

CENTRAL AFRICAN REPUBLIC 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Central African Republic (CAR) is a presidential republic. Voters elected Faustin-Archange Touadera president in a February 2016 run-off. Despite reports of irregularities, international observers reported the February 2016 presidential and legislative elections were free and fair. The 2016 constitution established a bicameral parliament, with a directly elected National Assembly and an indirectly elected Senate. The National Assembly convened in May 2016. Elections for the Senate had not taken place by year's end.

Civilian authorities' control over the security forces continued to improve, but remained weak. State authority beyond the capital improved over the last year with the deployment of prefects and security services, in particular, in the western part of the country; armed groups, however, still controlled significant swaths of territory throughout the country and acted as de facto governing institutions, taxing local populations, providing security services, and appointing armed group members to leadership roles.

Human rights issues included arbitrary and unlawful killings, forced disappearance, and sexual violence, including rape by ex-Seleka, Anti-balaka, and other armed groups;¹ arbitrary detention; delays in holding criminal sessions in the judicial system, resulting in prolonged pretrial detention; harsh and life-threatening prison conditions, particularly in cities not controlled by the government and in illegal detention facilities not operated by the government; seizure and destruction of property and use of excessive and indiscriminate force in internal armed conflict by armed groups; restrictions on freedom of movement; widespread corruption; lack of prosecution and accountability in cases of violence against women and children, including sexual violence and rape; criminalization of same-sex conduct; forced labor, including forced child labor; and use of child soldiers by armed groups.

The government started to take steps to investigate and prosecute officials in the security forces and in the government for alleged human rights violations. A climate of impunity, however, and a lack of access to legal services remained.

¹ [1] Note: This report refers to the "ex-Seleka" for all abuses attributed to the armed factions associated with Seleka, including the Popular Front for the Renaissance in the Central African Republic (FPRC), the Union for Peace (UPC), and the Patriotic Movement for the Central African Republic (MPC), which occurred after the Seleka was dissolved in 2013.

There were allegations that United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) peacekeepers sexually abused children and sexually exploited adults. The United Nations investigated alleged perpetrators and the number of reported incidents decreased over previous years (see section 1.c.).

Intercommunal violence and targeted attacks on civilians by armed groups escalated during the year. Armed groups perpetrated serious abuses of human rights and international humanitarian law during the internal conflicts. Both ex-Seleka and the Anti-balaka committed unlawful killings, torture and other mistreatment, abductions, sexual assaults, looting, and destruction of property.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings during the year. There were, however, several reports that armed groups committed arbitrary or unlawful killings in which government agents were implicated, according to reports by MINUSCA.

Armed rebel groups, particularly members of the various factions of ex-Seleka and Anti-balaka, killed civilians, especially persons suspected of being members or sympathizers of opposing parties in the conflict (see section 1.g.). The killings, often reprisals in nature, included summary executions and deliberate and indiscriminate attacks on civilians.

In May members of an armed group killed 26 persons and wounded more than 200 others in an attack on the Notre Dame Church of Fatima in the sixth district of Bangui. Separate confrontations on May 14 and 15 between the Union for Peace (UPC) and Anti-balaka elements in Bambari resulted in 32 dead and 23 wounded civilians and armed group members. Clashes among rival groups in Bangui's PK5 neighborhood on May 23 resulted in deaths of 12 civilians.

There were numerous killings of civilians by the Lord's Resistance Army (LRA), a Ugandan rebel group that operated in eastern regions of the country, and other armed groups including the Anti-balaka, Reclamation, Return, and Rehabilitation (3R), Revolution and Justice (RJ), the Patriotic Movement for the Central African Republic (MPC), UPC, the Popular Front for the Renaissance in the Central

African Republic (FPRC), and the Democratic Front of the Central African People (FDPC) (see section 1.g.).

According to the nongovernmental organization (NGO) Invisible Children, the LRA perpetrated at least 22 attacks on civilians in the Mbomou Uele border region in January. Five civilians were killed and 26 abducted. In February the LRA reportedly committed 30 attacks, killing at least 15 civilians and abducting 25 others.

The 3R, MPC, UPC, FPRC, and Anti-balaka groups participated in ethnic killings related to cattle theft (see section 6).

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities. There were reports that forces from the ex-Seleka, Anti-balaka, and other armed groups were responsible for politically motivated disappearances. Those abducted included police and civilians (see section 1.g.).

There were many reports of disappearances committed by the LRA for the purposes of recruitment and extortion (see section 1.g.).

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

Although the law prohibits torture and specifies punishment for those found guilty of physical abuse, there were reports from NGOs that soldiers of the Central African Armed Forces (FACA), gendarmes, and police were responsible for torture.

In February the Central Office for the Repression of Banditry (OCRB) in Damala assaulted a 40-year-old woman after she came to plead for the release of her son who had been arrested following the theft of a motorcycle. A medical report documented the woman's injuries.

There were reports of impunity for inhuman treatment, including torture, according to credible NGO sources, and abuse and rape of civilians, that resulted in deaths by forces from the ex-Seleka, Anti-balaka, LRA, and other armed groups (see section 1.g.).

The United Nations reported that it received eight allegations between January and August of sexual exploitation and abuse by UN peacekeepers that were deployed to MINUSCA. These allegations involved peacekeepers from Cameroon, Morocco, Niger, and Burundi. Of the eight allegations, seven involved minors and all were pending investigations by the United Nations or the troop contributing country.

According to the United Nations, three allegations of sexual exploitation and abuse against MINUSCA peacekeepers from Mauritania reported in 2017 were pending. Two cases alleged sexual abuse (sexual assault or rape), involving minors. In both cases the United Nations repatriated the peacekeepers in question. The other case alleged sexual exploitation (exploitative relationship). Investigations by the Mauritanian government were pending.

Prison and Detention Center Conditions

According to the Office of the UN High Commissioner for Refugees (UNHCR) independent expert and international NGOs, detention conditions in prisons did not generally meet international norms and were often inhuman.

MINUSCA detained and transferred to government custody several medium and high-level armed group members.

Physical Conditions: The government operated three prisons in or near Bangui: Ngaragba Central Prison, its high-security Camp de Roux annex for men, and the Bimbo Women's Prison. A combination of international peacekeepers, FACA, prison officers trained by MINUSCA and the Ministry of Justice, and judicial police guarded both men's and women's prisons. Six prisons were operational outside the Bangui area: Bouar, Berberati, Bimbo, Bossangoa, Bambari, and Mbaiki. In other locations including Bossembele and Boda, police or gendarmes kept prisoners in custody. Most prisons were extremely overcrowded. Necessities, such as food, clothing, and medicine, were inadequate and were often confiscated by prison officials. Prisons lacked basic sanitation and ventilation, electricity, basic and emergency medical care, and sufficient access to potable water. Diseases were pervasive in all prisons. Official statistics regarding the number of deaths in prison were not available. Conditions were life threatening and substantially below international standards. The national budget did not include adequate funds for food for prison inmates.

Authorities sometimes held pretrial detainees with convicted prisoners, juveniles with adults, and failed to separate prisoners by gender. In Bangui, however, prisoners were separated by gender. Smaller prisons in cities such as Bouar, Mbaiki, Berberati, and Bossangoa segregated male from female prisoners, but conditions were substantially below international standards. Female prisoners were placed in facilities without ventilation or electricity. All detainees, including pregnant women, slept on thin straw mats on concrete floors.

There were no detention centers or separate cells in adult prisons for juvenile offenders. The Ngaragba Prison reported 32 juveniles held there. The accusations ranged from murder to witchcraft and petty crimes. Police and gendarmes held individuals beyond the statutory limits for detention before imposing formal charges.

Administration: MINUSCA is extensively involved in the administration of prisons. MINUSCA personnel staffed the prisons in Bangui, Boura, and Bambari. Prison detainees have the right to submit complaints of mistreatment, but victims rarely exercised this option due to the lack of a functioning formal complaint mechanism and fear of retaliation from prison officials. Authorities seldom initiated investigations of abuse in prisons.

Prisons were consistently underfunded with insufficient operating resources for the care of prisoners. There were reports that complainants paid police or gendarmes fees for their complaints to be heard. Additionally, prison guards and administrators were accused of charging prisoners, prisoners' family members, and other visitors unofficial fees.

Independent Monitoring: In January, February, and July, the government permitted monitoring by UNHCR independent experts and international donors. The government also permitted monitoring by the UN Office of the High Commission for Human Rights and the UN Human Rights Council Independent Expert on Human Rights in the CAR.

Improvements: In April the government and agencies of the United Nations launched a nationwide recruitment of 300 new prison officers.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government sometimes observed these requirements.

The judicial system had gradually expanded its presence beyond Bangui to other cities, notably Bouar, Berberati, Bossangoa, and Mbaiki. There were, however, reports of arbitrary detention and lengthy pretrial detention. Ongoing challenges included a lack of affordable legal representation and an unresponsive judiciary system.

Role of the Police and Security Apparatus

Police and gendarmes have responsibility for enforcing law and maintaining order. Prior to the conflict, police and gendarmes maintained limited or no presence in many areas. During the violence that commenced in 2013, police and gendarmes were targeted by Seleka forces, prompting their withdrawal from the interior. Since 2014 the police and gendarmerie have gradually increased their presence in several previously vacated towns. Deployed officers, however, remained poorly trained, under resourced and supplied with poorly functioning arms and insufficient ammunition for their tasks. Local commanding officers purchased necessities and office supplies with their own funds.

Impunity remained persistent throughout the country. Contributing factors included poorly trained officials, inadequate staffing, and insufficient resources. Additionally, claims of corruption among top government officials, delayed receipt of salaries for law enforcement and judiciary employees, and threats from local armed groups if officials arrested or investigated members persisted.

MINUSCA's uniformed force of 11,846 military personnel, police officers, and military observers were tasked to protect the civilian population from physical violence within its capabilities and areas of deployment. MINUSCA's 1,896 police officers were authorized to make arrests and transfer persons to national authorities.

In March the CAR internal security forces launched their first training program since 2009 for new police and gendarme recruits. The program had 250 police recruits, 60 of whom were women, and 250 gendarmes, 56 of whom were women.

The Mixed Unit for Rapid Intervention and Repression of Sexual Violence against Women and Children (UMIRR) arrested three police officers from the OCRB for torturing a woman (see section 1.c.).

Arrest Procedures and Treatment of Detainees

Judicial warrants are not required for arrest. The law, however, stipulates that authorities must inform detainees of their charges and present them before a magistrate within 72 hours. This period is renewable once, for a total of 144 hours. The only exceptions are suspects involving national security. Authorities often did not respect these deadlines, in part due to poor recordkeeping, inefficient and slow judicial procedures, and insufficient number of judges.

