

CENTRAL AFRICAN REPUBLIC 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Central African Republic (CAR) is a constitutional republic governed by a strong executive branch and weak legislative and judicial branches. Armed forces Chief of Staff General Francois Bozize seized power in a military coup in 2003 and was elected president in 2005. In January 2011 citizens reelected Bozize president in what was considered by national and international observers to be a flawed election. There were instances in which elements of the security forces acted independently of civilian control.

Although government forces and armed groups maintained a cease-fire for much of the year, in December the security situation deteriorated as the Seleka rebel alliance, composed of four rebel groups, advanced to within 45 miles of Bangui and seized control of more than a dozen towns throughout the north of the country. The UN reported that an estimated 800,000 persons were living in the affected areas. Security forces and youth linked to President Bozize's political party reportedly arrested or detained suspected members of ethnic groups traditionally aligned with the rebel groups making up the Seleka. Seleka forces reportedly looted property and food from civilians, international nongovernmental organizations (NGOs), and UN agencies; recruited and used child soldiers; and engaged in sexual violence in areas they controlled.

Incidents of serious human rights abuse occurred during the year; the most significant were extrajudicial killings by security forces; torture, beatings, and rape of suspects and prisoners; and harsh and rudimentary conditions in prisons and detention centers.

Other human rights problems included arbitrary arrest and detention, prolonged pretrial detention, denial of fair trial, occasional intimidation of the press, restrictions on freedom of movement and assembly, and limited ability of citizens to change their government. Sporadic fighting between armed groups continued to displace persons internally and externally, although the net number decreased from the prior year. Despite continuing regional conflict, the number of refugees was relatively stable. Corruption was widespread. Mob violence resulted in deaths and injuries. Societal discrimination and violence against women, including female genital mutilation, occurred. Violence and discrimination against Ba'aka (Pygmies) and persons alleged to be witches, trafficking in persons, and forced labor and child labor, including forced child labor, were also problems.

The government took steps to punish officials who committed abuses; however, most official abuses were committed with impunity.

Civilians were often killed, abducted, raped, or displaced from their homes as a result of internal conflicts. Some armed groups included children among their ranks.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents killed members of opposing political groups, but soldiers, particularly members of the presidential guard, killed civilians they suspected of being bandits or supporting armed groups. Both government security forces and armed groups killed civilians in the course of conflict in the northeast (see section 1.g.).

During the year there were numerous credible reports that elements of the security forces, including the Central African Armed Forces (FACA) and particularly the presidential guard, committed unlawful killings while apprehending suspects and allegedly in connection with personal disputes or rivalries. Authorities appeared unwilling to prosecute presidential guard personnel for extrajudicial killings (see section 1.g.).

Security forces continued to commit extrajudicial killings (see section 1.g.). For example, on August 5, Captain Eugene Ngaikoisse, a member of the presidential guard, killed Mijora Delphine Dengwize in Bangui when he opened fire in a crowded market area. Ngaikoisse, who was loading the body of a stabbing victim into an ambulance, randomly fired his weapon in anger. Mijora Delphine was selling items by the roadside and was shot in the head as she fled from the gunfire. Ngaikoisse was previously demoted in rank after he struck a French soldier. He was not charged and remained in his position at year's end.

On September 30, unknown elements of the presidential guard killed six civilians in the streets of the densely populated PK12 neighborhood of Bangui. Two soldiers, apparently intoxicated, harassed a young woman before a crowd intervened to protect her. In response, the soldiers summoned other presidential guards to the scene. Upon arriving in two trucks mounted with machine guns, the

soldiers opened fire into the crowd, killing six and critically wounding several others. Authorities took no disciplinary action against the soldiers.

There were no further developments in the June 2011 beating death of a man in Bouar by members of the FACA's fourth infantry battalion.

There were no reports of politically motivated killings by opposition groups, political parties, or guerilla, rebel, insurgent, or terrorist groups. Civilians were sometimes killed as a result of indiscriminate violence resulting from internal conflicts (see section 1.g.).

Civilians reportedly continued to kill persons suspected of being witches (see section 6).

b. Disappearance

There were several reports of possibly politically motivated disappearances. For example, on July 11, Jean Bianga, the chauffeur of the former minister of finance, was arrested by the Central Office for the Repression of Banditry (OCRB) for unknown reasons and later disappeared from police custody. Police authorities were unable or unwilling to provide Bianga's family with information on his whereabouts or condition, and he remained missing at year's end.

On August 14, Serge Venant Magna, an official in the Ministry of Finance, was arrested on unknown charges in Bangui. His whereabouts were not disclosed, and he was not allowed access to any visitors. Magna remained missing at year's end.

In September the Lord's Resistance Army (LRA) abducted 55 persons, many of them women and girls, near the town of Bangassou. A week later 52 of these persons were released, and most returned to their home villages. Attacks and abductions by the LRA continued throughout the year in the southeast.

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

Although the law and the constitution prohibit torture and specify punishment for those found guilty of physical abuse, police and other security services continued to torture, beat, and otherwise abuse criminal suspects, detainees, and prisoners, according to local human rights groups such as the Central African Association Against Torture (ACAT) and the Central African Human Rights League (LCDH).

The government did not punish police who reportedly tortured suspects, and impunity remained a serious problem. Family members of victims and human rights groups, including the Central African Monitoring Group on Human Rights (OCDH), filed complaints with the courts, but authorities took no action. Members of security forces raped, robbed, and abused civilians in both conflict and nonconflict areas. Human rights lawyers reported that victims of abuse by authorities were often pressured by relatives not to pursue their cases due to fear of reprisal.

Valence Bango claimed he was owed payment for food delivered to First Lady Monique Bozize's security staff. On March 18, Bango was paid but then beaten by several bodyguards. Bango was to be taken back to his residence with instructions from his attackers to leave the area. However, a military officer intervened to stop the move. Bango was taken to the hospital, where a medical examination revealed several wounds and the loss of three teeth. No action was taken against the perpetrators of this attack.

According to ACAT, torture and beating of detainees occurred frequently in detention centers run by the Research and Investigation Section (SRI), under the minister of defense, and the OCRB, under the director general of police. ACAT reported police employed several forms of torture, including "le cafe," which entailed repeated beating of the soles of the feet with a baton or stick. Immediately after administering the beating, police would sometimes force the victim to walk on badly bruised feet, and if the individual was unable to do so, police continued beating the individual.

Civilians continued to suffer mistreatment in territories controlled by nonstate armed entities (see section 1.g.).

Members of security forces and armed groups raped civilians. Sexual assaults, although frequent, rarely were reported to authorities. Security personnel rarely were punished.

On September 8, a gang of unidentified armed men beat and raped seven women in the community of Malenguinza while holding men in the village as hostages. The armed group remained unidentified, and security forces failed to apprehend any of the perpetrators.

Abuse of those accused of witchcraft was commonplace (see section 6). On May 28, elements of the Union of Democratic Forces for Unity (UFDR) beat a woman in Sam Ouandja to death; the family of a young boy who had recently died of an illness had accused her of being a witch. On May 30, two other women in the area were accused of being witches and causing the failure of a local diamond mine. Elements of the UFDR beat both women; one died from her injuries, and the other required treatment at a nearby clinic. Neither the local gendarmes nor the military intervened in either case, and none of the perpetrators was arrested.

Prison and Detention Center Conditions

Prison conditions were rudimentary, harsh and life threatening, and substantially below international standards. Prison conditions outside Bangui generally were worse than those in the capital. Police, gendarme investigators, and presidential guards assigned as prison wardens reportedly continued to subject prison inmates to torture and other forms of inhuman, cruel, and degrading treatment.

Physical Conditions: As of November 2011 there were approximately 845 prisoners, of whom 69 were women. Poor recordkeeping and incomplete access for observers prevented an accurate count of the prison population. Male and female prisoners were held in separate facilities in Bangui. Elsewhere male and female prisoners were housed in the same buildings but in separate cells. Juveniles were sometimes held with adult prisoners, and pretrial detainees were held with convicted prisoners.

As of November 2011 there were 366 pretrial detainees in Ngaragba Prison and 18 in Bimbo Central Prison, both in Bangui. In some cases pretrial detainees were kept for short periods to ensure their personal security against mob violence, but in others detainees were held without trial for years.

In some cases prisoners deemed a security threat were detained for extended periods without trial at Camp de Roux, a military facility in Bangui not designed as a prison.

