <li>6. Talangaï</li> <li>7. Mfilou</li> </ol>
<b>Kouilou</b>	Pointe-Noire	<ol style="list-style-type: none"> <li>1. Hinda</li> <li>2. Kakamoeka</li> <li>3. Mvouti</li> <li>4. Madingo Kayes</li> <li>5. Nzambi</li> <li>6. Tchambanzassi</li> </ol>	Pointe - Noire	<ol style="list-style-type: none"> <li>1. Lumumba</li> <li>2. Mvoumvou</li> <li>3. Tié-Tié</li> <li>4. Loandjili</li> </ol>
<b>Niari</b>	Dolisie	<ol style="list-style-type: none"> <li>1. Moutamba</li> <li>2. Divenié</li> <li>3. Kimongo</li> <li>4. Kibangou</li> <li>5. Mayoko</li> <li>6. Louvakou</li> <li>7. Makabana</li> <li>8. Banda</li> <li>9. Mougoudou nord</li> <li>10. Mougoudou sud</li> <li>11. Nyanga</li> <li>12. Mbinda</li> <li>13. Londela-Kayes</li> <li>14. Yaya</li> </ol>	Dolisie	Arrondissement 1 Arrondissement 2
			Mossendjo	Arrondissement 1  Arrondissement 2
<b>Bouenza</b>	Madingou	<ol style="list-style-type: none"> <li>1. Madingou</li> <li>2. Kayes</li> <li>3. Boko-Songo</li> <li>4. Mouyondzi</li> <li>5. Mfouati</li> <li>6. Loudima</li> <li>7. Kingoué</li> <li>8. Tsiaki</li> <li>9. Mabombo</li> <li>10. Yamba</li> </ol>	Nkayi	Arrondissement 1  Arrondissement 2
<b>Lékoumou</b>	Sibiti	<ol style="list-style-type: none"> <li>1. Bambama</li> <li>2. Zanaga</li> <li>3. Sibiti</li> <li>4. Komono</li> <li>5. Mayéyé</li> </ol>		
		<ol style="list-style-type: none"> <li>1. Kinkala</li> <li>2. Boko</li> <li>3. Mindouli</li> <li>4. Kindamba</li> </ol>		

<b>Pool</b>	Kinkala	<ol style="list-style-type: none"> <li>5. Goma Tsé-Tsé</li> <li>6. Mayama</li> <li>7. Mbandza Ndounga</li> <li>8. Ngabe</li> <li>9. Loumo</li> <li>10. Louingui</li> <li>11. Vindza</li> <li>12. Igné</li> <li>13. Kimba</li> </ol>		
<b>Plateaux</b>	Djambala	<ol style="list-style-type: none"> <li>1. Djambala</li> <li>2. Gamboma</li> <li>3. Lekana</li> <li>4. Abala</li> <li>5. Ngo</li> <li>6. Mbon</li> <li>7. Mpouya</li> <li>8. Allembe</li> <li>9. Ollombo</li> <li>10. Makotipoko</li> <li>11. Ongogni</li> </ol>		
<b>Basin</b>	Owando	<ol style="list-style-type: none"> <li>1. Owando</li> <li>2. Makoua</li> <li>3. Boundji</li> <li>4. Mossaka</li> <li>5. Oyo</li> <li>6. Loukolela</li> <li>7. Ntokou</li> <li>8. Ngoko</li> <li>9. Tchicapika</li> </ol>		
<b>Western Basin</b>	Ewo	<ol style="list-style-type: none"> <li>1. Ewo</li> <li>2. Kelle</li> <li>3. Okoyo</li> <li>4. Mbomo</li> <li>5. Mbama</li> <li>6. Etoumbi</li> </ol>		
<b>Sangha</b>	Ouesso	<ol style="list-style-type: none"> <li>1. Souanké</li> <li>2. Mokeko</li> <li>3. Sembé</li> <li>4. Pikounda</li> <li>5. Ngbala</li> </ol>	Ouesso	<p>Arrondissement 1</p> <p>Arrondissement 2</p>
Likouala	Impfondo	<ol style="list-style-type: none"> <li>1. Impfondo</li> <li>2. Dongou</li> <li>3. Epena</li> <li>4. Betou</li> <li>5. Enyelle</li> <li>6. Liranga</li> <li>7. Bouaniela</li> </ol>		

### **C/- At the political level**

Since its accession to independence, Congo has been governed by several political regimes. After a first bout of multi party rule from 1960 to 1963, Congo opted for one party rule from 1963 to 1991. From 1991 to date, Congo is under a multi-party regime.

### **D/- At the economic level**

Congo is a developing country which has abundant natural resources such as oil (makes up 80% of the State revenue) and wood. The gross national product has improved considerably thanks to the successive hikes in the cost of the barrel of oil and lumbering on 60% of the national territory. The latter constitutes the country's second source of income.

Agriculture occupies a prominent position in the country's economy. Whereas this agriculture is primarily subsistence farming, it has created an industrial sector which albeit fragile enables Congo to export produce such as sugar, produced by a company called SARIS-Congo. Coffee and cacao are among the agricultural produce which are exported unprocessed.

There has been significant improvement in the tertiary sector thanks to computerisation and the new information technologies. Telecommunications are developing with the unprecedented surge in mobile telephony provided by CELTEL (460.000 subscribers, MTN (230.000 subscribers) and the new comer, Warid.

Due to its geographic position, Congo is a transit country which serves a number of countries in the sub region such as Chad, the Central African Republic, the Democratic Republic of Congo. The existence of a communication network and road network whose main roads are the n°1 trunk road linking Brazzaville, the administrative and political capital to Pointe Noire (economic capital) and the n°2 trunk road linking Brazzaville with the districts in the North of the country coupled with the Congo Ocean (CFCO) railway line linking Pointe Noire to Brazzaville this road network is the backbone and explains its important role in the economy of the country.

Most goods are transported from Pointe Noire to Brazzaville and from the North of the country to the economic capital. The Ports network includes the sea port of Pointe-Noire, the river port of Brazzaville and all the ports situated in the North (Mossaka, Oyo, Boundji, Impfondo, Loukolela, Ouessou, Makoua, etc.)

