



Central African Republic

Country Reports on Human Rights Practices - [2004](#)

Released by the Bureau of Democracy, Human Rights, and Labor

February 28, 2005

Under a suspended Constitution, the Government of the Central African Republic (CAR) is comprised of a strong executive branch and weak legislative and judicial branches. In March 2003, a 6-month rebellion culminated in a military coup led by former Armed Forces Chief of Staff General Francois Bozize, with the assistance of demobilized Chadian soldiers and the tacit involvement of active Chadian soldiers. The coup deposed then-President Ange-Felix Patasse, who had been re-elected in 1999. General Bozize declared himself President, suspended the Constitution, and dissolved the National Assembly. In 2003, he appointed a Prime Minister; appointed a transitional cabinet composed of members of all political parties, including the party of deposed President Patasse, and civil society; and established a National Transitional Council (CNT), a legislative body comprised of 96 representatives from civil society and all political parties. During the year, the Government repeatedly affirmed its commitment to reinstate democratic governance, and took a series of actions in preparation for national elections in 2005. On December 5, citizens approved by national referendum a new Constitution, which took effect in late December. During the year, pockets of lawlessness persisted in parts of the country, and the Government was significantly affected by insecurity and the threat of conflict. In April, the Government deployed 200 soldiers to fight banditry in the northern and northwest provinces, including Kemo and Ouham-Pende. The judiciary was subject to executive interference.

The National Police are under the direction of the Ministry of Interior and Public Security, while the military forces and the National Gendarmerie are under the jurisdiction of the Ministry of Defense; all share responsibility for internal security. Civilian authorities did not maintain effective control of the security forces. By mid-January, the Government had disbanded the Security Investigation Division (SERD), a military intelligence unit that operated as part of presidential security services, due to accusations that the SERD committed serious human rights abuses during 2003. In December 2003, President Bozize signed an order dismissing a number of soldiers from the army because of indiscipline; the soldiers named reportedly were removed from army lists and sent home. As part of its efforts to protect citizens and safeguard property, the Government continued to support joint security operations in the capital conducted by the Armed Forces, the Central African Economic and Monetary Community (CEMAC) force, and French forces. In addition, BONUCA, a U.N. peace-building mission in the country, operated during the year. Members of the security forces committed numerous serious human rights abuses.

The economy, already extremely weak because of repeated political-military troubles and a cycle of coup attempts, was in a state of collapse, with approximately 60 percent of the population living at or below the poverty line. The economy was partially market based and partially government directed, and was dominated by subsistence agriculture. Approximately 80 percent of its 3.8 million citizens were farmers. Some international donors continued to suspend financial assistance during the year. Large-scale looting and vandalism in the wake of the coup devastated not only the state infrastructure and facilities but also the remaining economic and industrial activity of the country. The salary arrears owed to civilian employees and the military continued to impair the functioning of the Government and the ability of the State to enforce the rule of law. Misappropriation of public funds and corruption in the Government remained widespread. In addition, the large number of displaced persons continued to adversely affect economic productivity, especially in the agricultural sector, during the year. An estimated 13.5 percent HIV/AIDS prevalence rate for adults between the ages of 15 and 49 continued to place an increasing burden on the country's resources through rising medical expenditures, absenteeism from work, labor shortages resulting from morbidity and mortality, and training of replacement labor.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Citizens did not have the right to change their government peacefully during the year; however, the Government took some steps toward restoring democratic institutions. Security forces continued to commit extrajudicial and other unlawful killings, including government-tolerated executions of suspected bandits, and impunity remained a problem. Security forces continued to torture, beat, and otherwise abuse suspects and prisoners. Other abuses included harsh prison conditions, arbitrary arrest, prolonged detention without trial, and infringements on privacy. The Government restricted freedom of the press, although there were some improvements in respect for freedom of the press, and at times the Government restricted the freedoms of assembly and association. The Government restricted freedom of movement. Corruption was a widespread problem. Violence and discrimination against women, female genital mutilation (FGM), prostitution, trafficking in persons, discrimination against indigenous people (Pygmies), and child labor, including instances of forced child labor, continued

to be problems. Societal violence also remained a problem.

The Government took significant steps to improve human rights during the year. In April and May, President Bozize authorized the creation of the Joint Independent Electoral Commission (CEMI) and appointed members including several representatives of political parties and civil society--to supervise presidential and legislative elections. The Government ordered the arrest of some members of the security forces, including the head of the presidential security forces, for killings. The permanent military tribunal, which had been defunct for 8 years until President Bozize convened it in December 2003, considered cases of human rights abuses by security forces during the year. During the year, the Government decriminalized the country's press laws concerning defamation, and journalists reportedly no longer practiced self-censorship. The judiciary convicted many high-level officials for corruption. Members of civil society served on the CNT and actively participated in the drafting of the new Constitution.

RESPECT FOR HUMAN RIGHTS

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 committed politically motivated killings; however, security forces continued to commit executions and other extrajudicial killings with impunity throughout the year.

During the year, the special police Squad for the Repression of Banditry (OCRB) continued to arbitrarily execute suspected bandits without respecting the basic due process rights of the accused, and were responsible for other extrajudicial killings and deaths resulting from torturing. The OCRB committed such abuses with tacit government support and popular approval, partly because the OCRB's actions were seen as an effective means of reducing crime. The Government did not prosecute OCRB members responsible for killings or other abuses committed during the year.

The presidential security forces also arbitrarily executed citizens during the year. For example, on September 6, Lieutenant Celestin Dogo, the head of the presidential security forces, tortured and executed two men, Alfred Mamadou and Appolinaire Marzanne. Their bodies were found on September 16 in Mpoko River, near Bangui. After the case was reported by the local media, Lt. Dogo was arrested, and President Bozize signed a decree dismissing him from the security forces. Lt. Dogo had not been tried by year's end.

