

# CENTRAL AFRICAN REPUBLIC 2021 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Central African Republic is a presidential republic. Faustin-Archange Touadera was elected president for a second five-year term in the first round during December 2020 presidential and legislative elections marred by widespread violence. In December 2020 six armed groups formerly in the peace process combined to form a new alliance, the Coalition of Patriots for Change, led by former president Francois Bozize, and called for a suspension of the electoral process and the establishment of national consultations. These groups significantly disrupted the presidential and legislative elections. More than half of the country's polling stations were unable to return results primarily due to insecurity, and only an estimated 37 percent of all registered voters were able to cast votes for the presidential elections. As a result of election-related insecurity, President Touadera requested support from the Russian Federation government, which facilitated the deployment of a Russian private military company, Wagner Group, and Rwandan forces. Several opposition leaders denounced irregularities in the elections. International observers found the elections not to be free and fair due to an increased level of violence and intimidation by armed groups. On June 11, President Touadera appointed Henri Marie Dondra as prime minister

Police and gendarmes are responsible for enforcing law and maintaining order. The Central African Armed Forces report to the Ministry of Defense and have the primary role of maintaining internal security. The president is commander in chief of the armed forces. Police and the gendarmerie report to the Ministry of Interior and Public Security. Civilian authorities' control over security forces continued to improve but remained weak. There were credible reports that members of the security forces, along with Russian private military company elements from the Wagner Group, engaged in active combat and committed human rights abuses at a rate comparable to armed groups.

State authority beyond the capital improved with the increased deployment of

prefects and troops in provincial capitals. Armed groups, however, still controlled some portions of territory throughout the country and acted as de facto governing bodies in those areas, taxing local populations and appointing armed group members to leadership roles.

Significant human rights issues included credible reports of: unlawful or arbitrary killings by the government; forced disappearances by the government; torture by the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious abuses in the context of an internal conflict, including killing of civilians, enforced disappearances, torture and physical abuse or punishment, unlawful recruitment or use of child soldiers, and other conflict-related abuses by armed groups; restrictions on free expression and media, including the existence of criminal libel laws; serious government corruption; lack of investigation of and accountability for gender-based violence; and laws criminalizing consensual same-sex conduct between adults.

The government took steps to investigate and prosecute government officials for alleged human rights abuses and corruption, including in the security forces. Nevertheless, a climate of impunity and a lack of access to legal services remained obstacles to citizens' ability to obtain formal justice.

Intercommunal violence and targeted attacks on civilians by armed groups continued. Armed groups perpetrated serious abuses of human rights and international humanitarian law during these internal conflicts. Ex-Seleka, Anti-balaka, and other armed groups committed unlawful killings, torture and other mistreatment, abductions, sexual assaults, looting, and destruction of property. The government stated it was investigating several high-profile cases of intercommunal violence during the year and considering charges of crimes against humanity and war crimes against perpetrators. (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 and the Union for Peace, which were formed after Seleka was dissolved in 2013. The armed group known as "Return, Reclamation, Rehabilitation" also committed serious human rights abuses during the year.)

## **Section 1. Respect for the Integrity of the Person**

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

There were several reports that the government or its agents committed arbitrary or unlawful killings during the year. The Ministry of Justice investigates whether security force killings were justifiable and pursues prosecutions. In an August joint report by the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and the Office of the High Commissioner for Human Rights (OHCHR), covering the electoral period of July 2020 through June, the UN agencies cited 59 instances of extrajudicial killings committed by state security forces, along with “other security forces,” including Russian private military company (PMC) elements from the Wagner Group who have been engaged in active combat. Many of these killings occurred when security forces and Russian elements suspected civilians of being affiliated with armed groups. On April 30, MINUSCA shared with authorities a list of human rights abuses allegedly committed by the national defense forces and “bilaterally deployed and other” security personnel. Subsequently, in May the government announced the creation of a special commission of inquiry to shed light on alleged abuses of human rights and international humanitarian law from December 2020 to April. Government authorities investigated these incidents and released preliminary findings in an October 2 report synopsis, although as of year’s end, the official report had not been released to the public. The government report synopsis accused armed rebel groups of war crimes and crimes against humanity; additionally, it acknowledged that extrajudicial executions, arbitrary arrests and disappearances, torture, inhuman and degrading treatment, occupation of public buildings, and hindrances to humanitarian access were also committed by the Central African Army (FACA), internal security forces, and Russian “instructors.” As of year’s end there was no indication authorities had taken action to hold responsible officials accountable.