Basic necessities, including food, clothing, and medicine, were inadequate and often confiscated by prison officials. Prisoners depended on family members to supplement inadequate prison meals and sometimes were allowed to forage for food near the prison. According to international observers and prison officials, prison detainees outside Bangui received a meal only every two to three days from

prison authorities and sometimes had to pay bribes to prison guards to secure food brought to them by their relatives.

Most prisons lacked basic sanitation and ventilation, electric lighting, basic and emergency medical care, and sufficient access to potable water.

In Bangui's Ngaragba Prison for men and Bimbo Central Prison for women, inmates with infectious diseases were not segregated from other inmates but often were medically released to a hospital if illnesses were severe. A nurse was available at the two prisons for inmates needing medical care. Detainees and inmates at both prisons received one meal per day. Food was insufficient, and prisoners complained of inferior ingredients. Families were allowed to bring food. Inmates slept on the floor or on thin matting provided by families or charities. Authorities at Ngaragba Prison normally permitted detainees' families to make weekly visits. As of November 2011, Bimbo Central Prison held 30 female inmates; several were detained for months and had not appeared before a judge; few had lawyers.

Overcrowding in Bimbo Central Prison was reportedly not a problem, and children younger than five years old were allowed to stay with their mothers at the prison.

Conditions for female prisoners in Bimbo Central Prison were deemed by a UN team to be substantially better than those in other prisons and in conformance with international standards.

As of November 2011, there were 517 inmates in Ngaragba Prison; however, in August a rioting mob breached the prison, and nearly all prisoners escaped. Several detainees were held for months without appearing before a judge. Twelve prisoners were detained on accusations of witchcraft, and five others were convicted of the crime. The more crowded cells each held approximately 30 to 40 inmates. Prisoners usually slept on bare concrete and complained that water supplies were inadequate. In the section reserved primarily for educated prisoners and former government officials suspected or convicted of financial crimes, cells held four to eight persons.

Conditions in detention centers were worse than those in prisons. Bangui's police detention centers consisted of overcrowded cells with very little light and leaky buckets for toilets. Poor sanitation and negligence by authorities posed a serious health risk to detainees. According to local human rights groups, lack of training and poor supervision at detention centers were serious problems and continued to

result in torture and beatings. Suspects in police and gendarmerie cells had to depend on family, friends, religious groups, and NGOs for food. Detainees with infectious diseases were not segregated from other detainees, and medicine was not available. Suspects generally slept on bare cement or dirt floors. Corruption among guards was pervasive. Guards often demanded between 200 and 300 CFA francs (\$0.40-\$0.60) to permit showers, delivery of food and water, or family visits. International observers noted that the detention center in the gendarmerie in Bouar had neither windows nor a toilet, only a bucket that was emptied every other day. Detainees at the police facility in Bouar slept chained to each other, a measure police justified by alleging the detainees were recidivists and undisciplined.

In Bangui male and female detainees were separated; however, this was reportedly not the case in jails and temporary detention facilities in the countryside. There were no separate detention facilities for juvenile detainees, who routinely were housed with adults and often subjected to physical abuse. Arrestees without birth documentation were often treated as adults if they were not clearly minors.

As in previous years, there continued to be reports of occasional deaths in prison due to adverse conditions and negligence, including lack of medical treatment for those afflicted by tuberculosis. Prison authorities reported two deaths during the year; however, many detainees were medically released to hospitals if illnesses became life threatening or grave.

On January 9, Joseph Ndaba died while in custody at the SRI detention center. Ndaba had gone to the SRI to help release two Swiss hunters whom he was escorting and who allegedly strayed close to President Bozize's private residence. Ndaba was arrested on January 6, and his family was later told by authorities to retrieve his dead body from a military clinic. At year's end no cause of death was reported.

Administration: Prison recordkeeping was inadequate and largely nonexistent. Authorities took no steps to improve recordkeeping but were responsive to requests for data.

Prison administrators submitted reports describing the poor detention conditions, but these reports did not result in any action.

There was no ombudsman system.

In most cases prisoners and detainees had reasonable access to visitors and were permitted religious observance. The Attorney General's Office granted visitation privileges, but those wishing to visit prisoners often had to bribe prison guards and officials. Access for visitors at both Bossembele Prison and Camp de Roux was generally not granted and was substantially more difficult than access to the general prison population.

According to several human rights lawyers, while prison detainees have the right to submit complaints in the case of mistreatment, it was generally the detainees' lawyers, if a detainee had one, who alerted judicial authorities to the mistreatment of their clients. Victims of mistreatment hesitated to lodge formal complaints due to fear of reprisal from prison officials.

Authorities rarely initiated investigations of abuses in the prison system.

In some cases juvenile or nonviolent offenders were released following trial rather than being incarcerated.

In August Ngaragba Prison was breached during a riot, and nearly all prisoners escaped. While there was a limited effort to recover prisoners, the prison's few records were stolen, and authorities had limited ability to account for those missing.

Monitoring: The government on occasion restricted prison visits by human rights observers. The government denied international observers visits to particular sites, and in other cases sometimes delayed responses to visit requests, often for weeks or months. The International Committee of the Red Cross (ICRC) and religious groups routinely provided supplies, food, and clothes to prisoners. The ICRC had unrestricted access to prisoners other than those held in Bossembele Prison and Camp de Roux. However, access for some other observers was at times limited to certain areas of a given facility. The Ministries of Justice, Public Security, and Defense signed a joint agreement with the ICRC to allow routine access to prisons throughout the country in 2010 but did not consistently honor this agreement.

Authorities granted the Human Rights Unit of the UN Integrated Office in the Central African Republic (BINUCA) and humanitarian NGOs limited access to prisoners and detainees, although bureaucratic requirements for visits and delays significantly restricted the frequency of access during the year.

d. Arbitrary Arrest or Detention

The law provides protection against arbitrary arrest and detention and accords detainees the right to a judicial determination of the legality of their detention. However, security forces frequently ignored such provisions, and arbitrary arrest and detention remained problems.

In late March two employees of a safari company operating in the southeast were arrested and held for nearly five months without charge in connection with the massacre of 13 villagers near Bakouma, despite reports indicating the killings were a likely result of LRA activity. They were reportedly detained at the request of the minister of justice and his brother, who demanded bribes in exchange for their release. Both men were released in September.

In October, Boniface Mobe, an agricultural expert, was reportedly arrested by the presidential guard and detained without charge at Camp de Roux in Bangui for several weeks. No reason for his arrest was provided.

Role of the Police and Security Apparatus

The Ministry of Immigration, Emigration, and Public Security, through the director general of police, has oversight over the activities of the national police, including the OCRB. The Ministry of Defense oversees military forces, including the presidential guard, national gendarmerie, and the SRI. Police and military forces share responsibility for internal security.

Police were ineffective; they lacked financial resources, and their salaries were often in arrears. Citizen distrust of the police at times led to mob violence against persons suspected of theft and other offenses (see section 6).

Mechanisms existed for redress of abuses by members of the police and military. Citizens filed complaints with the public prosecutor. The most common complaints involved theft, rape, brutality, and embezzlement. However, impunity remained a severe problem. Although the public prosecutor had authority to order the arrest of police officers suspected of committing abuses and exercised that authority during the year, the prosecutor's staff was small and severely underfunded.

In October a drunken FACA soldier in Kaga Bandoro stabbed a young woman, seriously injuring her. He was subsequently arrested and transferred to Ngaragba Prison, where his case was pending at year's end.

The Permanent Military Tribunal, which adjudicates crimes committed by military personnel, met in June and reviewed 26 cases. Of those cases, the tribunal convicted 17 and gave them sentences ranging from six months to five years. Nine were released from custody. The tribunal normally holds two sessions per year.

In cooperation with the government, BINUCA continued to collect complaints of human rights abuses committed by members of the security forces, including FACA soldiers and nonstate actors. It continued to investigate abuses and share information with the public prosecutor to facilitate the fight against impunity, but this cooperation did not lead to any follow-up action by authorities. In addition BINUCA provided more than 788 members of the security forces, including police officers and gendarmes, with international humanitarian law and human rights training during 2011.

As part of its efforts to protect citizens and safeguard property, the government continued to support joint security operations in the capital and selected cities in the northwest. The operations were conducted by several hundred regional peacekeepers from the Multinational Force in Central Africa (FOMAC) based in Bangui, Kaga Bandoro, Ndele, and Paoua.

