

REPUBLIC OF THE CONGO

As at 30 June 2020, the Republic of the Congo was providing protection to 40,721 refugees and asylum-seekers from 14 countries. In addition, approximately 300,000 people are currently internally displaced following the armed conflict in the Pool department at the end of 2016 and flooding in the northern part of the country (Likouala, Plateaux and Sangha).

Most refugees in the Republic of the Congo originate from the Central African Republic, the Democratic Republic of the Congo and Rwanda. Refugees from the Central African Republic mostly arrived between 2013 and 2016 following the security crisis in their country. Refugees from the Democratic Republic of the Congo arrived in various waves as a result of ongoing armed conflict and intercommunal violence in their home country. The last large inflow was in December 2018, with more than 8,000 people arriving in a two-day period. Many Rwandese refugees arrived in the aftermath of the 1994 genocide, although more than half of the Rwandese refugee population in the Republic of the Congo today consists of those refugees' children who were born in the Republic of the Congo.

The Republic of the Congo is a low-income country, ranked 175th of the 189 countries on the Human Development Index for 2019. There are large income inequalities between rural and urban areas. Despite this, the Republic of the Congo has traditionally maintained an open-door policy for refugees.

KEY POPULATION DATA

26,702

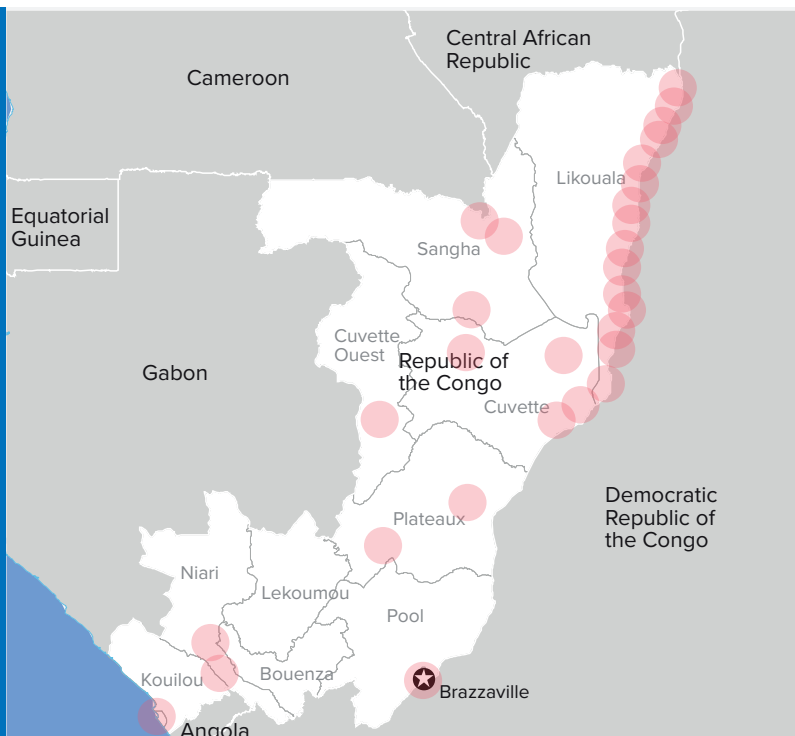
Refugees

13,696

Asylum-seekers

0.75%

of the country's population (5,380,508) are refugees and asylum-seekers



Most asylum-seekers and refugees in the Republic of the Congo reside in the Likouala department near the borders with the Democratic Republic of the Congo and the Central African Republic. Likouala is relatively isolated and difficult to access compared to the other departments in the country, which contributes to high levels of poverty and limited access to basic social services for residents and refugees alike. A smaller number of refugees live in other departments of the country such as Plateau, Brazzaville, Sangha and Pointe-Noire. Approximately 17 per cent of refugees in the Republic of the Congo live in settlements (sites) in rural areas, while 83 per cent live with communities and hosted arrangements in urban and rural areas.

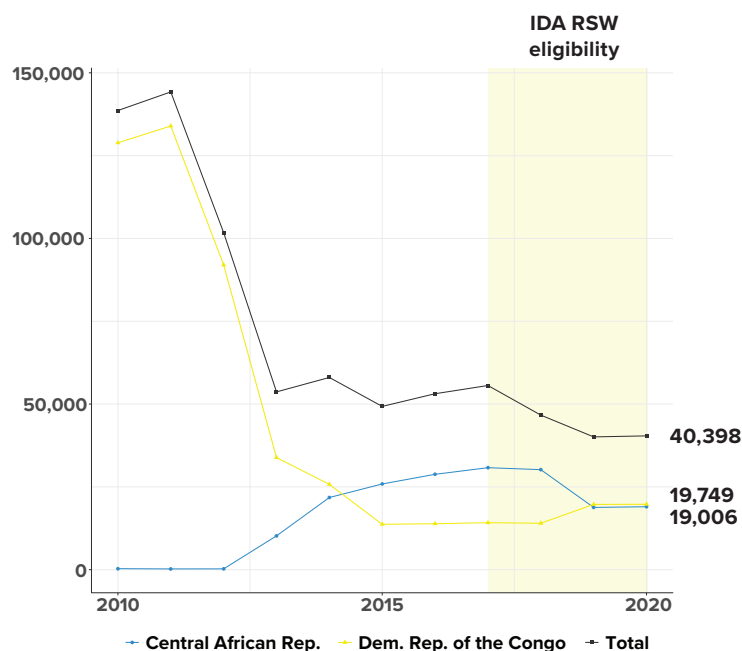


Figure 1: Number of refugees and asylum-seekers of the largest refugee population groups