The United Nations reported that in the Ombella M’Poko Prefecture, from December 30, 2020, to January 20, 10 civilians were victims of summary and extrajudicial killings by the country’s armed forces and “other security forces,” a

term that includes Russian PMC elements affiliated with the sanctioned Wagner Group. Killings by PMC elements of the Wagner Group were reported in local and international press by nongovernmental organizations (NGOs) and UN agencies. According to local official sources, on June 12, Wagner Group elements summoned the sultan mayor of the town of Kouï, Lamido Souleymane Daouda, his deputy, and his bodyguard to accompany them to seize weapons from a rebel group. Hours later the Wagner elements returned to Kouï to inform Daouda's family that he, his deputy, and his bodyguard were killed in a landmine explosion. After discussions with his family, the Wagner elements handed over the remains of all three deceased, which observers noted showed bullet wounds and no trace of explosives. The UN's report corroborated allegations that Daouda and his entourage were killed by Wagner Group elements.

The report also stated that Coalition of Patriots for Change (CPC) rebels were responsible for approximately 61 killings targeting civilians for party affiliation or participation in the elections. On July 31, Return, Reclamation, Rehabilitation (3R) rebels attacked the northwestern village of Mann near the borders of Chad and Cameroon, killing at least six civilians, according to MINUSCA sources.

## **b. Disappearance**

There were some reports of disappearances committed by or on behalf of government authorities. According to a local news report, in December 2020 members of a government-sponsored militia commonly known as the Sharks, while disguised as presidential guards, broke into Ngaragba Prison in Bangui and abducted three individuals: army officer Bombole; Staff Sergeant Amazoude; and Corporal Ringui, alias Badboy. There has been no sign of the three since that time. On February 1, Saint Claire Danmboï Balekouzou, a FACA soldier known as "Sadam," was also allegedly kidnapped by the Sharks. His body was later found in the bordering Bimbo district of Bangui.

In a July 7 letter to President Touadera, members of the Goula ethnic community in the central town of Bria alleged 12 Goula community members were detained by government forces during the unrest that followed December 2020 polling. The letter states there had been no further contact with the individuals after their arrest. Although a government investigation acknowledged UN reports that other

disappearances were committed by government or Wagner Group elements, as of year's end there was no indication that authorities had taken action regarding those disappearances, or those abuses cited earlier (see section 1.a.).

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

Although the law defines and specifies punishment for torture and other cruel and inhuman treatments, authorities and armed groups continued to commit abuses against the civilian population. Although sentences for such crimes range from 20 years to life in prison and forced labor, impunity persisted. In August FACA soldiers stationed at the Boing neighborhood police station reportedly extorted 146,000 Central African Francs (CFA) (\$254) from timber seller Alfred Doualengue and severely beat him. The online newspaper *Le Tsunami* published Doualengue's photograph, which showed scars across his buttocks. Although a government investigation acknowledged UN reports that other instances of torture were committed by government or Wagner Group elements, as of year's end there was no indication that authorities had acted regarding those abuses (see section 1.a). Impunity for human rights abuses continued to be a significant problem throughout the country's security forces, including the army, gendarmerie, and police. According to human rights advocates, factors that contributed to impunity included judicial backlogs and fear of retaliation. The government worked with the EU and MINUSCA to provide training on human rights for FACA and gendarme units.

