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U.S. Department of State

Central African Republic Country Report on Human Rights Practices for 1996

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CENTRAL AFRICAN REPUBLIC

The Central African Republic became a democracy in 1993 following free and fair elections in which Ange Felix Patasse, candidate of the Movement for the Liberation of the Central African People, was chosen President. Citizens also elected an 85-member National Assembly; no party holds a majority. In 1994 a Constitution providing for multiparty democracy was accepted in a national referendum. The judiciary is subject to executive interference.

The Government faced major crises during the year in the form of three mutinies by members of the armed forces. In April 200 soldiers protested their poor living conditions and the Government's failure to pay salary arrearages. The Government eventually paid the back salaries and restored order with the help of the French army. Following the mutiny, the President suspended political activity and public assembly, and restricted free movement out of the country. The political opposition demanded the resignation of the Government and new elections. In May approximately 500 soldiers again rebelled, ostensibly to protest the Government's transfer of control of the arsenal from the army to the Presidential Guard. More than 100 people were killed, many children were wounded, and soldiers detained the president of the National Assembly and other officials as hostages at Camp Kasai in the capital. French troops overwhelmed the rebels, who apparently had intended to overthrow the Government. After international diplomatic intervention and the efforts of civic leaders, the crisis was resolved in June with the formation of a Government of National Unity, a coalition arrangement that included members of major political parties. The agreement also included a protocol to increase the constitutional powers of the Prime Minister. Patasse appointed Jean-Paul Ngoupande to that post.

In mid-November the attempted arrest by the Government of former army officer Andre Saulet incited an ethnically based revolt by rebel government troops from the Yakoma ethnic group, supporters of former president Kolingba, a relative of Saulet. The Yakoma, excluded from the current Government, comprised at least half the army. Some civilians, including several magistrates and private sector professionals, supported the rebellion goals of dismissal of President Patasse and the establishment of a new government. Four Organization of African Unity Francophone heads of state, from Chad, Mali, Burkina Faso, and Gabon, brokered an initial cease-fire. Negotiations for a lasting settlement continued into 1997 under the leadership of former Malian President, General Toumani Toure.

The military forces and the National Gendarmerie, under the Minister of Defense, share internal security responsibilities with the civilian police force, under the direction of the

Minister of Public Security. Under President Patasse, the Presidential Security Guard was reduced in size and responsibility. Security forces committed serious human rights abuses.

The Central African Republic is a landlocked and sparsely populated country, most of whose inhabitants practice subsistence agriculture. Annual per capita gross domestic product is estimated at \$357. Principal exports are coffee, cotton, timber, tobacco, and diamonds. The 1994 currency devaluation raised producers' prices, boosted rural income, and constrained consumption. The military and civil unrest during the year resulted in significant decreases in public revenues and higher unemployment.

The Government's human rights record remained the same, and serious human rights abuses continue in certain areas. There were credible reports of routine summary executions of suspected bandits by security forces. Police torture and beatings of detainees continued. The President granted amnesty to rebel forces, and the Government did not prosecute members of the armed forces who had committed abuses during the April and May mutinies. Some type of amnesty is expected for the November mutiny. Other human rights abuses included harsh prison conditions, abuse of prisoners, prolonged detention, limits on judicial independence and efficiency, restrictions on freedom of assembly and association, infringements on citizens' right to privacy, some limits on freedom of religion, restraints on press freedom to criticize the Government, a pattern of discrimination and violence against women, and discrimination against Pygmies.

Local human rights monitors expressed concern over the extended detention in excess of legal limits of ex-officials from the previous regime charged with corruption; some of these cases went to trial, but many remained pending. The new Constitutional Court named in January was sworn in during November.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including

Freedom from:

a. Political and Other Extrajudicial Killing

There were no known political killings (former Interior Minister Grelombe was killed by unknown persons during the November mutiny) but there were credible reports that the army and gendarmerie forces routinely conducted summary executions of suspected bandits in border regions. The Government did not prosecute members of the security forces for these killings or other killings. Many prisoners died in custody at the Commissariat in connection with the repression of banditry, according to the Human

Rights League.

Soldiers killed an estimated 200 persons during the army mutinies. President Patasse granted amnesty to the soldiers who had mutinied in April and May. As proposed by the mediation team, amnesty for the November rebellion was pending at year's end. The Government neither investigated nor prosecuted members of the armed forces for abuses committed during the mutinies.

b. Disappearance

There were no reports of politically motivated disappearances.