Authorities sometimes followed legal procedures in cases managed by gendarmes or local police. Many detainees could not afford a lawyer. Although the law provides that a lawyer be provided for those unable to pay in felony cases where a sentence of 10 years or more could be imposed, lawyers are not provided for nonfelony cases. Remuneration for state-provided attorneys was 5,000 CFA francs (\$8.85) per case, which deterred many lawyers from taking such cases. Led by the CAR bar association, defense lawyers protested and went on strike for higher remuneration, and the government negotiated an increased rate. For individuals detained by ex-Seleka and Anti-balaka and placed in illegal detention centers, legal procedures were not followed and access to lawyers was not provided.

Prosecution of persons subject to sanctions by the UN Sanctions Committee seldom occurred.

Arbitrary Arrest: The constitution prohibits arbitrary arrest and detention. Arbitrary arrest was a serious problem, however, and some ex-Seleka and Anti-balaka groups arbitrarily targeted and detained individuals.

Pretrial Detention: Prolonged pretrial detention was a serious problem; specific reliable data was not available.

Although recordkeeping of arrests and detentions was poor, the slow investigation and processing of a case was the primary cause of pretrial detention. The judicial police force charged with investigating cases was poorly trained, understaffed, and had few resources, resulting in poorly processed cases with little physical evidence. The court system did not hold the constitutionally mandated two criminal sessions

per year. The judges resisted holding sessions out of security concerns and insisted on receiving stipends beyond their salaries.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Although the law provides detainees the right to challenge the lawfulness of their detention in court, in practice, many detainees were not able to exercise this right due to a lack of affordable legal services and an unresponsive justice system.

e. Denial of Fair Public Trial

Although the constitution provides for an independent judiciary, there was a lack of independence between the judiciary and political actors. In 2013 the Seleka destroyed court buildings and records throughout the country, leaving the judicial system barely functional. In March 2017 the president issued a decree that appointed eight members to the Constitutional Court, four of whom, including the president of the court, were women. The courts in Bangui and some other major cities, notably Bouar, Berberati, Bossangoa, Mbaiki, Boda, and Bimbo, resumed operation, but the deployment of magistrates and administrators outside Bangui was limited. Many judges were unwilling to leave Bangui, citing security concerns, the inability to receive their salaries while in provincial cities, and the lack of office spaces and housing.

Corruption was a serious problem at all levels. Courts suffered from inefficient administration, understaffing, shortages of trained personnel, salary arrears, and lack of resources. Authorities, particularly those of high rank, did not always respect court orders.

In May the National Assembly adopted the rules of procedure and evidence for the Special Criminal Court (SCC); the SCC officially launched investigations in October. The SCC was established by law in 2015 in the domestic judicial system, which operates with both domestic and international participation and support. The SCC has jurisdiction over serious violations of human rights and international humanitarian law, including genocide, crimes against humanity, and war crimes.

Operations of the Courts of Appeals for criminal courts in two of the country's three judicial districts, Western district based in Bouar and Central district based in Bangui, held criminal sessions during the year. The Bouar criminal session adjudicated 65 cases involving 108 individuals, with 20 accused appearing in court and 88 convicted in absentia. In December 2017 the criminal session in Bangui

adjudicated 27 criminal cases, and the July-August session adjudicated 26 cases. Fifteen cases went to trial and 11 were retained for the next criminal session.

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right. The penal code presumes defendants innocent until proven guilty. Trials are public, and defendants have the right to be present and consult a public defender. Criminal trials use juries. The law obliges the government to provide counsel for indigent defendants; this process delayed trial proceedings due to the state's limited resources. Defendants have the right to question witnesses, present witnesses and evidence on their own behalf, and file appeals. The government sometimes complied with these requirements. Defendants have the right to be informed promptly and in detail of the charges (with free interpretation as necessary) from the moment charged through all appeals, to receive adequate time and facilities to prepare a defense, and not to be compelled to testify or confess guilt. Authorities however, seldom respected these rights.

With the assistance of MINUSCA and international donors, the government began the process of establishing the SCC, which is tasked to investigate and prosecute serious human rights violations. It has a focus on conflict-related and gender-based crimes. The internationally nominated chief prosecutor for the court took office in May 2017. More than a dozen international and national positions within the court, including judges, prosecutors, and clerks, were filled.

Criminal hearings resumed in Bouar and in Kaga-Bandoro.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution provides for an independent judiciary in civil matters, but citizens had limited access to courts in order to file lawsuits seeking damages for, or cessation of, a human rights violation. In 2015 the civil courts resumed operations with regular sessions. There is no system for protecting victims and witnesses from intimidation and insecurity. Consequently, victims, who often lived side-by-

side with perpetrators, were reluctant to testify against perpetrators because there was no guarantee of their safety and a credible judicial process.

In January the Criminal Court of Bangui found former Anti-balaka leader Rodrigue Ngaibona, also known as “Andilo,” guilty of five counts of criminal acts including assassinations, aggravated theft, criminal conspiracy, illegal possession of weapons, and theft. He was sentenced to life in prison with forced labor.

The court found another armed group leader, Ahmad Tidjani, and 10 members of the former Seleka guilty of criminal conspiracy, possession of weapons of war, undermining the internal security of the State and rebellion.

