

CENTRAL AFRICAN REPUBLIC 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Central African Republic is a presidential republic. Voters elected Faustin-Archange Touadera president in a February 2016 run-off. International observers reported the February 2016 presidential and legislative elections were free and fair, despite reports of irregularities. The 2016 constitution established a bicameral parliament, with a directly elected National Assembly and an indirectly elected Senate. The National Assembly convened in May 2016; elections for the Senate were not held, and no date had been announced by year's end.

Unlike in the previous year, civilian authorities' control over the security forces improved but remained weak. State authority beyond the capital, Bangui, was limited; armed groups controlled significant swaths of territory throughout the country and acted as de facto governing institutions, taxing local populations, providing security services, and appointing armed group members to leadership roles.

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

The most significant human rights issues included reports of arbitrary and unlawful killings by government agents; enforced disappearances; and sexual violence, including rape, committed by ex-Seleka and anti-Balaka groups, among others; arbitrary arrest and detention; delays in holding criminal sessions in the judicial system, resulting in prolonged pretrial detention; harsh and life-threatening prison conditions, particularly in cities not controlled by the government and in illegal detention facilities not operated by government; seizure and destruction of property without due process; use of excessive and indiscriminate force in internal armed conflict; restrictions on freedom of movement; lack of protection and access for internally displaced persons to basic services, especially outside Bangui; widespread corruption; harassment of and threats to domestic and international human rights groups; lack of prosecution and accountability in cases of violence against women and children, including sexual violence and rape; criminalization of same-sex sexual conduct; forced labor; and use of child soldiers.

The government did not take steps to investigate and prosecute officials who committed violations, whether in the security forces or elsewhere in the government, creating a climate of impunity reinforced by a general lack of citizen access to judicial services. There were allegations that peacekeepers in the UN mission sexually abused children and sexually exploited adults (see section 1.c.).

Armed groups perpetrated serious violations and abuses of human rights and international humanitarian law during the internal conflict. Both ex-Seleka and the anti-Balaka committed unlawful killings, torture and other mistreatment, abductions, sexual assaults, looting, and destruction of property.

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

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

There were several reports of some government elements or its agents committing arbitrary or unlawful killings while serving as clandestine partisans of the anti-Balaka.

In May the Office of the UN High Commissioner for Human Rights released a report documenting patterns of “serious human rights and international humanitarian law violations committed on the territory of the Central African Republic between January 1, 2003 and December 31, 2015.” The report documented 620 such incidents.

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

The Lord’s Resistance Army (LRA), a Ugandan rebel group that operated in eastern regions of the country, and other armed groups, including Reclamation, Return, and Rehabilitation (3R), Revolution and Justice, MPC, UPC, FPRC, and Democratic Front of the Central African People, were responsible for civilian killings (see section 1.g.).

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

b. Disappearance

There were reports that forces from the ex-Seleka, anti-Balaka, and other armed groups were responsible for politically motivated disappearances. Those abducted included police and civilians (see section 1.g.).

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

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

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

Inhuman treatment, akin to torture, by forces from the ex-Seleka, anti-Balaka, LRA, and other armed groups, including abuse and rape of civilians with impunity, resulted in deaths (see section 1.g.).

The United Nations reported it had received 12 allegations (as of August 31) of sexual exploitation and abuse by UN peacekeepers deployed to the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), with seven alleged incidents occurring during the year, four in 2016, and one in 2014-15. These allegations involved peacekeepers from Cameroon, the Democratic Republic of the Congo, Gabon, Mauritania, and the Republic of the Congo. Of the 12 allegations, three involved minors, 11 remained pending investigation by the United Nations or the troop- or police-contributing country, and one allegation was substantiated. Officials repatriated one Mauritanian peacekeeper for having a sexually exploitative relationship with an adult.

In June the United Nations announced the withdrawal of the remaining Republic of the Congo peacekeeping forces following a request by the MINUSCA force commander. Republic of the Congo troops had been accused of multiple cases of sexual exploitation and abuse.

There were credible allegations of human rights violations and abuses by members of the Uganda People's Defense Forces (UPDF) deployed to the country since

2009 as part of the African Union Regional Task Force to counter the LRA. Preliminary investigations found at least 18 women and girls were subjected to sexual violence and harassment by UPDF soldiers. There were an additional 14 reported cases of rape, including of victims who were minors. Several women and girls reported that UPDF members took them from their villages and forced them to become prostitutes or sex slaves or to marry Ugandan soldiers.