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

Although the Penal Code prohibits torture and specifies sanctions for those found guilty of physical abuse, the police continue to beat and otherwise abuse criminal suspects. There were reliable reports of abuse of prisoners. At one police station police tortured and abused all the individuals detained. Many deaths of prisoners due to official abuse were reported to the courts, but with no evident response taken. The Government has not punished those responsible. The August-September National Conference on Defense (Etats-Generaux) recommended the abolition of special secret police units due to their abusive treatment of detainees and their operation as a parallel and secret arm outside the normal enforcement structure.

Prison conditions are extremely harsh. Cells are overcrowded, and the basic necessities of life, including food, clothing, and medical care, are in short supply and routinely diverted by prison officials for their personal consumption. Prisoners are frequently forced to perform uncompensated labor at the residences of government officials. Male and female prisoners are confined separately in Bangui, but together elsewhere. Minors are routinely housed with adults and subjected to abuse. Following the May civil unrest, prisoners fled the infamous Ngaragba prison unhindered. Despite promises to construct a new facility, the Government has reopened the prison.

d. Arbitrary Arrest, Detention, or Exile

The law stipulates that persons detained in cases other than those involving national security must be brought before a magistrate within 96 hours. In practice, the authorities often do not respect this deadline, in part due to inefficient judicial procedures. Judicial warrants are not required for arrest. By law, national security detainees, defined as "those held for crimes against the security of the State," may be held without charge for up to 2 months. Although previous governments used the national security provision of the law to arrest opponents for exercising internationally recognized human rights, the Patasse Government has not detained any persons for such actions.

Prolonged pretrial detention is a problem. Roughly one-half the male prison population are pretrial detainees. In September 1995, the criminal court began its first session in 2 years. On the docket were the cases of Kolingba regime (1981-93) officials charged with corruption who, in some cases, had been detained more than 18 months without trial. These cases remain pending, and some of the officials remain in custody. A parliamentary commission also investigating Kolingba-era corruption released its reports to the Ministry of Justice, but by year's end the Government had not published them.

The law does not permit the use of exile, and the Government did not employ it in practice. The Government has repeatedly stated that any person in exile for strictly political, rather than criminal, reasons may return without fear of persecution. At year's end, there were no known political self-exiles.

Former Empress Catherine, wife of former Emperor Bokassa, briefly returned from exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, but there are reliable reports of periodic executive interference.

The judiciary, which consists of regular and military courts, was reorganized in the 1994 Constitution. Legislation implementing this reorganization was passed at the beginning of the year.

In criminal cases, the accused are presumed innocent and have the right to legal counsel, to public trial, to be present at their trials, and to confront witnesses. The Government generally respects these safeguards in practice, but inefficient administration of the law, shortages of trained personnel and material resources hinder the process. The criminal court, for example, did not convene for 2 years for lack of money. Court proceedings are open to the public and frequently broadcast on national radio.

The August-September National Conference on Defense addressed many of the abuses in the military justice system and established long term recommendations for improvement.

There were no reports of political prisoners, although some observers note that anticorruption statutes at times appear to have been applied more rigorously to former officials of the previous regime than to current officials.

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

The Government on rare occasions abused the law that prohibits invasion of the home without a warrant in civil and criminal cases. Police did, however, use Title IV of the Penal Code, governing certain political and security cases, which allows them to search private property without special authorization. The Government also monitored the telephones of some opposition figures and cut their telephone lines after the April mutiny.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of the speech and the press. Although the Government generally allows the press to operate freely, it restricts press freedom to criticize the Government.

Citizens spoke freely and publicly about political developments, the President's handling of certain issues, and political parties. Opposition leaders, in particular, used press statements, manifestos, broadsides, and copies of open correspondence to the Government to circulate their views. Although not all this documentation was published in the government-controlled media, the Government made no apparent effort to censure, seize, or halt circulation of these materials elsewhere.

More than a dozen private newspapers were published over varying intervals, openly discussing a wide variety of views on political and social issues. The authorities did, however, restrict the ability of the press to criticize the Government. Government officials sued several journalists following accusations of corruption published by their newspapers. Many journalists regarded this as official harassment. In August 1995, the editor of former President Kolingba's Rassemblement Democratique Centrafricaine party newspaper was sentenced to 2 years in prison for defamation after publishing an article that

accused President Patasse of conspiring to murder a labor leader. In January another journalist, a member of the opposition coalition CODEPO, was jailed for 1 month because he had accused the President of violating the Constitution in becoming president of his own political party. The court found that no justifiable complaint was lodged against him by President Patasse, and released him. In a separate case in

September, a journalist from the independent newspaper *Le Novateur* was arrested by presidential guards, and jailed for 5 days without trial. He was subsequently reapprehended, tried, and sentenced to 5 months in prison for criticizing the slow due process of the judiciary system and for accusing a senior magistrate of incompetence.