During the year, there were credible reports that security forces committed other unlawful killings, some allegedly in connection with personal disputes or rivalries.

The Government arrested some members of security forces who allegedly killed persons during the year; however, by year's end, none had been convicted. Most cases were still under investigation.

There were no developments in the following killings in 2003, reportedly by security forces: The August killing of a student; the September killing of retired Gendarmerie Captain Joseph Koyanao; the September killing of a Nigerian trader; or the December executions of three boys in Haute Kotto.

No action was taken against the pro-Bozize combatants, including Chadian combatants, or the members of the security forces of then-President Patasse who killed civilians during and after the March 2003 coup.

No action was taken against pro-Bozize combatants responsible for killing three CEMAC peacekeepers in March 2003.

Civilians continued to take vigilante action against presumed thieves, poachers, and some persons believed to be Chadian combatants.

Mobs reportedly continued to kill and injure suspected sorcerers or witches during the year.

No action was taken against vigilantes responsible for killings committed in 2003.

During the year, there were reports that Chadian combatants killed civilians. There were some arrests of combatants but no information on the number of prosecutions. No additional information was available at year's end.

On April 17, security forces reportedly killed eight "Liberators," Chadian combatants who had helped the President seize power in 2003. Prior to the killings, the Chadian combatants had staged violent demonstrations, looted approximately 75 homes in a Bangui suburb, and demanded payment from President Bozize for their support during the rebellion that allowed him to depose former President Patasse. By year's end, no action had been taken against the members of security forces allegedly responsible for the killings. During the year, the President reportedly paid each Liberator \$1,000 (504,000 CFA francs) before they ostensibly returned to Chad.

By year's end, no action had been taken against Movement for the Liberation of Congo (MLC) troops from the Democratic Republic of the Congo (DRC) who committed numerous killings of civilians prior to the March 2003 coup.

b. Disappearance

There were no reports of politically motivated disappearances during the year. The Government did not conduct investigations into the reported disappearances that occurred in 2003.

Security forces succeeded in freeing some of the cattle herders' children kidnapped by cattle raiders in 2003. It was unknown how many were released.

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

The Penal Code prohibits torture and specifies sanctions for those found guilty of physical abuse; however, there was at least one instance of torture by the presidential security forces that resulted in death (see Section 1.a.), and police, including the OCB, continued to torture, beat, and otherwise abuse criminal suspects, detainees, and prisoners. During the year, the Government did not take effective action to punish police who tortured suspects, and impunity remained a problem. Family members of victims and human rights groups, including the Human Rights League (HRL) Executive Committee, pursued court complaints filed in previous years with the prosecutor regarding the deaths of several prisoners due to police abuse; however, authorities did not take action on any of the cases by year's end. During the year, the HRL reported the abuse of civilians by the presidential security forces but did not file any court complaints of police abuse.

Police beat persons while forcibly dispersing demonstrators (see Section 2.b.).

On January 2, a member of the presidential guard fired into a crowd greeting Monique Bozize, the President's wife, and four persons were wounded.

Members of the armed forces often committed other abuses against civilians, including armed robbery and racketeering. During the year, although there was an increase in the number of prosecutions of security forces for human rights violations, no action generally was taken against soldiers involved in robbery or racketeering.

On July 30, two members of the presidential guard harassed the son of the CNT President. On August 3, the CNT issued a press release alleging that President Bozize's security forces had committed numerous human rights violations.

In January, the permanent military tribunal sentenced five former presidential guards to 5 years' imprisonment for the October 2003 gang-rape of a woman.

On August 31, a military tribunal sentenced Benime Elvis, a member of the security forces, to 5 years' imprisonment for raping a 16-year-old girl during the year.

There were no developments in the alleged August 2003 rape of a woman at Camp Beal in Bangui by a member of the military.

During the year, rebels and mercenaries from Chad continued to harass civilians, mostly in the countryside. There were reports that the rebels and mercenaries would block the road and steal everything from travelers; travelers without money were sometimes beaten.

During the year, no actions were taken against soldiers loyal to the former Patasse government or pro-Bozize fighters who committed serious violations of human rights and humanitarian law, including widespread looting; rape; abductions resulting in disappearances; inhumane, cruel, and degrading treatment; and the recruitment and use of children as soldiers prior to and during the March 2003 coup.

No actions were taken against pro-Patasse MLC troops who reportedly committed numerous abuses of civilians, including torture, rape, and harassment during 2003.

Prison conditions were extremely harsh. Prison cells were overcrowded, and basic necessities, including food, clothing, and medicine, were in short supply and often were confiscated by prison officials for their personal use. There were reports that guards tortured prisoners and that female inmates were raped. Prisoners depended on family members to supplement inadequate prison meals and were sometimes allowed to forage for food in areas near the prison. Prisoners frequently were forced to perform uncompensated labor at the residences of government officials and magistrates. Prison conditions outside of Bangui were generally worse, and most of these prisons were completely destroyed during the 2003 fighting.

Male and female prisoners were held in separate facilities in Bangui but housed together elsewhere. There were no separate detention facilities for juvenile prisoners, who routinely were housed with adults and often subjected to physical abuse. Pre-trial detainees were not held separately from convicted prisoners.

The Government permitted prison visits by human rights observers. The International Committee for the Red Cross (ICRC) and religious groups routinely provided supplies, food, and clothes to prisoners. The ICRC had unrestricted access to prisoners. In January, the national anti-HIV/AIDS organization conducted HIV/AIDS awareness campaigns among prisoners in Bangui police jails.

d. Arbitrary Arrest or Detention

The law provides protection against arbitrary arrest and detention and accords the right to a judicial determination of the legality of detention; however, the security forces frequently ignored such provisions, and arbitrary arrest and detention were problems.