Prison and Detention Center Conditions

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

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

Physical Conditions: The government operated three prisons in or near Bangui: Ngaragba Central Prison, its high-security Camp de Roux annex for men, and the Bimbo Women's Prison. A combination of international peacekeepers, soldiers of the Central African Armed Forces, prison officers trained by MINUSCA and the Ministry of Justice, and judicial police guarded both men's and women's prisons. Three prisons were operational outside the Bangui area: Bouar, Berberati, and Mbaiki. In other locations, including Bambari, Bossembele, Bossangoa, and Boda, police or gendarmes kept prisoners in custody. Conditions in other prisons not emptied or destroyed by recent conflict were life threatening and substantially below international standards. Basic necessities, such as food, clothing, and medicine, were inadequate and often confiscated by prison officials. The national budget did not include adequate funds for food for prison inmates.

In 2016 MINUSCA and international donors worked with the National Penitentiary Administration to begin a gradual demilitarization of facilities and a reduction in escapes.

Ex-Seleka and anti-Balaka forces held an unknown number of persons in illegal prisons and detention centers, but neither the government nor humanitarian agencies visited these sites, and their conditions were unknown.

Authorities sometimes held pretrial detainees with convicted prisoners, juveniles with adults, and failed to separate prisoners by gender in government prisons. In Bangui men and women were held in separate prisons. In Bouar, Mbaiki,

Berberati, and other cities, the small prisons put men and women in separate cells; however, conditions were substantially below international standards. Officials segregated women into three large rooms with no ventilation or electric lighting. All detainees, including pregnant women, slept on thin straw mats on concrete floors.

No juvenile prison or separate cells in adult prisons for juveniles existed. The Ngaragba Prison housed 34 juveniles. Accusations ranged from murder to witchcraft and petty crimes.

Official prisons lacked basic sanitation and ventilation, electric lighting, basic and emergency medical care, and sufficient access to potable water. Prisoners seldom had access to health care, and disease was pervasive. Official statistics regarding the number of deaths in prisons were not readily available.

According to MINUSCA's Corrections Section, in the Bouar Prison, approximately 50 percent of inmates suffered from malnutrition, with 25 percent severely malnourished. There was no running water in the prison because authorities did not pay the water invoice, leading the water company to cut the water supply.

Administration: Prison detainees have the right to submit complaints of mistreatment, but victims rarely did so, due to lack of a functioning formal complaint mechanism and fear of retaliation by prison officials. Authorities seldom initiated investigations of abuse in the prisons.

Independent Monitoring: The government permitted monitoring by independent observers, including the UNHCR independent expert and international donors in January, February, and July.

Improvements: During the year MINUSCA and international donors began a three-year training program for new civilian prison guards with the objective of demilitarizing the prison guard corps.

d. Arbitrary Arrest or Detention

The law provides protection against arbitrary arrest and detention and accords detainees the right to a judicial determination of the legality of their detention, but the government did not always provide for exercise of these rights. Obtaining and affording a lawyer, and the ability to get courts to act, remained serious

impediments to such challenges. In the territories controlled by ex-Seleka and anti-Balaka, arbitrary arrest and detention remained serious problems.

Role of the Police and Security Apparatus

Police and gendarmerie have responsibility for enforcing law and maintaining order; however, both largely withdrew from the interior of the country during the violence in 2013 and maintained limited or no presence in many areas. Police and gendarmerie increased the number of towns in which they were present during the year, but deployed officers remained poorly trained, few had functioning arms, and there was little ammunition. Local commanding officers paid for basic necessities (office supplies) out of their own pockets.

Impunity persisted. Contributing factors included insufficient staffing, training, and resources; corruption; unpaid salaries for police, gendarmerie, and judiciary; and threats by local armed groups to any arrest or investigation of their cronies or members.

MINUSCA had a uniformed force, including military, civilian police, and military observers of 11,846, of whom 1,896 were police officers. The role of MINUSCA's uniformed force was to protect the civilian population from physical violence within its capabilities and areas of deployment. MINUSCA police had the authority to make arrests and transfer persons to national authorities.