### **Prison and Detention Center Conditions**

According to the National Commission for Human Rights and local NGOs, prison conditions did not generally meet international norms and were often harsh, life-threatening, and inhuman due to gross overcrowding, food shortages, and inadequate sanitation.

**Physical Conditions:** According to MINUSCA, at the start of the year, the imprisoned population included 1,226 men and 65 women, three of whom were caring for infants.

The government operated three prisons in or near Bangui: Ngaragba Central Prison, its high-security Camp de Roux annex for men, and a women's prison at Bimbo. In other locations, including Bossembele, Sibut, and Boda, police or gendarmes kept prisoners in custody at police stations and gendarmerie brigades. A combination of international peacekeepers, FACA, prison officers trained by MINUSCA and the Ministry of Justice, and judicial police guarded the facilities.

Most prisons were extremely overcrowded. Necessities such as food, clothing, and medicine were inadequate and were often confiscated by prison officials. Prisons lacked basic sanitation and ventilation, electricity, basic and emergency medical care, and sufficient access to potable water. Diseases were pervasive in all prisons. Official statistics regarding the number of deaths in prison were not available. Prison guards and administrators were accused of charging prisoners, prisoners' family members, and other visitors' unofficial fees.

COVID-19 highlighted shortcomings that endangered the health and lives of detainees and prison staff. Poor hygienic detention conditions linked to overcrowding and inadequate health care increased the likelihood of infection. Authorities sometimes held pretrial detainees with convicted prisoners, mixed juveniles with adults, and failed to separate prisoners by gender. In Bangui, however, prisoners were separated by gender, as well as in smaller prisons in cities such as Bouar, M'Baiki, Berberati, and Bossangoa. Detainees, including pregnant women, slept on thin straw mats on concrete floors. There were no detention centers or separate cells in adult prisons for juvenile offenders.

**Administration:** Prison detainees have the right to submit complaints of mistreatment, but victims rarely exercised this option due to the lack of a functioning formal complaint mechanism and fear of retaliation from prison officials. There were reports that complainants paid police or gendarmes fees for their complaints to be heard. Authorities seldom initiated investigations of abuse in prisons.

**Independent Monitoring:** The government permitted monitoring by international donors, the Office of the UN High Commissioner for Human Rights, and the UN Human Rights Council's Independent experts on human rights in the country. In addition, state organs like the National Commission for Human Rights and the

General Inspectorate of Justice were also authorized independently to visit detention centers.

In July and August the National Commission for Human Rights visited Ngaragba Prison in Bangui and M’Baiki Prison in Lobaye Prefecture and found that both had substandard roofing and lacked sufficient food for inmates. Inmates in both lived in overcrowded cells, lacked access to health care, and experienced recurrent health problems. During remarks at the opening of the judicial year in July, President Touadera noted the state only allocated 3,330,000 CFA francs (\$6,060) weekly for inmates’ food at all facilities, an average of 299 CFA francs (\$0.54) per inmate per day. Touadera admitted during the speech that the amount was unacceptably low.

**Improvements:** Forty-seven detainees, including seven women from Ngaragba and the Bimbo-based women’s detention center received training certificates in carpentry, plumbing and manufacturing solar cookers on July 21, after three months of training sponsored by MINUSCA.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government sometimes observed these requirements. There were, however, reports of arbitrary detentions and lengthy pretrial detentions.

#### **Arrest Procedures and Treatment of Detainees**

The law provides that persons under arrest be informed immediately of the allegations against them. Detainees must be presented before a judge within 72 hours and cannot be held longer than 144 hours without appearing before a judge. There are exceptions for those detained under national security laws and those in remote areas where there are no courts. In both cases detentions can be extended up to eight days, renewable once. Poor recordkeeping, inefficient and slow judicial procedures, and an insufficient number of judges meant these requirements were not always observed. Provisional release was available for those awaiting trial, but not consistently enforced. There was a functioning bail system. Suspects were often detained incommunicado.