Police were not effective, partly as a result of salary arrears owed by the Government and a lack of resources. Many citizens lacked faith in the police; consequently, mob violence against persons suspected of theft and other offences remained a problem (see Section 1.a.). The Government did not take effective action to punish abusers, and impunity remained a problem. During the year, the Central African Human Rights League (LCDH) sharply criticized the police and other security forces, and it accused the security forces of terrorizing the population, killing civilians, and committing armed robbery.

Judicial warrants are not required for arrest. The law stipulates that persons detained in cases other than those involving national security must be brought before a magistrate within 96 hours. In practice, authorities often did not respect this deadline, in part due to inefficient judicial procedures. By law, national security detainees are defined as "those held for crimes against the security of the state" and may be held without charge for up to 2 months; however, in practice, persons were held without charge for long periods. The law allows detainees to have access to their family and to legal counsel; however, in cases involving state security, the Government prohibited detainees from consulting legal counsel, pending an investigation. Indigent detainees may request a lawyer provided by the Government. Detainees are allowed to post bail or have family members post bail for them. Lawyers and families generally had free access to detainees.

Security forces arbitrarily arrested and detained persons during the year. For example, on July 26, security forces arrested Dr. Joseph Kalite, a former Health Minister under former President Patasse, on charges of illegal possession of war arms; at year's end, he remained in prison.

Security forces arrested journalists and demonstrators during the year (see Sections 2.a. and 2.b.).

During the year, a criminal court dropped all charges against Colonel Danzoumi Yalo for lack of evidence. Yalo, who was arrested in December 2003 for allegedly planning a coup, had resumed duty in the army by year's end.

In December, the Criminal Court discharged General Ferdinand Bomayeke, the former chief of the Presidential guard, of charges that he committed killings and other abuses in 2003; however, for unknown reasons, the prosecutor continued to keep Bomayeke in prison, reportedly for political reasons, and he had not been released by year's end.

Prolonged pretrial detention was a serious problem; however, the number of pretrial detainees was unknown at year's end. Detainees were usually informed of the charges levied against them; however, many waited in prison for several months before seeing a judge. Some detainees remained in prison for years because of lost files and bureaucratic obstacles.

On March 15, President Bozize pardoned all prisoners convicted of misdemeanor offenses. It was unclear how many prisoners benefited from the pardon.

e. Denial of Fair Public Trial

The suspended Constitution provides for an independent judiciary; however, the judiciary remained subject to executive interference. Judges are appointed by the President. The courts barely functioned due to inefficient administration of the courts, a shortage of trained personnel, growing salary arrears, and a lack of material resources.

The judiciary consists of a tribunal of first instance, the court of appeal, the cassation court, the High Court of Justice, commercial and administrative courts, a military court, and the Constitutional Court. The highest court is the Constitutional Court, which determines whether laws passed by the National Assembly conform to the Constitution. The Constitutional Court also receives appeals challenging the constitutionality of a law. Lower courts hear criminal and civil cases and send appeals to the Court of Appeals. Military courts try only soldiers, not civilians.

In general trial procedures, if the prosecutor believes there is sufficient evidence that an offense has occurred and that the accused committed it, he places the accused under an arrest warrant. If there is insufficient evidence, the case is dropped. Trials are held publicly, and defendants have the right to be present and to consult a public defender. Defendants also have the right to question witnesses, to present witnesses and evidence on their own behalf, and to have access to government-held evidence relevant to their case. Defendants are presumed innocent until proven guilty, and if convicted, defendants have the right to appeal. The Government generally complied with these legal requirements; however, the judiciary did not enforce consistently the right to a fair trial, and there were many credible reports of corruption within the court system. A number of persons were subjected to prolonged detention without trial or were killed summarily and extrajudicially (see Section 1.a.).

During the year, many cases remained pending before the Criminal Court.

On December 7, a Bangui court of appeals acquitted former Prime Minister Jean-Edouard Koyambounou of corruption. Koyambounou, who had served under former President Patasse, had been detained for 16 months at the Ngaragba Prison on charges of embezzling public funds.

Due to judicial inefficiency, citizens in a number of cities established their own courts to deal with cases through parallel justice, especially in cases of suspected witchcraft.

Bozize convened the permanent military tribunal in December 2003 following an 8-year suspension under former President Patasse. Throughout the year, the tribunal considered cases on a variety of alleged human rights abuses, including extrajudicial killings, rape, and armed robbery (see Section 1.c.).

There were no reports of political prisoners.

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

The law prohibits invasion of homes without a warrant in civil and criminal cases; however, on occasion, police used provisions of the Penal Code governing certain political and security cases that allow them to search private property without a warrant. Security forces continued to carry out warrantless searches for guns and ammunition in private homes. For example, on July 28, security forces searched the house of Jean-Michel Mandaba, Secretary General of former President Patasse's MLPC political party, for guns and ammunition. Security forces entered his home without a warrant and later arrested him. He was released 3 weeks later.

No actions were taken against security forces under former President Patasse or pro-Bozize combatants who illegally entered, searched, and looted homes during the March 2003 coup.

Unlike in the previous year, there were no reports that security forces carried out warrantless searches of entire neighborhoods and seized vehicles, electronic goods, and other items for which residents could not produce sales receipts.

The Government continued to engage in wiretapping without judicial authority.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press

The suspended Constitution provides for freedom of speech and of the press; however, the Government continued to restrict the freedom of the press, particularly the freedom of the print media to criticize the Government. During the year, local media observers said there had been greater press freedom since President Bozize had taken power. The Government did not restrict academic freedom.

Individuals could criticize the Government publicly without reprisal; however, the Government reportedly attempted to discourage meetings by the political opposition during the year.

Throughout the year, more than a dozen private newspapers were published at varying intervals and often criticized the President, the Government's economic policies, and official corruption. President Bozize helped fund but did not control any newspapers.