Security forces often failed to prevent or respond effectively to societal violence. For example, in August, Bangui was plagued by several days of riots resulting from dissatisfaction by young men over what they perceived to be unfair recruitment practices by the military. The rioters easily breached Ngaragba Prison, and, while security forces attempted to intervene, they were unable to prevent significant damage to the property and the release of several hundred prisoners.

Arrest Procedures and Treatment While in Detention

Judicial warrants are not required for arrest. The law stipulates that persons detained in cases other than those involving national security must be informed of the charges against them and brought before a magistrate within 72 hours. This period is renewable once, for a total of 144 hours. In practice authorities often did not respect these deadlines, in part due to inefficient judicial procedures and a lack of judges. In other cases delays were intentional and served as a means of indefinite detention in cases of political or personal interest to high-ranking government officials. In several police and SRI detention centers, detainees were routinely held for more than the allowable period and, in some cases, for months before authorities brought their cases before a magistrate.

The law allows all detainees, including those held on national security grounds, to have access to their families and legal counsel, but this right was not routinely extended. Indigent detainees may request a lawyer provided by the government in criminal cases, although it was not known if this right was often invoked. Detainees are allowed to post bail or have family members do so for them. In most cases lawyers and families had free access to detainees, but incommunicado detention occasionally occurred.

There were different standards for treatment of detainees held for crimes against the security of the state. National security detainees may be held without charge indefinitely and were often held at locations away from other prisoners.

Eighteen foreign citizens arrested in August 2011 on drug charges continued to be detained at Camp de Roux military base and Bossembele Prison. At year's end all remained in detention without being charged, and most were denied visitors and access to an attorney or consular assistance.

Arbitrary Arrest: According to BINUCA, arbitrary arrest was a serious problem and was the most common human rights abuse committed by security forces during the year.

Authorities continued to arrest individuals, particularly women, and charge them with witchcraft, an offense punishable by execution, although no one received the death penalty during the year. Prison officials at Bimbo Central Prison for women stated that accused witches were detained for their own safety, since village mobs sometimes killed suspected witches. In November 2011 prison authorities stated that six of the women in Bimbo Central Prison were incarcerated for alleged witchcraft. In Ngaragba Prison there were detainees held on witchcraft-related charges.

Pretrial Detention: Prolonged pretrial detention was a serious problem. For example, in 2011 pretrial detainees constituted approximately 40 percent of Ngaragba and Bimbo Prisons' population; figures for 2012 were not available. Detainees usually were informed of the charges against them; however, many waited in prison for several months before seeing a judge. Judicial inefficiency and corruption, as well as a shortage of judges and severe financial constraints on the judicial system, contributed to pretrial delays. Some detainees remained in prison for years because of lost files and bureaucratic obstacles.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, the judiciary remained subject to the influence of the executive branch, and, despite government efforts to improve its capacity, the judiciary was unable to fulfill its responsibilities.

The courts continued to suffer from inefficient administration, a shortage of trained personnel, growing salary arrears, and a lack of material resources. Less than 2 percent of the annual national budget was devoted to the Ministry of Justice. Approximately 158 magistrates worked in the legal system. Many citizens lacked access to the judicial system. Citizens often had to travel more than 30 miles to reach one of the country's 38 courthouses. Consequently, traditional justice at the family and village level retained a major role in settling conflicts and administering punishment.

Judicial corruption remained a serious impediment to citizens' right to receive a fair trial.

According to the Center for Humanitarian Dialogue, corruption extended from the judges to the bailiffs. Many lawyers paid judges for verdicts favorable to their clients. In some cases high-ranking Ministry of Justice officials were reported to have solicited bribes in exchange for dismissing a case. There were, however, some efforts to combat judicial corruption, including by several UN agencies and the EU.

There were numerous reports that, in reaction to judicial inefficiency, citizens in a number of cities organized to deal with cases through parallel justice, such as mob violence, or resorted to neighborhood tribunals and appeals to local chiefs. Citizens also sought such resort in cases of alleged witchcraft.

Trial Procedures

According to the penal code, defendants are presumed innocent until proven guilty. Trials are public, and defendants have the right to be present and consult a public defender. Criminal trials use juries. If an individual is accused of a serious crime and cannot afford a lawyer, the government has an obligation to provide one. By law the government provided counsel for indigent defendants, although this process can be slow and delay trial proceedings due to the state's limited resources. Defendants have the right to question witnesses, present witnesses and evidence on

their own behalf, access government-held evidence, and file appeals. The law extends these rights to all citizens. The government generally complied with these legal requirements. However, there were many credible reports during the year of corruption within the court system where, despite compliance with procedural requirements, judges did not rule fairly. One indigenous ethnic group in particular, the Ba'aka, reportedly was subject to legal discrimination and unfair trials.

Authorities occasionally tried cases of purported witchcraft in the regular courts. The crime of witchcraft is punishable by execution, although the state imposed no death sentences during the year. Most individuals convicted of witchcraft received sentences of one to five years in prison; they could also be fined up to 815,000 CFA francs (\$1,630). Police and gendarmes conducted investigations of alleged witchcraft. During a typical witchcraft trial, authorities called practitioners of traditional medicine to give their opinion of a suspect's ties to witchcraft, and neighbors occasionally served as witnesses. The law does not define the elements of witchcraft, and the determination lies solely with the magistrate.

Political Prisoners and Detainees

During the advance of Seleka rebels toward Bangui in December, government-backed youth groups set up roadblocks in the capital and detained hundreds of persons of particular ethnic groups as suspected rebels or sympathizers. Police then formally arrested and imprisoned some suspects.

Civil Judicial Procedures and Remedies

The constitution provides for an independent judiciary in civil matters, and citizens had access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation; however, there was a widespread perception that judges were bribed easily and that litigants could not rely on courts to render impartial judgments. Many courts were understaffed, and personnel were paid poorly.

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

The law prohibits searches of homes without a warrant in civil and criminal cases; however, police sometimes used provisions of the penal code governing certain political and security cases to search private property without a warrant.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

Although government forces and armed groups maintained a cease-fire for much of the year, civilians often were killed, abducted, displaced from their homes, or generally restricted in their movements as a result of continuing internal conflicts.

In December the security situation deteriorated as the Seleka rebel alliance, composed largely of the UFDR, Patriotic Convention for Justice and Peace (CPJP), and Patriotic Convention for Salvation of Kodro, took control of much of the northern part of the country and advanced to within 45 miles of Bangui. The UN Office for the Coordination of Humanitarian Affairs reported that an estimated 800,000 persons were living in the affected areas and that violence had “seriously disrupted” life-saving humanitarian measures. Security forces and youth linked to President Bozize’s political party reportedly arrested or detained suspected members of the Gula and Rounga ethnic groups, who were typically found among the Seleka alliance rebels.

Seleka reportedly recruited and used child soldiers to loot food from civilians. The World Food Program reported that 220 tons of humanitarian foods supplies were stolen in Bambari and Bria, two of the towns held by Seleka. Reports of sexual violence continued in areas under the control of rebels.

In January a joint military action of the FACA and the National Army of Chad attacked forces of the rebel Popular Front for Reconstruction (FPR) in the villages of Takara and Gondava. The action resulted in an unknown number of deaths and the destruction of several villages, which displaced more than 10,000 civilians in the area. Chadian soldiers remaining in the area after the attack reportedly killed those suspected of being FPR members.

In addition, attacks on civilians by the LRA prolonged the humanitarian crisis in the southeast, contributing to the continued presence of internally displaced persons (IDPs) in the LRA-affected areas.

Killings: In September, FACA soldiers shot and killed Hassan al-Habib, also known as Colonel H.A., spokesman for the CPJP Fundamental rebel group, an offshoot of the CPJP, near the town of Dekoa. Al-Habib was reportedly exiting a store when he was shot by security forces, apparently in retaliation for CPJP Fundamental’s earlier attacks on two villages north of Bangui.

Killings by Rebel Groups: During the year the LRA committed 42 attacks, killing 20 persons and abducting 84 in the country.

In March the mutilated bodies of 13 miners were found near Bakouma in the southeast by employees of a safari company. International observers assessed that the LRA likely committed the killings (see section 1.d.).

Killing by International Forces Members: On August 15, a dispute in Bangui between a member of the Chadian contingent of FOMAC and a CAR gendarme patrol led to the killing of the Chadian, who drew his gun first. Subsequently, a group from the Chadian contingent arrived and shot two CAR gendarmes before returning to their base.