The law requires that defendants in felony cases involving sentences of 10 years or more be provided a lawyer. The law does not require defendants in nonfelony cases be provided a lawyer. Many felony and nonfelony defendants could not afford counsel. Remuneration for state-provided attorneys was 50,000 CFA francs (\$91) per case, a sum low enough that it deterred many lawyers from accepting indigent defendants.

**Arbitrary Arrest:** Both security forces and armed groups arbitrarily targeted and detained individuals. Many arbitrary arrests occurred during the January counteroffensive by security forces and Wagner Group elements, according to reports in the local press and by NGOs. Security forces arbitrarily arrested at least 35 citizens during the counteroffensive, according to the August joint report by MINUSCA and the OHCHR. Thierry Savonarole Maleyombo was arrested in January in Bangui, accused of complicity in former president Francois Bozize's attempted takeover by force. He was first detained in Ngaragba Prison, then transferred to the annex prison of Camp de Roux. At year's end he remained in preventive detention, and no date had been given for his trial. In August the prosecutor of the Bambari Appeal Court (Ouaka Prefecture) reportedly fled the town to escape retribution by the Wagner Group, which he claimed accused him of collaborating with rebels, because he spoke out in favor of due process. According to the prosecutor, Russians in Ouaka often made arbitrary arrests to question detainees. Reports by Amnesty International, UN experts, and MINUSCA documented arbitrary arrests, looting of properties, and other abuses committed by FACA, Wagner Group elements, and rebels from the CPC.

**Pretrial Detention:** Pretrial detention was a serious problem, as was associated overcrowding in prisons and prolongation of trial dates. During a July speech, President Touadera estimated that as many as 75 percent of prisoners in the country were in pretrial detention. Touadera added that this rate placed the country at odds with domestic requirements and international commitments. Lengthy pretrial detentions occurred in part because of a lack of affordable legal representation and low capacity of judiciary bodies.

The law provides that preventive detention is possible if the penalty incurred exceeds one year's imprisonment and if, for the needs of the investigation, it is essential to preserve evidence and separate parties involved. In August the



National Human Rights Commission visited M’Baiki Prison in Lobaye Prefecture and noted only eight of 40 detainees had been convicted and that the remaining inmates were in preventive detention.

Although record keeping of arrests and detentions was poor, slow investigation and processing of cases was the primary cause of lengthy pretrial detention. The judicial police force charged with investigating cases was poorly trained and understaffed, resulting in very slow case-processing times. The court system did not hold the constitutionally mandated two criminal sessions per year. Judges resisted holding sessions due to security concerns and insisted on receiving stipends beyond their salaries.

**Detainee’s Ability to Challenge Lawfulness of Detention before a Court:**

Although the law provides detainees the right to challenge the lawfulness of their detention in court, many detainees were not able to exercise this right due to a lack of quality, affordable legal services, and a poorly functioning justice system. According to UN legal experts, detainees met difficulty finding adequate legal representation, since court-appointed lawyers were often less than enthusiastic about defending detainees due to being perceived as “difficult” by magistrates. Court-appointed attorneys also believed they were not paid sufficiently for defending detainees.

**e. Denial of Fair Public Trial**

Although the constitution provides for an independent judiciary, political actors exerted undue influence on it. The country’s judicial system had not recovered from 2013 attacks by Seleka rebels who destroyed court buildings and records throughout the country. Despite slight improvements in the number of judges deployed outside Bangui, the overall inadequate number of justices still hindered court operations nationwide. Many judges were unwilling to conduct proceedings outside Bangui, citing security concerns, the inability to receive their salaries while in provincial cities, and the lack of office space and housing. UN legal experts explained that while some “security concerns” were legitimate, others were used to avoid deployment to underdeveloped areas outside Bangui that lacked social services, housing, and other infrastructure. For judges based in Bangui, legal advocacy organizations noted performance problems and impunity for

underperformance, particularly for judges in “investigative chambers.” At the end of January, 55.2 percent of judicial staff were present at their posts across the country, according to records from MINUSCA’s Justice and Corrections Division. By the end of September, this figure increased to 70.6 percent. National criminal courts of appeal operated in two (Bouar and Bangui) of the country’s three appellate districts (Bouar, Bambari, and Bangui). The Bangui military tribunal held its second hearing in July, hearing 14 cases. In late September the Court Martial held its first criminal session in Bangui. The Military Tribunal hears cases punishable by less than 10 years, whilst the Court Martial hears cases punishable by 10 years or more.