Radio was the most important medium of mass communication because the literacy rate was low, and newspapers and television were relatively expensive and rarely found outside urban areas. The Government continued to dominate domestic broadcast media. The Government owned and operated a radio station and a television station. The activities of the President and other senior government officials dominated programming.

Africa Number One, a private radio station in Bangui, broadcast national news coverage. Radio Notre Dame, which was owned and operated by the Catholic Church, broadcast national news, debates, legal counseling, and human rights education. The private radio station Radio N'Deke Luka broadcast domestically produced national news and political commentary and rebroadcast international news throughout the country, with assistance from foreign governments and the U.N. Radio-France Internationale (RFI) also broadcast domestically; its programming included some national news coverage by a correspondent based in the country.

The Government continued to monopolize domestic television broadcasting. The state-owned Television Centrafricaine provided little coverage of the political opposition. The High Council of Communication was responsible for authorizing private television as well as radio stations but received no applications to establish a private television station.

During the year, security forces arrested, detained, threatened, or otherwise harassed some journalists. For example, on February 26, security forces arrested Jude Zosse, editor of the private newspaper L'Hirondelle. Zosse was charged with "insulting the head of state," after the newspaper reproduced an article that alleged that President Bozize was collecting public funds at his residence for personal use. Newspapers in Bangui suspended publication in protest of his detention. Zosse was later sentenced to 6 months in prison and ordered to pay a fine of approximately \$400 (202,200 CFA francs). He was released from N'Garagba prison on May 14 under a presidential pardon.

The law criminalizes offenses committed by members of the media, and some journalists and editors were imprisoned during the year. For example, on July 8, police arrested and detained Maka Gbossoko, editor of the private newspaper Le Citoyen, and charged him with libel for writing a series of articles alleging that Jean-Serge Wafio mismanaged the parastatal electric company ENERCA. The Prosecutor General subsequently threatened to take strict legal actions against any newspaper that did not "abide by the ethics of journalism." Colleagues tried to organize a sit-in to protest Gbossoko's arrest but were denied permission (see Section 2.b.). On August 9, a court reportedly sentenced Gbossoko to a 1-year suspended prison sentence and a \$1,000 (502,300 CFA francs) fine. An appeal was pending at year's end.

By year's end, Michel Ngokpele, publication director of the privately-owned newspaper Le Quotidien de Bangui, had been released after being imprisoned on charges of defamation.

In December, the CNT decriminalized the country's press laws. Under the revised law, no journalist can be imprisoned for defaming a third party in a published story; instead, a right of reply or compensation must be accorded to the plaintiff. However, the law still provides for terms of imprisonment for journalists who incite persons to hatred or violence through publication in a newspaper or a broadcast.

The Government did not limit access to the Internet.

b. Freedom of Peaceful Assembly and Association

The suspended Constitution provides for the right of assembly; however, the Government at times restricted this right. Organizers of demonstrations and public meetings were required to register with the Government 48 hours in advance, and political meetings in schools or churches were prohibited. The Government wanted any association to write a letter to the Ministry of Interior and get the Ministry's approval prior to holding any meeting. In many cases, when associations asked for such approval, the Ministry refused "for security reasons."

On August 2, Colonel Jules-Bernard Ouande, Deputy Minister for Territorial Administration, rejected a request from the Association of CAR Journalists to organize a sit-in to demand the release of detained journalist Maka Gbossoko (see Section 2.a.). The Deputy Minister claimed that the request had reached his office too late for consideration. On August 4, policemen equipped with riot gear were stationed where the sit-in was expected to take place.

Police beat demonstrators and forcibly dispersed several demonstrations during the year by university students and professors protesting the nonpayment of scholarships and salaries by the Government. Demonstrators generally were detained for a few hours or days; there were no demonstrators in detention at year's end. Security forces killed eight protestors in April (see Section 1.a.).

No action was taken against members of the security forces responsible for the use of excessive force to disperse demonstrations in 2003 or 2002.

The suspended Constitution provides for freedom of association; however, the Government generally respected this right in practice during the year. Several additional political parties and nongovernmental organizations (NGOs) were created during the year. All associations, including political parties, must register with the Ministry of Interior to enjoy legal status. The Government usually granted registration expeditiously. A variety of associations registered with the Government following a 3-month background investigation; there were 43 registered political parties and a variety of nonpolitical associations. The Government normally allowed them to hold congresses, elect officials, and publicly debate policy issues without interference, except when they advocated sectarianism or tribalism.

The law prohibiting nonpolitical organizations from coalescing for political purposes remained in place; however, there were no reports that this law was enforced during the year.

c. Freedom of Religion

The suspended Constitution provides for freedom of religion but establishes fixed legal conditions and prohibits what the Government considers religious fundamentalism or intolerance; at times, the Government limited this right in practice. Unlike in the previous year, the Government did not close any churches during the year, and by year's end, each of the 34 churches closed by the Government in 2003 had reopened. The constitutional provision prohibiting religious fundamentalism was understood widely to be aimed at Muslims, who make up approximately 15 percent of the population.

Religious groups (except for traditional indigenous religious groups) were required by law to register with the Ministry of Interior. The Ministry's administrative police kept track of groups that failed to register; however, the police did not attempt to impose any penalty on such groups. The Ministry could decline to register, suspend the operations of, or ban any organization that it deemed offensive to public morals or likely to disturb the peace. Any religious or nonreligious group that the Government considered subversive was subject to sanctions. The Ministry of Interior also could intervene to resolve internal conflicts about property, finances, or leadership within religious groups. However, the Government imposed no new sanctions on any religious group during the year.