All the major cities of the country have an airport but most of the air traffic revolves around the Pointe Noire and Brazzaville.

Over the years there have been significant developments in road, rail, river and air infrastructure. This development in communications is in line with the on-going extended accelerated municipalisation drive.

To wit the proposed expansion of the maritime port of Pointe-Noire, the expansion and modernisation of the Pointe-Noire international airport, the construction of Dolisie airport, Ollombo international airports, the proposed expansion and modernisation of the Maya-Maya airport .among others

### **E/- At the social level**

Depending on the sector concerned the social situation in Congo varies :

#### **1. Education**

Congo has a high enrolment rate (84.2%) and a high literacy rate among adults (78%) for women and (90%) for men;

#### **2. Health**

Life expectancy in Congo stands at 52 years, with a total fertility rate of 6.3 children per women and a high population growth rate. In 2001, the average rate was estimated at 3.1% which amounts to the population doubling every twenty five years because of the high birth rates experienced in Congo. (44%) This population is mainly young : 45% are under 15 years and 20% are women at a child-bearing age

### **Indicators**

Population.....	3.551.500 inhabitants <sup>*(1)</sup>
Total fertility rate .....	4,8 ‰ *
Maternal mortality .....	781‰ ** (2)
Infant mortality rate .....	75‰ *
Infanto-juvenile mortality rate .....	117‰ *

The mortality rate is still high; it was estimated at 14.3 deaths for every thousand inhabitants in 1999. Infanto-juvenile death remains high (131 deaths per thousand in 2000, and 117 out of every thousand live births in 2005).

Congo gives priority to the promotion and protection of human rights just as other Members of the United Nations and the African Union, in keeping with its commitments in the areas of human rights, even though she faces some difficulties of effective enforcement.

Far from being a mirage, respect for human rights in Congo is a reality enshrined in Government policy since the advent of the 22 January Constitution. This Constitution provides the institutional and legal framework, on the one hand, and determines the areas of intervention in the field of human rights

---

<sup>1\*</sup> Sources : Health demographic, 2005.

<sup>2 \*\*</sup> Sources : Estimates based on Survey on Household consumption, 2004

## **A- Institutional and legal frameworks**

The Government and Parliament of Congo pay particular attention to the respect of human rights. In addition to the National Human Rights Commission, there is a Ministry of Justice and Human Rights.

A General Directorate for Human Rights and Fundamental freedoms was established within the Ministry of Justice and Human Rights. It is an advisory body for the Government in the area of Human Rights and fundamental freedoms. Thus the Ministry has been able to carry out the following activities:

1. A seminar on HIV/AIDS and human rights, in partnership with UNDP;
2. Updating the register of NGOs and Associations involved in the promotion of human rights;
3. Establishment of a network of trainers in the area of human rights in partnership with the UNDP;
4. Monitoring and implementation of the Justice and Human Rights Project.

In the same vein, from the 25th to 28th April, 2003, the first conference of Government Institutions responsible for human rights in the Francophone zone was held at the 'Brazzaville Palais du Parlement', under the patronage of the President of the Republic.

The organisation of Congolese Institutions provides for a bicameral Parliament: a National Assembly and a Senate, which pass laws and also deal with national human rights policies.

There is also provision for monitoring mechanisms i.e. tribunals and courts, on the one hand, and the Constitutional Court, on the other. To ensure the promotion of fundamental liberties, legal institutions provide equal access to justice for all Congolese citizens. The State provides legal aid for the poorest.

Furthermore, there is a High Court in each county seat, as well as four Appeal Courts and a Supreme Court

Congo has reaffirmed its unwavering commitment to human rights in the area of prisons by ratifying the Convention against Torture and other Cruel, Inhuman or Degrading Punishment of Treatment on 30th July, 2003.

With regard to Prisons, respect for human rights presupposes that prison conditions are improved and that there is provision for the reintegration of delinquents.

To the extent possible, prisons staff (social workers, reintegration and probation officers etc.) try to make prison conditions more dignified for delinquents and more bearable. Recreational and leisure activities are organised (sports, walks, etc) meals, medical care, visits to family members, and permission for outings, etc.

There is a conscious effort to improve conditions of detention and in fact a new prison was constructed at Impfondo, within the framework of the accelerated municipalisation process, to replace the older decrepit one. Authorities and human rights organisations responsible for human rights (NGOs, Associations) visit Congolese prisons regularly.

Social reintegration of delinquents is one of the modern objectives of criminal sanction. It is in line with human rights laws in the sense that it allows a former prisoner to live a normal social, family and professional life regain their human dignity.

Thus, difficult as it is, the Congolese Prison system has always made social reintegration of delinquents one of its major concerns. Of course that presupposes that specific measures are put in place such as, providing work f, schooling and professional training or prisoners serving their sentence. One such example is a Literacy Centre of sorts at the Brazzaville Central Prison.

The Management of the Prison's administration has a Directorate for Social Reintegration and Social Justice. The office is responsible for formulating schemes to facilitate the reinsertion of prisoners into society through their socio-educational, technical, sports, and cultural motivation while in prison.

## 2. The legal framework

The various Conventions signed by Congo, the 20 January, 2002 Constitution and the laws and regulations of the Republic constitute the legal framework.

### a) International conventions

Congo is a signatory to most international human rights conventions.