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

The Special Criminal Court (SCC) established in 2015 operates with both domestic and international participation and support. The SCC has jurisdiction over serious violations of human rights and international humanitarian law, including genocide, crimes against humanity, and war crimes. With the arrival of four international judges and one prosecutor between January and June, and two appellate judges from France and Germany set to arrive by the end of November, the court had its full complement of national and international judges.

In May the SCC accepted nine cases involving members of the armed group Union for Peace in the Central African Republic (UPC) who were arrested for crimes committed in the towns of Obo, Zemio, and Bambouti in the southeastern portion of the country. As of September the SCC received 122 complaints; 24 of those were in various stages of investigation. Pursuant to an SCC warrant, 15 persons were also detained and were awaiting trial at Ngaragba Prison and its annex at Camp de Roux. In September the SCC announced war crimes charges against Anti-balaka leader Eugene Barret Ngaikosset.

The country’s Truth, Justice, Reparation, and Reconciliation Commission (TJRRC), is a transitional justice body charged with establishing truth, determining nonjudicial responsibility for violations, creating a reparations fund, and promoting reconciliation. In April 2020 the National Assembly passed legislation creating the

TJRRC, giving it a mandate of four years (with possible extension to five). The law charged the commission with “investigating, determining the truth, and assigning responsibility for the grave events that have marked the nation starting with the March 29, 1959, disappearance of President Barthelemy Boganda until December 31, 2019.” In July the TJRRC’s 11 commissioners, including five women, were sworn in by national authorities. Edith Douzima presided over the TJRRC. The UN Development Program and MINUSCA provided support to the TJRRC through strategic planning and training retreats in August and September.

On February 16, the International Criminal Court (ICC) opened the trial of Alfred Yekatom and Patrice-Edouard Ngaissona for war crimes and crimes against humanity. The prosecution began the presentation of evidence against Yekatom and Ngaissona, both former Anti-balaka leaders. Government authorities surrendered Mahamat Said Abdelkani, a former Seleka commander, to the ICC on January 24, and his initial appearance before the court to face charges of war crimes and crimes against humanity took place on January 28 and 29. From October 12-14, the ICC held a hearing to confirm the charges against Abdelkani. The government referred the situation in the country to the ICC in 2014, and investigations continued during the year.

### **Trial Procedures**

The constitution and law provide for the right to a fair and public trial, but this right was not always enforced. The law presumes defendants innocent until proven guilty, requires trials to be public, and states that indigent felony defendants facing sentences of 10 years or more have the right to consult a court-appointed attorney. Criminal trials use professional judges and juries selected from lists generated by magistrates in courts of appeal. Defendants have the right to present witnesses and evidence on their own behalf, question witnesses, and file appeals. They also have the right to be informed promptly and in detail of the charges against them (with free interpretation as needed) throughout all stages of the legal process, receive adequate time and facilities to prepare a defense, and not to be compelled to testify or confess guilt. All defendants who do not speak the country’s main languages, French and Sango, are entitled to an interpreter. If this right is not respected, defendants have the right to appeal the decision of the court. Authorities did not always respect these rights.

There is no system for protecting victims and witnesses from intimidation and insecurity in the criminal and civil court systems, except for a new victims' protection program in the SCC. Witness protection was a major issue in the criminal setting. Consequently, victims, who often lived side-by-side with perpetrators, were reluctant to testify against perpetrators because there was no assurance of their safety and a credible judicial process.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

The constitution provides for an independent judiciary in civil matters, but citizens had limited access to courts in which to file lawsuits seeking damages for, or cessation of, human rights abuses. Civil courts, which are collocated with correctional courts, held regular sessions.