Arrest Procedures and Treatment of Detainees

Judicial warrants are not required for arrest. The law stipulates that authorities must inform persons detained in all cases, other than those involving national security, of the charges and bring them before a magistrate within 72 hours. This period is renewable once, for a total of 144 hours. Authorities often did not respect these deadlines, in part due to a lack of recordkeeping, inefficient and slow judicial procedures, and a lack of judges.

A bail system exists but it did not function. Authorities sometimes followed legal procedures in cases managed by gendarmes or local police. Detainees had access to a lawyer, but the cost was often beyond the ability of a detainee to pay. The law provides a lawyer for those unable to pay in felony cases where a sentence of 10 years or more could be imposed. Lawyers were not provided for nonfelony cases. Remuneration for state-provided attorneys was 5,000 CFA francs (\$8.85) per case, which deterred many lawyers from taking such cases. For individuals detained by

ex-Seleka and anti-Balaka and placed in illegal detention centers, legal procedures were not followed and access to lawyers was not provided.

Prosecution of persons subject to sanctions by the UN Sanctions Committee was minimal.

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

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

Although recordkeeping of arrests and detentions was poor, the slow investigation and processing of a case was the primary cause of pretrial detention. The judicial police force charged with investigating cases was poorly trained, understaffed, and had few resources, resulting in poorly processed cases with little physical evidence. The court system did not hold the constitutionally mandated two criminal sessions per year. The judges resisted holding sessions out of security concerns and insisted on receiving stipends beyond their salaries.

e. Denial of Fair Public Trial

Although the constitution provides for an independent judiciary, there was a lack of independence between the judiciary and political actors. In March the president issued a decree appointing eight members of the Constitutional Court, four of whom, including the president of the court, were women. In 2013 the Seleka destroyed court buildings and records throughout the country, leaving the judicial system barely functional. Courts in Bangui and some prefectures resumed operations, but the deployment of magistrates and administrators outside Bangui was limited. Many judges were unwilling to leave Bangui citing security concerns, the inability to receive their salaries while in provincial cities, and the lack of office space and housing.

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

Trial Procedures

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

With assistance from MINUSCA and international donors, the government began the process of establishing the Special Criminal Court tasked to investigate and prosecute serious human rights violations, with a focus on conflict-related and gender-based crimes. The internationally nominated chief prosecutor for the court took office in May. More than a dozen international and national positions within the court, including judges, prosecutors, and clerks, had also been filled.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution provides for an independent judiciary in civil matters, but citizens had limited access to courts to bring lawsuits seeking damages for, or cessation of, a human rights violation. Civil courts operated since 2015 and held regular sessions. One international legal NGO was able to assist citizens in filing more than 1,680 civil and penal cases and obtain judgments in more than 175. There is no system for the protection of victims and witnesses, who faced intimidation and insecurity. Victims, who often lived side-by-side with perpetrators, were often unable to testify against perpetrators, especially since there was no guarantee of a credible judicial process.

Several civil courts were operational in Bangui and prefectures in western parts of the country.

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

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

g. Abuses in Internal Conflict

Serious violations and abuses of human rights and international humanitarian law, including unlawful killings, torture and other mistreatment, abductions, sexual assaults, looting, and destruction of property, were perpetrated by all armed groups in the conflict, including the ex-Seleka and the anti-Balaka, whose fighters operated freely across much of the country, facilitated by the widespread circulation of small arms.

MINUSCA documented 492 human rights violations or abuses, or violations of international humanitarian law, between February and June, including against 103 women and 172 children. These incidents included arbitrary killings, violations of physical integrity, conflict-related sexual violence, arbitrary arrests and detentions, and abductions.

Killings: In May self-defense groups reportedly associated with anti-Balaka forces killed 115 persons in the town of Bangassou, Mbomou Prefecture. The conflict displaced several thousand persons, with some fleeing to the nearby Democratic Republic of the Congo. Six UN peacekeepers were also killed. As of September 1, a total of 2,000 Muslim displaced persons were still sheltering at the Catholic seminary in the town.

On May 2, in the town of Niem between Bouar and the Cameroonian border, members of the 3R rebel group reportedly shot nine men in the head in a church, killing them.

Abductions: The LRA, ex-Seleka, anti-Balaka, and other armed groups abducted numerous persons. According to MINUSCA, abductions and hostage taking were used to extort money from relatives, press authorities into releasing incarcerated colleagues, and intimidate populations into allowing armed groups to impose authority.

Kidnappings by the LRA reportedly continued. For example, on February 11, in the village of Derbissaka in the eastern region, the LRA abducted two women, burned their homes, and burned and looted their businesses.