The table below gives an idea of the main international instruments ratified by Congo :

INSTRUMENTS	DATE OF RATIFICATION OR SIGNING
Protocol relative to the status of refugees	10/07/1970
International Covenant on economic, social and cultural rights	05/01/1984
International Convention on the elimination of all forms of discrimination against women	25/08/1982
International Convention on the elimination of all forms of racial discrimination	11/07/1988
Optional Protocol to the Covenant on Civil and Political Rights	05/10/1985
Convention on the Rights of the Child	13/11/1993
Second optional protocol to the Covenant on Civil and Political Rights aiming at the abolition of the Death Penalty	
Convention against torture and other cruel, inhuman or degrading punishment or treatment	30/07/2003
International Convention on the Protection of the Rights of all Migrant Workers and their families	

Rome Statute on the creation of the International Criminal Court	03/05/2004
Convention on the Prohibition of Use, Storage, production and transfer of anti-personal mines and their destruction	04/05/2001
Convention n°4 concerning employment of Women	1960
Convention n° 119 on the protection of machines	1964
Revised Convention n° 89 concerning the Employment of Women at Night	
Convention n° 149 concerning employment and working and living conditions of nursing staff	1985
Convention n° 81 concerning labour inspection in industry and trade	1999
Convention n° 117 (and protocol) concerning minimal norms to be observed by merchant navy	2001

The successive regimes enacted the Constitution and organic law which enshrine the adherence of the Republic of Congo to the provisions of the international human rights instruments. The Constitution of 20th January, 2002 sets forth in its preamble: « Do declare as an integral part of the present Constitution, the fundamental principles proclaimed and guaranteed by:

- The Charter of the United Nations of 24th October 1945 ;
- UDHR dated 10/12/1948
- The African Charter on Human and Peoples' Rights dated 26th June 1981 ;
- All the relevant international texts on human rights, duly ratified ;
- National Unity Charter and the Charter of Rights and Liberties adopted by the National Sovereign Conference on 29th May, 1991».

#### **b) Laws and regulations**

Many laws and decrees, orders and circulars have been published to reinforce and clarify the legal provisions relative to the respect of human and peoples' rights. They also deal with Childhood, the situation of Congolese Women, the disabled, and national minorities.

## **B- Areas of intervention**

The areas of intervention in the areas of civil and political, economic and social rights.

### **1. Civil and political**

#### a) The principle of non-discrimination (article 2 of the ACHPR)

Article 8 of the Constitution of 20 January 2002 lays down that: « All citizens shall be equal before the law. No discrimination shall be based on origin, social or material situation, racial, ethnical, or departmental affiliation, sex, education, language, religion, philosophy, or place of abode, notwithstanding articles 68 and 69. Women shall have the same rights as men. The law guarantees and ensures the protection and representation of women in all political, elective and administrative spheres».

The first paragraph of Article 25 of the Charter on Rights and Liberties adopted on 29th May, 1991 at the National Sovereign Conference, focuses on the specific case of Congolese children: « Any child irrespective of their race, colour, sex, religion, national social origin, fortune, or birth shall be entitled to every protection measures from his/her family, society, and State consistent with his/her condition as minor.»

#### b) The right to equality (article 3 of the ACHPR)

The right to equality is mentioned in article 1 of the United Nations Charter : « All human beings shall be born free and equal before the law. They shall be entitled, without any distinction whatsoever to the same dignity and shall be equal before the law.» The first paragraph of Article 8 of the Constitution of 20th January stipulates as follows: « All citizens shall be equal before the law».

At the end of the National Sovereign Conference, the Constitution of the Republic of Congo, adopted following the 15th March, 1992 Referendum enshrined the principle of equality of its citizens in its Article 11.

«The State shall promote equality of its citizens before the law irrespective of their origin, social or material status, racial, ethnic and regional affiliation, sex, education, language, attitude to religion and philosophy, place of residence. The State shall respect all rights and liberties in so far as they are consistent with public order and decency. Etc.».

Law n° 19-99 dated 15th August 1999 modifying and supplementing certain provisions of law n° 022-92 dated 20th August 1992 relative to the organisation of judicial authority in article 2:

«Congoleses citizens shall be equal before the law and before the jurisdictions. They may act or defend themselves verbally or by written submissions before all jurisdictions excepting the Supreme Court. The law is the guarantor of all institutions. However, at the end of a trial, if the ruling is that the costs are borne by the parties, these costs shall be borne collectively and in proportion to the gravity of the respective sentences.»

c) The right to the respect for life and the protection of the human person.  
(Articles 4 and 5 of the ACHPR)

The Charter on the rights and liberties in its article 2 stipulates as follows : shall be sacrosanct «All individuals shall be entitled to the right to life, liberty, and physical and moral integrity. » In Article 3, it is set forth as follows : «The human being is sacred. The State and individuals shall be compelled to protect and preserve the human being. Abortion other than for medical reasons shall be prohibited and punishable by law.».

« The human being shall be sacrosanct and shall be entitled to life. The State shall have the absolute obligation to respect and protect ... ». (Article 7 of the Constitution of 20 January, 2002).

d) The principle of the right to freedom (article 6 of the ACHPR )

The Constitution of 20 January 2002 is very clear on this principle: it sets forth the following;

Article 9 : « Freedom of the human being shall be inviolable ».

Article 16 : « All citizens shall have the right to freely leave the national territory if they are not involved in a criminal case and to return thereto.».

Article 18 : « Freedom of belief and freedom of conscience shall be inviolable ».

Article 19 : « Freedom of information and communication shall be guaranteed. ».

Article 21 : « The State shall recognise, in line with the conditions defined by the law, the freedom to come and go, associate, assembly, join a procession and a demonstration.».

The Charter on Rights and Freedom stipulates namely that :

Article 1 : « All human beings shall be born free and equal before the law.».

Article 11 : «The freedom of the human being shall be inviolable. Any person shall be entitled to the right to freedom of thought, conscience and religion..... ».

Congo genuinely exerts efforts to ensure full respect for these freedoms :

\* Freedom of thought, conscience, and religion (Article 8 ACHPR)

Over the past ten years or more the Republic of Congo has experienced a resurgence of spirituality especially with the establishment of so-called 'awakening' churches. Generalised poverty of families and the fragile economy have spurred Congolese on to go in search of assistance, and comfort in spirituality.

However it is not this epiphenomenon which has led to the respect of this provision of the African Charter on Human and Peoples Rights. In effect, the different Constitutions which were adopted during the course of the history of the Republic of Congo have strengthened the resolve of the Republic of Congo to subscribe to this prescription. Decree n° 78/076 dated 8 February 1978, relative to the dissolution of religious associations or sects till the holding of the National Conference momentarily cast a shadow on this commitment. On 21st June 1991, Act n° 049 the transfer of competence in the area of management of certain structures of a social interest, rehabilitation of all organisations put an end to the long period of systematic violation of the principle.