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

The law prohibits home searches without a warrant during preliminary investigations, except for provisions in the law that permit searches with the defendant's consent. Once the case is under investigation by an investigating magistrate, the presence of the defendant or witnesses is sufficient. The government did not always follow this requirement. For instance, in early January former minister Thierry Savonarole Maleyombo, also a senior executive of former president Francois Bozize's Kwa na Kwa Party, was arrested in Bangui following a search of his home. According to his lawyer, Me Crepin Mboli Goumba, Maleyombo was arrested on suspicion of sheltering pro-Bozize armed individuals in his hotel, which was being used as a rear base. According to Mboli Goumba, authorities did not present Maleyombo a warrant.

### **g. Conflict-related Abuses**

There were numerous reports of serious human rights and international humanitarian law abuses countrywide by FACA, Wagner Group elements, and

armed groups. Reports of abuses included unlawful killings, torture, disappearances, rape, forced marriage, looting, destruction of property, recruitment and use of child soldiers by armed groups, and disruption of humanitarian access.

Between July 2020 and June, a joint report by the UN Human Rights Office and MINUSCA recorded 526 cases of violations and abuses of human rights and of international humanitarian law across the country, impacting 1,221 victims, including 144 civilians. Armed groups affiliated with the CPC were responsible for 286 (54 percent) of the incidents, and the FACA, internal security forces, and other security personnel, including Russian elements from the Wagner Group, were responsible for 240 incidents (46 percent). Violations included summary and extrajudicial executions, acts of torture and ill treatment, arbitrary arrests and detentions, conflict-related sexual violence, and serious violations of children's rights. The report attributed kidnappings, attacks on peacekeepers, and looting of humanitarian organizations' premises to CPC rebels.

**Killings:** In June, 14 persons were killed and two badly wounded during intercommunal clashes between Peuhl herders and local farmers in the Bamingui-Bangoran Prefecture. The 3R rebels, Central African Patriotic Movement (MPC), UPC, Popular Front for the Rebirth of Central African Republic (FPRC), and Anti-balaka armed groups participated in killings of civilians related to armed conflict. Additionally, reports indicated that after forming the CPC in late 2020, these armed groups committed a series of attacks that resulted in civilian deaths and the looting of homes and private properties.

On September 4, the SCC confirmed the arrest of Eugene Ngaikosset, a former captain in the presidential guard accused of multiple killings of civilians from 2005 to 2007. According to Human Rights Watch, his unit was accused of burning thousands of homes in the northeast and northwest of the country in the same period, as well as other crimes as a leader of the Anti-balaka in 2015. The SCC charged him with crimes against humanity.

**Abductions:** On August 24, three teenagers, ages 12 to 14, were kidnapped, allegedly by 3R rebels and CPC members, in the outskirts of Bozoum, capital of the Ouham-Pende Prefecture in the northwestern part of the country. Local authorities stated the three hostages were safely released by their captors early the

next morning after carrying the rebels' luggage into the bush. They were referred to the local gendarmerie commander for investigation.

**Physical Abuse, Punishment, and Torture:** There were numerous reports throughout the year that all parties to the conflict, including FACA, Wagner Group elements, and rebel armed groups mistreated, assaulted, and raped civilians with impunity.

The United Nations reported a significant increase in conflict-related sexual violence linked with the deterioration of the security situation following the elections. Between June and October, MINUSCA received allegations concerning 118 incidents of conflict-related sexual violence, most of which involved rape. Eighty percent of incidents were attributed to armed groups, while 5 percent were attributed to national defense forces, and 7 percent to “bilaterally deployed and other security personnel.” In Bangui, MINUSCA supported a safe house operated by a local NGO to provide temporary protection to survivors of sexual violence and worked with the UN Country Team to establish a working group to assist survivors in the areas of health, justice, and psychosocial and socioeconomic support. In October President Touadera named Minister Counselor of Child Protection Josiane Bemaka Soui as the country's new focal point for sexual violence in conflict.