Physical Abuse, Punishment, and Torture: Members of armed groups reportedly continued to rape girls and women with impunity.

The ex-Seleka and forces associated with anti-Balaka groups reportedly mistreated, beat, and raped civilians in the course of the conflict. In an October 5 report, Human Rights Watch documented widespread use of sexual violence as a weapon of war. It reported 305 cases of sexual slavery and rape carried out against 296 women and girls by members of armed groups between early 2013 and mid-2017. Anti-Balaka and Seleka armed groups used sexual violence as revenge for perceived support of those on the other side of the sectarian divide.

There were reports peacekeeping forces, including MINUSCA and international contingents, exploited women and children (see section 1.c.).

Child Soldiers: Reports of unlawful use and recruitment of child soldiers continued during the year. According to estimates by UNICEF, armed groups recruited between 6,000 and 10,000 child soldiers during the latest conflict through 2015; some remained with armed groups. NGOs reported that armed groups sent recruited children to fight, used them for sexual purposes, and as cooks, porters, or messengers. According to the UN independent expert, the LRA forced children to commit atrocities such as killing village residents, abducting or killing other children, and looting and burning villages.

According to the 2016 *Report of the Secretary-General on Children and Armed Conflict*, the United Nations documented 40 cases of child recruitment and use in 2015; more than half the cases were perpetrated by the LRA and more than a quarter by ex-Seleka factions of the UPC. Armed groups forced children to be combatants, messengers, informants, and cooks, and they used girls as sex slaves. In addition the United Nations documented the presence of children manning checkpoints and barricades alongside armed individuals reportedly sympathetic to or affiliated with anti-Balaka and ex-Seleka elements.

During the first phase of the pilot national Disarmament, Demobilization, Reintegration, and Repatriation Consultative Committee plan in September in Bangui, two minors (both age 17) applied to participate. One presented a firearm. UNICEF took both minors into its care.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of speech, including for the press, and the government generally respected this right. In March President Touadera issued a decree appointing the members of the High Council for Communication, an independent body mandated by the constitution. It is tasked with assuring liberty of expression and equal access for the media; it also has regulatory powers.

Press and Media Freedom: All print media in the country were privately owned. Radio was the most important medium of mass communication. There were a number of alternatives to the state-owned radio station, Radio Centrafrique. Independent radio stations operated freely and broadcast organized debates and call-in talk shows critical of the government, the election process, ex-Seleka, and anti-Balaka militias. International media broadcast within the country.

Bangui's Maison de la Presse (Media Center), which provides working and meeting space for journalists, was ordered closed after a legal dispute with the family of a former president.

The government monopolized domestic television broadcasting (available only in the capital and for limited hours), and television news coverage generally supported government positions.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

According to the International Telecommunication Union, approximately 4 percent of the population used the internet in 2016.

Academic Freedom and Cultural Events

There were no reports the government restricted academic freedom or cultural events.

Many schools remained closed or without adequate resources. The country's sole university was open.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Association

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

c. Freedom of Religion

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

d. Freedom of Movement

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

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

In-country Movement: Armed groups and bandits made in-country movement extremely dangerous. Government forces, armed groups, and criminals alike frequently used illegal checkpoints to extort funds. Armed groups often targeted Muslims, including truck drivers, for attack.

Internally Displaced Persons (IDPs)

Ex-Seleka and anti-Balaka attacks on civilians and fighting between armed groups displaced at least 922,000 persons at the height of the conflict in January 2014. As the security situation improved during the last three years, hundreds of thousands of IDPs returned to their homes. During the year there was a significant deterioration of the security situation and a return to levels of violence similar to 2013 and 2014.

The number of citizens classified as IDPs and refugees exceeded 1.1 million, the highest level of displacement since 2013. Almost 600,000 persons were displaced inside the country, while 514,000 took refuge in Cameroon, Chad, and, within the last six months, the northern part of the Democratic Republic of the Congo, to where more than 67,000 fled.

Militia groups continued to target IDPs and threaten individuals and organizations attempting to shelter IDPs, including churches.