OVERVIEW OF REFUGEE POLICY ENVIRONMENT (JULY 2017–JUNE 2020)

The Republic of the Congo has a long tradition of hosting refugees and has demonstrated a strong commitment to fulfilling international responsibilities in refugee situations. Key policy developments at the national level in the period from 2017 to 2020 include:

- The adoption of a draft refugee law by the Council of Ministers in August 2019 and its submission to parliament. This followed the 2012 efforts of the National Committee for Refugee Assistance (CNAR) to draft a comprehensive and dedicated law on the right of asylum and refugee status, which were revived in the context of adoption of the New York Declaration on Refugees and Migrants by the United Nations General Assembly in 2016, the adoption of the Global Compact on Refugees in 2018, and the 2019 Global Refugee Forum.
- The passing of [Law No 29-2017](#) in August 2017, which establishes the conditions of entry, stay and exit of foreigners in the Republic of the Congo (hereafter: the 2017 foreigners law). The law amends and supplements certain provisions of [Law No 23-96 of 6 June 1996](#) and includes specific provisions on refugee identity documentation.
- The promulgation of [Law No 21-2018](#) in 2018 (hereafter: the 2018 land law). The law establishes the rules for occupying and acquiring land and plots of land and prescribes restrictions on land access for foreigners, including refugees.
- The adoption of the National Action Plan to combat statelessness in July 2018, setting out measures to improve the civil registration system, and the passing of [Law No 42-2019](#), which abolishes fees for birth registration and birth certificates. Both help to reduce the risk of statelessness for refugees and nationals.
- The adoption of the [2017 National Policy on Social Action](#), which includes refugees as an integral part of the beneficiary population.
- The passing of [Law No 7-2019](#) in April 2019, establishing the Congolese Employment Agency (Agence Congolaise Pour l'Emploi – ACPE), affording nationals and refugees access to business creation advice.
- The Ministry of Interior and Decentralization's civil status census in 2018, which identified 157,466 people born in the Republic of the Congo who had not been issued with a birth certificate and were therefore at risk of statelessness.

Furthermore, at the [Global Refugee Forum in December 2019](#), the Government presented among its best practices “facilitating local integration of refugees in accordance with the law”, including the ability to obtain residence permits and reside legally on Congolese territory, and encouraged the resettlement of refugees in third countries. It also made a policy pledge to complete the legislative reform (which has been under way since May 2016) to remove all discriminatory provisions from the Person and Family Code that could result in statelessness for Republic of the Congo nationals and refugees alike.

POLICY DIMENSIONS (AS AT 30 JUNE 2020)

1 Host Communities

1.1 Support for communities in refugee-hosting areas

National fiscal/budget policies and mechanisms exist that provide for timely additional financial transfers from national level to areas that are economically affected by the presence of refugees. The [2016–2023 National Strategy for the Prevention and Reduction of Risks of Disasters](#) (hereafter: the 2016–2023 National Prevention Strategy) identifies migration and population displacement, particularly across borders, as one of the main external “shocks” to which the Republic of the Congo is exposed. Strategic Action 10 of the Strategy aims to fully integrate prevention and risk reduction into the budget planning of all institutions and Ministries involved in crisis management, with clear and secure budget lines. Similarly, in the [2017 National Policy on Social Action](#), one of the priorities highlighted is the consultation with the Ministry of Finance to set up an emergency fund, with rapid disbursement mechanisms, to finance immediate responses to emergencies. Nonetheless, implementation of the 2016–2023 National Prevention Strategy has been limited and the emergency fund foreseen by the 2017 National Policy has not yet been established or integrated into the [2020 rectified Finance Law](#).

1.2 Social cohesion

While there are no policies focused specifically on social tensions, national policies can be applied to identify, prevent and mitigate potential social tension and risks of violence in refugee-hosting areas. The [2015 Constitution](#), for instance, sets out obligations for citizens to promote and preserve peace, stability, national unity and social cohesion. The Constitution also establishes various Consultative Councils with the overall aim of promoting solidarity and harmony and fully taking different components of Congolese society into account. These include councils for national dialogue, women, civil society and non-governmental organizations, young people and persons with special needs. The councils are further regulated and operationalized through specific policies which can be implemented in refugee-hosting areas to the benefit of refugees and host communities, even if refugees are not specifically mentioned. In practice, refugees have been welcomed by local communities for decades, often fully integrating into the communities hosting them. Isolated incidents have been reported involving refugees, particularly over difficulties in accessing land; however, UNHCR observes that the reporting of such incidents is on the decrease.

Among the local governance structures in the Republic of the Congo, there are informal and formal local mechanisms that promote peaceful coexistence, dialogue, joint activities and citizen engagement. In some areas, refugees have been integrated and are represented, for instance, in agricultural associations. There are no formally established refugee leadership structures in the Republic of the Congo. Nonetheless, in some areas, refugees have informally organized themselves into community-based mechanisms that connect to similar mechanisms in the host community. In some cases, these mechanisms operate under the supervision of local village chiefs and local dispute resolution structures.

The [2015 Constitution](#) includes a provision protecting all children in the Republic of the Congo, including refugees, from discrimination. As described above, the Republic of the Congo also made a policy pledge at the 2019 Global Refugee Forum to complete the legislative reform under way since May 2016 to remove all discriminatory provisions from the Person and Family Code that could result in statelessness for Republic of the Congo nationals and refugees.