According to the Ministry of Territorial Administration, several of the churches whose activities were suspended by the Government in September 2003 had fulfilled government requirements and reopened; however, some remained closed at year's end. To resume their activities, religious institutions must prove that they have a minimum of 1,000 members; the reverends must bring evidence that they graduated from the highest religious schools and fulfilled official requirements on church creation. This decree was reportedly intended to regulate the proliferation of places of worship.

In general, there was religious tolerance among members of different religious groups during the year; however, there were occasional reports that some villagers who were believed to be witches were harassed, beaten, or sometimes killed by neighbors.

No action was taken against rebels who looted churches and killed two priests, or bandits and rebels who attacked, robbed, and injured missionaries and Muslims during 2003.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The suspended Constitution provides for the right to move freely throughout the country; however, the Government restricted this right during the year. Police, security forces, customs officers, and other officials harassed travelers unwilling or unable to pay bribes or "taxes" at checkpoints along major intercity roads and at major intersections in Bangui. On July 12, taxi and bus drivers went on strike to protest against harassment they experienced at police and military checkpoints. Attacks by bandits on major routes to the north and east sometimes occurred and impeded freedom of movement during the year.

By year's end, the country's border with the DRC was partially re-opened at the crossing to Zongo, in the DRC. Although Bozize ordered the border closed in September 2003, some unofficial trade continued at various points along the border during the year.

With the exception of diplomats, the Government required that all foreigners obtain an exit visa from the headquarters of the National Police. Travelers intending to exit the country could be required to obtain affidavits to prove that they owed no money to the Government or to parastatal companies.

The suspended Constitution does not permit the use of exile, and the Government did not employ it in practice. Former President Patasse remained in self-imposed exile during the year.

During the year, the Government facilitated the repatriation of some CAR refugees from neighboring countries. At year's end, there were an estimated 27,000 CAR refugees in Chad. According to a U.N. High Commission for Refugees (UNHCR) official, on March 20, approximately 200 CAR refugees, who had been living in the Republic of Congo (ROC) since 2001, voluntarily returned home. The returnees were reportedly the last of the CAR refugees who had been living in the ROC.

During the year, there continued to be large numbers of persons who were internally displaced by the 2003 coup and the continuing instability. By June, between 230,000 and 300,000 internally displaced persons (IDPs) remained in the country, although there were reports that many IDPs were returning to their homes in the second half of the year.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to countries where they feared persecution, and granted refugee and asylum status. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention/1967 Protocol. The Government continued to cooperate with the office of the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. Applicants for asylum often were accepted.

Almost all refugees were registered with the National Commission for Refugees. According to the UNHCR, by year's end, the country was hosting approximately 30,000 refugees from Sudan and 10,000 from the DRC. Approximately 2,200 refugees from the DRC had repatriated from CAR by year's end in a UNHCR-sponsored facilitated return effort that began in October. Other refugees in the country were from Angola, Burundi, Liberia, and Uganda.

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

The suspended Constitution provides citizens with the right to change their government; however, in practice, citizens did not have this right following the March 2003 coup. Presidential and legislative elections were scheduled to take place in February 2005, and by year's end, several candidates had declared their intention to run for the presidency.

President Patasse's MLPC won both the Presidency and half of the seats in the National Assembly in the 1998 and 1999 elections. International observers deemed both elections generally free; however, the presidential elections were marred by irregularities in voter registration and distribution of electoral materials. The Government strongly influenced the electoral process.

After seizing power in March 2003, General Bozize declared himself President, suspended the Constitution, and dissolved the National Assembly. After ruling by decree for a short period, President Bozize established new government institutions and governed by two constitutional acts. In December 2003, President Bozize dismissed Prime Minister Abel Goumba and the transitional government and subsequently appointed Celestin Leroy Gaombalet, a civilian, as Prime Minister and head of a new transitional Government.

In April and May, President Bozize created the CEMI and appointed its members, who were charged with supervising preparations for presidential and parliamentary elections. The members included 10 representatives of political parties, 10 from civil society, and 10 from the administration. On June 28, the CNT adopted a draft constitution, and it revised the electoral code in anticipation of presidential and legislative elections in 2005.

On September 3 and 4, President Bozize dismissed his Cabinet and named a new team of ministers. Bozize retained most ministers from the previous Cabinet, including Prime Minister Celestin Leroy Gaombalet, and reduced the number of cabinet ministers from 28 to 24, reportedly for budgetary reasons. The U.N. Special Representative said the change was a technical adjustment that would streamline the Government and noted that political parties were still represented in the Government.

In October, the Government completed a national electoral census and voter registration drive, which reportedly included special efforts to involve minority populations, including the Batwa, or Pygmies. On December 5, citizens approved by national referendum a new Constitution, which went into effect in late December. Approximately 77 percent of eligible voters reportedly participated in the referendum, which experienced some organizational problems, including polling centers that did not open on time, omission of names from voters' lists, and confusion over the duration of the voting. The Constitution, which was reportedly approved by 90 percent of referendum participants, is similar to the previous one that President Bozize suspended upon seizing power in 2003. It provides for a multi-party state, a presidential term that is renewable only once, and the appointment of the Prime Minister from the political party with a parliamentary majority; however, in contrast to the previous constitution, it grants the Prime Minister greater powers and shortens the presidential term from 6 years to 5.

There were no reports that the Government prevented parties from operating freely during the year. However, on December 30, the Constitutional Court in Bangui cleared only 5 of 15 candidates to contest the Presidency. Among the candidates approved to run in 2005 were President Bozize (running as an independent candidate), former President Andre Kolingba, and Vice-President Abel Goumba. Among those whom the Court did not approve as candidates for President were former President Patasse, his former Prime Minister Martin Ziguele, and former Prime Minister Charles Massi. The Court, which disqualified all candidates from the former ruling party, indicated that some candidates had been blocked from running for failing to deposit the required \$10,000 (5 million CFA francs), for not owning land or homes in the towns in which they resided, or for discrepancies in the documents they presented to the electoral commission. Former President Patasse was banned from running on the grounds that he remained under criminal investigation. Several parties and local and international groups had widely criticized the Court's decision, and one member of the CNT called for the Court to be dissolved.