There were no further developments in the March 2011 killing of eight persons by the CJPJ and the June 2011 killing of the chief medical officer in Haut Mbomou Province by the LRA.

Killings by Unidentified Groups: On April 3, an unidentified group of assailants attacked a truck carrying several passengers near Baboua, in Nana Mambere Prefecture. The road bandits opened fire on the vehicle, shot and killed four passengers, and injured eight before looting the vehicle.

On August 19, an unidentified group of armed men killed two men. The same group was suspected of killing another man in Boali earlier in August.

Abductions: In September an unknown armed group abducted two Chinese road workers near the town of Bouar. At year's end the victims' whereabouts were unknown; they were presumed to be in the custody of their abductors.

The LRA continued to commit numerous abductions throughout the southeast. For example, in early September, LRA rebels kidnapped at least 55 persons during raids, including 41 kidnapped in Balifondo village and 14 in Zobe Mbari village. Reportedly, half of those kidnapped were girls.

One UN agency reported that, according to its NGO partners in the affected region, Mbororo cattle herders were also disproportionately subjected to kidnapping for ransom. A UN agency working in the area indicated the perpetrators often kidnapped women and children and held them for ransoms of between one million and two million CFA francs (\$2,000-\$4,000). Victims whose families did not pay were sometimes killed.

Physical Abuse, Punishment, and Torture: Government forces and armed groups mistreated civilians, including reportedly through torture, beatings, and rape, in the course of the conflicts.

In September the dead bodies of five new military recruits were brought to Bangui from their training facility in Bouar. The victims were reportedly tortured during their exercises and died of their injuries.

International and domestic observers reported that state security forces and members of nonstate armed entities, including Chadian soldiers and bandits, continued to attack cattle herders, primarily members of the Mbororo ethnic group. Many observers believed Mbororo were targeted primarily because of their perceived foreign origins, relative wealth, and the vulnerability of cattle to theft. In other cases armed Mbororo committed attacks against local farmers over land disputes.

Some observers noted the use of rape by both government forces and nonstate armed entities to terrorize the population throughout the country. Because of the social stigma attached to rape, these cases were rarely reported. Several NGOs and UN agencies conducted gender-based violence awareness and treatment campaigns throughout the country.

Gender-based violence was prevalent throughout the country, particularly in conflict zones. In February unidentified armed men raped two women near the town of Zacko. In May humanitarian organizations reported civilians being raped by members of the FPR in the Kaga Bandoro area and the Democratic Front for the Central African People in the Batangafo area. Rapes rarely were reported or documented due to the sensitivity of the problem within the community and fear of retaliation.

Child Soldiers: According to numerous human rights observers, some armed groups included soldiers as young as 12. They noted the UFDR, the CPJP, and the now-disbanded People's Army for the Restoration of Democracy (APRD) agreed to stop recruiting child soldiers as a result of disarmament, demobilization, and reinsertion activities, but in some areas children were still observed as lookouts or porters and, in certain cases, were engaged as combatants. In November 2011 the CPJP signed an Action Plan on Child Soldiers, in the presence of UN Special Representative for Children and Armed Conflict Radhika Coomaraswamy, in which it committed to the demobilization of child soldiers in its ranks. UNICEF and others noted that while the child soldiers were willing to demobilize and were

anxious to attend school, their home communities lacked the most basic infrastructure.

Several NGO observers reported that self-defense committees, established by towns to combat armed groups and bandits in areas where the FACA or gendarmes were not present or were incapable of providing effective security, used children as combatants, lookouts, and porters. UNICEF estimated that children constituted one third of the self-defense committees' personnel.

The LRA continued to kidnap children and force them to fight, act as porters, or function as sex slaves. Between July 2009 and February 2012, the LRA abducted an estimated 102 children (64 boys and 38 girls) in the country.

Displaced children were sometimes forced to work as porters, carrying stolen goods for groups of bandits.

See Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Other Conflict-related Abuses: In December, Seleka rebels were reported to have looted food and supplies from civilians and NGO and UN offices in the areas they controlled, including Bria and Kaga Bandoro.

In numerous cases international NGO personnel were victims of carjackings and thefts despite the presence of FACA and FOMAC forces. In November local security forces pursuing rebels in Batangafo forcibly seized several vehicles from two international NGOs.

On October 29, on the Kabo/Batangafo road in the northwest CAR, unidentified armed men attacked a convoy led by an international NGO, Solidarites International. This attack came as humanitarian organizations resumed their activities in the area, which were suspended in June due to recurring violence.

FOMAC peacekeepers and government forces conducted joint security operations to secure the northern region and control the proliferation of small arms. Despite these operations the government was not able to provide sufficient security or protection for IDPs in the north.

In the northwest members of government security forces, including the FACA and presidential guard, continued to garrison in the larger towns and occasionally engaged in combat with armed groups and bandits. While the cease-fire between

government forces and armed groups allowed some displaced persons to return home, approximately 225,000 persons remained displaced, including 75,000 internally displaced and 150,000 in Chad and Cameroon.

Bandits and armed groups, including former combatants who helped President Bozize come to power in 2003, severely impeded internal movement, particularly in northern and northwestern areas that the government did not control.

Sporadic fighting between armed groups, attacks on civilians by armed groups, armed banditry, and occasional abuse by government soldiers kept many IDPs from their homes. In September the Office of the UN High Commissioner for Refugees (UNHCR) estimated the number of IDPs to be approximately 66,000.

The overwhelming majority of IDPs were in the northwestern province of Ouham and the southeast provinces of Mbomou and Haut-Mbomou, where civilians remained displaced from their villages due to fear and lived in the bush for much of the year, returning occasionally to their fields to plant or scavenge. NGOs and UN agencies observed some civilians returning home in Bamingui-Bangoran and Haute-Kotto; however, LRA-related violence in Mbomou and armed conflict in Ouham during the year created newly displaced populations.

Hygiene-related illnesses and chronic malnutrition continued. Attacks or fear of attacks prevented many subsistence farmers from planting crops. Conflict between IDPs, nomadic cattle herders, and security forces in Ouham contributed to insecurity and an inability to return to home villages. Chronic insecurity also rendered the north occasionally inaccessible to commercial, humanitarian, and developmental organizations, contributing to the lack of medical care, food security, and school facilities. Humanitarian organizations continued to supply some emergency relief and assistance to displaced populations, although deteriorated roads, frequently changing security situations, and sporadic fighting hampered long-term development projects.

The government did not attack or target the IDPs, although some were caught in fighting between armed groups. The government provided little humanitarian assistance, but it allowed UN agencies and NGOs access to these groups to provide relief.

While a number of refugees spontaneously returned during the year, other Central Africans continued to flee the country (see section 2.d.).

There were credible reports that the following armed groups perpetrated serious human rights abuses in the country: the APRD, CPJP, FPR, LRA, and UFDR.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the constitution and law provide for freedom of speech and press, authorities occasionally arrested journalists critical of the government.

Freedom of Speech: In some cases the government impeded individuals' right to free speech.

Freedom of Press: Throughout the year a number of newspapers routinely criticized the president, the government's economic policies, and official corruption without reprisal. At least 28 newspapers, many privately owned, circulated daily or at less frequent intervals. Independent dailies were available in Bangui, but they were not distributed outside the capital area.

While arrests were rare and print media outlets frequently criticized the government, arrests did occur on occasion. On January 26, a Bangui court sentenced Ferdinand Samba, editor of the daily newspaper *Le Democrat*, to 10 months in prison, a fine of one million CFA francs (\$2,000) and an additional 10 million CFA francs (\$20,000) in damages following a defamation complaint lodged by former finance minister Sylvain Ndoutingai. The newspaper was also ordered to shut down for a year. Samba was released three months later following advocacy by the local press and international opposition to the court decision.

In October a journalist for *Centrafric Matin*, a local newspaper, took photographs of a dispute between a taxi driver and police and was subsequently arrested. After a brief detention, police confiscated the journalist's camera and photographs.

Radio was the most important medium of mass communication, in part because the literacy rate was low. There were a number of alternatives to the state-owned radio station, Radio Centrafrique. For example, privately owned Radio Ndeke Luka continued to provide independent broadcasts, including national and international news and political commentary. With the exception of Radio Ndeke Luka, which organized debates on current events, government-run and privately owned broadcast outlets based in the country tended to avoid covering topics that could draw negative attention from the government. International broadcasters,

including Radio France Internationale, Radio Chine Internationale, and BBC, continued to broadcast within the country. The government granted a license to the Voice of America, which commenced broadcasting 24-hour programming during 2011.