1.3 Environmental management

National policies exist that can be applied to mitigate the environmental impact of hosting refugees. While these policies do not directly refer to refugees or host communities, they can be implemented in refugee-hosting areas to the benefit of both. For instance, the Republic of the Congo has a code ([Code No 33-2020 of 8 July 2020](#)) and various [other policies on forestry and nature conservation](#). Strategies and programmes

have also been developed to operationalize these policies, including a [national programme to reduce emissions from deforestation and forest degradation \(REDD+\)](#). Implementation of these policies is limited, particularly in remote rural refugee-hosting areas and in large refugee host cities such as Brazzaville and Pointe Noire.

1.4 Preparedness for refugee inflows

In 2019 and 2020, the Government implemented the Humanitarian Mechanism, an inter-ministerial coordination structure designed to prevent and respond to all types of humanitarian crises that may arise in the Republic of the Congo and to minimize short- and medium-term socioeconomic impacts. The Humanitarian Mechanism was established with financial support from UNHCR and is chaired by the Ministry of Social Affairs and Humanitarian Action (MSAHA). Teams of emergency workers were trained by UNHCR and MSAHA in all regions of the Republic of the Congo.

Decrees to underpin the mechanism have been drafted by the MSAHA and consultations were carried out with stakeholders in 2020. The decrees were scheduled to be submitted to the Prime Minister's Office for onwards submission to the Council of Ministers in the second half of 2020. Membership of the mechanism consists of line ministries (including CNAR), international and national humanitarian partners. Connections to the sub-national level also exist, but development partners are so far not included. The [2016–2023 National Strategy for the Prevention and Reduction of Disasters](#) also provides some elements for a national preparedness framework, most notably the potential for financial disbursement mechanisms. As set out under policy dimension 1.1 above, implementation of this funding mechanism is yet to start. As such, no comprehensive national preparedness framework currently formally exists.

In practice, preparedness measures are taken on an ad hoc basis when new refugee inflows are expected based on the situation in surrounding countries. In those situations, UNHCR and humanitarian partners develop short-term contingency plans in collaboration with national institutions. With financing from UNHCR, teams of local emergency workers have also been trained and formed in the 12 departments of the Republic of the Congo. The contingency plans and sub-national level emergency teams derive their legitimacy from the 2015 Constitution, Article 210: "Social action, prevention, risk reduction and disaster management are the responsibility of local authorities". Nonetheless, these measures are not integrated into the national system or budget and are predominantly financed and implemented by international and local humanitarian partners.

2 Regulatory Environment and Governance

2.1 Normative framework

The Republic of the Congo has been a State Party to the [1951 Convention Relating to the Status of Refugees](#) since 1962. No reservations were made. The Republic of the Congo is also a State Party to the [1967 Protocol Relating to the Status of Refugees](#), the [1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa](#) and other relevant international and regional instruments. The Republic of the Congo has endorsed the Global Compact on Refugees.

Refugee-related commitments in these instruments are currently implemented through the [2015 Constitution](#), the [2017 Foreigners Law](#), the [Decree of 31 December 1999 establishing the National Committee for Refugee Assistance](#) (hereafter: the [1999 Decree on CNAR](#)) and [Order 8040 of 28 December 2001 establishing the asylum eligibility committee](#) and [Order 8041 establishing the asylum appeals board](#) (hereafter: the [2001 Order on eligibility](#) and the [2001 Order on appeal](#)), in conjunction with the Congolese national legal and policy framework.

The Constitution stipulates in its preamble that ratified international texts relating to human rights form an integral part of the Constitution. Article 21 of the Constitution explicitly grants the right of asylum to foreign nationals within conditions determined by Congolese law. The [2017 Foreigners Law](#) contains explicit provisions on refugee rights relating to identity documentation, while the [1999 Decree on CNAR](#) and the

2001 Orders on [eligibility](#) and [appeal](#) contain refugee-specific provisions on refugee status determination (RSD), documentation, non-refoulement, work, social assistance, health and education. Other rights granted to refugees in the 1951 Convention and via other instruments have not, however, been integrated within the Congolese legal framework. A legal practice has emerged whereby these rights are mostly governed by laws and provisions that pertain to foreigners in general. As set out in the individual policy dimensions below, there are also discrepancies between relevant decrees and the Foreigners Law, such as on rights relating to identity documentation. These legal uncertainties are not in line with international and regional norms and standards.

UNHCR observes gaps in the awareness of refugee rights and applicable laws, policies and procedures among refugees, authorities and private sector entities. Most of these actors see refugees as (illegal) foreigners, which can sometimes result in refugees and asylum-seekers being subjected to arbitrary arrests and detention (Congolese Human Rights Observatory – Observatoire Congolais des Droits de l’Homme (OCDH)-Annual Report 2019: Human rights in Congo-Brazzaville; Country Reports on Human Rights Practices for 2019 from the United States Department of State, Bureau of Democracy, Human Rights and Labor).

The framework for recognizing refugee status is defined in the [1999 Decree on CNAR](#) and the 2001 Decrees on [eligibility](#) and [appeal](#). In accordance with these policies, CNAR conducts refugee status determination (RSD) interviews and submits its recommendations to the Eligibility Committee which takes the decision to grant or reject the asylum claim. Appeals are reviewed by the Appeal Committee. The procedures described in the law, including those of the appeal process, generally comply with international standards. However, there were noted gaps in the implementation of these procedures. Indeed, asylum-seekers have to wait before receiving a final decision on their request for asylum. CNAR has indicated willingness to improve the situation. When conditions as stated in Article 1 of the OAU Convention are met in the country of origin, the country of asylum may recognize the refugee status of civilians who flee into their territory due to these circumstances, on a group basis, following an official decision. The last time the authorities of the Republic of the Congo granted such *prima facie* refugee status was in 2013, when Central African civilians were fleeing political violence.

