



## COI QUERY

<b>Country of Origin</b>	<b>Republic of the Congo</b>
<b>Title</b>	<b>Situation of LGBTIQ people: legislation and implementation; treatment by the state; treatment by society; availability of state protection; access to support services</b>
<b>Reference period</b>	January 2022 to 26 May 2024
<b>Topic(s)</b>	<ol style="list-style-type: none"><li>1. <a href="#">Legislation and implementation</a></li><li>2. <a href="#">Treatment by the state</a></li><li>3. <a href="#">Treatment by society</a></li><li>4. <a href="#">Availability of state protection</a></li><li>5. <a href="#">Access to support services</a></li></ol>
<b>Date of completion</b>	27 May 2024
<b>Query Code</b>	Q29-2024
<b>Contributing EU+ COI units (if applicable)</b>	N/A



---

## Disclaimer

---

This response to a COI query has been elaborated according to the [EUAA COI Report Methodology](#) and [EUAA Writing and Referencing Guide](#).

Query responses are produced in response to COI information requests received from asylum authorities within EU+ countries or initiated by EUAA based on COI information needs. Query responses are produced within a limited time period, typically within 5 to 10 days. Within these time constraints, the information provided in this response has been researched, evaluated and processed with utmost care.

All sources used are referenced and cited in the bibliography section. A quality review has been performed in line with the above mentioned COI methodology. This document does not claim to be exhaustive or conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

The information in the response does not necessarily reflect the opinion of EUAA and makes no political statement whatsoever. The target audience is caseworkers, COI researchers, policy makers, and decision-making authorities. Any event taking place after the reference period is not included in this query response.

## COI QUERY RESPONSE – Republic of the Congo

### **Situation of LGBTIQ people: legislation and implementation; treatment by the state; treatment by society; availability of state protection; access to support services**

The information provided in the query concerns the situation of LGBTIQ (lesbian, gay, bisexual, trans, non-binary, intersex and queer). However, sources might use other terms' variations due to the diverse terminology used across sources.

For further information see EUAA's Practical Guide, [COI Research guide on LGBTIQ](#).

#### **1. Legislation and implementation**

There was no law in the Republic of the Congo which specifically prohibited consensual same-sex sexual conduct between adults.<sup>1</sup> However, the law prescribed a term of six months to three years and a fine for anyone who 'commits a shameless act or an act against nature with an individual of the same sex younger than age 21.'<sup>2</sup> The 2022 annual report by the US Department of State (USDOS) described that the 'language' used for this aspect of the law was 'ambiguous' and it was unclear whether it included 'same-sex conduct' between individuals under age 21.<sup>3</sup>

According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), Article 331 of the Penal code establishes a higher age of consent: 21 for same-sex sexual acts, as opposed to 18 for different-sex sexual acts. Local organisations indicate that this provision is used to justify discrimination against people with diverse sexual orientations and gender identities.<sup>4</sup> USDOS added that 'authorities did not invoke the law to arrest or prosecute lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons.'<sup>5</sup>

USDOS further indicated in the annual report, covering 2023, 'there were no known reports of LGBTIQ persons being arrested or prosecuted under the law.'<sup>6</sup> Sources also noted that the law did not prohibit discrimination based on sexual orientation, gender identity or expression, or sex characteristics.<sup>7</sup>

---

<sup>1</sup> USDOS, 2023 Country Report on Human Rights Practices – Republic of the Congo, 23 April 2024, [url](#), p. 26; ILGA, Congo, n.d., [url](#)

<sup>2</sup> USDOS, 2023 Country Report on Human Rights Practices – Republic of the Congo, 23 April 2024, [url](#), p. 26-27; Amera International, Republic of Congo LGBTQI+ Resources, n.d., [url](#)

<sup>3</sup> USDOS, 2022 Country Report on Human Rights Practices – Republic of the Congo, 20 March 2023, [url](#), p. 23

<sup>4</sup> ILGA, Congo, n.d., [url](#)

<sup>5</sup> USDOS, 2022 Country Report on Human Rights Practices – Republic of the Congo, 20 March 2023, [url](#), p. 23

<sup>6</sup> USDOS, 2023 Country Report on Human Rights Practices – Republic of the Congo, 23 April 2024, [url](#), p. 27

<sup>7</sup> USDOS, 2023 Country Report on Human Rights Practices – Republic of the Congo, 23 April 2024, [url](#), p. 27; ILGA, Congo, n.d., [url](#)