Several civil courts were operational in Bangui and other prefectures in the western region.

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

The law prohibits searches of homes without a warrant in civil and criminal cases, and there were no reports the government failed to respect these prohibitions.

g. Abuses in Internal Conflict

There were serious abuses of human rights and international humanitarian law by armed groups. The ex-Seleka and the Anti-balaka fighters operated freely across much of the country. Reports of abuses included unlawful killings, torture, abductions, sexual assaults, looting, and destruction of property.

UN agencies and NGOs stated that humanitarian actors had not perpetrated any sexual violence during the year.

MINUSCA documented human rights abuses by various armed groups. In February armed groups committed 93 human rights abuses involving 141 victims. The majority of the perpetrators were members of FPRC, MPC, UPC, Fulani, FPRC/MPC Coalition, and the FPRC/Arab.

Killings: In February approximately 40 Fulani men attacked the village of Bedobake. Two civilians were killed and several wounded. Also in February Anti-balaka elements committed attacks on 36 persons.

In April, 28 persons died during clashes with MINUSCA and the local security forces by armed group members in PK5, a Muslim neighborhood of Bangui. Casualties included civilians and armed group members.

Armed groups targeted humanitarian workers and MINUSCA peacekeepers. In April, Anti-balaka elements attacked a MINUSCA base in Tagbara, northeast of Bambari, and killed a Mauritanian peacekeeper.

Abductions: There were reports that armed groups kidnapped civilians. In March, Anti-balaka elements in Bangassou kidnapped and held for ransom a civil servant. In January and February, the LRA conducted 19 attacks and kidnapped 42 civilians.

Physical Abuse, Punishment, and Torture: Members of armed groups, including the ex-Seleka and Anti-balaka, reportedly continued to mistreat, assault, and rape civilians with impunity.

Child Soldiers: Reports of unlawful use and recruitment of child soldiers continued during the year. Armed groups recruited children and used them as combatants, messengers, informants, and cooks. Girls were often used as sex slaves. The United Nations also documented the presence of children operating checkpoints and barricades.

Despite the MPC, part of the ex-Seleka, signing of the UN's Action Plan combatting the use of child soldiers, the group continued to have children among its ranks. The FPRC and the UPC issued orders barring the recruitment of children; NGOs reported, however, the continued presence of children among these groups' ranks.

In 2005 the government ratified the African Charter on the Rights and Welfare of the Child. In 2017 it also ratified the Optional Protocol to the Convention on the Rights of the Child. These conventions prohibit the involvement of children in armed conflicts. During the year the government, UNICEF, and various NGOs worked with the armed groups to combat the exploitation of child soldiers. Negotiations culminated in the identification and removal of 1,816 children, including 371 girls, from armed groups.

During the year the Report of the Secretary-General on Children and Armed Conflict, verified that cases of the recruitment and use of children in armed conflicts quadrupled in the country. The report highlighted the use of child

soldiers by the UPC, FPRC, MPC, Anti-balaka elements, ex-Seleka, Renovee, FDPC, LRA, and 3R.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression and the press. The government generally respected these rights.

Press and Media Freedom: Independent media were active and expressed a wide variety of views without restriction. All print media in the country were privately owned. Radio was the most widespread medium of mass communication. There were a number of alternatives to the state-owned radio station, such as Radio Centrafrique. Independent radio stations operated freely and broadcast organized debates and call-in talk shows that were critical of the government, election process, ex-Seleka, and Anti-balaka militias. International media broadcast within the country.

Public discussion and political debates were generally free from state authorities' influence. Freedom of expression, however, was inhibited due to the risk of retaliation by armed groups for expressing opinions opposing their ideologies.

The government monopolized domestic television broadcasting, with coverage typically favorable to government positions.

In July unknown actors killed three Russian journalists near Sibut, a city 124 miles north of the capital. The motivation for the killing is still unknown.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content. There were no credible reports that the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, approximately 4 percent of the population used the internet in 2017.

Academic Freedom and Cultural Events

There were no reports that the government restricted academic freedom or cultural events. The country's sole university was open.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, including the right to participate in political protests. The government, however, denied most requests to protest that were submitted by civil society groups, citing insecurity in Bangui.

Freedom of Association

A law prohibiting nonpolitical organizations from uniting for political purposes remained in place. In May the government briefly detained opposition leader Joseph Bendounga following a march in Bangui. The attorney general reiterated that the detention was justified because the march was not authorized.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government did not always respect these rights.

The government generally cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

In-country Movement: Armed groups and bandits made in-country movement extremely dangerous. Government forces, armed groups, and criminals alike frequently used illegal checkpoints to extort funds.

Internally Displaced Persons (IDPs)

The country continued to face an acute humanitarian crisis. According to UNHCR, there were 614,679 IDPs and 572,081 refugees in neighboring countries at the end of July. Targeted violence against civilians by armed groups continued throughout the year. According to the Office of Coordination and Humanitarian Action (OCHA), attacks by armed groups against humanitarian organizations increased during the year. These attacks obstructed delivery of life-saving assistance to persons displaced by conflict.

Militia groups continued to target IDPs and threaten individuals and organizations attempting to shelter IDPs, including churches. For example, on September 7, the Bria IDP Camp was attacked by armed groups.