Since May new clashes between armed groups caused increased destruction of property and death. According to UNHCR, many newly displaced persons witnessed fatal attacks, robberies, lootings, and kidnappings. Even after reaching safe locations, they often risked assault by armed groups if they ventured outside of camps. Unable to approach aid workers, they barely had access to vital supplies. The worsening situation raised concerns over the delivery of humanitarian assistance to populations in need, in a context where 50 percent of the population depended on humanitarian aid to survive. In many affected areas, humanitarian assistance was limited to strictly life-saving interventions, due to limited access and insecurity. The presence of armed groups continued to delay or block planned humanitarian deliveries by air.

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

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

In January the government closed the IDP camp at the M'Poko International Airport. The government distributed cash payments to residents to return to their communities of origin or other resettlement sites.

According to the Association of Women Lawyers of Central Africa (AFJC), sexual and gender-based violence in IDP camps was widespread.

With an improving security situation in the capital, some Muslims returned to Bangui.

There were reports of sexual abuse of children by international and MINUSCA peacekeeping forces during the year (see section 1.c.).

Protection of Refugees

Access to Asylum: The laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The Subcommittee on Eligibility, however, had not held sessions since 2009, which contributed to a growing backlog of asylum applications.

The volatile security situation prevented humanitarian organizations from accessing locations that host refugee populations. As of July there were 9,100 refugees in the country. Many of the 2,000 Congolese refugees likely returned to the Democratic Republic of the Congo to flee the violence in the southeastern region. The 1,900 Sudanese in Bambari continued to receive assistance. There were unconfirmed reports of additional influxes of South Sudanese, perhaps increasing the number of displaced South Sudanese beyond the 4,000 reported in July. In many areas, refugees depended on protection from MINUSCA or the support of host communities.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: After several postponements, the country held a constitutional referendum in December 2015 followed by the first round of presidential and

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

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

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

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

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

limited the ability of women to participate in political life on the same basis as men.

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

There were seven Muslim members, including one Fulani member of the cabinet.

Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. In March President Touadera issued a decree appointing members of the High Authority for Good Governance, an independent body mandated by the constitution. It is charged with protecting the rights of minorities and the handicapped, and with ensuring the equitable distribution of natural resource revenues, among other roles.

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

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

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

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

In August the national Disarmament, Demobilization, Reintegration, and Repatriation Consultative Committee launched a pilot disarmament, demobilization, and reintegration project in Bangui. Thirteen of the 14 recognized armed groups represented on the committee participated in the pilot program with a goal of disarming up to 560 armed group members.

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

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

Women

Rape and Domestic Violence: The law prohibits rape, although it does not specifically prohibit spousal rape. Rape is punishable by imprisonment with hard labor, but the law does not specify a minimum sentence. The government did not enforce the law effectively.

In June the Rapid Reaction and Repression of Sexual Violence Mixed Unit received from the United Nations Development Program (UNDP) two cars and three motorcycles to carry out its work. The unit, officially established in 2015, consisted of gendarmes, police, and medical and social service personnel whose objective is to reduce the number of incidents of sexual violence against women and children. MINUSCA, UNDP, and the Panel of Experts on the Central African Republic also organized a workshop on cooperation between the unit and the Special Criminal Court.

Between January and October 2015, the UN Population Fund reported the gender-based violence Information Management System, established in 2014, recorded 60,208 victims who received medical or psychosocial care or both. Among those were 29,801 cases of sexual violence, including rape, gang rape, sexual slavery, sexual exploitation and abuse, and sexual aggression.

Although the law does not specifically mention spousal abuse, it prohibits violence against any person and provides for penalties of up to 10 years in prison. Domestic violence against women was common, although there are laws and instrument prohibiting violence against women. The government took no known action to punish perpetrators.

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

For more information, see data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/.

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

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The formal law does not discriminate against women in inheritance and property rights, but a number of discriminatory customary laws often prevailed. Women's statutory inheritance rights often were not respected, particularly in rural areas. Women experienced economic and social discrimination. Customary law does not consider single, divorced, or widowed women, including those with children, to be heads of households. By law men and women are entitled to family subsidies from the government, but several women's groups complained about lack of access to these payments for women.

Children

Birth Registration: Children derive citizenship by birth in the national territory or from one or both parents. Birth registration could be difficult and less likely to occur in regions with little government presence. Parents did not always register births immediately. Unregistered children faced restrictions on access to education

and other social services. The courts issued more than 7,000 birth certificates. They were not delivered, however, because court clerks demanded payment for printing the certificates. The lack of routine birth registration also posed long-term problems. (For more data, see *UNICEF Multiple Indicator Cluster Survey*.)