2.2 Security of legal status

Although the legislative reform process of the refugee legal framework is well under way, the absence of an asylum law remains an important factor regarding implementation of the right to asylum and the protection environment in the Republic of the Congo. Despite this legislative gap, no illegal loss or termination of refugee status has been observed.

It is important to note that since 31 December 2017, the Republic of the Congo has lawfully invoked the cessation clause of the 1951 Refugee Convention with respect to Rwandan refugees and has provided them with opportunities to repatriate or benefit from local integration opportunities. Those who opted for local integration received residency permits and those who opted for voluntary repatriation were assisted in returning home in safety and in dignity. In addition, after a review exercise, those with continuous protection needs were exempted from the cessation clause and have retained their refugee status to date.

[The 2001 Order on eligibility](#) provides asylum-seekers with the right to stay in the country based on temporary identity documentation that should remain valid until the asylum-seekers receive a final decision on their claim. However, in practice, identity documentation for asylum-seekers must be renewed every 6 months at the office of the National Committee for Assistance to Refugees (CNAR). This renewal requirement poses challenges for asylum-seekers living far from localities where CNAR has an office. Similarly, once refugee status is granted, the [2001 Order on eligibility](#) provides refugees with the right to stay in the country based on a refugee ID card with a 5-year validity. The order stipulates that the refugee ID card has the same value as a residency permit and should be granted free of charge. However, [the 2017 Foreigners Law](#) also includes specific provisions concerning the refugee ID card, stating that it does not grant residency status to refugees and that its validity is for a period of 3 years. In practice, the provisions of the 2017 Foreigners Law are observed with respect to refugee documentation, rather than those of the 2001 Order.

[The 2001 Order on eligibility](#) also sets out that no refugee or asylum-seeker will be sent against their will to a country where their lives could be at risk due to persecution on grounds covered by the 1951 Convention. From 2019 to 30 June 2020, there were no known cases of unlawful termination of refugee status by way of cancellation, revocation or cessation; no cases of recognized refugees being expelled on grounds of national security or public order; and no reported cases of refoulement.

2.3 Institutional framework for refugee management and coordination

The CNAR is an inter-ministerial committee which retains institutional responsibility for refugee management and consists of representatives of the President's Office and the Ministries of Justice, Finance, Interior, Foreign Affairs, Education, Health, and Social Affairs and Humanitarian Action. The [1999 Decree on CNAR](#) stipulates that the Ministry of Foreign Affairs presides over CNAR (through the Directorate of Multilateral Affairs, which is one of the directorates of the general secretariat), while its two vice-presidents are representatives of the Ministry of Interior and Ministry of Social Affairs and Humanitarian Action respectively. CNAR membership does not include any representatives of the refugee, host or donor communities, and its policies and practices do not link up to other coordination structures such as those related to development planning.

CNAR has a permanent secretariat that is responsible for the day-to-day management of refugee affairs, including budget and programme execution, liaison with UNHCR, registration and status determination and provision of humanitarian assistance. There are no formalized agreements between the CNAR secretariat and other line ministries for the execution and coordination of such functions. However, UNHCR has partnerships with line ministries to facilitate the inclusion of refugees in national services in the spirit of the Global Compact on Refugees. The CNAR secretariat is based in Brazzaville but also has four sub-offices in Betou, Ouessou, Impfondo and Pointe Noire.

No formalized consultation mechanisms have been established by the Government to obtain refugee input and feedback on decisions taken by national, sub-national or local level institutions. However, CNAR does meet with refugees on a regular basis. Furthermore, UNHCR facilitates regular consultations with refugees, including with CNAR, in the context of its annual Participatory Assessments. A complaint mechanism and telephone hotline that were established and managed by UNHCR also allow refugees to give input and feedback on activities implemented by CNAR, UNHCR and other organizations. Reports from Participatory Assessments and feedback from the complaint box and hotlines are shared and discussed with relevant stakeholders, including the Government, to inform planning and programming.

Refugees have so far not been included in the national population census. During the last 2007 Census, the national statistics agency classified refugees simply as foreigners, thereby excluding them from the census. This was also the case for the civil registration exercise that took place in 2019 (and is different from the 2018 civil status census).

There are no examples of administrative data collection systems or national surveys that include refugees. The [2018–2022 National Development Plan \(NDP\)](#) does not set out specific long-term development interventions relating to refugees or hosting communities. However, it does set out general policy directions relating to disaster and humanitarian crisis prevention and response, which could include refugee response priorities. The policy directions are also costed and budgeted for in its operational annex.

2.4 Access to civil registration and documentation

[The 2001 Order on eligibility](#) provides asylum-seekers and refugees with the right to identity and identity documentation. The [2017 Foreigners Law](#) also grants refugees the right to identity and identity documentation. As stated above, in the midst of contradictions between these policies, the 2017 Foreigners Law is followed in practice. At the request of the Government, UNHCR generates refugee identity cards based on information from the refugee database. These are subsequently handed over to CNAR, which in turn formally issues them.

[The 2001 Order on eligibility](#) also provides asylum-seekers and refugees with the right to civil documentation on the same basis as nationals. Civil registration and documentation for nationals is governed by the October 1984 [Family Code](#), which provides for birth registration free of charge if the request is made within the month of birth. However, the country faces challenges with its civil registration system, especially in remote locations, that affect refugee and host communities alike. In fact, the country reports having more than 157,466 people without birth certificates, based on the civil registry census conducted in 2018 in 12 departments of the country (*Recensement à vocation d'état Civil* – Ministry of Interior and Decentralization). During the High-Level Segment on Statelessness in October 2019, the government pledged that any person identified in the 2018 civil status census as not having a birth certificate would obtain a birth certificate by 2019 as previously committed; and that no child would be without a birth certificate by 2022, including through the continuation of outreach activities to encourage the population to register each birth.

2.5 Justice and Security

UNHCR regularly conducts multi-stakeholder participatory assessments as well as protection monitoring of refugees living in urban and rural areas and has not received any reports of security issues involving refugees and host communities.

Refugees are granted access to justice on the same terms as nationals, based on Article 49 of the 2015 Constitution. The Foreigner Law and Congolese civil and criminal codes and procedures do not differentiate between Congolese and foreign nationals. However, the criminal justice system remains weak and faces huge impediments in upholding fairness and efficiency. Criminal courts are not fully operational in many parts of the country. Legal aid, although provided for in law, is not available to those who cannot afford to pay a lawyer, which makes it inaccessible to many refugees and asylum-seekers.

Sexual and gender-based violence (GBV), which increased during the armed conflicts of the 1990s, remains a concern in the Republic of the Congo. According to studies conducted by the Ministry for the Promotion of Women and the Integration of Women in Development (MPFIFD) with the support of the United Nations Children's Fund (UNICEF), sexual violence often occurs with younger people being assaulted by people within their families and neighbourhoods. The studies did not distinguish populations per their status.

3 Economic Opportunities

3.1 Freedom of movement

The [2017 Foreigners Law](#) allows foreigners, including refugees and asylum-seekers, to choose their place of residence without restrictions, based on their identity document. Accordingly, refugees in the Republic of the Congo can choose to live in refugee sites or outside site settings in urban or rural areas without restrictions. In fact, 83 per cent of refugees live with communities in urban and rural areas, while 17 per cent live in refugee settlements in rural areas.

The [2017 Foreigners Law](#) also allows foreigners to move freely based on their identity document. In practice, however, refugees report facing challenges while travelling across the country that include law enforcement officers not recognizing their refugee identity documents; being charged a fee (1,000–2,000 FCFA) each time they were stopped on the road, etc. These cases are reported largely in the northern part of the country where checkpoints have multiplied in recent years. Both CNAR and the Ministry of Foreign Affairs are making efforts to raise awareness of the recognition of refugee ID cards. Criminalizing asylum-seekers' irregular entry into the territory is forbidden under the Foreigners Law.

3.2 Right to work and rights at work

[The 2001 order on eligibility](#) provides refugees with the right to work on the same basis as nationals. Law No 45/75 of 15 March 1975 and amended and supplemented by Law No 6-96 of 6 March 1996 (hereafter: the Labour Code) does not make any distinction between workers on the grounds of nationality. However,

the 2005 Law on trade occupation and its implementing decrees of 2008 and 2011 forbid foreigners from accessing small trade activities such as selling in the market, working in a bakery or driving a taxi. In practice, the provisions of the more restrictive 2005 Law on trade occupation are followed.

In addition, various policies require foreigners to have specific authorizations and work permits, with a burdensome and costly process for obtaining these. Law No 22/88 of 17 September 1988 (amending Law No 01/86 of 22 February 1986, and replacing and supplementing Law No 03/85 of 14 February 1985) states that employment of any foreign worker is subject to prior authorization by the Minister of Labour after receiving the opinion of the trade union, the director of the National Office for Employment and Manpower (Office National de l'Emploi et de la Main d'Œuvre – ONEMO), now the Congolese Employment Agency), and then the Director General of ONEMO. Once this authorization is obtained, it is valid for a period of two years from the date of the worker's hiring and can be renewed subject to a fee of 100,000 CFA.

There are no known cases of refugees who possess work permits or who are employed in the formal sector. In fact, the number of refugees working in the informal sector is believed to be high, although data from the reporting period is not available. The most recent data comes from a UNHCR survey carried out in Brazzaville in 2014, which estimated that 72 per cent of urban refugees had access to wage employment in the informal sector, but that revenues did not cover their needs.

Foreigners residing in the Republic of the Congo may engage in commercial activities, subject to obtaining a trader's permit for a cost, as laid out in Law 25-94 of 23 August 1994, supplemented by Law 19-2005 of 24 November 2005. Article 47 of the latter law repeals all other provisions to the contrary. Its Article 4 defines commercial activities as all profit-making activities of production and exchange of goods and services. The process for doing so includes providing an extract from the person's criminal records in the country of origin, which can be difficult for some refugees to obtain. Trader's permits, if granted, are valid for three years and must be endorsed every year; however, they are only valid in the region in which they were issued. Foreigners must also obtain a visa for the trader's permit at additional cost. Subsequent Decrees 2008-483 and 2011-490 limited the activity of running one's own business to Congolese nationals only.

In April 2019, the Government passed [Law No 7-2019](#), establishing the Congolese Employment Agency (Agence Congolaise Pour l'Emploi – ACPE), which facilitates business creation formalities and allows for nationals and refugees to benefit from business opportunities in a legal and regulatory framework. No restrictions or limitations for refugees have been reported.