Throughout the year clashes between armed groups caused death and increased destruction of property. According to UNHCR, many newly displaced persons suffered fatal attacks, robberies, lootings, and kidnappings. Even after reaching safe locations, they often risked assault by armed groups if they ventured outside of camps to search for food. In many affected areas, humanitarian assistance was limited to strictly life-saving interventions, due to limited access and insecurity. The presence of armed groups continued to delay or block planned humanitarian deliveries.

Humanitarian organizations remained concerned about evidence that members of armed groups continued to hide out in IDP sites and attempted to carry out recruitment activities. This raised concerns for the safety of humanitarian staff and vulnerable displaced individuals residing in these areas.

The humanitarian actors provided assistance to IDPs and returnees and promoted the safe voluntary return, resettlement, or local integration of IDPs. The government allowed humanitarian organizations to provide services, although security concerns sometimes prevented organizations from operating in areas previously controlled by the ex-Seleka, and targeted attacks on humanitarian operations impeded their ability to access some populations.

Since April the number of attacks in the country increased. OCHA recorded 118 incidents affecting humanitarian workers from April to June, compared with 63 in the first three months of the year. These included armed robberies, killings, and kidnapping.

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 Subcommittee on Eligibility, however, had not held sessions since 2009, which contributed to a growing backlog of asylum applications.

During the second quarter of the year, the number of displaced persons declined but remained high.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: After several postponements, the country held a constitutional referendum in December 2015 followed by the first round of presidential and legislative elections. None of the 30 presidential candidates obtained more than the 50 percent of the votes required to avoid a second round, which was held in February 2016. In January 2016 the Transitional Constitutional Court annulled the December 2015 legislative elections due to widespread irregularities and voter intimidation and fraud and ordered new elections. The rescheduled first-round legislative elections also took place in February 2016, with a second round held in March 2016. The National Assembly convened in May 2016; elections for the Senate were not held, and no date for them has been announced. Central African refugees and members of the diaspora in some neighboring states were able to participate in the elections.

The 2015 constitutional referendum led to the adoption of a new constitution with 93 percent of the votes cast in favor; voter turnout was 38 percent.

The first round of presidential and legislative elections took place in December 2015 with a turnout of 62 percent. Refugees located in Cameroon, the Republic of the Congo, and Chad were able to vote. The Democratic Republic of the Congo, however, did not allow the estimated 112,000 Central African refugees in its territory to vote.

A total of 415 appeals were lodged contesting the results of the legislative elections, leading the Transitional Constitutional Court to invalidate the ballot and require a new first round of elections. The appeals were based primarily on allegations of irregularities and fraud, corruption, and intimidation of voters and candidates. The second round of the presidential election and the new first round of the legislative elections took place in February 2016. Observers noted a marked improvement in the conduct of the ballot, as the majority of polling stations opened on time and were properly equipped. The Transitional Constitutional Court announced the final results of the presidential election on March 1, 2016, confirming the victory of independent candidate Faustin-Archange Touadera with 62.7 percent of the vote over Anicet-George Dologuele, who had 37.3 percent of the vote. The turnout was 58.9 percent. Dologuele quickly conceded defeat and called upon his supporters to accept the results of the vote. The inauguration of President Touadera took place in March 2016.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. Five of the 34 cabinet members were women, as was the senior presidential advisor for national reconciliation. There were 12 women among the 140 members of parliament. Some observers believed traditional attitudes and cultural practices limited the ability of women to participate in political life on the same basis as men.

In 2016 the National Assembly passed a gender equality law. The law outlaws gender discrimination and establishes quotas for women's representation in elective offices, and public and private institutions. It also establishes an independent National Observatory for Male/Female Equality to monitor compliance.

There were seven Muslim members, including one Fulani member of the cabinet. Societal and legal discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons prevented them from working to see their interests represented in the political sphere.

Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. In March 2017 President Touadera issued a decree appointing members of the High Authority for Good Governance, an

independent body mandated by the constitution. It is charged with protecting the rights of minorities and the handicapped, and with ensuring the equitable distribution of natural resource revenues, among other roles.

Corruption and nepotism have long been pervasive in all branches of government, and addressing public-sector corruption was difficult given limited government capacity.

Corruption: Few cases of corruption were brought to trial or exposed with strong evidence in the media; there were, however, widespread rumors and anecdotal stories of pervasive corruption. A report by the NGO Collaborative for Development Action Collaborative Learning Projects utilizing firsthand testimony highlighted the extensive nature of corruption in the criminal justice system, where “extortion/bribery, sexual favors, favoritism, and political interference distort every aspect of the criminal justice system.”

Financial Disclosure: The constitution requires senior members of the executive, legislative, and judicial branches at the beginning of their terms to declare publicly their personal assets and income for scrutiny by the constitutional court. The constitution specifies that the law determine sanctions for noncompliance. Declarations are public. The constitution requires ministers to declare their assets upon departing government but is not explicit on what constitutes assets or income.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights abuses and violations. Government officials often were cooperative and responsive to their views.

In August the national Disarmament, Demobilization, Reintegration, and Repatriation Consultative Committee (CC) launched a pilot disarmament, demobilization, and reintegration project in Bangui. The goal was to disarm 560 armed group members. Thirteen of the 14 recognized armed groups represented on the committee participated in the pilot program. According to the CC, in September 240 armed group members disarmed and enlisted in the FACA. An additional 198 members were disarmed and in training to reintegrate into their communities.