The government continued to monopolize domestic television broadcasting (although this was available only in the capital and for limited hours), and television news coverage generally supported government positions.

The High Council for Communications, which is charged with granting publication and broadcast licenses and protecting and promoting press freedom, is nominally independent. However, some of its members were appointed by government officials, and, according to several independent journalists and the international press freedom watchdog Committee to Protect Journalists, the body was controlled by the government.

There were reports of government ministers and other senior officials threatening journalists who were critical of the government. However, according to the Central African Journalists' Union, these threats rarely resulted in arrests.

Violence and Harassment: From time to time journalists reported receiving threatening telephone calls from government officials. During the September rebel attacks north of Bangui, some journalists were pressured to avoid reporting the events due to fear it would stoke anxiety in the capital.

Censorship or Content Restrictions: Imprisonment for defamation and censorship were abolished in 2005; however, journalists found guilty of libel or slander faced fines of 100,000 to eight million CFA francs (\$200 to \$16,000).

The law provides for imprisonment and fines of as much as one million CFA francs (\$2,000) for journalists who use the media to incite disobedience among security forces or incite persons to violence, hatred, or discrimination. Similar fines and imprisonment of six months to two years may be imposed for the publication or broadcast of false or fabricated information that “would disturb the peace.”

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without judicial

oversight. According to the International Telecommunication Union, approximately 2.2 percent of the population used the Internet in 2011.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for the right of assembly; however, the government routinely restricted this right and prevented political opposition groups from conducting public events. Any association intending to hold a public political meeting was required to obtain the Ministry of Interior's approval; however, no such approval was granted during the year.

During the year the government prevented all opposition groups from meeting by refusing permits for gatherings. Political opposition groups, which on several occasions requested authorization to organize public meetings, were also refused permission by the minister of public security during the year.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected this right. All associations, including political parties, must apply to the Ministry of Interior for registration, and the government usually granted registration expeditiously. The government normally allowed associations and political parties to hold congresses, elect officials, and publicly debate policy issues without interference, except when they advocated sectarianism or tribalism.

In January the political leader of the APRD, Jean-Jacques Demafouth, as well as a sitting member of the National Assembly, Gontron Djono Ahaba, and two leaders from the UFDR were arrested on suspicion of forming a rebel coalition to destabilize the government. In April a judge ordered them freed and determined the government had no concrete evidence of a plot.

A law prohibiting nonpolitical organizations from uniting for political purposes remained in place.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation; however, the government restricted freedom of movement within the country and foreign travel during the year.

In-country Movement: Members of political parties were not always able to move about the country without restriction; many had to obtain authorization from the government before traveling.

Police, military personnel, customs officers, and other officials harassed travelers unwilling or unable to pay bribes or "taxes" at checkpoints along intercity roads and at major intersections in Bangui, although the number of these roadblocks continued to decrease.

Merchants and traders traveling the more than 350-mile route from Bangui to Bangassou encountered an average of 25 military barriers. While the fees extorted varied for private passengers, commercial vehicles reported paying fees of up to 9,000 to 10,000 CFA francs (\$18 to \$20) at each checkpoint to continue their journeys. Following a decree issued by President Bozize in June, the number of checkpoints decreased from 197 to 92.

Rebels and armed groups routinely restricted movement by setting up roadblocks or otherwise closing transit routes. In September the CPJP Fundamental rebel group briefly took control of the town of Damara, approximately 40 miles north of Bangui. Armed attacks on passenger vehicles were routine on the route heading north from Bangui toward Boali. The FACA also blocked access to certain routes, including to humanitarian actors, in the period following its armed confrontation with the FPR in Ouham Province.

Internally Displaced Persons (IDPs)

Sporadic fighting between government forces and armed groups, attacks on civilians by armed groups, and armed banditry forced more than 26,000 persons to

flee their homes during the year, according to UN humanitarian officials. Lingering security concerns prevented many of the country's long-term IDPs, most of whom were displaced in 2006, from returning to their homes. However, the number of IDPs decreased to approximately 52,000 by mid-October as IDPs began returning to their homes in areas that had started to stabilize. An estimated 150,000 individuals fled the country and were located largely in neighboring countries.

The government did not provide protection or assistance to IDPs or returnees, citing a lack of means, but allowed humanitarian organizations to provide services such as assistance with seeds and agricultural materials or provision of identity documents. The government did not engage in any efforts to promote the safe voluntary return or resettlement of IDPs. No laws or policies specifically protected IDPs.

There were no reports of the government's attacking or specifically targeting IDPs. The government occasionally blocked humanitarian access in areas frequented by armed groups. There were no reports of the government's inhibiting the free movement of IDPs.

Displaced children worked in fields for long hours and as porters for bandits or armed groups (see section 1.g.).

Protection of Refugees

Access to Asylum: The laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

The government continued to cooperate with the UNHCR and other humanitarian organizations in assisting approximately 19,000 refugees in the country.

Refugee Abuse: During the year security forces subjected refugees, as they did citizens, to arbitrary arrest and detention. Refugees were especially vulnerable to such human rights abuses. The government allowed refugees freedom of movement, but like citizens, they were subject to roadside stops and harassment by security forces and armed groups. Refugees complained of having to pay higher fees and bribes at road checkpoints than CAR citizens.

While there were no formal restrictions on the ability of refugees to work, in some towns refugees were targeted by new taxes levied on the purchase of specific

materials required to sustain their livelihoods, such as on bamboo or particular food stocks.

Access to Basic Services: Refugees' access to courts, public education, and basic public health care was limited by the same factors that limited citizens' access to these services.

Stateless Persons

Citizenship is derived by birth within the country's territory; however, birth documentation and recordkeeping were poor. For much of the year, basic identity documents such as passports were unavailable to the public due to a lack of supply. In 2011 the UNHCR determined approximately 50,000 IDPs and returnees were at risk of stateless status. Laws provide for the opportunity to gain nationality.

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

The constitution provides citizens with the right to change their government peacefully; citizens exercised this right in presidential and legislative elections in 2011. However, election observers considered the elections to be flawed.

Elections and Political Participation

Recent Elections: During 2011 the country held three rounds of multiparty presidential and legislative elections that resulted in the reelection of Francois Bozize as president. Bozize seized power in a 2003 military coup, declared himself president, and headed a transitional government until winning election in 2005. Domestic and international election observers judged the 2011 elections to be flawed, citing fraud, intimidation, and lack of ballot secrecy, among other problems. Observers also reported irregularities, including an unexplained increase of 40 percent in registered voters between 2005 and 2010, and high levels of "par derogation" votes indicating voters casting ballots outside their home districts.

Political Parties: Political parties were not prevented from participating in the elections, and 861 candidates from 41 parties competed for 105 legislative seats. Membership within the president's Kwa Na Kwa party generally conferred special advantages, including access to government resources to conduct political campaigns.

Political parties continued to be subject to close scrutiny and restrictions by the government. Members of political parties were not always able to move about the country without restriction; many had to obtain authorization from the government before traveling.

Participation of Women and Minorities: Women and minority citizens are not prevented by law from voting or otherwise participating in political life on the same basis as men or nonminority citizens. Of the 34 ministers in the government chosen in April 2011, there were a number of female ministers, including the minister of commerce, minister for primary and secondary education, minister of international cooperation, minister of tourism, and minister of social affairs. During the year there were eight female deputies in the 105-member legislature.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials; however, the government did not implement these laws effectively, and officials often engaged in corrupt practices with impunity. The World Bank's most recent Governance Indicators indicated that corruption was a severe problem.

On March 11, Michel Koit, minister in charge of relationships with parliament, and Abdallah Kadre, deputy minister in charge of good governance, were arrested for their alleged involvement in a financial scandal linked to the management of a loan for funding a cement factory and a public transportation company. The two ministers remained in detention at year's end.

According to the constitution, senior members of the executive, legislative, and judicial branches are required at the beginning of their terms to declare publicly their personal assets and income for scrutiny by the Constitutional Court. The members of the government chosen in April 2011 publicly declared their assets and income upon entry into the government. The law does not require ministers to declare their assets upon departing government and is not explicit on what constitutes assets or income. Children and spouses are not required to make the same disclosure.