The state remained highly centralized. The President appointed all subnational government officials--which ran the country's 16 prefectures and 60 subprefectures--and subnational government entities had no significant fiscal autonomy. Provisions in the suspended Constitution provide for municipal elections; however, by year's end, they had not been held. The country's towns continued to be led by mayors appointed by the President.

During the year, misappropriation of public funds and corruption in the Government remained widespread. The Government took a few steps to combat corruption. The Criminal Court convicted some high-level officials during the year. For example, the Bangui criminal court indicted former President Patasse in absentia on charges of corruption, treason, and rape; the trial had not started by year's end. The Bozize Government said corruption and embezzlement under the Patasse administration had resulted in the former government's failure to pay salaries for at least 30 months.

In January, the Government established an armed protection unit, the Mixed Brigade of Intervention and Verification, to prevent the exploitation of forests and fiscal fraud in the country.

The law does not provide for public access to government information, and the Government was often unable or unwilling to provide information.

During the year, there were 6 women serving in the 96-member CNT. One woman, appointed by the President, served as governor of Ombella M'poko Province, in which Bangui is located.

Members of northern ethnic groups, especially President Bozize's Baya ethnic group, continued to predominate among the National Army. There were Muslims in the Cabinet and in the CNT. Pygmies (Batwa or Ba'Aka), the indigenous inhabitants of the southern part of the country, represented between 1 and 2 percent of the population; they were not represented in the Government and continued to have little political power or influence (see Section 5).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat responsive to their views. Several NGOs, including the Movement for the Defense of Human Rights and Humanitarian Action, the Human Rights Observatory, and some religious groups actively monitored human rights problems. The LCDH publicized human rights violations, including those allegedly committed by the army, and pleaded individual cases of human rights abuses before the courts.

Several members of NGOs served on the CNT, and Nicholas Tiangaye, the former president of the Central African Human Rights League, served as the CNT's president. In addition, the Government consulted NGOs during the drafting of the new Constitution, to which NGOs actively contributed.

During the year, approximately 200 NGOs established a team to coordinate all activities undertaken by their organizations.

During the year, human rights organizations and some political parties called for the repatriation of the armed Chadian forces and for the trial of those accused of crimes. In May, approximately 300 Chadian soldiers, who assisted Bozize in the March 2003 coup, reportedly were repatriated.

International human rights NGOs and international organizations operated in the country during the year without interference. In November, Amnesty International released a report documenting systematic and widespread rape, mostly in and around Bangui, committed with impunity by pro-Bozize combatants, government forces, and pro-Patasse rebels from the DRC during the 5-month rebellion that culminated in the 2003 coup. Girls and women between the ages of 8 and 60 were raped, some died as a result, and in some cases children were forced to have sex with their mothers or other relatives. According to the report, the MLC rebels from the DRC used rape to punish women for allegedly assisting the Bozize-led combatants. The report recommended that the Government institute an independent investigation into the abuses and seek the assistance of the Government of the DRC.

In December, a report by U.N. Secretary General Kofi Annan to the U.N. Security Council noted that in the second half of the year, the country's situation was "gradually improving in spite of well known shortcomings in the areas of governance and human rights." The report, which drew on information gathered by BONUCA, also noted that during the second half of the year, there were several registered cases of human rights abuses, including summary executions, highway robberies of civilians, abusive arrests, threats, and acts of harassment. The report stated that most abuses were committed by members of the security forces and that when perpetrators were identified, they were punished by the military hierarchy or "brought to justice."

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The suspended Constitution stipulates that all persons are equal before the law without regard to wealth, race, or sex; however, the Government did not enforce these provisions effectively, and significant discrimination existed.

Women

Domestic violence against women, including wife beating, reportedly was common; however, inadequate data made it impossible to quantify. Spousal abuse was considered a civil matter unless the injury was severe. Victims seldom reported incidents. The courts tried very few cases of spousal abuse, although litigants cited these abuses during divorce trials and civil suits. Some women reportedly tolerated abuse to retain a measure of financial security for themselves and their children. The Government did not address this problem during the year.

The law prohibits rape; however, it does not specifically prohibit spousal rape. Police sometimes arrested men on charges of rape; however, the social stigma induced many families to avoid formal court action. During the year, there were fewer reports that security forces and rebels raped women (see Sections 1.c. and 4).

The law prohibits FGM; however, girls continued to be subjected to this traditional practice in certain rural areas, and to a lesser degree in Bangui. According to the World Health Organization, FGM affected more than 40 percent of girls. In addition, according to a study published jointly by UNICEF and the Government in 2001, approximately 36 percent of adult females had undergone FGM.

The law prohibits prostitution; however, prostitution existed, and some young girls engaged in it for economic reasons.

Trafficking in persons was a problem (see Section 5, Trafficking).

Women were treated as inferior to men both economically and socially. Single, divorced, or widowed women, including those with children, were not considered to be heads of households. Only men were entitled to family subsidies from the Government. Women in rural areas generally suffered more discrimination than women in urban areas. 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, was limited.

Polygyny is legal, although this practice faced growing resistance among educated women. The law authorizes a man to take up to four wives, but a prospective husband must indicate at the time of the first marriage contract whether he intends to take additional wives. In practice, many couples never married formally because men could not afford the traditional bride payment. Women who were educated and financially independent tended to seek monogamous marriages. Divorce is legal and can be initiated by either partner.

The law does not discriminate against women in inheritance and property rights, but a number of discriminatory customary laws often prevailed. A family code further strengthened women's rights, particularly in the courts.

The Association of Central African Women Lawyers advised women of their legal rights. The organization also published pamphlets in conjunction with the Ministry of Social Affairs on the dangers of FGM. During the year, several active women's groups organized workshops and seminars to promote women's and children's rights and to participate fully in the political process. On March 8, a coalition of women presented President Bozize with a memorandum calling for more concrete actions to enhance women's rights. The petitioners called for more political representation, equal justice, enhanced work and educational opportunities, and eradication of violence and discrimination targeting women.

Children

The Government spent little money on programs for children. Churches and NGOs had relatively few programs for youths. The failure of the education system, caused by a meager budget and salary arrears, resulted in a shortage of teachers and an increase in the number of street children. Education is compulsory from ages 6 to 14; however, parents rarely were prosecuted for their children's nonattendance. In practice, the age that a child started school often varied by 2 to 3 years in rural areas. At the primary level, girls and boys enjoyed equal access to education; however, the majority of young women dropped out at age 14 or 15 due to societal pressure to marry and bear children. According to UNICEF, 39 percent of girls of primary school age were enrolled in school, compared with 47 percent of boys. In addition, 35 percent of the country's women were literate compared with 60 percent of men. School enrollment in urban areas generally was significantly higher than in rural areas.

On April 26, the Government endorsed an "Education for All" national action plan, aimed at providing qualitative education for all citizens. The action plan aimed to provide a qualitative primary education for all boys and girls, enhance access to basic education for adults, and expand education on citizenship, peace, and the fight against HIV/AIDS and other sexually transmitted diseases.

During the year, following a strike by students at the University of Bangui, the Government partially paid the students' scholarship arrears.

The Government did not provide medical coverage for uninsured children. However, during the year, the Government continued to conduct a national antipolio immunization campaign intended to reach at least 650,000 children under 5 years of age. According to government statistics, infant mortality rose from 97 deaths per 1,000 births in 1995 to 130 deaths per 1,000 births in 2000. In July, in response to the deteriorating healthcare situation, the Government began working with U.N. agencies to implement a plan to reduce maternal and infant mortality by 2015.

According to numerous credible reports, male teachers in primary and secondary schools as well as at the university level routinely pressured their female students into having sexual relationships in exchange for passing grades; the spread of HIV/AIDS was extremely prevalent between teachers and their female students.

The Penal Code forbids parental abuse of children under the age of 15 years. In addition, illegitimate children had the same rights as those born in wedlock. A juvenile court tried cases involving children and provided counseling services to parents and juveniles during the year.

FGM was performed primarily on young girls (see Section 5, Women).

Trafficking of children and child prostitution were problems (see Section 5, Trafficking).

There were no reports of child soldiers in the ranks of the armed forces. Those recruited by persons loyal to former President Patasse in 2003 were limited in number, and there were no further reports that children were in the military.

Child labor was a problem (see Section 6.d.).

There were approximately 5,000 street children between the ages of 5 and 18 residing in Bangui. Many children begged and

stole; several charitable organizations provided them with humanitarian assistance.

There were several NGOs specifically promoting children's rights, including some which dealt with street children.

Trafficking in Persons

The law does not prohibit trafficking in persons, and there were reports that persons, particularly children, were trafficked. Child prostitution remained a problem. The Government has recognized that trafficking in persons occurred; however, statistics and specific examples of trafficking were not available.

Traffickers can be prosecuted under laws against slavery, Labor Code violations, mandatory school age laws, and laws against the exploitation of prostitution by means of coercion or fraud. Specific laws that address the crime of prostitution have been used to punish those who trafficked women for the purposes of prostitution.

During the year, the Government did not actively investigate cases of trafficking, nor did it use or have access to special investigative techniques in trafficking investigations. A government-established commission continued to study the extent of the trafficking problem, identified those responsible, and devised a plan to combat the problem; however, few resources have been devoted to the problem. The Ministries of Social Affairs, Interior, Labor, Rural Development, Justice, and Defense were involved in antitrafficking efforts and were part of the commission.

Trafficking was confined primarily to children who were brought in by the foreign Muslim community from Nigeria, Sudan, and Chad to be used as domestic servants, shop helpers, and agricultural workers. Merchants, herders, and other foreigners doing business in and transiting the country also brought girls and boys into the country. Such children, who may or may not be related to their caretakers, were not afforded the benefit of a formal education, despite the mandatory school age, and worked without remuneration for their labor. There were a few anecdotal reports of children being trafficked to Nigeria and several other nearby countries for use as agricultural workers. There was no evidence of sexual exploitation, but there were reports that children were publicly beaten.

Some girls entered prostitution to earn money for their families.

There were no known NGOs specifically working to combat trafficking.

Persons with Disabilities

There was no codified or societal discrimination against persons with disabilities; however, there were no legislated or mandated accessibility provisions for persons with disabilities. Approximately 10 percent of the country's population had disabilities, mostly due to polio. There were several government- and NGO-initiated programs designed to assist persons with disabilities, including handicraft training for the blind and the distribution of wheelchairs and carts by the Ministry of Social Services.

The Ministry of Social Affairs worked with Handicap International during the year to provide treatment, surgeons, and prostheses to persons with disabilities. For example, in February, a \$24,660 (12.7 million CFA francs) physiotherapy center for persons with disabilities was inaugurated in Dekoa, 160 miles northeast of Bangui.

National/Racial/Ethnic Minorities

The population included approximately eight ethnic groups; many of these groups spoke distinct primary languages and were concentrated regionally outside urban areas. The largest ethnic groups were the Baya (33 percent), the Banda (27 percent), the Mandja (13 percent), and the Sara (10 percent). The Mbororo comprised approximately 7 percent of the population but played a preponderant role in the economy; they were involved in mining development and remained the most important cattle breeders in the country.

Major political parties tended to have readily identifiable ethnic or ethnic-regional bases.

Thousands of Chadians have been residing in the country for generations, and many have acquired citizenship. Since a failed coup attempt in 2001, when General Bozize fled to Chad with part of the national army, tensions have remained between the Chadian community and those who considered themselves to be native to the country.

Indigenous People

Despite constitutional protection, there was societal discrimination against Pygmies (Batwa or Ba'Aka), the earliest known inhabitants of the rain forest in the southern part of the country. Pygmies comprised approximately 1 to 2 percent of the country's population. In general, Pygmies had little input in decisions affecting their lands, culture, traditions, and the allocation of natural resources. Indigenous forest-dwelling Pygmies, in particular, were subject to social and economic discrimination and exploitation, which the Government has done little to prevent. However, the Government continued to issue birth certificates to

Pygmies, thereby effectively recognizing them as citizens and allowing them access to greater civil rights.

Pygmies, including children, often were coerced into agricultural, domestic, and other types of labor within the country. Pygmies often were considered to be the slaves of other local ethnic groups, and they were subjected to wages far below those prescribed by the labor code, and lower than those paid to members of other groups.

During the year, international NGO International Cooperation began work on a project to promote the rights of Pygmies, monitor discrimination, and gain access to public services through the obtainment of birth certificates. Refugees International released a report in 2003 on Pygmies, stating that Pygmies occupied the role of "second-class citizens." The report noted that the popular perception of Pygmies as barbaric, savage, and subhuman had seemingly legitimized their exclusion from mainstream society.

Other Societal Abuses and Discrimination

The penal code criminalizes homosexual behavior; however, there were no reports that police arrested or detained persons they believed to be homosexual. Societal discrimination against homosexuals existed during the year.

Section 6 Worker Rights

a. The Right of Association

Under the Labor Code, all workers are free to form or join unions without prior authorization, and a relatively small part of the workforce, primarily wage earners such as civil servants, exercised this right. Police forces and judges are allowed to form unions; however, security forces, including the military and gendarmes, are prohibited from forming unions and striking.

A person who loses the status of worker, either through unemployed or retirement, cannot in principle belong to a trade union or participate in its administration. The Labor Code requires that union officials be full-time wage-earning employees in their occupation, and that they may conduct union business during working hours provided the employer is informed 48 hours in advance and provides authorization.

The law expressly forbids discrimination against employees on the basis of union membership or union activity; however, there were reports of anti-union discrimination during the year. Employees can have their cases heard in the Labor Court. The Labor Code does not state whether employers found guilty of anti-union discrimination were required to reinstate workers fired for union activities; however, employers legally were required to pay damages, including back pay and lost wages.

b. The Right to Organize and Bargain Collectively

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, and the Government generally respected these rights in practice. The Code does not specifically provide that unions may bargain collectively; however, in practice, collective bargaining occurred in the private sector during the year. The Government generally was not involved if the two parties were able to reach an agreement. There are no export processing zones.

In the civil service, wages are set by the Government after consultation with the unions. In the private sector, collective bargaining has played a role in setting wages. Salary arrears continued to be a problem during the year for both civilian and military personnel. The Government owed both groups approximately 40 months of salary arrears, and the arrears continued to be a major complaint of the unions. On March 11, in an effort to decrease the budget shortfall, the Government declared a 30-percent salary reduction for senior civil servants, including the President and cabinet-level officials. On April 13, the Government negotiated a salary reduction agreement with six labor unions to ensure regular payment of salaries.

Unions had the right to strike in both the public and private sectors, and workers exercised this right during the year. To be legal, strikes had to 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 also was required to provide 8 days' advance written notification of a planned strike. The Labor Code 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. However, the Government has the authority to end strikes because of public interest. The Code makes no other provisions regarding sanctions on employers for acting against strikers. During the year, there were no reports of employer actions against strikers.

c. Prohibition of Forced or Compulsory Labor

The Labor Code specifically prohibits forced or compulsory labor; however, there were reports that such practices occurred (see Sections 5 and 6.d.). Prisoners were forced to work without compensation for government officials or magistrates. Pygmies, including children, often were coerced into labor within the country and often treated as slaves (see Section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

The Labor Code forbids the employment of children under 14 years of age; however, the Ministry of Labor and Civil Service enforced the provision only loosely, and child labor was common in many sectors of the economy, especially in rural areas. In some cases, the Labor Code provides that the minimum age for employment could be reduced to 12 years for some types of light work in traditional agricultural activities or home services. The Labor Code defined the worst forms of child labor as dangerous work or tasks involving serious risks to the child's health, security, or morality. Children frequently worked on farms at rural schools.

In some rural areas, teachers or principals used school children as labor on farms, ostensibly to teach them how to work the land since many students did not further their education beyond primary school (see Section 5). The schools used the proceeds from the sale of farm produce to purchase school supplies and equipment and to fund school-related activities. In addition, an international agency reported that children worked in the diamond fields alongside adult relatives.

The Labor Code prohibition of forced or compulsory labor applies to children, although they are not mentioned specifically; however, forced child labor occurred (see Section 5).

The Government did not have sufficient human or material resources to enforce the prohibition against forced labor effectively.

e. Acceptable Conditions of Work

The Labor Code states that the Minister of Labor must set minimum wages by decree. The minimum wage varies by sector and by kind of work. For example, the monthly minimum wage was equivalent to approximately \$12 (7,800 CFA francs) for agricultural workers but approximately \$28 (18,000 CFA francs) for office workers. The minimum wage did not provide a decent standard of living for a worker and family. Most labor was performed outside the wage and social security system, 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 55 hours per week. The law also requires a minimum rest period of 48 hours per week.

There are general laws on health and safety standards in the workplace, but the Ministry of Labor and Civil Service neither precisely defined nor actively enforced them, a matter about which the ILO has expressed concern to the Government for many years. 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.