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

According to an NGO nationwide survey in 2015, between 78 and 88 percent of schools were open. According to the United Nations, an estimated 10,000 children were prevented from attending school during the year, mostly due to schools being occupied by armed groups.

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

Early and Forced Marriage: The law establishes 18 as the minimum age for civil marriage. The practice of early marriage was more common in the Muslim community. There were reports during the year of forced marriages of young girls to ex-Seleka and anti-Balaka members. The government did not take steps to address forced marriage. (For more data, see UNICEF website.)

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

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

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

There were reports of sexual abuse of children and the inappropriate use of force by international and MINUSCA peacekeeping forces during the year (see section 1.c.).

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

Displaced Children: Armed conflict resulted in forced displacement, with the number of persons fleeing in search of protection fluctuating based on local conditions. Observers believed that HIV/AIDS and societal belief in sorcery, particularly in rural areas, contributed to the large number of street children.

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

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

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

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

National/Racial/Ethnic Minorities

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

Indigenous People

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

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

Refugees International reported the Ba'aka were effectively “second-class citizens,” perceived as barbaric and subhuman and excluded from mainstream society.

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

The penal code criminalizes consensual same-sex sexual activity. The penalty for “public expression of love” between persons of the same sex is imprisonment for six months to two years or a fine of between 150,000 and 600,000 CFA francs (\$265 and \$1,060). When one of the participants is a child, the adult could be sentenced to two to five years’ imprisonment or a fine of 100,000 to 800,000 CFA francs (\$176 and \$1,413); however, there were no reports police arrested or detained persons under these provisions.

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

HIV and AIDS Social Stigma

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

Other Societal Violence or Discrimination

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

During the worst of the crisis, some Christian communities formed anti-Seleka militias that targeted Muslim communities, presumably for their association with the Seleka. The Catholic archbishop of Bangui, local priests, and an imam worked with communities to defuse tensions by making radio broadcasts urging members of their religious communities to call for tolerance and restraint. Local leaders,

including the bishop of Bossangoa, and internationally based academics warned against casting the conflict in religious terms and thus fueling its escalation along religious lines.

Ethnic killings often related to transhumance movements occurred. The major groups playing a role in the transhumance movements were social groups centering on ethnic identity. These included Muslim Fulani/Peuhl herders, Muslim farming communities, and Christian/animist farming communities. These ethnic groups committed preemptive and/or reactionary killings in protection of perceived or real threats to their property (cattle herds or farms). Initial killings generated reprisal killings and counter killings.

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers, except for senior-level state employees, all security force members, and foreign workers in residence for less than two years, to form or join independent unions without prior authorization. The labor code provides for the right of workers to organize and administer trade unions without employer interference and grants trade unions full legal status. The law requires union officials be full-time, wage-earning employees in their occupation and allows them to conduct union business during working hours if the employer is informed 48 hours in advance and provides authorization. Substantial restrictions, including reciprocity, hampered noncitizens from holding leadership positions in a union, despite amendments to the labor code.

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

Workers have the right to strike in both the public and private sectors, but the law prohibits security forces, including the armed forces and gendarmes, from striking. Requirements for conducting a legal strike are lengthy and cumbersome. For a strike to be legal, the union must first present its demands, the employer must respond to these demands, labor and management must attend a conciliation meeting, and an arbitration council must find that the union and the employer

failed to reach agreement on valid demands. The union must provide eight days' advance written notification of a planned strike. The law states that if employers initiate a lockout that is not in accordance with the code, the employer is required to pay workers for all days of the lockout. The Ministry of Labor, of Employment and Social Protection has the authority to establish a list of enterprises that are required by law to maintain a "compulsory minimum service" in the event of a strike. The government has the power of requisition or the authority to end strikes by invoking the public interest. The code makes no other provisions regarding sanctions on employers for acting against strikers.

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

The government generally enforced applicable laws and respected laws concerning labor actions. Workers exercised some of these rights, but only a relatively small part of the workforce, primarily civil servants, exercised the right to join a union. While worker organizations are officially outside government or political parties, the government exerted some influence over the leadership of some organizations.