The National Committee Against Corruption is within the Prime Minister's Office and is the primary agency responsible for combating corruption. The committee coordinates and supervises efforts by government agencies to improve transparency and reduce corruption.

The law provides for access by journalists to “all sources of information, within the limits of the law”; however, it does not specifically mention government documents or government information and makes no mention of access by the general public. The government often was unable or unwilling to provide information, and lack of access to information continued to be a problem for journalists and the general public. Furthermore, years of instability and conflict made information difficult for the government to collect, particularly in the countryside. Information on the humanitarian situation, for example, was difficult to obtain and sometimes contradictory.

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

A variety of domestic and international human rights groups generally operated freely within the country, despite several cases of harassment and threats by government officials or security force members against domestic NGOs who investigated and published their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Some domestic human rights NGOs demonstrated significant independence; however, that several domestic civil society groups were led by individuals belonging to or closely associated with the ruling political party may have limited their independence. Citing the appearance of a conflict of interest, some international and domestic NGOs expressed concern over the neutrality and independence of the country’s only legally recognized NGO platform or umbrella group, the Inter-NGO Council in the CAR, which was led by the brother of a former minister of state and ethnic kinsman of the president.

A few NGOs were active and had a significant impact on the promotion of human rights. Some local NGOs, including the LCDH, OCDH, ACAT, and Association of Women Jurists (AFJC), a Bangui-based NGO specializing in the defense of women’s and children’s rights, actively monitored human rights problems; worked with journalists to draw attention to human rights violations, including those committed by the army; pleaded individual cases of human rights abuses before the courts; and engaged in efforts to raise the public’s awareness of citizens’ legal rights.

Domestic human rights NGOs reported that some officials continued to view them as spokespersons for opposition political parties. They also reported several cases

of harassment by officials during their fact-finding visits around the country. In one case a domestic NGO was targeted with negative radio advertising by a government ministry. Some domestic human rights NGOs reported that members located outside the capital were afraid to investigate alleged abuses because security force members threatened NGO activists suspected of passing information about abuses by security forces to international NGOs for publication. Several human rights lawyers reported that the families of victims of abuse by officials feared reprisals if they legally pursued their attackers.

Several international humanitarian NGOs complained of difficulties renewing their charters and of substantial revisions to their operating requirements by the government.

Due in part to the government's inability to address persistent insecurity in parts of the country, some international human rights and humanitarian groups working in conflict zones either closed suboffices or left the country. For example, international NGOs working in the Vakaga and Haute-Kotto provinces did not send international staff to the regions and maintained only limited nationally staffed programs.

UN and Other International Bodies: International organizations operated in the country mostly without interference from the government.

The government cooperated with the International Criminal Court (ICC), which continued its investigation into crimes committed in the country in 2002-03 by the previous government and by soldiers under the command of Jean Pierre Bemba, then a Congolese rebel leader, who was arrested in Brussels in 2008. In 2010 Bemba's trial opened in The Hague at the ICC. At year's end the prosecution had completed its case, the defense was presenting its witnesses, and thousands had applied to the court as victims.

Government Human Rights Bodies: The Office of the High Commissioner for Human Rights and Good Governance, attached to the presidency, investigated citizen complaints of human rights violations by government officials. The commission was ineffective and, after working briefly on three cases of violations, did not take any substantive follow-up steps. With a reported budget of only five million CFA francs (\$10,000), the office did not have adequate staffing or financial resources, lacked the means to train its investigators properly, and functioned only in Bangui. Some human rights observers noted that it acted more as a spokesperson for the government than an office promoting human rights.

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

The constitution stipulates that all persons are equal before the law without regard to wealth, race, disability, language, or gender. However, the government did not enforce these provisions effectively, and significant discrimination existed.

Women

Rape and Domestic Violence: The law prohibits rape, although it does not specifically prohibit spousal rape. Rape is punishable by imprisonment with hard labor, but the law does not specify a minimum sentence. The government did not enforce the law effectively. Police sometimes arrested men on charges of rape, although statistics on the number of prosecutions and convictions during the year were not available. The fear of social stigma and retaliation inhibited many families from bringing suits.

In a visit to the country during the year, the UN special representative of the secretary-general on sexual violence voiced concern and called for urgent action on the lack of essential health and psychosocial services for survivors of sexual violence.

Few countrywide assessments were conducted on the prevalence of rape. However, according to a baseline study conducted in 2009 by an international NGO in four nonconflict areas (Bangui, Bouar, Bambari, and Bangassou), sexual violence against women was pervasive. One in seven women reported being raped in the previous year, and the study concluded that the true prevalence of rape might be even higher. A survey by the University of California at Berkeley conducted in late 2009 found that in four western provinces, approximately 6 percent of women reported being a victim of sexual violence since 2001. In addition, from January through August 2011, an international NGO reported 34 cases of gender-based violence were brought to its attention in the Ouham-Pende area. Of these cases, 50 percent were against minors and included male and female rape victims. According to the NGO, only two of the cases were reported to local gendarmes and most went unreported because family members preferred a traditionally mediated solution. One of the cases reported to the gendarmes involved the rape of a young child; however, a traditionally mediated solution stopped the case from reaching the courts.

Although the law does not specifically mention spousal abuse, it prohibits violence against any person and provides for penalties of up to 10 years in prison. Domestic violence against women, including wife beating, was common; 25 percent of women surveyed in an international NGO study had experienced violence committed by their partner in 2009. Spousal abuse was considered a civil matter unless the injury was severe. According to the AFJC, victims of domestic abuse seldom reported incidents to authorities. When incidents were addressed, it was done so within the family or local community.

Some women reportedly tolerated abuse to retain financial security for themselves and their children.

Harmful Traditional Practices: Women, especially the very old and those without family, continued to be targets of witchcraft accusations (see section 6, Other Societal Violence or Discrimination).

Female Genital Mutilation/Cutting (FGM/C): The practice of FGM/C is prohibited by law, although it occurred in some rural areas (see Children subsection below).

Sexual Harassment: The law prohibits sexual harassment; however, the government did not effectively enforce the law, and sexual harassment was a common problem. The law prescribes no specific penalties for the crime.

Reproductive Rights: The government respected couples' right to decide freely and responsibly the number, spacing, and timing of children. Most couples lacked access to contraception and skilled attendance during childbirth. According to UN data collected between 1990 and 2011, approximately 9 percent of women and girls between the ages of 15 and 49 who were married or otherwise in union used a modern method of contraception, and only 41 percent of births were attended by skilled health personnel. According to estimates from the UN Population Fund, the maternal mortality rate remained extremely high: 890 deaths for every 100,000 live births in 2010. With only 0.08 physicians per 1,000 residents, the majority of births were unattended by qualified medical professionals, resulting in poor outcomes. UN sources estimated that a woman's lifetime risk of maternal death was one in 26 in 2010. The government continued working with UN agencies to increase the use of contraception, including by women, and to assist in other activities to prevent sexually transmitted infections.

Discrimination: The formal law does not discriminate against women in inheritance and property rights, but a number of discriminatory customary laws

often prevailed, and women's statutory inheritance rights often were not respected, particularly in rural areas.

Economically and socially women were treated as inferior to men. Single, divorced, or widowed women, including those with children, were not considered heads of households. One of every three women surveyed by an international NGO stated they were excluded from financial decisions in their households. By law men and women are entitled to family subsidies from the government, but several women's groups complained about lack of access to these payments for women. There were no accurate statistics on the percentage of female wage earners. Women's access to educational opportunities and to jobs, particularly at higher levels in their professions or in government service, remained limited. Some women reported economic discrimination in access to credit due to lack of collateral. However, there were no reports of discrimination in pay equity, or owning or managing a business. Divorce is legal and can be initiated by either partner.

The AFJC advised women of their legal rights and how best to defend them; it filed complaints with the government regarding human rights violations. During the year several women's groups organized workshops to promote women's and children's rights and encourage women to participate fully in the political process.

Children

Birth Registration: Citizenship is derived by birth in the national territory or from one or both parents. The registration of births was spotty, and Muslims reported consistent problems in establishing their citizenship. Unregistered children faced limitations on access to education and other social services. According to a 2006 UNICEF study (the most recent available), total birth registration was 49 percent; 36 percent of children were registered in rural areas. Registration of births in conflict zones was likely lower than in other areas.