The Government owns and controls one newspaper, which appears only sporadically, a more regular wire service news bulletin, and a radio and television station. Government reluctance to allow access to the media was criticized by the opposition as a blatant effort to impede its activities. A private radio station, *Africa No. 1*, which is based in Libreville, Gabon, has been operating since 1995, and a church-affiliated station began operations the same year. The Government refused to allow the establishment of other private radio stations for fear that they would become voices for the opposition. The Government has not yet set up the High Council of Communication to regulate the management of private media and help enforce press ethics. The Government did not impede foreign journalists in their work.

The Government respects academic freedom. University faculty and students belonged to many political parties and expressed their views without fear of reprisal.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of assembly, but the Government at times restricted this freedom. A 1992 decree requires organizers of demonstrations and public meetings to register with the Government 48 hours in advance and also prohibits political meetings in schools or churches. The Government forbade public assembly and demonstrations during the aftermath of the April military revolt; no such order was issued after the May or November crises. Police dispersed a November demonstration by civil servants over pay and working conditions, using tear gas and rubber bullets, injuring a number of protestors, and arresting 13 persons.

Associations are required to register with the Government to enjoy legal status. All political parties must register with the Ministry of Public Security in order to participate legally in politics. While the Government usually grants registration expeditiously, in one case in 1995 it revoked a party's registration after the Ministry of Justice mounted a legal challenge based on the party's religious nature.

There are more than 20 registered political parties and a variety of nonpolitical associations. The Government allowed them to hold congresses, elect officials, and publicly debate policy issues without interference.

c. Freedom of Religion

The Constitution provides for freedom of religion, but includes fixed legal conditions and prohibits what the Government considers religious fundamentalism and intolerance. A 1994 constitutional provision prohibiting religious fundamentalism is widely understood to be aimed at Muslims. There is no state religion, and a variety of religious communities are active. Religious organizations and missionary groups are free to proselytize, worship, and construct places of worship. However, religious groups must

register with the Government, and any group whose behavior the Government considers subversive remains subject to sanctions, although it imposed no sanctions on any group during the year.

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

People are free to move within the country, but police and other officials harass travelers unwilling or unable to pay bribes at checkpoints along major intercity roads and at major intersections in Bangui. The Government effectively prevented former President Kolingba and members of his family and other dignitaries of the former regime from leaving Bangui. Some citizens, when attempting to leave the country, were informed by immigration authorities that their names were on unspecified official lists that forbade their departure. For example, in September Henri Pouziere, a well-known lawyer who lived in Libreville, Gabon and who recently defended a journalist, was refused permission to board an airplane for political reasons. After an investigation, he was authorized to leave the country. Another member of the opposition group Front Patriotique Pour Le Progres originally was forbidden to leave Bangui for Canada, his place of residence, because he was suspected of organizing a plot against the regime. Following pressure by the Human Rights League on the Ministers of Justice and Interior, he secretly fled the country.

The Government continued to work with the office of the United Nations High Commissioner for Refugees (UNHCR) in hosting Chadian and Sudanese refugees. Most refugees who were registered with the National Commission for Refugees remained in the country without difficulty. Many Chadians, however, have been accused of criminal activity. Applicants for asylum are generally well-treated and often accepted. Chadian applicants, however, have been viewed with suspicion and have appealed to the UNHCR for assistance.

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

Citizens exercised their constitutional right to change their government by democratic means in the 1993 presidential and

parliamentary elections. International observers deemed the elections free and fair. In 1995, for the first time in its history, the Parliament passed a vote of censure to change the Government.

The Constitution provides for multiple political parties and increased the powers and independence of the legislative and judicial branches at the expense of the executive branch. Local elections scheduled for 1994 never took place due to budget restrictions. In the interim, the Government appointed three successive mayors of Bangui, which engendered criticism from prodemocracy forces as renegeing on a commitment. By-elections held in October 1995 to fill two vacant parliamentary seats were harshly criticized by the opposition for alleged irregularities.

