



Republic of Congo – Researched and compiled by the Refugee Documentation Centre of Ireland on 17 February 2011

Is there any evidence of corruption, pervasive crime or widespread violence to women in the Republic of Congo?

Under the heading 'Arbitrary or Unlawful Deprivation of Life' in section 1 the *United States Department of State Country Report on Human Rights Practices* notes:

"In January journalist and activist Bruno Jacquet Ossebi, known for outspoken coverage of government corruption, was in a house fire which some organizations believed was set for political reasons, but others reported it as a simple electrical fire. Ossebi's companion and child died in the fire, while he died several days later in the hospital. The death was officially declared an accident, and there was no investigation. Ossebi's last article before his death described corruption in the management of the country's oil wealth. He had also reported on a lawsuit involving three African leaders, including President Nguesso." (United States Department of State (11 March 2010) *Republic of the Congo: Country Report on Human Rights Practices – 2009*)

Under the heading 'Role of the Police and Security Apparatus' the report states:

"Corruption remained a significant problem in the security forces. During the year there were reports of arrested individuals whose families bribed police to secure their release.

Traffic police extorted bribes from taxi drivers and others under threat of impoundment of their vehicles. Although the Human Rights Commission (HRC) was established for the public to report security force abuses, impunity for members of the security forces remained widespread." (ibid)

The same report under the heading 'Denial of Fair Public Trial' notes:

"Although the constitution and law provide for an independent judiciary, the judiciary continued to be overburdened, underfunded, and subject to political influence and corruption." (ibid)

Under the heading 'Trial Procedures' it notes:

"The military has a tribunal system--the Martial Court--to try criminal cases involving military members, gendarmerie, or police. Civilians are not tried under this system. This body was believed to be subject to influence and corruption. However, in a continuation of a 2007 investigation into corrupt military payroll practices, during the year the Martial Court suspended the salaries of more than 500 current and former military personnel. The court continued repayment of the lost funds by garnishing wages from these personnel." (ibid)

Section 4 'Official Corruption and Government Transparency' notes:

"The law provides for criminal penalties for official corruption; however, the government did not implement the law effectively, and officials engaged in corrupt practices with impunity. According to the World Bank's Worldwide Governance Indicators, government corruption was a severe problem, although the Bank and the International Monetary Fund noted that the government undertook significant reform measures to combat corruption. 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 that government officials, through bribes or other fraud, regularly diverted revenues from these industries into private overseas accounts before the revenues were declared officially. Pervasive lower-level corruption included demands for bribes by security personnel, customs officials, and immigration personnel." (ibid)

Under the heading Women the report notes:

"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. However, according to local women's groups, the penalties for rape could be as little as several months and rarely more than three years' imprisonment, despite the provisions of the law. Rape was common, but the extent of the problem was unknown because the crime was seldom reported. As of July a total of 182 cases of rape had been reported to local police. Fewer than 25 percent of reported rape cases were prosecuted, according to local and international NGO estimates.

Domestic violence against women, including rape and beatings, was widespread but rarely reported. There were no specific provisions under the law outlawing spousal battery, other than general statutes prohibiting assault. Domestic violence traditionally was handled within the extended family or village, and only more extreme incidents were reported to the police, primarily due to the social stigma for the victim. Local NGOs continued awareness campaigns and workshops." (ibid)

The report from *Freedom House Freedom in the World* published in May 2010 notes:

"Corruption in Congo's extractive industries remains pervasive. The country's Anti-Corruption Observatory (ACO), tasked with increasing government accountability, became operational in 2008, but the International Monetary Fund and the World Bank have found that the government maintains inadequate internal controls and accounting systems. Sassou-Nguesso and his family have been beset by allegations of graft. In 2008, the watchdog organization Global Witness reported extravagant personal spending by one of the president's sons and evidence of kickbacks involving the state oil company. Congo was ranked 162 out of 180 countries surveyed in Transparency International's 2009 Corruption Perceptions Index. [...]

Congo's weak judiciary is subject to corruption and political influence. Members of the poorly coordinated security forces act with impunity, and there have been reports of suspects dying during apprehension or in custody. Prison conditions are life threatening. Women and men, as well as juveniles and adults, are incarcerated together, and rape is common. [...]

Despite constitutional safeguards, legal and societal discrimination against women persists. Their access to education and employment is limited, and civil codes and traditional practices regarding marriage formalize women's inferior status; for example, adultery is illegal for women but not for men. In traditional marriages, widows often do not inherit any portion of their spouses' estates, and divorce is difficult for women. Violence against women is reportedly widespread. Abortion is prohibited." (Freedom House (3 May 2010) *Freedom in the World 2010 – Republic of Congo*)

A report from *IRIN News* published in December 2009 states:

"The Republic of Congo's civil war may have ended in 2003, but violence against women continues, according to civil society activists and aid workers.