Education: Education is compulsory from six to 15 years of age; tuition is free, but students have to pay for items such as books, supplies, and transportation. Girls did not have equal access to primary education; 65 percent of girls were enrolled in the first year of school, but only 23 percent of girls finished the six years of primary school, according to a 2007 UNESCO study. At the secondary level, a majority of girls dropped out at the age of 14 or 15 due to societal pressure to marry and bear children.

Few Ba'aka attended primary school. Some local and international NGOs made efforts (with little success) to increase Ba'aka enrollment in schools; there was no significant government assistance to these efforts.

Child Abuse: The law criminalizes parental abuse of children under the age of 15. Nevertheless, child abuse and neglect were widespread, although rarely acknowledged. A juvenile court tried cases involving children and provided counseling services to parents and juveniles during the year.

While the government convened the National Council for the Protection of Children in 2011, there was little concrete action by the council during the year. In several cases adults arrested for abuse of children were promptly released without hearing or trial.

Child Marriage: The law establishes 18 as the minimum age for civil marriage; however, an estimated 61 percent of women between the ages of 20 and 24 were married before the age of 18, according to UNICEF data collected between 2000 and 2009. The 2006 Multiple Indicators Country Survey reported that nearly 20 percent of women had married before the age of 15. Also according to UNICEF, 38 percent of women ages 20-24 gave birth before age 18. The Ministry of Family and Social Affairs had limited means to address this problem. Early marriage was usually reported in less educated and rural environments where the government lacked authority. The phenomenon of early marriage was more common in the Muslim community.

Harmful Traditional Practices: The law prohibits FGM/C, which is punishable by two to five years' imprisonment and a fine of 100,000 to one million CFA francs (\$200 to \$2,000), depending on the severity of the case; nevertheless, girls were subjected to this traditional practice in certain rural areas, especially in the northeast and, to a lesser degree, in Bangui. According to the AFJC, anecdotal evidence suggested FGM/C rates declined in recent years as a result of efforts by UNICEF, the AFJC, and the Ministry of Family and Social Affairs and Ministry of Public Health to familiarize women and girls with the dangers of the practice.

According to UNICEF data collected between 2002 and 2007, the overall percentage of girls and women between the ages of 15 and 49 who had undergone FGM/C was approximately 26 percent.

Sexual Exploitation of Children: No statutory rape or child pornography laws protected adolescent minors or children. The family code proscribes penalties for

the commercial exploitation of children including imprisonment and financial penalties. The minimum age of sexual consent is 18 years of age; however, it was rarely enforced.

Child Soldiers: Child labor was widespread; forced child labor, including the use of children as soldiers, occurred (see sections 1.g., 7.b., and 7.c.).

Displaced Children: There were more than 6,000 street children between the ages of five and 18, including an estimated 3,000 in Bangui, according to data collected by the Ministry of Family and Social Affairs. Many experts believed that HIV/AIDS and a belief in sorcery, particularly in rural areas, contributed to the large number of street children. An estimated 300,000 children had lost one or both parents to HIV/AIDS, and children accused of sorcery (often reportedly in connection with HIV/AIDS-related deaths in their neighborhoods) frequently were expelled from their households and were sometimes subjected to societal violence.

NGOs specifically promoting children's rights, such as Voices of the Heart, assisted street children.

The country's instability had a disproportionate effect on children, who accounted for almost 50 percent of IDPs during the year. Access to government services was limited for all children, but displacement reduced it further.

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

Anti-Semitism

There was no significant Jewish community, and there were no reports of anti-Semitic acts.

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with both mental and physical disabilities but does not specify other forms of disabilities. It also requires that for

any company employing 25 persons or more, at least 5 percent of its staff must consist of sufficiently qualified persons with disabilities, if they are available. In addition the law states that each time the government recruits new personnel into the civil service, at least 10 percent of the total number of newly recruited personnel should be persons with disabilities. According to the Ministry of Family and Social Affairs, the provision was not automatic and depended on the availability of applications from persons with disabilities at the time of the recruitment decision by the interested ministry.

There were no legislated or mandated accessibility provisions for persons with disabilities, and such access was not provided in practice. Approximately 10 percent of the population had disabilities, mostly due to polio, according to the 2003 census. The government had no national policy or strategy for providing assistance to persons with disabilities, but there were several one-of-a-kind sporadic government and NGO-initiated programs designed to assist persons with physical disabilities, including handicraft training for persons with visual disabilities and the distribution of wheelchairs and carts by the Ministry of Family and Social Affairs.

The Ministry of Family and Social Affairs continued to work with the NGO Handicap International during the year to provide treatment, including by surgeons, and prostheses to persons with physical disabilities.

National/Racial/Ethnic Minorities

Violence by unidentified persons, bandits, and other nonstate armed entities against the Mbororo was a problem, since they continued to suffer disproportionately from civil disorder in the north. Their cattle wealth made them attractive targets. Additionally, since many citizens viewed the Mbororo as inherently foreign due to their transnational migratory patterns, they faced occasional discrimination with regard to government services and protections. In recent years Mbororo have armed themselves against attacks resulting from disputes with farmers upset over the presence of grazing cattle. Several of these altercations during the year resulted in deaths.

In April, Mbororo herders in Boali claimed the medical staff routinely denied them access to the local health clinic.

Indigenous People

Despite constitutional protections and the ratification of the International Labor Organization (ILO's) Convention on Indigenous and Tribal Peoples, there was societal discrimination against Ba'aka, the earliest known inhabitants of the rain forest in the South. Ba'aka constituted approximately 1 to 2 percent of the population. They continued to have little say in decisions affecting their lands, culture, traditions, and the exploitation of natural resources. Forest-dwelling Ba'aka in particular were subject to social and economic discrimination and exploitation, which the government did little to prevent. Despite repeated promises, the government took no steps to issue identity cards to Ba'aka; according to many human rights groups, the lack of identity cards effectively denied them access to greater civil rights. While local governments often informally allocated land to accommodate their settlement, this land was not titled to its residents and was not effectively demarcated.

The Ba'aka, including children, were often coerced into agricultural, domestic, and other types of labor. They were considered to be the slaves of members of other local ethnic groups, and even when they were remunerated for labor, their wages were far below those prescribed by the labor code and lower than wages paid to members of other groups.

Refugees International reported that Ba'aka were effectively "second-class citizens," and the popular prejudice that they were barbaric and subhuman further caused them to be excluded from mainstream society.

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

The penal code criminalizes consensual same-sex sexual activity. The penalty for "public expression of love" between persons of the same sex is imprisonment for six months to two years or a fine of between 150,000 and 600,000 CFA francs (\$300 and \$1,200). When one of the participants is a child, the adult may be sentenced to two to five years' imprisonment or a fine of 100,000 to 800,000 CFA francs (\$200 and \$1,600); however, there were no reports that police arrested or detained persons under these provisions.

While there is official discrimination based on sexual orientation, there were no reports of the government targeting gays and lesbians. However, societal discrimination against lesbian, gay, bisexual and transgender persons was entrenched, and many citizens attributed the existence of homosexuality to undue

Western influence. There were no known organizations advocating or working on behalf of the lesbian, gay, bisexual, or transgender persons.

Other Societal Violence or Discrimination

Persons with HIV/AIDS were subject to discrimination and stigma, although less so as NGOs and UN agencies increased understanding about the disease and available treatments. Nonetheless, many individuals with HIV/AIDS did not disclose their status due to social stigma.

Government authorities routinely discriminated on the basis of ethnicity or political affiliation in recruitment of personnel for the armed forces or distribution of scholarship funds to public university students.

Mob violence was widespread, and cases were underreported.

On March 19, Gustave Maliki, a 13-year-old boy, disappeared while fishing along the Oubangui River. His body was retrieved from the river the following day. Fisherman Jean Claude Janora was accused of being responsible for Maliki's death. Although he was protected by the local gendarmerie, a mob surrounded Janora and threatened to kill him. On March 21, a larger group broke into the gendarmerie detention center and killed Janora. No action was taken to prosecute the assailants.

Civilians reportedly continued to injure, torture, and kill persons suspected of witchcraft.

In March the Danish Refugee Council reported that, according to community radio stations, 211 men and 186 women suffered violence linked to witchcraft accusations from January 2010 through February 2012. A council judicial expert noted that the majority of cases took place mainly in the prefectures of Ouham, Ouham-Pende, Nana Grebizi, Bamingui-Bangoran, and Lobaye and that 15 percent of witchcraft-related violence resulted in the death of the accused.