Of the 85 Parliament members, three are women. One of the 20 Cabinet members is a woman. There are few Muslims in government. About 10 Muslims serve in the National Assembly.

Pygmies (Ba'aka), who represent from 1 to 2 percent of the national population, are not represented in the Government and have little political power or influence, although they voted in large numbers in the 1993 election.

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

The Central African Human Rights League (LCDH) is a nongovernmental organization (NGO) with multiple goals, including publicizing human rights violations and pleading individual cases of human rights abuse before the courts. The LCDH distributed its pamphlets describing individuals' rights and judicial information to the prisons, police stations, courts, schools, and NGO's.

In the April and May mutinies the LCDH played an important role as mediator to help safeguard democratic institutions. In a letter to the President and government authorities, the LCDH criticized the Government's harassment of the press, excessive pretrial detentions in violation of the law, summary executions of suspected bandits, and the deaths of suspects while in police custody in Bangui. Several other NGO's, including the Movement for the Defense of Human Rights and Humanitarian Action and the Central African Red Cross, pursued human rights activities, including prison visits. The Government did not attempt to hinder any such activities.

There were no known requests by international human rights organizations for visits.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution stipulates that all persons are equal before the law without regard to wealth, race, sex, or religion, but the Government does not effectively enforce these provisions, and significant discrimination exists.

Women

Violence against women, including wife beating, occurs but it is impossible to quantify its extent as data are lacking, and victims seldom make reports. The courts try very few cases of spousal abuse, although litigants cite this abuse during divorce trials or in civil suits for damages. Some women reportedly tolerate abuse in order to retain a measure of financial security for themselves and their children. The Government did not address this issue during the year.

Despite the Constitution's provisions, in practice women are treated as inferior to men economically, socially, and politically. Women in rural areas, moreover, suffer more discrimination than women in urban areas. Sixty to 70 percent of urban females go to primary school, while only 10 to 20 percent of their rural counterparts do. Overall, at the primary level, females and males enjoy equal access to education, but the majority of young women drop out at the age of 14 or 15 due to social pressure to marry and bear children. Only 20 percent of the students at the University of Bangui are women. There are no accurate statistics on the percentage of female wage earners.

Polygyny is legal, although this practice faces growing resistance among educated women. There is no legal limit on the number of wives a man may take, but a prospective husband must indicate at the time of the marriage contract whether he intends to take further wives. In practice, many couples never formally marry because men cannot afford the traditional bride payment. Women who are educated and financially independent tend to seek monogamous marriages. Divorce is legal and may be initiated by either partner. The law does not discriminate against women in inheritance and property rights, but a welter of conflicting customary laws often prevails. A new family code drafted in 1995 by a conference sponsored by the Ministry of Social Affairs is designed to strengthen women's rights. The proposed family code still awaited National Assembly approval at year's end.

The Association of Central African Female Jurists' clinic advises women of their legal rights. It also published pamphlets in conjunction with the Ministry of Social Affairs on the dangers of female genital mutilation (FGM) and on food taboos.

Children

Although there is no official discrimination against children, the Government spends little money on programs for children. There are few church and other NGO projects for youth. Most children are behind in their studies because of education strikes in the early 1990's. Education is compulsory beyond the age of 5, but parents are not prosecuted for truancy. Many Bangui street children survive by begging and stealing. Some are street vendors, part of the informal economy. Several charitable organizations strive to assist them.

Courts interpret the Penal Code as forbidding parental blows or injuries to children under age 15. The proposed family code is designed to strengthen children's rights. For example, illegitimate children would have the same rights as those born in wedlock.

An ordinance of February 22 formally abolished FGM, which is widely condemned by international health experts as damaging to both physical and psychological health. This traditional practice is found in certain rural areas, and to a lesser degree in Bangui, and is performed at an early age. Approximately 45 to 50 percent of females have undergone FGM. A campaign of awareness organized by the Ministry of Social Welfare and women's NGO's reduced the incidence of FGM in some rural areas. In 1996 the court registered one case of FGM that resulted in death.

People with Disabilities

There is no codified or cultural discrimination against the disabled. There are several government-initiated programs designed to assist the disabled, including handicraft training for the blind and the distribution of wheelchairs and carts by the Ministry of Social Services. There is no legislated or mandated accessibility for the disabled.