Military tribunals, courts martial, appeals courts, and the Court of Cassation have jurisdiction to try any violation by the military. After a decade of inactivity, military courts resumed work in July. Several officers, noncommissioned officers, and soldiers were sentenced to prison terms ranging from two to seven years in prison. Most were found guilty of abandoning their posts during the CPC offensive from December 2020 to January. Additionally, Arsene Laki, a divisional police commissioner, was sentenced to two years' imprisonment and a substantial fine by the Permanent Military Tribunal for beating a woman while on duty.

MINUSCA announced in September that it would withdraw Gabon's 450-strong peacekeeping contingent in the wake of sexual exploitation and abuse allegations against some members. The Gabonese government stated it would open its own investigation into the charges and dispatched an investigation team to the country.

**Child Soldiers:** Armed militias associated with Anti-balaka, ex-Seleka, the CPC, the Lord's Resistance Army, and other armed groups forcibly recruited and used child soldiers; however, there were no verified cases of the government supporting units recruiting or using child soldiers during the year. Armed groups recruited children and used them as combatants, messengers, informants, and cooks. Girls were often forced to marry combatants or were used as sex slaves. The United Nations also documented the presence of children operating checkpoints and barricades.

Despite signing the United Nation's Standard Operation Procedures proscribing the use of child soldiers, the MPC, FPRC, and UPC continued to use child soldiers. The FPRC and UPC issued orders barring the recruitment of children; however, NGOs reported the continued presence of children within these groups.

The country is party to the African Charter on the Rights and Welfare of the Child and the Optional Protocol to the Convention on the Rights of the Child, which prohibit the involvement of children in armed conflicts. In addition, on June 15, President Touadera signed the decree enacting the Child Protection Law. The law prohibits and criminalizes the recruitment and the use of children into armed groups and their exploitation for sexual purposes; perpetrators may be sentenced up to 10 years of imprisonment to hard labor. In addition, the law establishes that a child who has served in an armed force or group is a victim and should not be subject to criminal prosecution or that service, and mandates social reintegration mechanisms for victims.

During the year the government, UNICEF, and various NGOs worked with armed groups to combat the exploitation of child soldiers. The focal point for children's affairs in the unit in charge of the national Demobilization, Reintegration, and Repatriation program, confirmed in August that there were still former child soldiers detained in Ngaragba Prison, because the government was unable to find alternative centers to hold and rehabilitate them.

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

**Other Conflict-related Abuse:** The UN Office for the Coordination of

Humanitarian Affairs (OCHA) noted that humanitarian organizations' ability to access remote areas worsened because of insecurity. Beginning in December 2020, insecurity forced the closure of the country's main road, leading to severe shortages of relief commodities. The government continued to impose restrictions on humanitarian travel due to insecurity, and operations by FACA and affiliated forces led to temporary suspensions of assistance in affected areas. Humanitarian organizations suspended activities in areas with high levels of armed group activity as a preventive measure. Additionally, the increase in the use of explosive devices along roads during the year, as well as attacks on key infrastructure such as bridges, limited relief actors' ability to travel by road. The United Nations recorded 314 security incidents affecting humanitarian staff between January and September, leading to three deaths and 23 injuries. The International Committee of the Red Cross (ICRC) also reported "a rise in the number of reports of attacks on humanitarian workers and medical services" during the year, and in its most recent appeal, the ICRC noted that health facilities were closed, operating at limited capacity, or were damaged or looted during fighting.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

Although the constitution and law provide for freedom of expression and the press, the government did not always respect these rights. The law allows criminal prosecutions for defamation of public officials (see Libel/Slander Laws below).

**Freedom of Expression:** Public discussion and political debates were generally free from state authorities' influence. