



2008 Human Rights Report: Central African Republic

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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The Central African Republic (CAR) is a constitutional republic whose population of approximately 4.2 million is governed by a strong executive branch and weak legislative and judicial branches. Armed forces Chief of Staff General Francois Bozize seized power in a military coup in 2003. Subsequent elections in 2005 resulted in Bozize's election as president. National and international observers judged the elections to be generally free and fair despite some irregularities. While fighting between rebels and government security forces decreased during the year, much of the northwestern and northeastern parts of the country remained outside of government control. Banditry remained a serious threat to civilians throughout the northern prefectures of the country. Civilian authorities did not maintain effective control over the security forces.

The government's human rights record improved somewhat from the previous year but remained poor. Reports of the military killing civilians decreased due to a peace agreement between government forces and rebels in the north. However, the presidential guard continued to carry out extrajudicial executions in the contested northwest prefectures. Security forces, including the presidential guard, continued to torture, beat, detain, and rape suspects and prisoners. Mob violence resulted in deaths and injuries. Impunity, particularly military impunity, remained widespread. Conditions in prisons and detention centers remained harsh and life threatening. The government's use of arbitrary arrest and detention contributed to a large number of detainees. Prolonged pretrial detention, denial of a fair trial, and judicial corruption continued to be problems. The government intimidated and restricted the press on occasion. Freedom of movement remained limited in the north because of actions by security forces, armed bandits, and rebels. Sporadic fighting between government forces and rebel groups continued to produce internally displaced persons, though the number of displaced persons and refugees decreased from the previous year. Government corruption and lack of access to government-held information remained serious problems. Societal violence, including female genital mutilation (FGM), discrimination against women, and societal discrimination against indigenous people (Pygmies) occurred. Trafficking in persons was a problem, as were forced labor and child labor, including forced labor by children. Workers' rights improved from the previous year, but remain restricted. In addition to recognizable rebel organizations, unidentified armed groups continued to kill, beat, and rape civilians and loot and burn villages in the north. Rebel groups kidnapped, beat, raped, and extorted money from local populations. There were numerous reports of children as young as 12 fighting alongside rebel groups.

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 killed members of opposing political groups, but soldiers, particularly the presidential security forces (commonly known as the presidential guard) killed numerous civilians they suspected of supporting armed rebel groups. Both government security forces and armed rebels killed civilians

in the course of conflict in the north of the country.

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

Unlike the previous year, there were no reports that the Central Office for the Repression of Banditry (OCRB), a special anti-banditry police squad and an investigative and intelligence police service operated by the Ministry of Defense in and around Bangui, arbitrarily executed suspected bandits, although they continued to use torture.

There were no reports that the government prosecuted any OCRB personnel for 2007 killings.

In January Lieutenant Eugene Ngaikosse of the presidential guard reportedly executed three persons accused of highway banditry between Baoro and Carnot. The director of presidential security investigated the incident, and the Chadian consul represented the victims. At year's end no further information was available, although Ngaikosse remained free and had not been indicted.

On April 6, Boris Namsene of the presidential guard shot and killed five persons and wounded several more following a quarrel during a funeral in Boy-Rabe, Bangui. Military authorities who were informed of the killings did not immediately take action against Namsene, whose body was found at a hospital three days later, apparently killed by his fellow soldiers. At year's end no one had been charged.

In March and April the Permanent Military Tribunal, which is responsible for adjudicating crimes allegedly committed by military forces, ruled on 38 of the 47 cases involving military service members arrested for crimes from murder to desertion and theft of military equipment. Of the six cases in which the victims died, the tribunal convicted one soldier of murder, convicted two others on lesser charges, and acquitted one. Decisions on two other cases were postponed. The tribunal handed down 20 convictions with prison sentences, nine convictions with suspended sentences, and acquitted nine defendants. Nine cases were remanded for further discovery or postponed to the tribunal's next session.

In May Captain Achille Lakouama was sentenced to five years in prison and a fine of 16 million CFA francs (approximately \$32,000) for the 2006 killing of presidential protocol director Pascal Bembe.

Armed bandits, who have contributed to the country's instability for many years, demonstrated a growing willingness to kill civilians during the year. In the central part of the country, armed groups known as zaraguinas engaged in widespread kidnappings, at times killing family members of individuals who could not or would not pay ransom. Although information about these armed groups and highway bandits was difficult to obtain, aid workers and UN officials described them as a combination of common criminals and remnants of insurgent groups from the recurring conflicts in the region.

On February 22, Mayor Emmanuel Voulele of Kouï and four of his staff were kidnapped for ransom. A partial payment of the ransom led to the release of two persons; however, the mayor was later killed. At year's end no one had been charged for the crime.

No further information was available at year's end on the alleged massacre of 56 civilians in the village of Massabo near Boromata in February 2007.

Civilians reportedly continued to kill and injure persons suspected of being sorcerers or witches during the year.

On August 1, three persons accused of sorcery following the death of a young woman were killed by the local population in Pissa. Acting on the advice of a local marabout, or religious fortune teller, villagers invaded the detention facility, wrested the accused from gendarmes, and killed them. Five persons were arrested and at year's end were awaiting trial.

b. Disappearance

There were no reports of politically motivated disappearances.

During the year unidentified armed groups kidnapped and held for ransom M'boboro children, local officials, and a group of medical personnel in Ouham Pende prefecture.

On February 10, unidentified gunmen in Bombole took two medical doctors and four medical personnel hostage and demanded ransom. The hostages were released five days later when the National Medical Association threatened to call a strike and the local population mobilized against the kidnappers. At year's end no one had been charged for the kidnapping.

The February 22 kidnapping of the mayor of Kouï resulted in his death. (See section 1.a.)

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

Although the law and the constitution prohibit torture and specify punishment for those found guilty of physical abuse, police and security services continued to torture, beat, and otherwise abuse criminal suspects, detainees, and prisoners, according to local human rights groups such as the Association Against Torture (ACAT) and the Central African Human Rights League (LCDH). 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 LCDH, filed complaints with the courts but the authorities took no action. Members of the military raped, robbed, and abused civilians in conflict areas.

According to ACAT, torture and beating of detainees occurred frequently in detention centers run by the Services des Recherches et Investigations (SRI) and the OCRB.

Police most commonly employed a form of torture known as "le cafe," the repeated beating of the soles of an individual's feet with a baton or stick. Immediately after administering the beating, police would sometimes force the victim to walk on badly bruised feet and, if the individual was unable to do so, would continue beating the individual. For example, in January several individuals accused of embezzlement or banditry near Bambari were given this punishment.

On October 20, Dieu-Beni Pani was arrested for fraud and taken to the ORCB police headquarters where he was beaten severely. On October 29, he was moved to the SRI police headquarters where he was shackled and beaten unconscious before being returned to his OCRB cell. He later was released to a local hospital with severe injuries. No update was available at year's end on his condition.

Members of the presidential guard and armed forces continued to beat and abuse civilians, including journalists. In August Lieutenant Olivier Koudemon of the presidential guard threatened to kill Sylvestre Boymandja following a dispute over a vehicle rental; Boymandja took his complaint to the SRI. When summoned by SRI authorities, Koudemon came armed and began insulting and beating Boymandja. When convoked by the prosecutor's office, Koudemon arrived accompanied by other presidential guards. In the office lobby, he pulled out his gun, threatened to kill Boymandja and his relatives, and started beating Boymandja's sister in front of the deputy prosecutor. By year's end the military had taken no action against Koudemon.

On December 22, Koudeman and his colleagues in the presidential guard attacked and beat several of his neighbors in the Boy-Rabe neighborhood of Bangui following a dispute over a stolen chicken, an incident widely reported in the press. On December 27, Koudemon attacked another Boy-Rabe woman after a roadside dispute, according to the local press.

On July 13, Corporal Zilo and five of his colleagues from FACA severely beat Dany Tapandji Zingazo for allegedly looking at Zilo's girlfriend. Tapandji remained incapacitated by his injuries, and at year's end the authorities had not investigated the incident.

Members of security forces, particularly members of the military, reportedly raped civilians during the year, although sexual assault reporting remained rare throughout the country. Security personnel rarely were punished, and suspects either escaped from police custody or were released by fellow soldiers and other security agents.

On December 27, Nganatouwa Goungaye Wanfiyo, one of the lawyers for the victims in the International Criminal Court (ICC) proceedings against Congolese politician and militia leader Jean-Pierre Bemba, died in an automobile accident near Sibut. While there was no evidence of foul play, several nongovernmental organizations (NGOs) called for an investigation given the sensitive nature of his work.

There were no further developments in the ongoing ICC investigation into the 2005 charge against former president Ange-Felix Patasse and others for crimes against humanity committed prior to and during the 2003 coup.

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

Prison and Detention Center Conditions

Prison conditions were extremely harsh and well below international standards. Prison conditions outside Bangui generally were worse than those in the capital. There were reports that guards tortured prisoners. There were an estimated 400 prisoners in Bangui as of year's end. Prison cells were overcrowded and basic necessities, including food, clothing, and medicine, were inadequate and often confiscated by prison officials. Prisoners depended on family members to supplement inadequate prison meals and sometimes were allowed to forage for food near the prison. Prisoners frequently were forced to perform uncompensated labor.

According to one international observer, detainees outside the received no food from prison authorities. For example, a Ba'Aka (Pygmy) prisoner arrested in Bayanga during the year was transferred to Nola, where he died after eating a poisonous toad out of hunger and desperation.

There were two prisons in Bangui, Ngaragba Central Prison for men and Bimbo Central Prison for women. Inmates with infectious diseases lived among healthy inmates. A nurse was available at both prisons for inmates needing medical care. Detainees and inmates at both prisons received one meal per day. Meals were insufficient and prisoners complained of meals made from inferior ingredients. Inmates slept on the floor or on thin matting provided by their families or charities. Authorities at both prisons permitted detainees' families to make weekly visits.

By September there were 340 inmates in Ngaragba Prison, most of them pretrial detainees. Several detainees had been held for seven months without appearing before a judge. In some cell blocks there were 10 individuals in each common room. The more crowded cellblocks contained four rooms, in which approximately 30-40 prisoners slept, usually on bare concrete floors. Prisoners in these cellblocks complained that water supplies were inadequate and often were cut. In the prison section reserved primarily for educated prisoners and former government officials

suspected or convicted of financial crimes, common rooms held four to eight persons on average. In August a prisoner died in Ngaragba and authorities temporarily refused to allow for the body's removal, leading to a brief riot.

As of June, Bimbo Central Prison housed 44 female detainees, many of whom were pretrial detainees. Several individuals had been detained for months and had not appeared before a judge; few had lawyers. Prison officials allowed detainees who were ill to be treated by a nurse who visited regularly. Overcrowding was reportedly not a problem, and children younger than five were allowed to stay with their mothers at the prison. By year's end a new block of toilets and showers built by the International Committee of the Red Cross (ICRC) alleviated concerns about inadequate sanitary facilities. There were no reports of rapes or sexual harassment by the all-male prison guard staff.

Male and female prisoners were held in separate facilities in Bangui but housed together elsewhere. Juveniles were sometimes held with adult prisoners. For example, in June observers from a UN agency found five minors between the ages of 12 and 16 among the prisoners at Ngaragba. Pretrial detainees were not held separately from convicted prisoners.

Conditions in detention centers were worse than those in prisons and in some cases were life threatening. Bangui's police detention centers consisted of overcrowded cells with very little light and leaky buckets for toilets. Poor sanitation and negligence by authorities posed a serious health risk to detainees. According to local human rights groups, lack of training and poor supervision at detention centers were serious problems and continued to result in torture and beatings. Suspects in police and gendarmerie cells had to depend on family, friends, religious groups, and NGOs for food. Detainees with infectious diseases lived among healthy prisoners, and medicine was not available. Suspects generally slept on bare cement or dirt floors. Corruption among guards, who had not been paid in months, was rife. Guards often demanded between 200 CFA francs (approximately \$0.40) and 300 CFA francs (approximately \$0.60) to permit showers, allow the delivery of food and water, or permit family visits.

International observers noted that the detention center in the gendarmerie in Bouar had neither windows nor a toilet, only a bucket that was emptied every other day. Detainees at the police facility in Bouar slept chained to each other, a measure the police justified by alleging the detainees were recidivists and undisciplined.

In Bangui male and female detainees were separated; however, this was reportedly not the case in detention facilities in the countryside. There were no separate detention facilities for juvenile detainees, who routinely were housed with adults and often subjected to physical abuse.

The government restricted prison visits by human rights observers during the year, more so than in the previous year, particularly after the detention and eventual release of journalist Faustin Bambou. Although international observers were not denied visits, the government delayed responses to visit requests, often for weeks or months. The ICRC and religious groups routinely provided supplies, food, and clothes to prisoners. The ICRC had unrestricted access to prisoners; however, access for some other observers was at times limited to certain areas.

Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The Ministry of the Interior and Public Security, through the director general of police, has oversight over the activities of the National Police, including the OCB. The Ministry of Defense oversees military forces, including the presidential guard, the National Gendarmerie, and the SRI. The police and the military share responsibility for internal security.

As part of its efforts to protect citizens and safeguard property, the government continued to support joint security operations in the capital conducted by several hundred regional armed forces peacekeepers, renamed Mission for the Coordination of Peace (MICOPAX), stationed throughout the country as well as by French and European forces in the northeastern Vakaga prefecture.

Police were ineffective; they severely lacked financial resources, and their salaries were often in arrears. Citizens' lack of faith in police led at times to mob violence against persons suspected of theft and other offenses. Police corruption, including the use of illegal roadblocks to commit extortion, remained a problem; however, removal of some illegal roadblocks enabled more freedom of movement and easier transportation by year's end.

Mechanisms existed for redress against police abuse. Citizens could and did file complaints with the public prosecutor. The most common complaints involved theft, rape, brutality, and embezzlement. However, impunity remained a severe problem. Although the prosecutor had the authority to order the arrest of police officers suspected of committing abuses and exercised that authority during the year, the prosecutor's staff was small and severely underfunded. There were no prosecutions of police officers during the year, according to the deputy prosecutor.

The human rights section of the UN Peace Building Office in the Central African Republic (BONUCA) continued to provide security forces, including police officers, with human rights training, and during the year it sponsored training for FACA and MICOPAX soldiers in Bossangoa, Nola, and Alindao. It also organized similar training for presidential guard soldiers in December. BONUCA placed UN human rights observers in three regional UN offices in northwestern and central parts of the country. While BONUCA reported on human rights and worked with the local human rights community, local and international observers criticized its human rights section for its inability or refusal to bring such abuses to light or demand redress. Due in part to previous criticisms on its lack of public reporting, BONUCA released in August its first public report on the human rights situation and on abuses that occurred in the country during the first quarter of the year.

Arrest and Detention

Judicial warrants are not required for arrest. The law stipulates that persons detained in cases other than those involving national security must be informed of the charges against them and brought before a magistrate within 48 hours. This period is renewable once, for a total of 96 hours. In practice authorities often did not respect these deadlines, in part due to inefficient judicial procedures and a lack of judges. In several police detention centers, including the SRI, detainees were held for more than two days and often for four weeks before bringing their cases before a magistrate. The law allows all detainees, including those held on national security grounds, to have access to their families and to legal counsel. Indigent detainees may request a lawyer provided by the government, although it was not known if this right was often invoked. Detainees are allowed to post bail or have family members post bail for them. In most cases lawyers and families had free access to detainees, but incommunicado detention occasionally occurred.

There were different standards for treatment of detainees held for crimes against the security of the state. National security detainees may be held without charge for up to eight days, and this period can be renewed once, for a total of 16 days. However, in practice persons accused of crimes against the security of the state were held without charge for longer periods.

Security forces arbitrarily arrested persons, including journalists. In January presidential guard soldiers arrested several highway bandits in Ouham prefecture without following judicial procedures. The soldiers subsequently beat the detainees and freed them after several days.

In January presidential guard Lieutenant Eugene Ngaikosse ordered the arrest of Markounda Mayor Tolngar Vincenta for allegedly urging his citizens to flee during a presidential guard trip to the town. The mayor was released three weeks later.

In April Bertin Aristide Kabamba, a former Congolese army commandant who had received refugee status in the country in 2003, was imprisoned by the SRI security service following unspecified allegations of abuse. At year's end he remained in custody.

In September presidential guard members arrested Christian Mocket, an official working at the presidency, following his letter to the president criticizing corruption surrounding the presidency, including the presidential guard. Mocket remained in detention at the SRI at year's end, and no further information was available as to his condition or the charges against him.

Gendarmes in Markounda arrested and held 19 persons for two days in December 2007 allegedly for maintaining dirty and unhygienic houses.

During the year individuals, particularly women, continued to be arrested and charged with witchcraft, an offense punishable by execution, although no one received the death penalty during the year. Prison officials at Bimbo Central Prison for women stated that accused witches were detained for their own safety since village mobs sometimes killed suspected witches. In late 2005 Bangui prison officials estimated that 50 to 60 percent of female detainees were arrested in connection with charges of witchcraft.

In June an 80-year-old man and a married couple were detained in Bambari after villagers accused them of sorcery.

Prolonged pretrial detention was a serious problem. At year's end pretrial detainees comprised 49 percent of Ngaragba Central Prison's population and an estimated 80 percent of Bimbo Central Prison's population. Detainees usually were informed of the charges against them; however, many waited in prison for several months before seeing a judge. Judicial inefficiency and corruption, as well as a shortage of judges and severe financial constraints on the judicial system, contributed to pretrial delays. Some detainees remained in prison for years because of lost files and bureaucratic obstacles.

Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, the judiciary remained subject to the influence of the executive branch, and, despite government efforts to improve it, the judiciary was inadequate to meet its tasks.

In February President Bozize reopened the Constitutional Court. He had closed it in 2007 after a dispute over Supreme Court judges who opposed government-supported legislation affecting the country's only petroleum supplier, the French oil company Total. The April 2007 case was resolved following an out-of-court settlement.

The courts continued to suffer from inefficient administration, a shortage of trained personnel, growing salary arrears, and a lack of material resources. Many citizens effectively lacked access to the judicial system. Citizens often had to travel more than 30 miles to reach one of the country's 35 courthouses. Consequently, traditional justice at the family and village level retained a major role in settling conflicts and administering punishment.

Judicial corruption remained a serious impediment to citizens' right to receive a fair trial. According to the LCDH, corruption extended from the judges down to the bailiffs. Many lawyers paid judges for verdicts favorable to their clients. There were, however, some efforts to combat judicial corruption, including by several UN agencies and the European Union.

The president appoints judges after the Superior Council of Magistrates nominates them. The judiciary consists of 24 tribunals of first instance, three courts of appeal, a Final Court of Appeals (Cours de Cassation), a High Court of Justice, commercial courts, a military court, and a Constitutional Court. There are also children's and labor tribunals, as well as a Tribunal for Financial Crimes. The highest court is the Constitutional Court, which determines whether laws passed by the National Assembly conform to the constitution and hears appeals challenging the constitutionality of a law. The Permanent Military Tribunal judges only members of the military.

A law adopted by the National Assembly in September introduced significant reforms regarding the composition of the Superior Council of Magistrates and gave a majority of the membership to non-magistrates. The magistrates' and lawyers' associations complained that they had not been consulted, which resulted in a one-month strike by magistrates. The press and opposition political parties viewed the reform as a sharp limitation of judicial independence as well as an expansion of executive power.

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

Trial Procedures

Trials are public, and defendants have the right to be present and to consult a public defender. Juries are used for criminal trials. If an individual is accused of a serious crime and cannot afford a lawyer, the government has an obligation to provide one. In practice the government provided counsel for indigent defendants, although this process was often slow and delayed trial proceedings due to the state's limited resources. Defendants have the right to question witnesses, to present witnesses and evidence on their own behalf, and to have access to government-held evidence. Defendants are presumed innocent until proven guilty, and, if convicted have the right to appeal. The government generally complied with these legal requirements. The judiciary, however, did not enforce consistently the right to a fair trial, and there were many credible reports of corruption within the court system. One indigenous ethnic group in particular, the Ba'Aka, reportedly was subject to legal discrimination and unfair trials.

Witchcraft occasionally was tried in the regular courts and could be punishable by execution, although no death sentences were imposed during the year. Most individuals who were convicted received sentences of one to five years in prison; they could also be fined up to 817,800 CFA francs (approximately \$1,630). During a typical witchcraft trial, doctors of traditional medicine were called to give their opinion of the suspect's ties to sorcery, and neighbors were called as witnesses. Police and gendarmes conducted investigations into witchcraft.

Political Prisoners and Detainees

Unlike in the previous year, there were no reports of political prisoners or detainees.

In October 2007, Lydie Florence Ndouba, who had close family ties to former president Patasse and was detained in 2006, was freed from custody.

Authorities granted BONUSCA's human rights unit and human rights and humanitarian NGOs limited access to all prisoners and detainees, although bureaucratic requirements for visits and delays significantly restricted their

frequency during the year.

Civil Judicial Procedures and Remedies

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

Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits searches of homes without a warrant in civil and criminal cases; however, police sometimes used provisions of the penal code governing certain political and security cases to search private property without a warrant. Security forces continued to carry out warrantless searches for guns and ammunition in private homes.

Local journalists alleged that the government tapped their telephones and that they were harassed regularly by telephone.

Kina Baptist Church, which security forces burned in 2006 pursuant to a presidential order, reopened during the year.

Use of Excessive Force and Other Abuses in Internal Conflicts

Government and opposition forces engaged in serious and numerous violations of human rights in the course of their struggle for control of the northern part of the country. Human rights abuses were particularly prevalent in the northwest, where soldiers, rebels, and bands of unidentified armed men attacked civilians. In the view of many observers, the government controlled little more than half of the country during the year. Although government forces and rebel groups maintained a cease-fire for much of the year, renewed fighting in September, October, and December jeopardized the peace process underway between the government and rebel leaders. Civilians were caught in the crossfire between the rebels and counterattacks by the military, which often accused them of supporting the rebels, although these battles were fewer than in the previous year.

In the northwest, several politically motivated rebel groups, including the Popular Army for the Restoration of the Republic and Democracy (APRD) and the Central African People's Democratic Front (FDPC), continued their struggle against government security forces. Rebels of the APRD partly controlled areas in the northwest, outside of the major cities and towns.

In the northeast, the Union of Democratic Forces for Unity (UFDR) forces maintained an uneasy peace with government forces, and the two groups led joint security patrols in and around Sam Ouandja, which reduced fighting in that town.

UN efforts at disarmament, demobilization, and reintegration stalled during the year. The UN-led process continued to map out the restructuring and redeployment of military forces, while the disarmament, demobilization, and reintegration of rebel forces remained on hold pending a final peace agreement. In August the government started a project for the reduction and control of small and light arms with the destruction of 461 arms collected through previous programs.

In addition to recognizable rebel organizations, unidentified armed groups, taking advantage of weakened security, continued to attack, kill, rob, beat, and rape civilians and loot and burn villages in the north. Kidnappings by such

groups also increased during the year, contributing significantly to the country's massive population displacement.

Killings

Extrajudicial killings reportedly decreased; however, during military operations conducted against rebel groups and/or highway bandits, government forces did not distinguish between the armed groups and civilians in the villages. In reprisal, government forces often burned houses and sometimes killed villagers accused of being accomplices of rebels or highway bandits.

UN observers noted numerous cases of extrajudicial killings by security forces, using disproportionate force against suspect bandits and rebels.

On January 15 and 16, security forces shot and killed three men suspected of banditry. At year's end no one had been charged in the killing.

On March 19, a group of FACA training at the Centre d'Instruction Militaire in Bouar returned from a patrol showing off the decapitated heads of several suspects they had summarily executed. At year's end no one had been charged in the killings.

On November 11, near Kabo, rebels from the FDPC rebel group under the command of Martin Koumtamadji, a.k.a. Abdoulaye Miskine, attacked a FACA unit, and shot and killed 10 soldiers, while displacing civilians in the surrounding villages. Miskine claimed not to have ordered the attack and recommitted to a cease-fire.

No further information was available on the extrajudicial killings of civilians by government forces in the northeast in 2006 and January 2007, as reported by Human Rights Watch (HRW).

No information was available on the January 2007 executions in Kaga-Bandoro by government soldiers, nor killings near the towns of Paoua, Bossangoa, and Lia by FACA and presidential guard forces. No known action was taken against any of the perpetrators.

By year's end authorities had not investigated or tried members of FACA or the presidential guard for the 2006 killings of large numbers of civilians in the northwest. In January Philip Alston, the UN Special Rapporteur for Extrajudicial Executions for the UN Human Rights Commission, met with President Bozize and Lieutenant Eugene Ngaikosse and expressed his concern at government inaction, noting that Ngaikosse remained free and that no complaint had been filed against him. In a press conference, Alston noted a decrease in reports of extrajudicial killings but underscored his concern over the prevailing impunity in the ranks of the military, particularly the presidential guard. He was told that Ngaikosse faced charges of stealing a car from another senior member of the government, but that his punishment from his military superiors was reduced from 45 days to three days.

No further information was available in the June 2007 death of French humanitarian volunteer Elsa Serfass, who was participating in a mission with Doctors without Borders (MSF).

Abductions

There were no reports of government forces abducting civilians during the year.

During the year APRD rebels in the northwest continued to kidnap, beat, and extort money from the local population. They looted villages on the Ouandago-Batangafu road multiple times and beat villagers if they tried to resist. Reports from this area also indicated that rebel forces took civilians hostage to extort money from their

families.

There was little or no response on the part of local authorities to multiple kidnappings of civilians by armed groups considered to be bandits or zaraguinas. (See section 1.a.)

Physical Abuse, Punishment, and Torture

Government forces and rebel groups mistreated civilians, including through torture, beatings, and rape in the course of the conflicts. During military operations conducted against rebel groups or highway bandits, the armed forces often burnt homes and did not distinguish between armed groups and local civilian population they regarded as accomplices, though less so than in the previous year.

In March a man in Bossangoa was detained for four days by presidential guard Lieutenant Ngaikosse with his arms and legs tied, leaving scars and deep marks on his wrists and ankles. He was also beaten on his bare feet. The public prosecutor claimed the abuse came from local villagers and not security forces. Authorities took no further action.

International and domestic observers reported that during the year security forces, rebel soldiers, Chadian soldiers, and bandits continued to attack cattle herders, primarily members of the M'bororo ethnic group. Many observers believed M'bororo were targeted primarily because of their perceived wealth and the relative vulnerability of cattle to theft. One UN agency reported that, according to its NGO partners in the affected region, the attackers often were themselves M'bororo.

More than 20,000 M'bororo who fled the northwestern region as a result of 2007 attacks remained refugees in Cameroon. M'bororo cattle herders were also disproportionately subjected to kidnapping for ransom, which increased in the first part of the year. A UN agency working in the area indicated that the perpetrators often kidnapped women and children and held them for ransoms of between one million and two million CFA francs (approximately \$2,000 and \$4,000). Victims, whose families could not or would not pay, were often killed. Armed groups in the country continued to conduct frequent attacks on the M'bororo population on the Cameroonian side of the border despite the Cameroonian government's deployment of elite security forces.

Some observers noted the use of rape to terrorize the population in the northern prefectures by both government forces and rebel groups. In August 2007 over 200 survivors of rape came forward in the area around Kaga-Bandoro, according to one report. Given the social stigma attached to rape, any report would likely underestimate the incidence of rape in the conflict zones. Several NGOs and UN agencies conducted gender-based violence awareness and treatment campaigns during the year in northern prefectures and Bangui.

Child Soldiers

According to HRW, numerous APRD groups included soldiers as young as 12. In addition, the UFDR rebel movement admitted that many child soldiers fought with it. Amnesty International also reported that UFDR forces actively recruited children. The UN Children's Fund (UNICEF) and other observers noted that, while the child soldiers were willing to demobilize and were anxious to attend school, their communities lacked the most basic infrastructure.

In February and March the Lord's Resistance Army (LRA) attacked several villages from Bambouti to Obo. According to the Archbishop of Bangassou who visited the area in May, the group attacked several villages kidnapping 157 persons including 55 children. LRA forces looted and burned houses before returning to the Democratic Republic of Congo (DRC). Men and boys were used as porters, and women and girls as sexual slaves; those above the age of 16 were later released, while approximately 55 of the kidnapped young boys and girls remained in LRA custody. The government sent security forces to the prefecture following the attack, but did not increase security forces on

the eastern border until a renewed threat of attack appeared at the end of December.

Other Conflict-related Abuses

In the northwest members of the government security forces, including the FACA and presidential guard, continued to project a presence from the larger towns, and occasionally engaged in combat with rebel groups and bandits. While the cease-fire between government forces and rebel groups allowed some displaced persons to return home, approximately 200,000 persons remained displaced in the bush or in refugee camps along the Chadian or Cameroonian border.

In the northeast, government forces burned houses and other buildings after retaking the town of Ouandja. The town was considered sympathetic to the UFDR rebellion.

Because security forces perceived members of the Goula ethnic group as sympathetic to or collaborators with UFDR rebels, and due to the perception among Goula communities that government forces targeted them, many Goula in the northeast fled their homes.

Internal movement was severely impeded, particularly in the northern and northwestern parts of the country that the government did not control, by unidentified bandits and rebels, including former combatants who helped President Bozize come to power in 2003. Highway bandits also committed many kidnappings and armed robberies.

Sporadic fighting between government security forces and rebel groups, attacks on civilians by rebels, armed banditry, and the occasional misbehavior by government soldiers kept many internally displaced persons (IDPs) from their homes. Nonetheless, the decrease in active combat from the previous year allowed many to return to their homes, particularly those from more rural villages. UNHCR estimated the number of IDPs decreased during the year from approximately 212,000 in December 2007 to an estimated 101,000 at year's end.

Citizens continued to be displaced throughout the year, though less so than in the previous year. The overwhelming majority of IDPs were in the northwestern prefectures of Ouham and Ouham Pende, where some civilians remained displaced from their villages out of fear and lived in the bush for much of the year, returning occasionally to their fields to plant or scavenge. NGOs and UN agencies observed anecdotal evidence that some civilians were returning in the northwest prefectures, but this was not a widespread phenomenon. Thousands of individuals remained homeless due to fighting in the north-central prefectures of Haute Kotto and Bamingui-Bangoran and the northeastern prefecture of Vakaga due to renewed fighting within the UFDR as well as a nascent ethnic conflict between the Goula and Rounga communities. Hygiene-related illnesses and chronic malnutrition continued as attacks or fear of attacks prevented many subsistence farmers from planting crops, and attackers either stole most of the livestock, or the farmers fled with their livestock to safety in neighboring Cameroon. Chronic insecurity also rendered the northwestern region occasionally inaccessible to commercial, humanitarian, and developmental organizations, contributing to the lack of medical care, food security, and school facilities, though less so than in the previous year. Humanitarian organizations continued to supply some emergency relief and assistance to displaced populations, though long-term development projects remained suspended due to ever-changing security situations and sporadic fighting.

The government did not attack or target IDPs although some IDPs were caught in the fighting between government forces and the rebels. The government provided little humanitarian assistance, but it allowed UN agencies and NGOs to access these groups to provide relief. In 2007 the government also allowed the creation of the first camp for IDPs in Kabo.

MICOPAX peacekeepers and government forces conducted joint security operations in an effort to secure the

northern region and control the proliferation of small arms. Despite these operations, however, the government was not able to provide sufficient security or protection for IDPs in the northern region.

Refugees and IDPs continued to flee the country during the year, although the number of IDPs decreased at year's end while the number of refugees stayed roughly the same. The fighting, along with banditry and kidnapping by unidentified groups, kept more than 200,000 residents away from the villages they had fled the previous year and led them to seek refuge in Chad (50,000) or Cameroon (45,000), or to live in the bush (101,000). During the year the number of persons who abandoned their villages anew in Ouham and Ouham Pende was approximately 8,000. These persons mainly fled to Moyenne Sido near the Chad border.

On November 8, a dissident group of former rebels from the UFDR attacked the town of Sam Ouandja, which was defended by a joint UFDR-FACA unit. Two rebel soldiers were killed and one government soldier wounded. Although the attack did not specifically target the civilian population, much of the town's population fled temporarily and suffered several days of living in the surrounding area before returning.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press

The constitution and law provide for freedom of speech and of the press; however, authorities continued to employ threats and intimidation to limit media criticism of the government, although there were fewer instances than in the previous year. Journalists who worked for state-owned media reportedly practiced self-censorship.

A number of newspapers criticized the president, the government's economic policies, and official corruption throughout the year. There were more than 30 newspapers, many privately owned, which circulated daily or at less frequent intervals. Five independent dailies, including *Le Citoyen*, *Le Confident*, and *Le Democrate*, were available in Bangui but were not distributed outside of the Bangui area, and the absence of a functioning postal service continued to hinder newspaper distribution. Financial problems prevented many private newspapers from publishing regularly, and the average price of a newspaper, approximately 300 CFA francs (\$0.60), was higher than most citizens could afford.

Radio was the most important medium of mass communication, in part because the literacy rate was low. There were a number of alternatives to the state-owned radio station, Radio Centrafrique. The privately owned Radio Ndeke Luka continued to provide popular and independent broadcasts, although its reach was limited outside Bangui. Ndeke Luka broadcast domestically produced national news and political commentary on FM airwaves in Bangui and rebroadcast international news throughout the country on shortwave radio with assistance from a foreign media development organization and the UN Development Program. Radio Notre Dame, which the Catholic Church owned and operated, broadcast national news, debates, legal counseling, and human rights education. International broadcasters, including Radio France Internationale, continued to operate during the year. Radio of Peace broadcast Islamic religious programs in Arabic and Sango. According to the High Council for Communications (HCC), two license requests were pending at year's end for community-supported radio stations.

The government continued to monopolize domestic television broadcasting, and television news coverage generally supported government positions. The government approved one license application for a private television station during the year.

The media continued to face many difficulties, including chronic financial problems, a serious deficiency of professional skills, the absence of an independent printing press, and a severe lack of access to government information.

There were no further developments in the case of Temps Nouveaux editor Michel Alkhady Ngady, who was arrested, fined, and imprisoned for two months in 2007 after he contested appointments to the HCC. Ngady remained free during the year and continued publication of his newspaper, but the charge of "disobedience to public authorities" remained pending before an appeals court.

During the year security forces often harassed journalists and sometimes physically and verbally threatened them; there were also reports of government ministers and other senior officials threatening journalists who were critical of the government.

For example, in February Radio N'deke Luka journalist Jean-Magloire Issa was threatened and beaten by presidential guard member Olivier Koudemon, who accused the journalist of refusing to stop for the presidential motorcade as it passed through Bangui.

Arbitrary arrest and detention remained a problem.

On January 11, authorities arrested Faustin Bambou, editor of Les Collines de Bas-Oubangui, after he reported that two government ministers had embezzled almost seven billion CFA francs (approximately \$14 million) from French nuclear company AREVA. Bambou was detained without charge for several days and then tried and convicted on defamation charges, despite protests from local and international journalists who noted that press offenses were decriminalized in 2005. He was sentenced to six months in jail but released after spending 44 days in prison following a presidential pardon in March.

In March Patrick Agoudou of the newspaper La Plume was arrested and detained for four days at the SRI for publishing an editorial on a controversy surrounding the country's football federation. He was later released without charges.

In June Ferdinand Samba, the editor of the private newspaper Le Democrate, was summoned for three consecutive days to the SRI and questioned about an article critical of the justice minister. He was charged with defamation and given a six-month suspended sentence following his trial.

There were no further developments in the case of former Radio N'Deke Luka journalist Zephirin Kaya, who was harassed in 2007 following his reports on abuses against civilians by government forces.

Imprisonment for defamation and censorship was abolished in 2005; however, journalists found guilty of libel or slander faced fines of 100,000 to eight million CFA francs (approximately \$200 and \$16,000) and were on occasion arrested and detained.

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

The Ministry of Communications maintained a ban on the diffusion by media of songs, programs, or articles deemed to have a "misogynist character" or to disrespect women.

Unlike in the previous year there were no reports that violence perpetrated by former pro-Bozize rebel fighters, forces loyal to former president Patasse, and armed bandits prevented Bangui-based reporters from venturing outside the capital.

Internet Freedom

There were no reports that the government monitored e-mail or Internet chat rooms. Although less than 1 percent of the population had access to the Internet, individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for the right of assembly; however, the government restricted this right on a few occasions. Organizers of demonstrations and public meetings were required to register with the minister of the interior 48 hours in advance; political meetings in schools or churches were prohibited. Any association intending to hold a meeting was required to obtain the Ministry of Interior's approval. In some cases the ministry refused permission "for security reasons."

Unlike in the previous year there were no reports that the government monitored opposition meetings.

Freedom of Association

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

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

c. Freedom of Religion

The constitution provides for freedom of religion, although it prohibits what the government considers to be religious fundamentalism or intolerance and establishes fixed legal conditions based on group registration with the Ministry of Interior. The government generally respected the right during the year. The constitutional provision prohibiting religious fundamentalism was understood widely to be aimed at Muslims, who made up approximately 10 percent of the population, but this provision has not been implemented by enabling legislation.

Religious groups (except for traditional indigenous religious groups) were required by law to register with the Ministry of Interior. The ministry's administrative police monitored groups that failed to register; however, police did not attempt to impose any penalties on such groups during the year. 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.

In September 2007 the government banned the church "Eglise Jehova Sabaoth," led by Reverend Ketafio, and maintained the ban during the year. According to the Ministry of Interior, the pastor was using false documents and diplomas, following an investigation into his mass healings and other public events. Despite the ban, the pastor continued to preach from his home during the year.

Mobs reportedly continued to kill and injure persons suspected of being sorcerers or witches during the year. Police often arrested and detained persons accused of witchcraft or sorcery.

Societal Abuses and Discrimination

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

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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

The constitution provides for freedom of movement, foreign travel, emigration, and repatriation; however, the government restricted freedom of movement and foreign travel during the year. 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, although these roadblocks had decreased significantly by year's end.

During the year police continued to stop and search vehicles, particularly in Bangui, in what amounted to petty harassment in search of bribes. Local human rights organizations and UN officials said the problem of illegal road barriers and petty extortion by members of the military was widespread, but had decreased from the previous year. During the year merchants and traders traveling the more than 350 mile main route from Bangui to Bangassou encountered an average of 25 military barriers; at each roadblock, a motorist paid an average fee of 8,781 CFA francs (approximately \$18). This extortion greatly discouraged trade and road travel and severely crippled the country's economy. Following protests from National Assembly deputies and human rights organizations, the government ordered the demolition of illegal barriers on the roads and set up a team to travel the country and enforce the prohibition of illegal or extrajudicial roadblocks in late 2007. These efforts led to far fewer reports of harassment and petty bribes during the year, though there remained sporadic reports of such harassment.

Freedom of movement, including of traders and delivery trucks, was also severely impeded in conflict zones, though roadblocks and other blockages decreased in number throughout the year.

With the exception of diplomats, the government required that all foreigners obtain an exit visa. 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 constitution does not permit the use of exile, and the government did not employ it in practice. Former president Patasse, convicted in absentia for embezzlement, remained outside the country during the year.

Internally Displaced Persons (IDPs)

Sporadic fighting between government forces and rebel groups, attacks on civilians by rebels, and armed banditry prevented the approximately 101,000 persons still displaced since 2006 from returning to their homes.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The government accepted refugees without subjecting them to individual screening.

The government continued to cooperate with the UNHCR and other humanitarian organizations in assisting approximately 9,500 refugees in the country.

During the year security forces subjected refugees, as they did citizens, to arbitrary arrest and detention. Refugees were especially vulnerable to such human rights violations. The government allowed refugees freedom of movement, but like citizens, they were subject to roadside stops and harassment by security forces and unidentified armed groups. Refugees' access to courts, public education, and basic public health care was limited by the same factors that limited citizens' access to these services.

Several international organizations worked with the government and UNHCR to assist refugees during the year. They included the ICRC, Doctors without Borders, Caritas, and the international NGO International Cooperation (COOPI).

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

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in presidential and legislative elections in 2005, which election observers considered to be generally free and fair, despite some irregularities.

Elections and Political Participation

In 2005 the country held two rounds of multiparty presidential and legislative elections that resulted in the election of General Francois Bozize as president; Bozize had seized power in a 2003 military coup, declared himself president, and headed a transitional government until the 2005 elections. Domestic and international election observers judged the elections to be generally free and fair, despite irregularities and accusations of fraud made by candidates running against Bozize.

The state remained highly centralized. The president appointed all regional government officials, who led the country's 16 prefectures and 60 subprefectures, and regional government entities had no significant fiscal autonomy. Despite a constitutional requirement that he do so by 2007, the president did not call for municipal elections for the second consecutive year, citing lack of government resources.

In September the government passed an amnesty law allowing several former ministers and rebel leaders previously under indictment to return to the country.

In December the government hosted a political dialogue with the opposition parties, rebel groups, civil society groups, and outside mediators with the goal to end rebellion in the northeast and northwest and bring all political and military parties to the negotiating table. All of the major political and rebel leaders attended the dialogue and recommended a new consensus government. While President Bozize pledged to implement the recommendations, by year's end the consensus government had not been formed.

During the year the Ministry of Interior granted a license to a new political party, the New Alliance for Progress (NAP) founded by former minister of defense Jean-Jacques Demafouth, who was also the head of the rebel group

APRD. Demafouth remained in self-imposed exile in France for much of the year, before returning for the political dialogue in December. With tacit government support, Demafouth toured several prefectures in the northwest.

The government continued to bar opposition parties' access to public radio in order to broadcast their views on national issues.

During the year the LCDH continued to criticize President Bozize for holding the position of minister of defense on the grounds that the constitution prohibits the president from holding "any other political function or electoral mandate"; however, government officials said this criticism was based on a misinterpretation of the constitution. After political activist Zarambaud Assingambi filed a complaint with the Constitutional Court, the court ruled in June that it was not competent to try the case.

According to recommendations from a 2003 government-sponsored national dialogue, women are to occupy 35 percent of posts in government ministries and political parties; however, this provision was not respected during the year. There were 10 women in the 105-seat National Assembly and four in the president's 27-person cabinet. There were no laws prohibiting women from participating in political life, but most women lacked the financial means to compete in political races.

There were two members of the M'bororo ethnic group and approximately 13 Muslims in the National Assembly.

Pygmies (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.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement these laws effectively, and officials often engaged in corrupt practices with impunity. Misappropriation of public funds and corruption in the government remained widespread. The World Bank's Worldwide Governance Indicators reflected that government corruption was a severe problem.

The government continued some efforts to combat corruption. For example, the customs service, which was dissolved in 2006, was subsequently reestablished with strengthened safeguards. To combat fraud and improve tax collection, the Ministry of Finance created in April the Joint Financial Intervention Unit and the Illegal Detection and Fraud Company (SODIF). There was occasional confusion regarding the roles of these entities and the customs service, and private businesses remained concerned by evidence of corruption within the customs service and other parts of the government. During the year SODIF's efforts to carry out its mandate created some controversy.

The government continued its campaign against embezzlement, money laundering, and other forms of financial fraud.

In June the government canceled its contract with Unitec-Benin, the private company charged with collecting import taxes in the port of Douala, Cameroon, on grounds of poor performance. The contract was awarded to another company. However, inefficiency and corruption by customs service officials remained a major complaint among importers and exporters in the country.

The president continued to chair weekly committee meetings to combat fraud in the treasury. On March 31, Prime Minister Touadera set up a national committee to fight corruption that included representatives from the government, trade unions, NGOs, private sector, religious organizations, and the media. The committee's

investigations during the year resulted in the arrest of 19 senior civil servants in the tax division of the Ministry of Finance. At year's end the investigations were ongoing.

Former president Patasse, who was sentenced in absentia in 2007 for embezzlement, was pardoned under the September amnesty law, and he returned to the country in December to take part in the political dialogue. At year's end he had returned to Togo but pledged to return and planned to run again for the leadership of the Movement for the Liberation of the Central African People political party.

According to the constitution, senior members of executive and legislative branches and the courts are required to declare publicly their personal assets; however, during the year no government officials made such declarations.

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

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. Government officials met with local NGOs during the year, but at least one local NGO reported that the government was not responsive. Government officials continued to criticize local NGOs publicly for their reports of human rights violations that security forces committed.

A few NGOs were active and had a sizable impact on the promotion of human rights. Some local NGOs, including the LCDH, the Human Rights Observatory, the anti-torture NGO ACAT, and the Association of Women Jurists, actively monitored human rights problems; worked with journalists to draw attention to human rights violations, including those committed by the army; pleaded individual cases of human rights abuses before the courts; and engaged in efforts to raise the public's awareness of citizens' legal rights. However, the unrest and economic dislocation the country experienced in recent years continued to impede the activities of NGOs and limited their area of work almost exclusively to Bangui.

Citing an August statement made by the president of the National Assembly, local human rights NGOs reported that some officials viewed them as spokespersons for opposition political parties. They also reported several cases of harassment by officials during their fact-finding visits within the country.

Bernadette Sayo, the founder of the Organization for Compassion and Development for Women in Distress (OCODEFAD), formed by victims of the widespread rapes that took place in 2002-03, was appointed minister of tourism during the year. She reported that security forces continued to harass her and her children for her activist views, even after her appointment to a ministerial post. The new coordinator for OCODEFAD also reported several incidents of minor harassment by authorities.

International human rights NGOs and international organizations operated in the country without interference from the government, and they increased in number during the year. Armed groups sporadically targeted the small number of humanitarian workers operating in the northwest, stopping their vehicles and robbing them. The northwest and the northeastern Vakaga areas were occasionally inaccessible to NGOs, although the levels of fighting and insecurity decreased from the previous year.

During the year Philip Alston and representatives from HRW visited the country and met with human rights organizations and the country's officials, including President Bozize. He also traveled upcountry on a fact-finding trip. At a press conference at the close of his visit, he noted a decrease in reports of extrajudicial executions but expressed his concern regarding impunity in the ranks of the military, particularly the presidential guard.

During the year BONUSA continued to monitor human rights practices, assist the government in capacity building, sensitize the public to human rights, conduct visits to prisons and detention centers, and conduct human rights training for hundreds of government security agents. Although based in Bangui, BONUSA maintained three field offices in the countryside. In response to local and international criticism for its refusal to report publicly its findings, BONUSA issued its first public report on human rights abuses for the first quarter of the year in August.

The High Commission of Human Rights and Good Governance, attached to the presidency, has in the past investigated citizen complaints of human rights violations committed by members of the government, and occasionally forwarded cases to the Ministry of Justice for possible prosecution. The commission was without a head for six months before the appointment of El Hadj Abacar Nyakanda in mid-year, and there was little evidence of the commission's work during the year. The commission claimed not to have adequate staffing or financial resources and lacked the means to train its investigators properly. Some human rights observers noted that it acted more as a spokesperson for the government than an office promoting human rights.

A human rights commission in the National Assembly sought to strengthen the capacity of the legislature and other government institutions to advance human rights, but it also had few resources.

The ICC continued its investigation into crimes committed in the country in 2002-03 by the previous government and by soldiers under the command of Jean Pierre Bemba, then a Congolese rebel leader. In May Bemba was arrested in Brussels and was awaiting trial in The Hague at year's end.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

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. Police sometimes arrested men on charges of rape. Nevertheless, the government did not enforce the law effectively, and the social stigma induced many families to avoid formal court action.

Although the law does not specifically mention spousal abuse, it prohibits violence against any person and provides for penalties of up to 10 years in prison. Domestic violence against women, including wife beating, was reportedly common. Spousal abuse was considered a civil matter unless the injury was severe. According to the Association of Women Jurists, a Bangui-based NGO specializing in the defense of women's and children's rights, victims of domestic abuse seldom reported incidents to authorities. When incidents were addressed, it was done within the family or local community. 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 financial security for themselves and their children. According to a June UN report for the area surrounding Bambari, 15 instances of gender-based violence were reported in that month alone.

The law does not prohibit prostitution; however, it prohibits coercing someone into prostitution or profiting from the

prostitution of another. Prostitution continued to exist, mostly among young women and occasionally among men. The law imposes fines and imprisonment for three months to one year for sexual procurement (including assisting in prostitution). For cases involving a minor, the penalty is one to five years of imprisonment.

The law prohibits sexual harassment; however, the government did not effectively enforce the law, and sexual harassment was a problem.

The law does not discriminate against women in inheritance and property rights, but a number of discriminatory customary laws often prevailed, and women's statutory inheritance rights often were not respected, particularly in rural areas. The family code further strengthened women's rights, particularly in the courts, but access to the judicial system remained very limited throughout the country.

Women were treated as inferior to men both economically and socially. Single, divorced, or widowed women, including those with children, were not considered heads of households. Only men were entitled to family subsidies from the government. There were no accurate statistics on the percentage of female wage earners. Women's access to educational opportunities and to jobs, particularly at higher levels in their professions or in government service, remained limited. Some women did report economic discrimination in access to credit due to lack of collateral.

Polygamy is legal, although it is rarely practiced due to both widespread Christian religious beliefs in monogamous marriage and growing resistance among educated women. The law allows 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. The family code obliges the use of bride payments, but it neither requires them nor sets a minimum payment amount. Women who were educated and financially independent tended to seek monogamous marriages. Divorce is legal and can be initiated by either partner.

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

Children

The government spent very little money on programs for children, and churches and NGOs had relatively few youth programs.

The registration of births was inadequate, and unregistered children faced limitations in their access to education and other social services. According to the UNICEF country report for the year, total birth registration was 73 percent, with 88 percent of children registered in urban areas and 63 percent in rural areas. Registration of births in conflict zones was likely lower than in other, particularly urban, areas.

Education is compulsory for six years; tuition is free, but students must pay for their own books, supplies, transportation, and insurance. Approximately 75 percent of children started school, but many did not complete the first six years of primary school education. Girls did not have equal access to primary education; 65 percent girls were enrolled in the first year of school, but only 23 percent of girls finished the six years of primary school, according to a 2007 UN Educational, Scientific and Cultural Organization (UNESCO) study. At the secondary level, a majority of girls dropped out at age 14 or 15 due to societal pressure to marry and bear children.

Few, if any, Pygmies attended primary school during the year. Some local and international NGOs, including COOPI, made efforts to increase Pygmy (Ba'Aka) enrollment in schools, although there were no reports of significant government assistance to these efforts.

The law criminalizes parental abuse of children under the age of 15 years, and child abuse and neglect was widespread although rarely recognized as such due to economic poverty. A juvenile court tried cases involving children and provided counseling services to parents and juveniles during the year.

There are no statutory rape laws protecting adolescent minors or children.

The law prohibits FGM, which is punishable by up to 10 years' imprisonment; nevertheless, girls were subjected to this traditional practice in certain rural areas and, to a lesser degree, in Bangui. According to the Association of Women Jurists, anecdotal evidence suggested that the FGM rates declined in recent years as a result of efforts to familiarize women with the dangers of the practice.

The law establishes 18 as the minimum age for civil marriage; however, an estimated 57 percent of children were married before the age of 18, according to UNICEF data collected between 1987 and 2005.

The country's instability had a disproportionate effect on children, who accounted for almost 50 percent of IDPs during the year.

Child labor, including forced labor, was widespread.

Some young women and girls reportedly engaged in prostitution for survival without third party involvement, although no data were available to indicate how common this practice was.

There were more than 6,000 street children between the ages of five and 18, including 3,000 in Bangui, according to the Ministry of Family and Social Affairs. Many experts believed that HIV/AIDS and a belief in sorcery, particularly in rural areas, contributed to the large number of street children. An estimated 110,000 children have lost one or both parents to HIV/AIDS, and children accused of sorcery (often reportedly in connection to HIV/AIDS-related deaths in their neighborhoods) often were expelled from their households.

There were NGOs specifically promoting children's rights, including some, such as Voix du Coeur, which assisted street children.

Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and there were reports of persons being trafficked, although NGOs and government officials said that trafficking in persons was not widespread. During the year no action was taken on a draft National Assembly law criminalizing the trafficking of women and children.

Traffickers can be prosecuted under laws against slavery and sexual exploitation, labor code violations, and mandatory school age laws. In addition specific laws that address prostitution have been used in recent years to punish those who trafficked women for the purposes of prostitution.

The country was a source, transit, and destination point for men, women, and children trafficked for the purpose of forced labor and sexual exploitation. The majority of victims were children trafficked within the country for sexual exploitation, domestic servitude, forced labor in agriculture, mining, and restaurants. Victims were also trafficked to Cameroon, Nigeria, and the DRC. Children were also trafficked into the country from Rwanda. Little concrete data

existed on the extent of the problem.

There were reports that rebel forces abducted children and conscripted them as soldiers. Villagers subjected Pygmies, who were unable to survive as hunters because of depleting forests, to forced agricultural labor.

During the year there were reports that trafficked children were forced into domestic servitude and commercial labor activities, such as street vending and agricultural work. In recent years there were reports that children were trafficked into the country and that members of the foreign Muslim community from Nigeria, Sudan, and Chad forced them to work. There were also reports that merchants, herders, and other foreigners doing business in and transiting the country trafficked girls and boys into the country. Child trafficking victims were not afforded the benefit of a formal education, despite the mandatory school age, and worked without remuneration. There was anecdotal evidence of sexual exploitation of girls in Bangui.

Some girls entered prostitution to earn money for their families, both as commercial sex workers and more informally as steady mistresses to wealthy clients.