Thus, article 24 of the Charter on the Rights and Liberties sets forth as follows:  
« Ethnic, religious, linguistic minorities cannot be denied the right to have, together with other members of their group, their own cultural life, to profess or practice their own religion and use their own language.».

In article 11, the same Charter stipulates that: « Individual freedom shall be inviolable. All individuals shall be entitled to freedom of thought, conscience and religion; this right implies the freedom to change ones religion or belief individually or collectively, both in public and in private, by the teaching of practices, cult, and the performance of rites, in accordance with the laws and regulations in force. ».

\*Press freedom (article 9 of the ACHPR)

In the Republic of Congo, private and public written and audiovisual press is often partisan. Public media is largely in favour of the authority in place. However, sporadically, certain journalists take the risk of ranting and raving about the manner in which public affairs are conducted by most of the politicians and administration staff.

The private media are mainly daily newspapers which ostensibly support the government or the opposition. The most vocal are those which support the former and tirelessly down play the failings of the Government, or trivialise them.

However, excepting some rebuttals by the incriminated authority, the Congolese press does not have any grounds to complain of being muzzled, since some journalists, in the private sector do pen editorials whose content border on criminal offences.

The 20 January 2002 Constitution, in its article 9 stipulates that : «All citizens shall have the right to freely express their opinion through speech, in writing, through pictures or any other means of communication. Freedom of information and communication shall be guaranteed. Censorship shall be prohibited. Access to sources of information shall be free. All individuals shall be entitled to information and communication. Relevant activities are conducted in accordance with the law. ».

The Charter on Laws and Liberties, in article 12 states that : « All individuals shall be entitled to the freedom of opinion and expression which implies the right to express their opinion without let or hindrance and to look for, receive and spread information and ideas by any means of expression whatsoever across borders . ».

\* Freedom of Association (article 10 of the ACHPR)

If there is a provision of the African Charter on Human and Peoples' Rights which finds its true concrete expression in Congo it is the freedom of association. Since the advent of multi-partism in the Republic of Congo, many parties and associations of all sorts with different objectives have been established. They conduct their affairs freely and the associations bringing together nationals of various departments or districts abound.

To this effect, the Constitution of 20th January, 2002, stipulates in article 21 : « the State shall recognise and guarantee, in accordance with the conditions laid down by the law, freedom from restraint, association, assembly, procession and demonstration».

The Charter on Rights and Liberties lays down the same provision in article 15: « All individuals shall be entitled to freedom of association. The exercise of this right shall only be fettered by the restrictions provided for under the law as necessary in a democratic society, in the interest of national security, public safety, public order, or for the protection of public health or morality or the rights and liberties of others. ».

\* Freedom of Assembly (article 11 of the ACHPR)

Aforementioned Articles 21 of the 2002 Constitution and 15 of the Charter on Rights and Liberties enshrine this right. These provisions come with restrictions, where the meeting could degenerate into riots and social strife.

d) The right to free movement (article 12 of the ACHPR)

It is guaranteed by the successive Constitutions since the accession of the Republic of Congo to Independence.

Article 16 of the 20 January Constitution provides that: « All citizens are entitled to freedom of movement in the entire territory and to freely leave the country and return unless he/she is facing a criminal offence. ».

The Charter on Rights and Liberties sets forth the same in article 14 and includes a clause on the right to asylum.

« All individuals shall be entitled to free movement within the territory and to take up residence. This right may be subjected to restrictions where such are set forth in the law, necessary for the safeguard of national security, public health or public morality. All individuals shall be entitled to seek for and enjoy asylum in the face of persecution. ».

e) The right to a fair trial (Article 7 of ACHPR )

The 20th January 2002 lays down in article 8 : « All citizens shall be equal before the law... ». The provision is echoed in article 9 : «No individual shall be arbitrarily charged, arrested or detained. All accused persons shall be presumed innocent until proven guilty by a process which guarantees him/her right to defence..... ».

The Charter on Rights and Liberties sets forth for its part in paragraph b of article 9 : « ...The right to the presumption of innocence up to the time of definitive proof of guilt..... ».

Paragraph c : « The right to defence, including that of being assisted by a legal practitioner of one's choice. ».

Paragraph d : « The right to be tried by an independent court, in accordance with the law, within a reasonable period and to the extent possible, defined by the texts in force. ».

f) The right to participate in the management of public affairs  
(Article 13 ACHPR)

In the Republic of Congo, after the Sovereign National Council, all citizens who meet the conditions could elect, be elected and participate in the management of public affairs.

This right is guaranteed by article 22 of the Charter on rights and liberties:

« All citizens shall have the right to participate in the management of public affairs either directly or through the intermediary of designated representatives. All citizens shall have the right to accede under the same conditions to public office in his country. The will of the people shall be the foundation of the authority of public authority. This right shall be expressed in regular and periodic elections through universal suffrage and by secret ballot or through an equivalent system which ensures the freedom to vote. » In Congo, this right was recognised for former political exiles who had left the country after the 1997 civil war. Some of them on their return home, following their amnesty, were re-elected to Parliament during the 2007 Legislatives.

On 10th December 2001, law n°9-2001 on the Electoral Code was adopted by the National Transition Council which served as Parliament in the Republic of Congo, after the war. The law set forth the conditions governing the right of suffrage and the reorganisation of referendum and electoral consultations. The law also laid down the different types of elections.

The electoral law exclusively covers the following elections:

- referendum ;
- election of the President of the Republic ;
- election of Members of the National Assembly ;
- election of member of the Department Council and the
- commune ;
- election of Senators.

In article 4 of this law, it is stated that «suffrage is universal, free, equal and secret. It may be, according to provisions of this law, direct or indirect».

To avoid fraud, article 7 stipulates that : « Electoral rolls shall be drawn up by the authorities of each administrative constituency or each diplomatic mission abroad. These rolls shall be permanent and shall be revised every year. However, by a Ministry of the Interior decree, extraordinary revisions of the voters lists can be carried out. ».

It is incumbent on the National Electoral Commission to organise elections. This formula is strongly contested by the opposition parties which are clamouring for an Independent Electoral Commission whereas article 18 of the electoral stipulates that : « The National Electoral Commission consists of representatives of the State, political parties, and civil society».

In the same vein, article 12 stipulates as follows : « A local electoral commission shall be established in each administrative constituency. The local commissions shall comprise of representatives of the State, political parties and civil society. ».

In line with the provisions of article 19 of the 20 January, 2002 Constitution enshrining the freedom of expression, the electoral law stipulates as follows : « During elections, candidates shall have access to the radio and television for the purposes of propaganda. ».

The number of seats at the National Assembly are limited to 137.

As regards the eligibility criteria, provisions have been made for all stakeholders Article 55 of the electoral law, stipulates:

« For legislative elections, candidates shall be:

- \* Congolese nationals;
- \* at least twenty-five years old ;
- \* reside in the national territory at the time of presentation of electoral lists, excepting diplomatic or consular staff, persons sent on missions abroad by the State and international civil servants;
- \* entitled to their full civil and political rights;
- \*free from any crimes or criminal offences

Magistrates, law enforcement officers, Administrators, Mayors, Prefects and Deputy Prefects, Secretaries General of Territorial Communities, and members of the national Electoral commission cannot present candidatures for any electoral constituency during their term of office.

It is noteworthy that all disputes regarding preparatory acts and local elections are under the purview of the departmental court, ruling on administrative matters whereas disputes relating to Presidential and National Assembly elections fall under the purview of the Constitutional Judge.

## **2) Economic and Socio-cultural rights.**

a) The right to work and security (article 15 of the ACHPR)

As set forth in articles 21, 26 and 28 of the 20 January 2002 Constitution, this requirement is as follows: « The State recognises the right to work for all citizens which give effect to the enjoyment of this right. (article 24) ».

« All individuals shall be entitled to rest and leisure, namely the limitation of the duration of the work day and periodic leave as well as remuneration for holidays under the conditions laid down by the law.(article 28) ».

The Charter on Rights and Liberties stipulates that : « All individuals shall be entitled to work under satisfactory conditions, to professional training and protection against unemployment. All individuals shall be entitled without any discrimination whatsoever, to equal and satisfactory pay for equal work. All workers shall be entitled to equitable and satisfactory pay ensuring for his family and himself, an existence commensurate with his human dignity, supplemented, should the need arise, by other means of social protection. >>

Some legal instruments such as Law n° 6/96 dated 6th March 1996 amending and supplementing some provisions of law 45/75 dated 15th March 1975, pertaining to the Labour Code of the Peoples' Republic of Congo make provisions for some work-related aspects. Thus the revised article 4 stipulates that: « Forced or compulsory labour shall be totally prohibited ... ». Other articles of the said law protect the rights of individuals in the area of labour unconditionally.

The Republic of Congo ratified the Covenant on economic, social and cultural rights in 1983.

Article 6 of the Covenant reads : «State Parties to the present Charter recognise the right to work which includes the right of the individual to have the possibility to make a living through a freely chosen or accepted job, and shall take all appropriate measures to safeguard this right. ».

b) The right to the enjoyment of good physical and moral health  
(article 16 of the ACHPR)

Article 30 of the 20 January 2002 Constitution sets forth the following: « The State is the guarantor of public health. The Elderly and Disabled shall be entitled to protective measures based on their physical, moral and other needs for their full development. The right to establish private socio-sanitary facilities shall be guaranteed. Such facilities shall be governed by the Law.».

Whereas the Constitution has laid particular emphasis on the case of vulnerable segments of society, the Charter on Rights and Liberties dated 21 June, 1991 had extended the scope of article 31 : « All individuals shall have the right to enjoy the best attainable physical and mental state. The State shall take all measures to ensure :

- \* « a reduction in the natimortality and infant mortality rates, as well as the sound development of the child » ;
- \* The improvement of all aspects of hygiene in Industry;
- \* Prophylaxis and treatment of transmitted epidemics, professional diseases and other diseases as well as controlling such diseases;
- \* The creation of the conducive environment to provide medical services and medical assistance for all in the case of illness;
- \* Improved quality of life and natural environment.

The African Charter on Human and Peoples' Rights stipulates in article 16: « Every individual shall have the right to enjoy the best attainable state of physical and mental health. State Parties to the present Charter shall take all necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick ».

This concern is replicated in the International Covenant on Social and Economic Rights, in article 12 : « State Parties to the said Covenant recognise the right of all State Parties to the Covenant to enjoy the best attainable physical and mental health... »

Special emphasis is laid on the fight against the Aids pandemic. At the Ministry of Justice and Human Rights, an HIV-Aids Controls Unit (HIVU), a division of the National Aids Control Programme has been established. Its primary aim is to popularize within public administration, the means of prevention and protection. This initiative has had mixed results however it has helped instil more responsible behaviours among public officers.

At the Brazzaville Teaching Hospital screening and anti-retroviral treatment are free of charge. This free treatment helps HIV positives patients live longer. Regarding the situation of children, youths aged 10 to 14 years and women of child-bearing age, a programme consisting of two projects supported by UNICEF was launched :

- \* prevention of Aids among youth ;
- \* prevention of mother to child transmission ;

In the area of HIV-AIDS prevention among youth, the objective is to ensure that 80% of youth of both sexes aged between 10 and 24 years old have adopted safe sexual behaviours. For a long time, Congo has formulated a National Communication Strategy for behaviour change among the youth.

Regarding the Prevention of Mother to Child Transmission Project, (PMCT), the expected outcomes are a 20% reduction in the number of seropositive children by 2008, improved access to voluntary testing-screening for all women attending antenatal consultations and access to medical, nutritional and psycho-social care for seropositive children.

Texts were adopted subsequent to the Constitutional provisions to support the latter, such as decree n° 96-525 dated 31st December 1996 relating to the definition, classification and mode of management of health facilities in the Republic of Congo. For example this text defines the attributions of the Ambulatory Medicine and Integrated Health Centres with regard to the Minimum Package of Activities (MPA).