Detentions, arrests, and abuse of those accused of witchcraft were commonplace. Many of those accused were women, and they were often subjected to mob violence, imprisonment, or death.

In August a crowd stoned and burned alive an elderly man who was accused of bewitching a young girl in the community near the town of Grimari. The crowd attacked him after setting his house afire and destroying his fields.

In November members of the community of Bambari beat an elderly husband and wife after a list of 200 names was found in front of their door. Community members believed this list was offered to the couple as a proposal to cast spells on those named. The man died of his injuries, while the woman was hospitalized with serious injuries.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows all workers, except for senior-level state employees and all security forces, to form or join unions without prior authorization. The labor code provides for the right of workers to organize and administer trade unions without employer interference and grants trade unions full legal status, including the right to file lawsuits. Although the labor code no longer bars a person who loses the status of worker from belonging to a trade union or participating in its administration, the law requires that union officials be full-time, wage-earning employees in their occupation and allows them to conduct union business only during working hours as long as the employer is informed 48 hours in advance and provides authorization. In addition the law requires that foreign workers must meet a residency requirement of at least two years before they may organize. Substantial restrictions continued to make it difficult for noncitizens to hold a leadership position within a union, despite some amendments to the labor code.

Workers have the right to strike in both the public and private sectors; however, security forces, including the armed forces and gendarmes, are prohibited from striking. Requirements for conducting a legal strike are lengthy and cumbersome. To be legal, strikes must be preceded by the union's presentation of demands, the employer's response to these demands, a conciliation meeting between labor and management, and a finding by an arbitration council that union and employer failed to reach agreement on valid demands. The union must provide eight days' advance written notification of a planned strike. The law states that if employers initiate a lockout that is not in accordance with the code, the employer is required to pay workers for all days of the lockout. The Ministry of Labor and Civil Service has the authority to determine a list of enterprises that are required by law to maintain a "compulsory minimum service" in the event of a strike. The

government has the power of requisition or the authority to end strikes by invoking the public interest. The code makes no other provisions regarding sanctions on employers for acting against strikers.

The law expressly forbids antiunion discrimination. The labor code provides that unions may bargain collectively in the public and private sectors and also provides workers protection from employer interference in the administration of a union. In 2010 the ILO recommended that the government amend a provision of the labor code, which in effect hinders the public sector workers' right to bargain collectively by providing that the collective agreements in the public sector be negotiated by professional groupings, even when trade unions exist. During the year the government took no action on the ILO recommendation.

Employees can have their cases heard in the labor court. The law does not state whether employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities, although employers found guilty of such discrimination were required by law to pay damages, including back pay and lost wages.

The government generally enforced the applicable laws; however, it often settled strikes by offering payment to union leaders. There were several union strikes during the year, including by taxi drivers and university professors, and the government respected the laws concerning labor actions. Workers exercised some of these rights in practice. However, only a relatively small part of the workforce, primarily civil servants, exercised the right to join a union. While worker organizations are officially outside government or political parties, the government exerted some influence over the leadership of some organizations.

Labor unions did not report any underlying patterns of discrimination or abuse. The president of the labor court said the court did not hear any cases involving antiunion discrimination during the year.

Collective bargaining occurred in the private sector during the year, although the total number of collective agreements concluded was unknown. The government generally was not involved if the two parties were able to reach an agreement. Information was limited on effectiveness of collective bargaining in the private sector. Employers were not known to use subcontractors or other short-term contractors to avoid negotiations with striking workers.

In the civil service the government, which was the country's largest employer, set wages after consultation, but not negotiation, with government employee trade unions. Salary and pension arrears continued to be a problem for armed forces personnel and the 24,000 civil servants, although the government continued to reduce the arrears.

b. Prohibition of Forced or Compulsory Labor

The labor code specifically prohibits all forms of forced or compulsory labor and prescribes a penalty of five to 10 years' imprisonment. The labor code's prohibition of forced or compulsory labor also applies to children, although they are not mentioned specifically. However, the government did not enforce the prohibition effectively, and there were reports that such practices occurred. Women and children were subject to forced domestic, agricultural, mining, sales, and restaurant labor; and sexual exploitation. Prisoners often worked on public projects without compensation. In rural areas there were reported cases of the use of prisoners for domestic labor at some government officials' residences. However, in Bangui and other large urban areas, the practice was rare, partly because of the presence of human rights NGOs or lawyers and because day labor is quite inexpensive. Prisoners often received shortened sentences for performing such work. Ba'aka, including children, often were coerced into labor as day laborers, farm hands, or other unskilled labor, and often treated as slaves. No known victims were removed from forced labor during the year.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The labor code forbids the employment of children younger than 14 years of age without specific authorization from the Ministry of Labor and Civil Service, but the law also provides that the minimum age for employment could be as young as 12 years of age for some types of light work in traditional agricultural activities or home services. The law prohibits children younger than 18 years old from performing hazardous work or working at night. Although the law defines hazardous work as any employment that endangers children's physical and mental health, it does not define the worst forms of child labor. The mining code specifically prohibits child or underage labor.

The government did not enforce these provisions. Child labor was common in many sectors of the economy, especially in rural areas. There were no reports that children were employed on public works projects or at the residences of government officials. However, children continued to perform hazardous work during the year.

Throughout the country children as young as seven years old frequently performed agricultural work. Children often worked as domestic workers, fishermen, and in mines, often in dangerous conditions. Children also worked in the diamond fields alongside adult relatives, transporting and washing gravel, as well as mining gold, digging holes, and carrying heavy loads. Despite the law prohibiting child labor in mining, many children were seen working in and around diamond mining fields.

In Bangui many of the city's estimated 3,000 street children worked as street vendors.

During the year nonstate armed entities recruited and used child soldiers (see section 1.g.).

Displaced children continued to work in fields for long hours in conditions of extreme heat, harvesting peanuts and cassava and helping gather items that were sold at markets, such as mushrooms, hay, firewood, and caterpillars.

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

d. Acceptable Conditions of Work

The labor code states that the minister of labor and civil service must set minimum wages in the public sector by decree. The minimum wages in the private sector are established on the basis of sector-specific collective conventions resulting from negotiations between the employer and workers' representatives in each sector.

The minimum wage in the private sphere varies by sector and kind of work. For example, the monthly minimum wage was 8,500 CFA francs (\$17) for agricultural workers and 26,000 CFA francs (\$52) for government workers.

The minimum wage applies only to the formal sector, leaving most of the economy unregulated in terms of wages. The monthly minimum wage remained 28,000 CFA francs (\$56). The law applies to foreign and migrant workers as well. Most

labor was performed outside the wage and social security system (in the extensive informal sector), especially by farmers in the large subsistence agricultural sector.

The law sets a standard workweek of 40 hours for government employees and most private sector employees. Household employees may work up to 52 hours per week. The law also requires a minimum rest period of 48 hours per week for both citizens and foreign and migrant workers. Overtime policy varied according to the workplace; violations of overtime policy were taken to the Ministry of Labor and Civil Service, although it was unknown whether this occurred in practice during the year.

There are general laws on health and safety standards in the workplace, but the Ministry of Labor and Civil Service did not precisely define them. The labor code states that a labor inspector may force an employer to correct unsafe or unhealthy work conditions, but it does not provide the right for workers to remove themselves from such conditions without risk of loss of employment. There are no exceptions for foreign and migrant workers.

The government did not enforce labor standards, and violations were common in all sectors of the economy. Labor standards in agriculture and mining were commonly violated. Miners often worked in open pits susceptible to collapses, and children were commonly observed pushing produce carts through the streets. Despite the prevalence of these conditions, labor inspectors generally failed to intervene.

For example, diamond mines are subject to standards imposed by the mining code and inspection by the Miner's Brigade. In practice, however, monitoring efforts were underfunded and insufficient. With an estimated 400,000 employed in association with diamond mining, it was one of the largest sectors in the country. Despite the law requiring those working in mines be at least 18 years of age, underage diggers were often observed. On average, a digger earned a daily wage of 2,000 CFA francs (\$4), often working seven days a week during the peak season. Diggers were employed by larger mine operators, worked in dangerous conditions at the bottom of open pits, and lacked safety equipment.

Miners by contrast have a share in ownership and participate in the proceeds of diamond sales. On average they earned 186,000 CFA francs (\$372) per year via legal sales, but this figure varied considerably based on the scale of the mine. Often these earnings were supplemented by either illegal diamond sales or wages from other sectors of the economy.