3.3 Land, housing and property rights

The Land Law of 2018 limits foreigners' access to ownership and lease of land. The law is interpreted to apply to refugees as well. The law states that the acquisition and occupation of rural land is limited to Congolese nationals and Congolese legal entities (Article 37) and that any acquisition of rural land by a foreigner will be considered null and void (Article 40). Foreigners may only purchase land in urban and peri-urban areas if Congolese nationals have reciprocal rights in the foreigner's country of origin. While UNHCR advocated for exemption from reciprocity under Article 7 of the 1951 Convention relating to the Status of Refugees for refugees wishing to acquire land, such an exemption has not been adopted yet. It should be noted that, in practice, refugees who arrived in the Likouala department in 2009 and 2013 were provided land for housing and agriculture by the Congolese authorities to contribute to their self-reliance. They are managed through mixed committees made of refugees and host population. The 2018 land law could therein jeopardize the socioeconomic and cultural integration of refugees who opt for local integration as a durable solution. Discussions are under way to ensure that refugees are considered favourably in the implementation of this land law.

In addition, the 2019 budget law introduces new taxes to be paid by landowners. There are varying interpretations of the law, with some officials indicating that refugees who owned land prior to the law's enactment will not be expropriated and can proceed to pay the required taxes to secure their rights. However, this has not materialized yet in practice.

The 2012 [Law regulating the rental of residential properties](#) is the only national instrument on Housing in the Republic of the Congo. It grants nationals and foreigners, including refugees, the right to rent and sign lease agreements. In practice, most refugees and asylum-seekers rent houses without signing a formal contract. This is common practice applicable to all in the Republic of the Congo and recognized by law in case of dispute. Refugees and asylum-seekers have not reported any cases of deprivation of property rights based on their status.

The [Real Estate Development Company](#) (SOPROGI) is the public institution which, among other responsibilities, ensures real estate development on behalf of the State for the construction of buildings or social housing by low-cost housing companies. In the Republic of the Congo, the 1992 National Housing Strategy is under review. Some low-cost housing has been constructed by the state in urban areas in the Baongo and Talangai districts, but it is yet to be allocated or sold for lack of clear policies on beneficiaries' criteria. UNHCR is not aware of any refugees having had access to public/social housing programmes.

3.4 Financial and administrative services

The Republic of the Congo belongs to the Economic Community of Central African States (ECCAS/CEMAC) which adopted [Regulation No 2/18/CEMAC/UMAC/CM](#) of the Economic Community of Central African States (ECCAS/CEMAC). This Regulation, which is applicable in the Republic of the Congo, establishes the conditions for access to bank accounts by nationals and residents in the CEMAC space. The definition of "resident" used within the regulation includes refugees, who are thereby authorized to open bank accounts on the same terms as other residents in the Republic of the Congo. In practice, refugees can open bank accounts at only two financial institutions in the Republic of the Congo. In general, recognition of refugee ID cards by financial institutions is yet to materialize, and issuance of biometric ID cards may greatly improve refugees' access to banks and financial services.

The normative framework on digital economy in the Republic of the Congo is composed of the [2019 Finance Law](#), the [2019 Decree approving the national strategy on the development of digital economy](#) and the [2009 Law on the creation of the Agency for the Regulation of Posts and Digital Communication](#). Under these laws, refugees have access to mobile phones and services, including mobile money, on the same terms as Congolese nationals.

In practice, refugees access mobile phones and all services using their refugee ID cards, which are recognized by telecommunication operators. There are no reported cases of refugees being denied access to mobile phones or mobile money services. However, most refugees in the Republic of the Congo live in the Likouala region and, like nationals, have little or no access to mobile phones because the region is barely covered by telecommunication networks.

The Republic of the Congo is a member state of the [Higher Education Council for Africa and Madagascar](#) (CAMES). Within this framework, refugees in the Republic of the Congo may individually request recognition and equivalence of their university diplomas, which consequently facilitates their access to employment and education in the country. Refugees in the Republic of the Congo mostly come from CAMES member states. In practice, there are no reported cases of refugees facing challenges while seeking diploma recognition and equivalence in the country.

The Republic of the Congo is party to the [1949 Geneva Convention on Road Traffic](#) and the 1968 [Vienna Convention on Road Traffic](#). The [CEMAC Community Highway Code](#) recognizes the validity of driving licences issued within the CEMAC community, subject to authenticity control by the relevant transportation services. It also states that licence holders may convert their licence in the host country, subject to that country's right to impose a knowledge test. In practice, refugees from CEMAC countries may obtain the equivalence of their driving licence upon requests to Congolese authorities. Refugees from non-CEMAC countries may convert their driving licences subject to authentication by the competent authorities and payment of the related fees.

Vocational education in the Republic of the Congo falls under the Ministry of Technical and Vocational Education and Employment. In the government's [National Education Strategy 2015–2025](#), the development of technical education and vocational training (ETFP) is noted as a major priority for the education sector. The strategy directly refers to access to basic education free-of-charge for internally displaced persons (IDPs) and refugees. A new law on vocational training is being developed that aims to clarify training options and ways of promoting on-the-job training and to strengthen collaboration with the professional sectors.

4 Access to National Public Services

4.1 Education

[The 2001 Order on eligibility](#) grants refugees the right to education on the same basis as nationals. The Foreigners Law also grants foreigners the right to education on the same terms as nationals, including free basic education and access to university and associated services. However, it should be noted that Law No 01 of 29 January 2018 relating to the abolition of free state examinations and competitions has restored fees for the declaration and issuance of admission documents and set their amount at double for foreigners in comparison with nationals. This can be burdensome for refugees, who are considered foreigners.