Indigenous People

Despite constitutional provisions, in practice some minorities are treated unequally. In general, the country's indigenous Pygmies have little ability to participate in decisions affecting their lands, culture, traditions, and the allocation of natural resources. In particular, indigenous forest-dwelling Pygmies are subject to social and economic discrimination and exploitation, which the Government has done little to correct. Pygmies often work for villagers at wages lower than those paid to members of other groups. The LCDH received reports and photos of a Pygmy child tortured by a villager who accused him of stealing at his farm. The villager had burned the child's hands. The court convicted him and sentenced him to prison.

Religious Minorities

Muslims, particularly Mbororo (Peulh) herders, claim to have been singled out for harassment by the authorities, including shakedowns by police, due to popular resentment of their presumed affluence. Muslims play a preponderant role in the economy.

National/Racial/Ethnic Minorities

There are about 90 ethnic groups, and in the past there was little ethnic balance at the higher levels of government. Under the Kolingba regime, members of the minority Yakoma ethnic group held a disproportionate number of senior positions in government, the armed forces, and state-owned firms. The Patasse Government has brought about a more representative ethnic balance in government. Even

so, observers note that members of northern ethnic groups close to the President are a majority in Patasse's Cabinet and also receive favorable treatment in government appointments.

Section 6 Worker Rights

a. The Right of Association

Under the Labor Code, all workers are free to form or join unions of their choosing without prior authorization. A relatively small part of the population has exercised rights of association, chiefly wage earners such as civil servants.

The current Labor Code does not refer to trade unions by name, a change from previous versions. The International Labor Organization (ILO) had requested this change to reflect the proliferation of new unions. There are now five recognized labor federations, including the Organization of Free Public Sector Unions and the Labor Union of Central African Workers (USTC). The USTC and its member unions continue to assert and maintain their official independence from the Government. The USTC never resolved its 1995 dispute with the Government concerning salary arrears.

Unions have the right to strike in both the public and private sectors. 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 also provide 8 days' notification in writing of planned strikes. The Labor Code states that if employers initiate a lockout that is not in accordance with the Code, then the employer is required to pay workers for all days of the lockout. Other than this, the Code does not provide for sanctions on employers for acting against strikers. It is not known to what extent this policy is actually followed. The May teachers' strike resulted in the detention of 14 union members for violation of the "Law of the Freedom to Work." The detainees were released after 1 day.

Labor federations are free to affiliate internationally. The USTC is affiliated with the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

In November police disbanded a demonstration by the Civil Service Trade Unions, who struck for better pay and working conditions. The police used tear gas and rubber bullets. They injured some demonstrators and arrested 13 persons.

The Labor Code accords trade unions full legal status, including the right to sue in court. It requires that union officials be employed full-time in the occupation as a wage earner, but they nonetheless conduct union business during working hours. The Code does not specifically provide that unions may bargain collectively. While collective bargaining has nonetheless taken place in some instances, the Government is usually involved in the process.

Wage scales are set by the Ministry of Labor and Civil Service and were in the process of revision at year's end. The nonpayment of salary arrears and higher consumer costs attributed to the 1994 devaluation continued to be the major complaints of the unions. The Government is undertaking reform in the civil service, including restructuring financial services.

The law expressly forbids discrimination against employees on the basis of union membership or union

activity. The Labor Code does not state whether employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced labor is specifically prohibited by the Labor Code, and there were no reports of forced labor. Uncompensated prisoners are forced to work for government officials or magistrates.

d. Minimum Age for Employment of Children

Employment of children under 14 years of age is forbidden by law, but the provision is only loosely enforced by the Ministry of Labor and Civil Service. In practice child labor is common in many sectors of the economy, especially in rural areas.

e. Acceptable Conditions of Work

The Labor Code states that the Minister of Labor must set minimum wages by decree. Agricultural workers are guaranteed a minimum of \$15 (cfa 7,800) per month, while office workers are guaranteed \$36 (cfa 18,000). Minimum wages differ among the various sectors. The minimum wage assures a family the basic necessities but is barely adequate to maintain a decent standard of living. Most labor is performed outside the wage and social security system, especially by farmers in the large subsistence agriculture sector.

The law sets a standard workweek of 40 hours for government employees and most private sector employees. Household employees may work up to 55 hours per week. The law also requires that there be a minimum rest period of 48 hours.

There are also general laws on health and safety standards in the workplace, but the Ministry of Labor and Civil Service neither precisely defines nor actively enforces them, a matter about which the ILO has expressed concern to the Government for many years. The Labor Code states that a labor inspector may force an employer to correct unsafe or unhealthy work conditions, but it does not provide the right for workers to remove themselves from such conditions.

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