It consists of a series of texts which govern the organisation and functioning of the Ministry of Health, the implementation of plans and programmes, the norms of organisation and the operation of health facilities as well as public health financing. Detailed observations point to the fact that this framework is fraught with shortcomings and inconsistencies, especially as regards the single account principle which hampers the decentralisation policy and the recovery of costs inherent to the development of Socio Sanitary Districts.

Regrettably there are no specific legal provisions in place in the area of mother and child protection.

However, it has been noted that focusing on administrative organisation in the area of health has made it possible to respond to the human rights exigencies in this area.

- \* Organisation of Health Administrative

The administration is divided into the central, intermediary and peripheral levels.

The first level comprises of the Office of the Minister of Health, Central Departments, and other Units within the Ministry. It is the strategic sphere for planning and normative evaluation, monitoring, resource mobilisation and allocation.

The second level is represented by the Divisional Department of Health which is supervises all the Socio Sanitary Divisions within the Department.

This level of technical support in the transmission of information, specific adaptation of national norms, monitoring of their application and supervision of Management teams within the Socio Sanitary Divisions.

The peripheral level comprises of the Socio Sanitary Division which is in turn divided into Health areas.

- \* Public sector facilities
- \* Integrated Health Centre

The basic operations unit is the Integrated Health Centre (IHC) that is the meeting point between the health service and the beneficiary community.

#### Referral Hospitals

They are the primary level of treatment for the integrated health centres. These facilities are responsible for the treatment of patients referred by the Integrated Health Centres. The network of Integrated Health Centres and their reference hospital constitute the Socio Sanitary Division. However in some places, the Health centres and dispensaries make up for the lack of Socio Sanitary Divisions. They will gradually be replaced by the Socio Sanitary Divisions.

- Specialised Health establishments and facilities

They are namely the National Public Health Laboratory (NPHL), the National Blood Transfusion Centre, (NBTC), the National Essential Drugs Procurement Centre (NEDPC), Raymond POATY hospital, Anti-Tuberculosis Centre (ATC) and the Centres for Ambulatory Treatment (CAT), responsible for the treatment of AIDS patients.

#### General Hospitals

The latter are on the Apex of the pyramid : the most representative is the Brazzaville Teaching Hospital. These are high level institutions and a referral centre for primary hospitals.

#### Private Sector Institutions

The right to create private socio-sanitary facilities is guaranteed by article 30 of the 20th January 2002 Constitution.

In general, these are clinics, medico-social centres, Doctor's clinics. And out of 298 private medical centres listed in the Republic of Congo, only 8.8% are in rural areas. 64,9% and 20,3% respectively of all private facilities are Brazzaville and Pointe-Noire alone.

Special programmes are being implemented in the fight against diarrhoeal diseases, reproductive problems, major epidemic diseases. These programmes are supported technically and financially by Bilateral and Multilateral

Cooperation Agencies (International Institution for Development, WHO, UNICEF, GRZ).

Furthermore, there are so-called support structures in Congo because they train health personnel and carry out research in the area of health (Faculty of Science of the Marien NGOUABI University, Braeeavile Para-medical School, Pointe-Noire, Kinkala, Dolisie et Owando).

### **3. The situation of vulnerable populations and minorities**

#### **a) Children**

Congolese legislation gives pride of place to the vulnerable, particularly children. Over the years, changes have been made in the perception of protection of children. From 1960 to 1997, the protection of children was centred on medico-social and medico-psychological interventions. This explains the fact that the Ministry of Health and Social Affairs is the line Ministry of this Office

Between 1977 and 1998, the establishment of the Department of Correctional Education by decree n° 77/571 of 11 November 1977 conferred a legal and judicial status to the system of protection of children. This department is responsible solely for the protection of delinquent minors or children in moral danger.

By decree n° 99/85 dated 19 May, 1999, a Department for the Legal Protection of the Child was established within the Ministry of Justice and Human Rights. Its area of intervention is far more extensive than that of its predecessors in that henceforth this Institution will also be responsible for juvenile delinquents, children in moral danger and children in physical danger.

Juvenile justice is regulated by two fundamental legal texts : The Family Code for Children in Moral Danger and the Penal Procedure Code for delinquent Children.

The Family Code governs relations between parents and children, Chapter 1 Part X, provides for educational assistance in the dispensation of juvenile justice. Where parents fail to protect the rights of their children, educational assistance is provided to their children.

Article 41 : «Children shall not be separated from their family against the will of those responsible for their wellbeing unless the law stipulates otherwise. The mother and child shall be entitled to State aid and assistance».

\* Juvenile Jurisdictions

\* Juvenile Court Judge

It has the authority to issue orders in the area of educational assistance. The Family Code in Part X of section II, article 328 sets forth that:

« Should the health, security, morals or education of minors be compromised or poorly safeguarded, due to the immorality or ineptitude of the father or mother or the person entrusted with the care of the children or should the minor by his misbehaviour or indiscipline give the latter cause for concern or make it impossible for them to exercise their authority over their charge, the Children's judge may, automatically or at the request of the Court, or at the request of the father, mother or guardian decide that the minor shall for a period, not extending beyond the day he goes off age, be subjected to regular visits by a social worker or placed under probation ».

The Juvenile Court Judge shall also have the authority to singlehandedly hear less serious cases, by ordering that assistance and educational measures be instituted for minors such as social inquiries, admonishment, return to parents, guardian probation, or commitment,.

#### \* The Juvenile's Court

This jurisdiction deals with cases of a serious nature. The Court comprises of a Juvenile Court Judge and two assessors. The latter shall be chosen in view of their competence and interest in Child matters.

Return to parents, admonishment, probation, or commitment or imprisonment are decisions taken by the Court,

#### \* The Juvenile Criminal Court

It is within the powers of the Court to try minors under 16 years old accused of a crime. The Court comprises of a President of the Appeals Court or an Adviser designated by his very self, two assessors including a Juvenile Court Judge and six members of the Jury.

#### \* Public Prosecutors Office

The role of the Attorney General is pivotal in the administration of Juvenile cases.

#### \* Legal Child Protection Department.

This department is charged with the application of the laws relative to Child Protection, to conduct studies leading to the drafting of prevention of juvenile delinquency and Child protection laws. Similarly, this organ is charged with the re-education of juvenile delinquents or minors in moral danger to ensure their integration into society, to manage specialised Child Protection Public Institutions. This Department is also responsible for the supervision of Ancillary Children's Services.

The Management of the Child Legal Protection Services has two deconcentrated offices :

\*The Le service d'Action Educative en Milieu Ouvert et de Liberté Surveillée (Office for educational activities for Children under Open Custody and Probation) based in à Brazzaville, Pointe-Noire, and Dolisie respectively :

- \* The Brazzaville Observation Centre .

In the area of protection, any person within a neighbourhood who is aware of a Child in danger may seize :

- \* the Neighbourhood District Social services ;
- \* Department for Legal Child Protection Services at the central and a decentralised level ;
- \* The Juvenile Court Judge ;
- \* The Attorney General ;
- \* Police and Gendarmerie;
- \* Cheif.

Any individual with any knowledge of the situation of a child in danger and who refrains from reporting shall be liable to legal action for failure to assist a person in danger. Furthermore, the Juvenile Court Judge may be seized sine die by the :

- \* Attorney General;
- \* fathers and/or mothers or guardian ;
- \* the person or the office the minor has confided in ;
- \* the child him/herself. The Judge may even seize himself.

Congolese legislation has put in place mechanisms to repeal or amend measures taken on application by the Court, at the request of the minor himself, his/her father, mother, and the judicial authority which ordered them.

On the other hand, the above persons shall have the possibility to lodge an appeal should they fail to agree with the decision of the Juvenile Court Judge.

## **b) Women**

The lot in life of Congolese Women has improved over the years. The Republic of Congo can take pride in the fact that the situation of women is high on its agenda. Women are increasingly present at the decision-making level. Many International Organisations are assisting Government in the implementation of projects dealing with the emancipation of women, support and involvement in the management of public affairs.

At the level of jurisdictions, the following table gives some idea of the responsibilities entrusted on Congolese Women.

Jurisdictions	Posts occupied
<b>Appeal Court</b>	President of the 2 <sup>nd</sup> District Court
	President of the 2 <sup>nd</sup> Civil Chamber
	President of the Court of Criminal Appeal
	President of the Labour Tribunal
	Examining Magistrate
	President of the Children's Court
<b>Supreme Court</b>	Judge
	Judge and Chairman of the Organisation for the Harmonisation of Business Law in Africa. (OHADA)
	Judge
<b>Audit Office</b>	Deputy Chairperson
<b>Magistrate's Courts</b>	Chairperson of the Ouenzé-Talangaï (BZV) Tribunal
	Chairperson Tchinouka-loandjili (P/N) Court
	Chairperson of the Business Tribunal (P/N)
	President of the Appeal Court (P/N)
<b>Department of Human Rights and Fundamental freedoms</b>	Director for Protection of National Minorities and Vulnerable Social Categories
<b>Ministerial Departments</b>	Ministry of Agriculture and Animal Husbandry
	Ministry of Commerce, Consumption and Supplies
	Ministry of Health, Social and Family Welfare
	Minister of Primary and Secondary Education responsible for Literacy
	Ministry for Women's Affairs and the Involvement of Women in Development

A draft bill on Violence against women is at the drafting stage.

### c) The disabled and Albinos

During the transition, the Supreme Council of the Republic enacted law n° 009/92 of 22nd April, 1992 on the protection, promotion of the disabled status, Chapter II and article 4, states the following:

« Regarding National Security, the individual benefits and/or collective assistance shall be given to the disabled».

There is no special legislation on Albinos, however, the Authorities and civil society have embarked on major activities to improve their plight.

### d) Indigenous populations

There are indigenous populations in all Departments but they have been considered as a sub-race and treated accordingly for a long time. Under the leadership of President Marien NGOUABI though, a policy has been formulated

for their integration into society. Despite this significant step, the Bantous have treated them with disdain over the years.

Special Associations for the protection of the rights of indigenous people were established after the National Sovereign Conference, supported by other apolitical Organisations involved in the protection of human rights.

In May and June 2006, a bill on the promotion and protection of indigenous populations (a first in Africa) was drafted.

The International Day for Indigenous Populations is commemorated on 9th December of each year, nationwide.

### **C- Challenges : Implementation of the promotion and protection of human rights**

The above table has some shortcomings. In effect the implementation of a promotion and protection policy for human rights in Congo is fraught with problems. Very briefly, it should be noted by way of example that this difficulty is at four levels: institutions, health, education and the economy.

#### **1. At the institutional and legal level**

From the institutional and legal level, it is important to outline the challenges in the legal and penitentiary fields because it is at these two levels that texts relative to human rights are implemented.

In view of the provisions of the texts, it would not be misplaced to state that the Congolese System is plagued by its lack of independence, a sine qua non for the equitable dispensation of justice.

In addition to failings in this fundamental ethical requirement there are other material, human and financial problems.

The absence of lawyers during policy custody, the excessive duration of police custody and detention and red-tape are all shortcomings which run counter to the dispensation of justice and the respect for human rights.

Regarding prisons, in general, it is noteworthy that Congolese Prisons were built to accommodate few inmates during the colonial era. Over the years, the prison population has increased considerably and the prison system has not kept up. Consequently, three (3) types of difficulties have emerged: infrastructure, prison staff and financial problems abound.

In terms of infrastructure, prisons facilities are old and obsolete and make for poor prisons conditions which hamper the social reintegration of detainees.

In addition to the deplorable health and security conditions, most prisons do not have health facilities. Only the Brazzaville Prison has a dispensary.

In n addition to this litany of woes, the prison is over-populated, with no social reintegration programme in most prisons and the prison system, ill-equipped.

With regard to financial difficulties, the Congolese penitentiary system does not have the requisite funds to modernise its facilities.

Regarding human resources, the Congolese Penitentiary system is beset with staffing difficulties. The staff lacks the requisite training.<sup>3</sup>

In order to adapt the Congolese Prison System to the requirements of the International Human Rights Instruments, the Prisons Administration has drafted an exhaustive list of problems as at April 2007.