"Those committing acts of violence are still with us. Even if they are not as rampant as before, it was not long ago that militias operated and armed conflict took place in areas like Pool," said Micheline Ngoulou, president of the society to combat violence against women (ACOLVEF).

"Not a month passes without a woman being violated in one way or another but it's a pity that some women prefer to keep silent about these cases - which are punishable - to avoid mockery and repression," Ngoulou said.

"Apart from sexual violence? there is also physical violence, especially beatings - the victims of which include many women in their own homes," she said.

ACOLVEF says there were 310 known sexual violence cases in 2008, and 210 up to September 2009 ? but these were only the reported cases.

"Sexual violence, especially rape, persists but it has changed in nature: younger and younger girls are assaulted by people who are closer and closer to them. Forty percent of victims are under 18, and 16 percent under 13," said Koen Vanormelingen, a UN Children's Fund (UNICEF) representative in Congo." (IRIN News (18 December 2009) *Congo: Peace in the land, but not in the home*)

A report from the *Committee to Protect Journalists* published in April 2009 notes:

"Numerous questions have arisen. Ossébi was known for his outspoken coverage of alleged government corruption and his support for a lawsuit that seeks to uncover the purportedly extravagant personal holdings of African leaders. Ossébi's brother, Roland Kouka, told CPJ that family members fear the fire may have been set to retaliate for the journalist's coverage of alleged official corruption.

In February 25, Public Prosecutor Alphonse Dinard Mokondzi appointed an investigating magistrate to oversee an inquiry. "A man has died in a fire; we want to know whether it was of criminal or accidental origin," Mokondzi told CPJ. The prosecutor said his office took an interest in the case because Ossébi was a journalist and "there is a lot of suspicion."

Yet much about the investigation remains unclear, including its expected scope and duration and whether its findings will be made public. The investigation itself is hampered because the remains of the rental home were bulldozed and cleared within days of the fire, destroying potential evidence, according to several local sources.

To prepare this report, CPJ interviewed three dozen of Ossébi's relatives, friends, and colleagues, some of whom declined to be quoted by name, as well as officials in Congo. CPJ also reviewed the few available official documents in the case, along with personal notes Ossébi sent out of the country." (Committee to Protect Journalists (23 April 2009) *Republic of Congo Special Report: From a Fatal Fire, Many Questions*)

A report by the *International Federation for Human Rights*

"The country also continued to face serious problems of corruption, in particular within the administration of justice, police services, and taxes and customs. However, positive steps were made with the creation in September 2007 of the Observatory for the Fight Against Corruption, Extortion and Fraud (Observatoire de lutte contre la corruption, la concussion et la fraude), an independent body with the responsibility to monitor and evaluate audits undertaken by public institutions in all public sectors, the implementation of the Government's plan of action in the fight against corruption, and governance reforms initiated by the Government. The nine members of this body come from the judiciary, the National Assembly, the Senate, the State General Inspectorate, trade unions, the private economic sector, the Ecumenical Council of Churches, civil society and the Executive Committee to implement the Extractive Industries Transparency Initiative (EITI)." (International Federation for Human Rights (19 June 2009) *Observatory for the Protection of Human Rights Defenders Annual Report 2009 - Republic of the Congo*)

References

Committee to Protect Journalists (23 April 2009) *Republic of Congo Special Report: From a Fatal Fire, Many Questions*
<http://www.unhcr.org/refworld/docid/4a1bfb842.html>
(Accessed 17 February 2011)

Freedom House (3 May 2010) *Freedom in the World 2010 – Republic of Congo*
<http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7953>
(Accessed 17 February 2011)

International Federation for Human Rights (19 June 2009) *Observatory for the Protection of Human Rights Defenders Annual Report 2009 - Republic of the Congo*
<http://www.unhcr.org/refworld/docid/4a5f300ec.html>
(Accessed 17 February 2011)

IRIN News (18 December 2009) *Congo: Peace in the land, but not in the home*
<http://www.irinnews.org/report.aspx?ReportID=87480>
(Accessed 17 February 2011)

United States Department of State (11 March 2010) *Republic of Congo: Country Report on Human Rights Practices - 2009*

<http://www.state.gov/g/drl/rls/hrrpt/2009/af/135948.htm>

(Accessed 17 February 2011)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted:

Amnesty International

BBC Monitoring

BBC News

Committee to Protect Journalists (CPJ)

Ethnologue

Danish Immigration Services

European Country of Origin Information Network

Google

Human Rights Watch

Immigration and Refugee Board of Canada

IRIN News

Lexis Nexis

Refugee Documentation Centre Query Database

Relief Web

UNHCR Refworld

United Kingdom Home Office

United States Department of State