Government Human Rights Bodies: In April 2017 President Touadera signed into law an act establishing an independent National Commission on Human Rights and Fundamental Liberties. The commission expected to have the authority to investigate complaints, including the power to call witnesses and subpoena documents.

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

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.

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 was common, although there are laws and instrument prohibiting violence against women. The government took no known action to punish perpetrators.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C of women and girls, which is punishable by two to five years' imprisonment and a fine of 100,000 to one million CFA francs (\$176 to \$1,760), depending on the severity of the case.

Nearly one quarter of girls and women have been subjected to FGM/C in the country, with variations according to ethnicity and region. Approximately half of girls were cut between the ages of 10 and 14. Both the prevalence of FGM/C and support for the practice declined sharply over time.

Sexual Harassment: The law prohibits sexual harassment, but the government did not effectively enforce the law in the areas controlled by armed groups, and sexual harassment was common. The law prescribes no specific penalties for the crime.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

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

often prevailed. Women's statutory inheritance rights often were not respected, particularly in rural areas. Women experienced economic and social discrimination. Customary law does not consider single, divorced, or widowed women, including those with children, to be heads of 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.

Children

Birth Registration: Children derive citizenship by birth in the national territory or from one or both parents. Birth registration could be difficult and less likely to occur in regions with little government presence. Parents did not always register births immediately. Unregistered children faced restrictions on access to education and other social services. The courts issued more than 7,000 birth certificates. They were not delivered, however, because court clerks demanded payment for printing the certificates. The lack of routine birth registration also posed long-term problems.

Education: Education is compulsory from six to 15 years of age. Tuition is free, but students have to pay for items such as books and supplies and for transportation. Human Rights Watch documented the continued occupation of schools for military purposes, such as for barracks or bases. Further, it documented that abuses by fighters in and around schools threatened the safety of students and teachers, and impeded children's ability to learn. In 2015 according to UNICEF, 38 percent of schools were attacked or looted during the crisis, and one-third of school-age children did not go to school. Girls did not have equal access to primary or secondary education. Few Ba'aka, the earliest known inhabitants of the forests in the south, attended primary school. There was no significant government assistance for efforts to increase Ba'aka enrollment.

According to an NGO nationwide survey during the year, between 78 and 88 percent of schools were open. According to the United Nations, an estimated 10,000 children were prevented from attending school during the year, mostly due to schools being occupied by armed groups.

Child Abuse: The law criminalizes parental abuse of children younger than age 15. Nevertheless, child abuse and neglect were widespread, although rarely acknowledged. The government did not take steps to address child abuse.

In March a Central African military colonel imprisoned and brutally abused his nine-year-old daughter for two years. The colonel remained free despite criminal charges being filed against him.

Domestic abuse, rape, and sexual slavery of women and girls by armed groups threatened their security, and sexual violence was increasingly used as a deliberate tool of warfare. Attackers enjoyed broad impunity. Constitutional guarantees of women's rights were rarely enforced, especially in rural areas. Sexual abuses by UN peacekeeping forces had been documented, but many instances had not been investigated or prosecuted.

Early and Forced Marriage: The law establishes 18 as the minimum age for civil marriage. The practice of early marriage was more common in the Muslim community. There were reports during the year of forced marriages of young girls to ex-Seleka and Anti-balaka members. The government did not take steps to address forced marriage. For additional information, see Appendix C.

Sexual Exploitation of Children: There are no statutory rape or child pornography laws to protect minors. The family code prescribes penalties for the commercial exploitation of children, including imprisonment and financial penalties. The minimum age of sexual consent is 18, but it was rarely observed. A legal aid center in Bimbo for sexual and gender-based crimes reported cases involving minor victims.

For example, a man raped his four-year-old niece. The child was under medical treatment. UMIRR was investigating the case while the uncle remained in jail.

Armed groups committed sexual violence against children and used girls as sex slaves (see sections 1.g. and 2.d.).

For example, during the year, NGOs reported the LRA continued to target and abduct children. Abducted girls often were kept as sex slaves.

Child Soldiers: Child soldiering was a problem (see section 1.g.).

Displaced Children: Armed conflict resulted in forced displacement, with the number of persons fleeing in search of protection fluctuating based on local conditions.

The country's instability had a disproportionate effect on children, who accounted for 60 percent of IDPs. Access to government services was limited for all children, but displacement reduced it further. Nevertheless, according to a humanitarian NGO, an estimated 140,000 displaced and vulnerable children participated in psychosocial activities, armed groups released 3,000 children, and approximately 3,500 survivors of sexual violence received comprehensive support.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

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/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with both mental and physical disabilities but does not specify other forms of disabilities. It requires that in any company employing 25 or more persons, at least 5 percent of staff must consist of sufficiently qualified persons with disabilities, if they are available. The law states that at least 10 percent of newly recruited civil service personnel should be persons with disabilities. There are no legislated or mandated accessibility provisions for persons with disabilities.

The government did not enact programs to ensure access to buildings, information, and communications. The Ministry of Labor, of Employment and Social Protection's Labor Inspectorate has responsibility for protecting children with disabilities.

National/Racial/Ethnic Minorities

Violence by unidentified persons, bandits, and other armed groups against the Mbororo, primarily nomadic pastoralists, was a problem. Their cattle wealth made them attractive targets, and they continued to suffer disproportionately from civil disorder in the North. Additionally, since many citizens viewed them as inherently foreign due to their transnational migratory patterns, the Mbororo faced occasional discrimination with regard to government services and protections. In recent years the Mbororo have begun arming themselves against attacks from farmers who objected to the presence of the Mbororo's grazing cattle. Several of the ensuing altercations resulted in deaths.

Social networks were increasingly used to incite hatred against persons of other ethnicities. The High Commission on Communications initiated a campaign to combat hate speech on social networks.

Indigenous People

Discrimination continued against the nomadic pastoralist Mbororo minority, as well as the forest-dwelling Ba'aka. The independent High Authority for Good Governance, whose members were appointed in March 2017, is tasked with protecting the rights of minorities and the handicapped, although its efficacy has yet to be proven.

Discrimination against the Ba'aka, who constituted 1 to 2 percent of the population, remained a problem. The Ba'aka continued to have little influence in decisions affecting their lands, culture, traditions, and the exploitation of natural resources. Forest-dwelling Ba'aka, in particular, experienced social and economic discrimination and exploitation, which the government did little to prevent.

The Ba'aka, including children, were often coerced into agricultural, domestic, and other types of labor. They were considered slaves by 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 the Ba'aka were effectively "second-class citizens," perceived as barbaric and subhuman and excluded from mainstream society.

Acts of Violence, Discrimination, and Other Abuses 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 (\$265 and \$1,060). When one of the participants is a child, the adult could be sentenced to two to five years’ imprisonment or a fine of 100,000 to 800,000 CFA francs (\$176 and \$1,413); there were no reports police arrested or detained persons under these provisions.

While official discrimination based on sexual orientation occurred, there were no reports the government targeted LGBTI persons. Societal discrimination against LGBTI persons was entrenched due to a high degree of cultural stigmatization. There were no reports of LGBTI persons targeted for acts of violence, although the absence of reports could reflect cultural biases and stigma attached to being an LGBTI individual. There were no known organizations advocating for or working on behalf of LGBTI persons.

HIV and AIDS Social Stigma

Persons with HIV/AIDS were subjected to discrimination and stigma, and many individuals with HIV/AIDS did not disclose their status due to social stigma.

Other Societal Violence or Discrimination

Violent conflict and instability in the country had a religious cast. Many, but not all, members of the ex-Seleka and its factions were Muslim, having originated in neighboring countries or in the remote Muslim north, a region former governments often neglected.

During the worst of the crisis, some Christian communities formed anti-Seleka militias that targeted Muslim communities, presumably for their association with the Seleka. The Catholic archbishop of Bangui, local priests, and an imam continued working with communities to defuse tensions by making radio broadcasts urging members of their religious communities to call for tolerance and restraint. Local leaders, including the bishop of Bossangoa, and internationally based academics warned against casting the conflict in religious terms and thus fueling its escalation along religious lines.

Ethnic killings often related to transhumance movements occurred. The major groups playing a role in the transhumance movements were social groups centering

on ethnic identity. These included Muslim Fulani/Peuhl herders, Muslim farming communities, and Christian/animist farming communities. These ethnic groups committed preemptive and reactionary killings in protection of perceived or real threats to their property (cattle herds or farms). Initial killings generated reprisal killings and counter killings.

According to the UNHCR independent expert, there were numerous credible reports that “persons accused of witchcraft were detained, tortured, or killed by individuals or members of armed groups, particularly in the west of the country.”

The law outlawed the practice of witchcraft. According to the UNHCR independent expert, there were numerous credible reports that “persons accused of witchcraft were detained, tortured, or killed by individuals or members of armed groups, particularly in the west of the country.”

In April civil society members organized a conference bringing together anthropologists and legal experts to discuss witchcraft. Participants highlighted the misuse of this law by accusers, notably against women. Nevertheless, in May three persons accused of witchcraft were killed in Ndolobo, near Mbaïki.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers--except for senior-level state employees, all security force members, and foreign workers in residence for less than two years--to form or join independent 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. The law requires union officials be full-time, wage-earning employees in their occupation and allows them to conduct union business during working hours if the employer is informed 48 hours in advance and provides authorization. Substantial restrictions, including reciprocity, hampered noncitizens from holding leadership positions in a union, despite amendments to the labor code.

The labor code provides that unions may bargain collectively in the public and private sectors.

Workers have the right to strike in both the public and private sectors, but the law prohibits security forces, including the armed forces and gendarmes, from striking.

Requirements for conducting a legal strike are lengthy and cumbersome. For a strike to be legal, the union must first present its demands, the employer must respond to these demands, labor and management must attend a conciliation meeting, and an arbitration council must find that the union and the 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, of Employment and Social Protection has the authority to establish 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. Employees may have their cases heard in labor court. The law does not state whether employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities, although the law requires employers found guilty of such discrimination to pay damages, including back pay and lost wages.