## **2. Health**

In the area of Health, many diseases and epidemics are raging in Congo but the Health delivery system is not in a position to live up to the expectations of the populations in terms of treatment.

The morbidity table is indicative of what obtains in most countries south of the Sahara. Diseases related to reproduction are rife. Mother and child are particularly vulnerable. Further, chronic illnesses due to aging are on the rise

The main causes of maternal mortality and morbidity are linked to induced abortion and complications during pregnancy and delivery: haemorrhage, les anaemia, post partum and post abotum infections and eclamptic toxemia.

Sexually transmitted diseases (STDs) pose a veritable Public Health problem. The annual infection rate is 15 % for gonococcal diseases, 20% for clamydia-trachomatis.

Adolescents are the most vulnerable group

Schistosomiasis is endemic and stable in the South of the country. The case detection rate is between 5 and 35%, the youth are the most affected.

The leprosy epidemic is subsiding somewhat thanks to the introduction of poly-chemotherapy in 1990. In 1999, there were 964 registered cases, 5% were children and the prevalence rate of the disease is estimated at 1.22 cases for every 10,000 inhabitants.

Trypanosomiasis presently affects 5 department out of 11 (Pool, Plateaux, Niari, Bouenza, et la Cuvette). The main focus of the illness is in the Bouenza and along the banks of the Congo River up to Mossaka.

In all, 111 new cases were registered in 2000, 393 in 2001 and 330 in 2002.

Drepanocytosis is the most common hereditary disease. Over 20% of the population are carriers of AS drepanocytosis, and 1.5 carry the SS type.

---

<sup>3</sup>) Source : Status of the Department of Prisons April, 2007

Diabetes, cardiovascular diseases and cancers constitute major health care problems. The prevalence rate of diabetes is 2% within the general population. Between 1995 and 1998, the Brazzaville Teaching Hospital registered a total of 1000 cases of cancer in all with 80 to 90 new cases every year. Cancer of the cervix is the most common, followed by breast cancer and primary liver cancer.

Sexual abuse against women is an epiphenomenon which has emerged during the latest armed conflicts. The victims are women of all ages. From January to September, 1999, 2.036 cases of rape have been registered from Brazzaville to Pointe-Noire, with 193 pregnancies as a result of rape, that is a rate of 9.47 percent.

The responses to these realities have been inadequate especially with regard to the human resources.

Data for the period spanning 1996 to 2002 show that the health staff dropped from 7135 to less than 5130, that is a 31,5% reduction in six years. The imbalance in the staffing situation in the rural and urban areas is glaring:

In 2002, Brazzaville alone had 51,8% of the staff ; The Kouilou including Pointe-Noire had 25,2%, the Likouala 9%, 1,4% for The 'Cuvette Ouest', 1,7% for the Sangha and 1,8% for the Lékoumou.

There are also acute imbalances in the numbers of professional categories, to wit, seven departments do not even have a pharmacist or a dentist, or senior lab technician.

**Table on the ratio of health professionals/Patients**

Professional Category	Number of patients
Doctor	15,161
Dentist	60,958
Pharmacist	111,036
Midwife	6,109
State registered nurse	3,513

Statistics on Health, Nutrition and HIV/Aids

Chronic malnutrition rate .....26\*(<sup>4</sup>3)

Vaccination of children from 12 to 23 months

BCG..... 89,6\*  
 DTCP3..... 65,8\*  
 Measles..... 57,9\*  
 HIV/Aids ..... 4,2\*  
 Birth registration rate ..... 81,1\*

<sup>4</sup> Source : Population and Health Census, 2005.

### **3. Education**

The education indications are as bleak as those of other areas.

In terms of access, equity and quality of the primary cycle, there are major concerns. In 2005, there was a four point increase in access to primary education compared to 2004, with a gross admission rate of 72,8 % compared to 69% in 2004. Despite this relative improvement not all children of primary school going age do have access. The gross enrolment rate increased from 89% to 2004 to 91,4% in 2005 ; this figure also includes over-aged and under-aged children.

NB. This figure masks major imbalances within Regions and Districts, but also among children of minorities (Indigenous populations), the disabled and orphans with a negligible percentage access to primary education.

The main problem is one of gender equity. Girls represent 48% as opposed to boys, 52% with a parity index of 0.95 girls to boys. These differences are due to the low enrolment of rural girls in school and early drop out.

### **4. On the economic plane**

Apart from the macro-economic factors, these studies show that poverty is a reality and is well-entrenched in Congo. 50.1% of the population is living under the poverty line on 30.925 francs CFA in Brazzaville, per person and per month. The drinking water situation in Congo remains critical because over half the population does not have access to this resource. According to the Social Report on Congo, (DGPD. December, 2005) the rate of access is 40% in the urban areas and 14 in the rural areas. There is daily load shedding of electricity leaving whole neighbourhoods in darkness for hours on end.

However, laudable efforts have been made to improve the conditions of access to electricity for all Congolese as attested to by on-going projects such as the construction of the Imboulou barrage and the thermal barrage in Mpila.

## **CONCLUSION**

As attested to by the fore-going, the Republic of Congo is one of the countries in Africa which has incorporated the issue of human rights in the portfolio of the Ministry of Justice, hence the appellation of the Ministry: Ministry of Justice and Human Rights. The concrete action of the Government, Associations, and Non-Governmental Associations has led to improved coordination of efforts and coherence in the management and resolution of problems.

After years of efforts, it is both imprudent and premature to make a definitive assessment because the issues dealt with relate to social evolutions and realities which barely lend themselves to final and peremptory judgements.

Generally the strides made by Congo in the area of human rights are encouraging. Many problems in the economic, social, political, material and human fields have been resolved whereas solutions are yet to be found for the others.

However even though the situation seems flattering, there is still a lot to be done. Difficulties of an institutional, legal, and financial nature are hampering our efforts and actions where they have not purely and simply come to nought.

These difficulties call for a number of initiatives in support of the Authorities and organs responsible the promotion and protection of human rights.

The Congolese authorities should promote the popularisation of the rights of citizens and training for civil servants, especially law enforcement officers and the judiciary, as they are in the forefront in the protection of the rights of citizens and are often the main perpetrators of human rights abuses.