The education sector falls under three ministries, one in charge of primary and secondary education and literacy, one in charge of higher education and one in charge of technical education and vocational training. The government's [National Education Strategy 2015–2025](#) is based on the work of an interdepartmental committee composed of the three ministries and other support ministries with the assistance of technical and financial partners, including relevant United Nations entities and the World Bank. The strategy refers to access to education free-of-charge for IDPs and refugees. Its priority strategic orientations are structured around three axes: 1. providing quality basic education (from the first year of primary school to the last year of middle school); 2. meeting the human resource needs of an emerging economy; and 3. making the steering and management of the education system effective. This government's dedication to implementing these goals is reflected in its engagement with the Education for All Fast Track Initiative (EFA-FTI) and the Global Partnership for Education (GPE) as a partner country.

The education system in the Republic of the Congo faces significant challenges, such as insufficient school infrastructure and a limited number of assigned teachers, which result in overcrowded classrooms in public primary schools. In rural areas such as the Likouala region, which is home to most refugees in the Republic of the Congo, there is only one government-assigned teacher for each primary school. The teacher, who is also the school principal, is responsible for all classes. The situation at secondary level is almost identical. For instance, refugee young people in Bétou and their peers in the host community have only two officially-appointed teachers at a secondary school with thousands of students, and there is only one public university in the country, located in the capital city. Refugee girls have much lower enrolment rates than refugee boys, especially at secondary and university levels. These challenges impact the accessibility and quality of education for both refugees and nationals.

Five years on from the adoption of the 2015–2025 strategy, it is clear that the Congolese education system has been confronted by major economic and financial challenges, including a prolonged drop in oil revenues, on which the State budget remains heavily dependent, and the advent of the COVID-19 pandemic. This has severely hampered the strategy's implementation.

It is in this context that the Republic of the Congo has initiated a process to develop an updated strategy, known as the Education Sector Strategy (ESS) 2021–2030. This process is based on an exhaustive global diagnosis of the education system in all its dimensions and integrates the roadmap adopted jointly by the Government, the Local Group of Education (GLPE) and the Global Partnership for Education (GPE), in the context of the country's funding requests.

4.2 Healthcare

[The 2001 Order on eligibility](#) provides refugees with the right to health on the same basis as nationals. The National Health Policy 2018–2030 provides for equitable access to health service packages by improving the supply and quality of services for mothers, children and young people. The National Health Development Plan 2018–2022 (PNDS) is divided into four programmes aimed at improving equitable public access to essential, quality service packages and achieving universal health coverage.

In practice, refugees have access to health care; however, the required financial contributions and the lack of personnel, medicines and equipment, particularly in remote areas, affect the quality and accessibility of services for host and refugee populations alike. Access to women’s reproductive health is jeopardized by limited resources and infrastructure, especially in rural areas. The government has included refugees in its COVID-19 response plan, thanks to which refugees have been able to benefit from prevention and care services on the same terms as nationals. Refugees serve on the Health Centre management committees in the Likouala region.

The operationalization of health insurance and the establishment of a pre-payment mechanism is one of the strategies envisaged in the 2018–2022 PNDS to promote equitable access to health services. However, several health-care services — including caesarean section and related services, and malaria, tuberculosis and HIV treatment (Presidential Decree No 2008-128 of 23 June 2008) — which the PNDS declares to be free of charge are still subject to fees and charges in practice.

The government is in the process of setting up a health insurance system. Studies on the care package have been carried out, but the roadmap for operationalization of the health insurance system is yet to be defined. In practice, refugees’ inclusion in the future health insurance scheme is also yet to be defined.

4.3 Social protection

[The 2001 Order on eligibility](#) provides refugees with the right to social assistance on the same basis as nationals. The Social Security Code (Law No 004-86 of 25 February 1986 on the Social Security Code) regulates social protection in the Republic of the Congo for workers without any consideration of nationality, gender or origin. Refugees are explicitly included as a beneficiary group in the [2017 National Policy on Social Action](#), which aims to reduce poverty, hunger and social inequality and facilitate access to health and education. In practice, social protection programmes are currently covering only a limited portion of the population in need. For example, in May 2020, the Ministry of Social Affairs and Humanitarian Assistance distributed food to the elderly in Brazzaville and Pointe Noire, including to some 130 refugees.

4.4 Protection for vulnerable groups

The [Congolese Constitution](#) provides for the protection of vulnerable persons, nationals and residents, including refugees, with an emphasis on protection measures for elderly and people living with disabilities due to their physical, moral and other needs; the protection and promotion of the rights of indigenous people; the recognition of women’s rights and equality; protection of children and adolescents from economic or social exploitation; and prohibition of labour for children under sixteen years old.

Specific laws and programmes were established to strengthen the rights and liberties enshrined in the Constitution. In 2010, the Government passed the [Law on Child Protection](#) which includes inter alia protection against child abuse and sexual exploitation, child labour, trafficking, maltreatment and offers protection for child offenders. The law does not discriminate based on nationality or residence status. Refugee children have access to national child protection services on the same terms as Congolese children.

In 2019, the Government passed the [Law on Human Trafficking](#), which directly refers to Congolese or residents, including refugees, whether they are victims or perpetrators. The law states that the Congolese courts have jurisdiction over all acts of trafficking in persons committed by or against a Congolese national

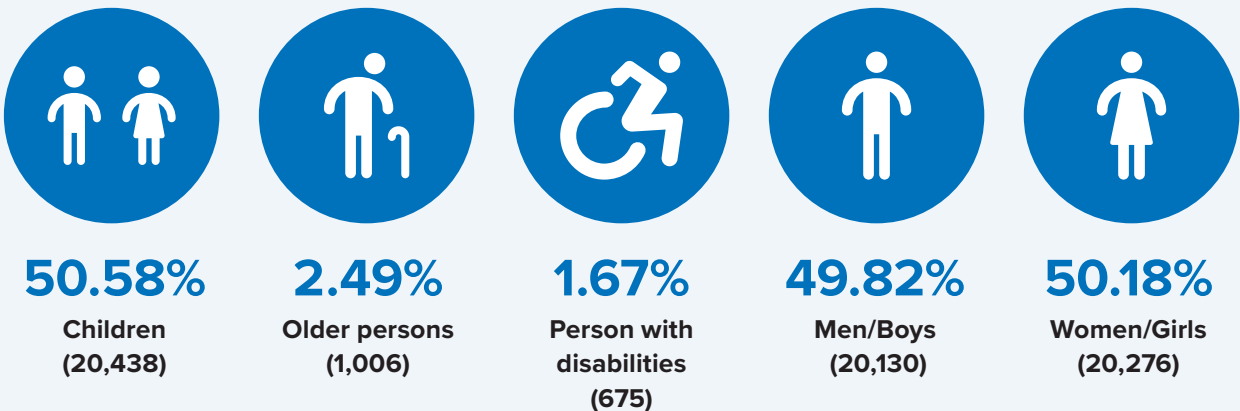
or against a person residing in the Republic of the Congo, including refugees. In practice, the mechanism of repression and assistance (accompaniment) is operational.

While the national strategy to combat sexual violence is yet to be finalized, various policies are in place to prevent and address gender-based violence (GBV), and related services are accessible to both nationals and refugees. Gender equality remains a top priority in the Congo National Development Plan, and the fight against all forms of sexual violence appears also as a top priority in the 2017–2021 National Gender Policy, which also applies to refugees. However, it is important to note that, despite the existence of general legal provisions dealing with GBV in national instruments, there are no specific texts dealing with the different forms of GBV, such as on sexual harassment for instance. The country does not have data on GBV, though it is widely understood to be widespread, affecting nationals as well as refugees.

The Ministry of Women’s Empowerment and Integration in Development and the Ministry of Social Affairs and Humanitarian Action oversee the implementation of these programmes and policies for vulnerable groups. They both face several challenges due to lack of resources and coordination mechanisms at national and local levels. In practice, UNHCR and non-governmental organizations provide protection to vulnerable refugees who are identified during the registration process or during their stay in the Republic of the Congo.

5 Cross Sectors

Characteristics of registered refugees and asylum-seekers in total refugee population* as at 30 June 2020



5.1 Gender

The Government issued a National Gender Policy 2017–2021 aimed at consolidating gender equality and women’s empowerment; strengthening the role and place of women and girls in the economy and in the employed sector; increasing access for women and girls to decision-making spheres; fighting all forms of sexual violence; and strengthening the institutional mechanism implementing the National Gender policy. This National Gender Policy does not refer directly to refugees but applies to them in conjunction with Article 17 of the [Congolese Constitution](#).

* The refugee numbers reported here do not fully match the numbers on the front page because demographic characteristics are not available for all refugees (e.g., pre-registered refugees, etc.).

Annex on Key International and Regional Instruments ratified or adhered to

- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol I\)](#)
- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol II\)](#)
- [African Charter on Human and Peoples' Rights, 1981](#)
- [African Charter on the Rights and Welfare of the Child 1990](#)
- [African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa \(Kampala Convention\), 2009](#)
- [African Youth Charter, 2006](#)
- [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984](#)
- [Convention Governing Specific Aspects of Refugee Problems in Africa \(the OAU Convention\), 1969](#)
- [Convention on the Elimination of All Forms of Discrimination Against Women, 1979](#)
- [Convention on the Rights of Persons with Disabilities, 2007](#)
- [Convention on the Rights of the Child, 1989](#)
- [Convention relating to the Status of Refugees 1951 \(Ratification date: 15 Oct 1962\)](#)
- [Fourth Geneva Convention relative to the Protection of Civilian Persons of 1949](#)
- [ILO Abolition of Forced Labour Convention, 1957 \(No 105\)](#)
- [ILO Discrimination \(Employment and Occupation\) Convention, 1958 \(No 111\)](#)
- [ILO Equal Remuneration Convention, 1951 \(No 100\)](#)
- [ILO Forced Labour Convention, 1930 \(No 29\)](#)
- [ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No 87\)](#)
- [ILO Labour Inspection Convention, 1947 \(No 81\)](#)
- [ILO Minimum Age Convention, 1973 \(No 138\)](#)
- [ILO Right to Organise and Collective Bargaining Convention, 1949 \(No 98\)](#)
- [ILO Tripartite Consultation \(International Labour Standards\) Convention, 1976 \(No 144\), 1976](#)
- [ILO Worst Forms of Child Labour Convention, 1999 \(No 182\)](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination, 1965](#)
- [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990](#)
- [International Covenant on Civil and Political Rights \(ICCPR\), 1966](#)
- [International Covenant on Economic, Social and Cultural Rights, 1966](#)
- [Protocol relating to the status of refugees, 1967](#)
- [Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003](#)
- [UNESCO Convention Against Discrimination in Education, 1960](#)