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

Collective bargaining occurred in the private sector during the year, although the total number of collective agreements concluded was unknown. The government was not generally involved if the two parties were able to reach an agreement. Information was unavailable on the effectiveness of collective bargaining in the private sector.

b. Prohibition of Forced or Compulsory Labor

The labor code specifically prohibits and criminalizes all forms of forced or compulsory labor and prescribes a penalty of five to 10 years' imprisonment for violations. The labor code's prohibition of forced or compulsory labor also applies to children, although the code does not mention them specifically. The government did not enforce the prohibition effectively, however, and there were reports such practices occurred, especially in armed conflict zones. The failure of

government enforcement was due to a lack of resources, a dysfunctional judicial system, and an inadequate inspection cadre. Employers subjected men, women, and children to forced domestic, agricultural, mining, market or street vending, and restaurant labor, as well as sexual exploitation. Criminal courts sentenced convicted persons to imprisonment and forced labor, and prisoners often worked on public projects without compensation. In Bangui and other large urban areas, however, the practice was rare, partly because of the presence of human rights NGOs or lawyers and because day labor was inexpensive. Ba'aka, including children, often were coerced into labor as day laborers, farm hands, or other unskilled labor and often treated as slaves (see section 6). No known victims were removed from forced labor during the year.

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

c. Prohibition of Child Labor and Minimum Age for Employment

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

The government did not enforce child labor laws. The government trained police, military, and civilians on child rights and protection, but trainees lacked resources to conduct investigations. The government had numerous policies related to child labor, including those to end the sexual exploitation and abuse of children and the recruitment and use of children in armed conflict, but there was no evidence of programs to eliminate or prevent child labor, including its worst forms. Five labor inspectors were specifically trained to investigate child labor. Penalties were not sufficient to deter violations.

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

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

Although there were no reports ex-Seleka and anti-Balaka recruited child soldiers during the year, both groups continued using child soldiers (see section 1.g.).

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

d. Discrimination with Respect to Employment and Occupation

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

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

Migrant workers experienced discrimination in employment and pay.

e. Acceptable Conditions of Work

The labor code states the minister of labor, of employment and social protection must set minimum wages in the public sector by decree. The government, the country's largest employer, set wages after consultation, but not negotiation, with government employee trade unions. The minimum wages in the private sector are established based on sector-specific collective conventions resulting from negotiations between employers and workers' representatives in each sector.

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

The minimum wage applies only to the formal sector, leaving most of the economy unregulated in terms of wages. The law applies to foreign and migrant workers as well. Most labor was performed outside the wage and social security system in the extensive informal sector, especially by farmers in the large subsistence agricultural sector.

The law sets a standard workweek of 40 hours for government employees and most private-sector employees. Household employees may work up to 52 hours per week. The law also requires a minimum rest period of 48 hours per week for citizen, foreign, and migrant workers. Overtime policy varied according to the workplace. Violations of overtime policy may be referred to the Ministry of Labor, of Employment and Social Protection, although it was unknown whether this occurred during the year. There is no legal prohibition on excessive or compulsory overtime. The labor code, however, states employers must provide for the health and security of employees who are engaged in overtime work.

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

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

The government did not enforce labor standards, and violations were common in all sectors of the economy. The Ministry of Labor, of Employment and Social Protection has primary responsibility for managing labor standards, while enforcement falls under the Ministry of Interior and Public Safety and the Ministry of Justice and Human Rights. The government did not have an adequate number of labor inspectors to enforce compliance with all labor laws. Penalties were seldom enforced and were insufficient to deter violations. Employers commonly violated labor standards in agriculture and mining. Salary and pension arrears

were problems for armed forces personnel and the country's approximately 24,000 civil servants.

Diamond mines, which employed an estimated 400,000 persons, are subject to standards imposed by the mining code and inspection by the Miners' Brigade. Nevertheless, monitoring efforts were underfunded and insufficient. Despite the law requiring those working in mines to be at least 18, observers frequently saw underage diggers. Diggers often worked in open pits susceptible to collapse and generally earned a daily wage of 2,000 CFA francs (\$3.50), often working seven days a week during the peak season. Diggers were employed by larger mine operators, worked in dangerous conditions at the bottom of open pits, and lacked safety equipment.

Miners, by contrast, had a share in ownership and participated in the proceeds of diamond sales. On average, they earned 186,000 CFA francs (\$328) per year via legal sales, but this figure varied considerably based on the scale of the mine. Often miners supplemented these earnings by either illegal diamond sales or wages from other sectors of the economy.

No credible information was available regarding workplace injuries and deaths.