The government generally enforced applicable laws and respected laws concerning labor actions. Workers exercised some of these rights, but 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 stated 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 was not generally involved if the two parties were able to reach an agreement. Information was unavailable on the effectiveness of collective bargaining in the private sector.

b. Prohibition of Forced or Compulsory Labor

The labor code specifically prohibits and criminalizes all forms of forced or compulsory labor and prescribes a penalty of five to 10 years' imprisonment for

violations. The labor code's prohibition of forced or compulsory labor also applies to children, although the code does not mention them specifically. The government did not enforce the prohibition effectively, however, and there were reports such practices occurred, especially in armed conflict zones. The failure of government enforcement was due to a lack of resources, a dysfunctional judicial system, and an inadequate inspection cadre. Employers subjected men, women, and children to forced domestic labor, agricultural work, mining, market or street vending, and restaurant labor, as well as sexual exploitation. Criminal courts sentenced convicted persons to imprisonment and forced labor, and prisoners often worked on public projects without compensation. In Bangui and other large urban areas, however, this practice was rare, partly because of the presence of human rights NGOs or lawyers and because day labor was inexpensive. Ba'aka, including children, often were coerced into labor as day laborers, farm hands, or other unskilled labor and often treated as slaves (see section 6). 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/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The labor code forbids the employment of children younger than 14 without specific authorization from the Ministry of Labor, of Employment and Social Protection, but the law also provides that the minimum age for employment can be as young as 12 for some types of light work in traditional agricultural activities or home services. The law prohibits children younger than 18 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 child labor laws. The government trained police, military, and civilians on child rights and protection, but trainees lacked resources to conduct investigations. The government announced numerous policies related to child labor, including those to end the sexual exploitation and abuse of children and the recruitment and use of children in armed conflict, but there was no evidence of programs to eliminate or prevent child labor, including its worst forms. Five labor inspectors were specifically trained to investigate child labor. Penalties were not sufficient to deter violations.

Child labor was common in many sectors of the economy, especially in rural areas. Children continued to perform hazardous work and labored as child soldiers. No known victims were removed from the worst forms of child labor during the year.

Local and displaced children as young as seven years old frequently performed agricultural work, including harvesting peanuts and cassava and helping gather items subsequently sold at markets such as mushrooms, hay, firewood, and caterpillars. In Bangui many of the city's street children worked as street vendors. Children often worked as domestic workers, fishermen, and in mines, often in dangerous conditions. Children also worked in diamond fields alongside adult relatives, transporting and washing gravel as well as mining gold, digging holes, and carrying heavy loads. Despite the law's prohibition on child labor in mining, observers saw many children working in and around diamond mining fields.

There were reports of ex-Seleka and Anti-balaka recruiting child soldiers during the year (see section 1.g.).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

It is illegal to discriminate in hiring or place of employment based on race, national or social origin, gender, opinions, or beliefs. The government did not effectively enforce the law, however. The law does not explicitly prohibit discrimination in employment and occupation based on disability, age, language, sexual orientation, gender identity, social status, HIV-positive status, or having other communicable diseases.

Discrimination against women in employment and occupation occurred in all sectors of the economy and in rural areas, where traditional practices that favor men remained widespread.

Migrant workers experienced discrimination in employment and pay.

e. Acceptable Conditions of Work

The labor code states the minister of labor, employment, and social protection must set minimum wages in the public sector by decree. The government, the country's largest employer, set wages after consultation, but not negotiation, with

government employee trade unions. The minimum wages in the private sector are established based on sector-specific collective conventions resulting from negotiations between employers and workers' representatives in each sector.

The minimum wage in the private sector varied by sector and type of work. While the average monthly minimum wage remained 28,000 CFA francs (\$49), it was 26,000 CFA francs (\$46) for government workers and 8,500 CFA francs (\$15) for agricultural workers.

The minimum wage applies only to the formal sector, leaving most of the economy unregulated in terms of wages. 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 citizen, foreign, and migrant workers. Overtime policy varied according to the workplace. Violations of overtime policy may be referred to the Ministry of Labor, Employment, and Social Protection, although it was unknown whether this occurred during the year. There is no legal prohibition on excessive or compulsory overtime. The labor code, however, states that employers must provide for the health and security of employees who are engaged in overtime work.

There are general laws on health and safety standards in the workplace, but the Ministry of Labor, of Employment and Social Protection did not precisely define them. The labor code states that a labor inspector may force an employer to correct unsafe or unhealthy work conditions.

If information exists about dangerous working conditions, the law provides that workers may remove themselves without jeopardy to their employment. In such instances, the labor inspector notifies the employer and requires that conditions be addressed within four working days. The high unemployment and poverty rates deterred workers from exercising this right.

The government did not enforce labor standards, and violations were common in all sectors of the economy. The Ministry of Labor, of Employment and Social Protection has primary responsibility for managing labor standards, while enforcement falls under the Ministry of Interior and Public Safety and the Ministry

of Justice and Human Rights. The government did not have an adequate number of labor inspectors to enforce compliance with all labor laws. Penalties were seldom enforced and were insufficient to deter violations. Employers commonly violated labor standards in agriculture and mining. Salary and pension arrears were problems for armed forces personnel and the country's approximately 24,000 civil servants.

Diamond mines, which employed an estimated 400,000 persons, are subject to standards imposed by the mining code and inspection by the Miners' Brigade. Nevertheless, monitoring efforts were underfunded and insufficient. Despite the law requiring those working in mines to be at least 18 years old, observers frequently saw underage diggers. Diggers often worked in open pits susceptible to collapse and generally earned a daily wage of 2,000 CFA francs (\$3.50), 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, had a share in ownership and participated in the proceeds of diamond sales. On average, they earned 186,000 CFA francs (\$328) per year via legal sales, but this figure varied considerably based on the scale of the mine. Often miners supplemented these earnings by either illegal diamond sales or wages from other sectors of the economy.

No credible information was available regarding workplace injuries and deaths.