Sources indicated that gay marriage is unrecognized<sup>8</sup> or not legally available,<sup>9</sup> and gender-change is illegal.<sup>10</sup>

## 2. Treatment by state

Concerning treatment by state actors, USDOS reported that ‘local NGOs reported psychological and physical harassment of LGBTQI+ persons, as well as instances of financial extortion, by the government’.<sup>11</sup> The 2022 report further added that local NGOs also reported ‘some violence, predominantly psychological and physical’ and some cases of sexual abuse and housing discrimination by government authorities and private citizens.<sup>12</sup> However, according to USDOS, ‘authorities investigated and punished these acts of violence’.<sup>13</sup> Corroborating information could not be found among the sources consulted by EUAA within the time constraints of this query.

A 2024 annual report by Freedom House described that LGBTQI persons ‘experience occasional police harassment’.<sup>14</sup> Similarly, USDOS indicated that ‘on occasion, police used the law regarding “an act against nature” as a pretext to solicit bribes from men perceived to be gay’.<sup>15</sup>

Additional information could not be found among the sources consulted by EUAA within the time constraints of this query.

## 3. Treatment by society

According to USDOS, ‘LGBTQI persons seldom revealed their identity due to pervasive discrimination against the community, leaving evidence of discrimination mostly anecdotal’.<sup>16</sup> USDOS indicated that discrimination against LGBTQI persons ‘remained widespread in health care, housing, personal safety, employment, education, family, and access to other social services’.<sup>17</sup>

USDOS noted that surveys conducted by local NGOs indicated that ‘most violence’ against LGBTQI persons were ‘perpetrated by family members’.<sup>18</sup> According to a March 2022 article by Agence D’information D’Afrique Centrale, a local French-language news source, homosexuality in the Republic of Congo [informal translation] ‘is considered an offense to

---

<sup>8</sup> Equaldex, LGBT Rights in Brazzaville, n.d., [url](#)

<sup>9</sup> ILGA, Congo, n.d., [url](#)

<sup>10</sup> Equaldex, LGBT Rights in Brazzaville, n.d., [url](#)

<sup>11</sup> USDOS, 2023 Country Report on Human Rights Practices – Republic of the Congo, 23 April 2024, [url](#), p. 27

<sup>12</sup> USDOS, 2022 Country Report on Human Rights Practices – Republic of the Congo, 20 March 2023, [url](#), p. 23

<sup>13</sup> USDOS, 2022 Country Report on Human Rights Practices – Republic of the Congo, 20 March 2023, [url](#), p. 23

<sup>14</sup> Freedom House, Freedom in the World 2024 – Republic of the Congo, 2024, [url](#)

<sup>15</sup> USDOS, 2023 Country Report on Human Rights Practices – Republic of the Congo, 23 April 2024, [url](#), p. 27

<sup>16</sup> USDOS, 2023 Country Report on Human Rights Practices – Republic of the Congo, 23 April 2024, [url](#), p. 27

<sup>17</sup> USDOS, 2022 Country Report on Human Rights Practices – Republic of the Congo, 20 March 2023, [url](#), p. 23

<sup>18</sup> USDOS, 2022 Country Report on Human Rights Practices – Republic of the Congo, 20 March 2023, [url](#), p. 23



tradition but also a sin from the point of view of religion'.<sup>19</sup> The same article added that, according to a survey, [informal translation] 'the family pattern has always been made up of a father and mother figure, and homosexuality remains a trend that should not be regularized'.<sup>20</sup> Information about the survey and corroborating information could not be found among the sources consulted by EUAA within the time constraints of this query.

An October 2023 report by the UN Human Rights Council, citing external sources, indicated that 'sexual and gender minorities were frequently stigmatized and exposed to social censure in Congo on account of their gender identity or sexual orientation'.<sup>21</sup> The same source added that

'the most common violence that members of those communities faced were psychological, physical or sexual in nature, but they were also subjected to arbitrary arrest and extortion. Forms of discrimination included eviction from their homes or accommodation, refusal of care by their parent or guardian, barriers to access to justice and health care, ill-treatment in the workplace or educational establishment and the denial of commercial services'.<sup>22</sup>

Additional information could not be found among the sources consulted by EUAA within time constraints of this query.

#### **4. Availability of state protection**

No information on the availability of state protection could be found among the sources consulted by EUAA within time constraints of this query.

#### **5. Access to support services**

Information on access to support services was scarce among the sources consulted by the EUAA within the time constraints of this query. However, the following information may be relevant.