Using laws prohibiting kidnapping, in February the government started prosecuting three suspected traffickers for allegedly selling a three-year-old Guinean girl. At year's end the trial had been delayed.

In December a man was arrested for attempting to sell his infant daughter; the man was not prosecuted, however, as he had not completed the sale and the girl was returned to her mother.

Neither the government nor the NGOs operated shelters providing care to trafficking victims, and there were no known NGOs specifically working to combat trafficking. The government did not monitor immigration or emigration patterns for evidence of trafficking and it did not investigate trafficking cases or implement procedures to identify trafficking victims among vulnerable populations, or rescue and provide care to victims.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip/.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities, although this prohibition is not written into the constitution. There was no codified or societal discrimination against persons with disabilities. However, there were no legislated or mandated accessibility provisions for persons with disabilities, and such access was not provided in practice. The government had not developed a national policy or strategy to provide assistance to persons with disabilities. Approximately 10 percent of the country's population had disabilities, mostly due to polio, according to the 2003 census. 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 Family and Social Affairs.

The Ministry of Family and Social Affairs continued to work with the NGO Handicap International during the year to provide treatment, surgeons, and prostheses to persons with disabilities. For example, a physiotherapy center for persons with disabilities continued to operate in Dekoa.

National/Racial/Ethnic Minorities

The M'bororo and Goula ethnic groups continued to suffer disproportionately from the civil disorder in the north. Tensions among the resident Chadian community, who number in the thousands and who have resided in the country for generations, were less apparent during the year.

Indigenous People

Despite constitutional protections, there was societal discrimination against Pygmies (Ba'Aka and Baininga) the earliest known inhabitants of the rain forest in the southern part of the country. Pygmies constituted approximately 1 percent of the country's population. They continued to have little say in decisions affecting their lands, culture, traditions, and the allocation of natural resources. Forest-dwelling Ba'Aka, in particular, were subject to social and economic discrimination and exploitation, which the government has done little to prevent. Despite repeated promises, the government took no steps to issue and deliver identity cards to Pygmies, lack of which, according to many human rights groups, effectively denied them access to greater civil rights.

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

During the year COOPI continued to promote the rights of the Ba'Aka and Babinga by monitoring discrimination and seeking to increase their access to public services by helping them acquire birth certificates. Refugees International reported in recent years that Pygmies were effectively "second-class citizens" and that the popular perception of Pygmies as barbaric, savage, and subhuman seemingly had 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 persisted during the year, and many citizens attributed the existence of homosexuality to undue Western influence.

Persons living with HIV/AIDS were also subject to discrimination and stigma, though less so as NGOs and UN agencies raised awareness about the disease and available treatments. Nonetheless, many individuals living with HIV/AIDS did not disclose their status for fear of social stigma.

Section 6 Worker Rights

The Right of Association

The law allows all workers, except for senior level state employees and security forces, including the military and gendarmes, to form or join unions without prior authorization; however, only a relatively small part of the workforce, primarily civil servants, exercised this right. 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. The government generally respected these rights in practice.

The labor code requires that union officials be full-time wage-earning employees in their occupation and allows them to conduct union business during working hours as long as the employer is informed 48 hours in advance and provides authorization. A person who loses the status of worker, either through unemployment or retirement, can belong to a trade union and participate in its administration.

Workers have the right to strike in both the public and private sectors, and they exercised this right during the year; however, security forces, including the military and gendarmes, are prohibited from striking. To be legal, strikes must be preceded by the union's presentation of demands, the employer's response to these demands, a conciliation meeting between labor and management, and a finding by an arbitration council that union and

employer failed to reach agreement on valid demands. The union must provide eight days' advance written notification of a planned strike. The law states that if employers initiate a lockout that is not in accordance with the code, the employer is required to pay workers for all days of the lockout. The government has the authority to end strikes by invoking the public interest. The code makes no other provisions regarding sanctions on employers for acting against strikers.

In January and February government workers went on strike for two months to protest the government's inability to pay salaries. The payment of a portion of the arrears resolved the strike, but the arrears remained a significant obstacle.

The Right to Organize and Bargain Collectively

The labor code provides that unions may bargain collectively in the public and private sectors, and provides workers protection from employer interference in the administration of a union. 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.

The country's largest single employer was the government, and government employee trade unions were especially active. In the civil service, the government set wages after consultation, but not negotiation, with the unions, and public sector unions have protested the government's refusal to implement seasonal and annual raises. Salary arrears continued to be a severe problem for military personnel and the country's 24,000 civil servants. The government owed its employees up to six months of salary arrears from the beginning of the Bozize administration, or up to 46 months of salary arrears taking into account previous administrations over the last 20 years.

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

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Although the labor code specifically prohibits forced or compulsory labor, there were reports that such practices occurred. Women and children were trafficked for forced labor, usually in households and for domestic chores and cooking, and sexual exploitation. Prisoners were reportedly forced to work on public works projects without compensation for government officials or magistrates; the prisoners often received shortened sentences for doing so. Pygmies, including children, often were coerced into labor as day laborers, farm hands, or other unskilled labor, and often treated as slaves.

d. Prohibition of Child Labor and Minimum Age for Employment

The labor code's prohibition of forced or compulsory labor applies to children, although they are not mentioned specifically. Other provisions of the labor code forbid the employment of children younger than 14 years of age; however, the Ministry of Labor and Civil Service did not enforce these provisions. Child labor was common in many sectors of the economy, especially in rural areas, and forced labor also occurred. At times child labor was employed on public works projects and at the residences of government officials and magistrates. The labor code provides that the minimum age for employment could 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 years old from performing

hazardous work or working at night; however, children continued to perform hazardous work during the year. The labor code does not define the worst forms of child labor.

Reliable statistics on child labor were not available; however, according to data collected by UNICEF in surveys between 1999 and 2005, approximately 57 percent of children between the ages of five and 14 were involved in child labor activities. UNICEF considered a child to be involved in labor activities according to the following classification: children five to 11 years old who, during the week preceding the survey, did at least one hour of economic activity or at least 28 hours of domestic work; and children 12 to 14 years old who, during the week preceding the survey, performed at least 14 hours of economic activity, or at least 42 hours of economic activity and domestic work combined.

Throughout the country, children as young as seven frequently performed agricultural work. Children often worked as domestic workers, fishermen, and in mines (often in dangerous conditions). International observers noted that children worked in the diamond fields alongside adult relatives. The mining code specifically prohibits child or underage labor; however, this requirement was not enforced by authorities during the year and many children were seen working in and around diamond mining fields. In Bangui, many of the city's 3,000 street children worked as street vendors.

During the year rebel groups recruited and used child soldiers. (See section 1.g.)

The government had few resources to enforce the prohibition against forced labor or child labor laws. Salary arrears and the lack of personnel training severely impeded its enforcement capacity.

Although international organizations, local NGOs, and labor unions have called for more attention to the rehabilitation and reintegration of former child laborers and street children, the country had only two centers--both located in Bangui--that addressed the problem.

e. Acceptable Conditions of Work

The labor code states that the minister of labor must set minimum wages in the public sector by decree. The minimum wage varies by sector and by kind of work. For example, the monthly minimum wage was equivalent to approximately 8,500 CFA francs (approximately \$17) for agricultural workers and approximately 26,000 CFA francs (approximately \$52) for office workers. The minimum wages did not provide a decent standard of living for a worker and family, although wage levels were raised during the year. The law applies to foreign and migrant workers as well. Most labor was performed outside the wage and social security system (in the vast informal sector), especially by farmers in the large subsistence agricultural sector.

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

There are general laws on health and safety standards in the workplace, but the Ministry of Labor and Civil Service neither precisely defined nor actively enforced them. The labor code states that a labor inspector may force an employer to correct unsafe or unhealthy work conditions, but it does not provide the right for workers to remove themselves from such conditions without risk of loss of employment. There are no exceptions for foreign and migrant workers.