According to a November 2023 article by L'Horizon Africain, a local French-language news source, an association in the Republic of Congo known as Cœur arc-en-ciel Association work to raise awareness among opinion leaders on violence and discrimination based on sexual orientation and gender identity.<sup>23</sup>

---

<sup>19</sup> Agence D'information D'Afrique Centrale, Libre union : les coulisses des « amours interdits » [Free union: behind the scenes of "forbidden loves"], 3 March 2022, [url](#)

<sup>20</sup> Agence D'information D'Afrique Centrale, Libre union : les coulisses des « amours interdits » [Free union: behind the scenes of "forbidden loves"], 3 March 2022, [url](#)

<sup>21</sup> UN Human Rights Council, Report of the Office of the United Nations High Commissioner for Human Rights: Summary of stakeholders' submissions on Congo (22 January–2 February 2024), 25 October 2023, [url](#), p. 8

<sup>22</sup> UN Human Rights Council, Report of the Office of the United Nations High Commissioner for Human Rights: Summary of stakeholders' submissions on Congo (22 January–2 February 2024), 25 October 2023, [url](#), p. 8

<sup>23</sup> L'Horizon Africain, Association Cœur arc-en-ciel : Lutter contre les violences et discriminations basées sur l'orientation sexuelle, [Cœur arc-en-ciel association: Fighting against violence and discrimination based on sexual orientation], 25 November 2023, [url](#)



## BIBLIOGRAPHY

Agence D'information D'Afrique Centrale, Libre union : les coulisses des « amours interdits » [Free union: behind the scenes of “forbidden loves”], 3 March 2023, <https://www.adiac-congo.com/content/libre-union-les-coulisses-des-amours-interdits-135544>, accessed 21 May 2024

Amera International, Republic of Congo LGBTQI+ Resources, n.d., <https://amerainternational.org/sexual-orientation-and-gender-identity-country-list/republic-of-congo-lgbtqi-resources/>, accessed 23 May 2024

Equaldex, LGBT Rights in Brazzaville, n.d., <https://www.equaldex.com/region/brazzaville>, accessed 23 May 2024

Freedom House, Freedom in the World 2024 – Republic of the Congo, 2024, <https://freedomhouse.org/country/republic-congo/freedom-world/2024>, accessed 20 May 2024

ILGA (the International Lesbian, Gay, Bisexual, Trans and Intersex Association), Congo, n.d., <https://database.ilga.org/congo-lgbti>, accessed 23 May 2024

L'Horizon Africain, Association Cœur arc-en-ciel : Lutter contre les violences et discriminations basées sur l'orientation sexuelle, [Cœur arc-en-ciel association: Fighting against violence and discrimination based on sexual orientation], 25 November 2023, <https://www.lhorizonafricain.com/association-coeur-arc-en-ciel-lutter-contre-les-violences-et-discriminations-basees-sur-lorientation-sexuelle/>, accessed 21 May 2024

UN Human Rights Council, Report of the Office of the United Nations High Commissioner for Human Rights: Summary of stakeholders' submissions on Congo (22 January–2 February 2024), 25 October 2023, A/HRC/WG.6/45/COG/3, [https://digitallibrary.un.org/record/4029610/files/A\\_HRC\\_WG.6\\_45\\_COG\\_3-EN.pdf?ln=en](https://digitallibrary.un.org/record/4029610/files/A_HRC_WG.6_45_COG_3-EN.pdf?ln=en), accessed 21 May 2024

USDOS (US Department of State), 2023 Country Report on Human Rights Practices - Republic of the Congo, 23 April 2024, [https://www.state.gov/wp-content/uploads/2024/02/528267\\_CONGO-REP-2023-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2024/02/528267_CONGO-REP-2023-HUMAN-RIGHTS-REPORT.pdf) accessed 21 May 2024

USDOS (US Department of State) 2022 Country Report on Human Rights Practices - Republic of the Congo, 20 March 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/republic-of-the-congo/>, accessed 21 May 2024

## ADDITIONAL SOURCES CONSULTED



AI (Amnesty International); AP (Associated Press) News; Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD); Africa News; Asylum Research Center (ARC); BBC News; Bertelsmann Stiftung - Bertelsmann Transformation Index (BTI); Canada - Immigration and Refugee Board of Canada (IRB); Deutsche Welle (DW); ECOI.net; European Union – EUAA COI Portal; Refworld; UN High Commissioner for Refugees (UNHCR)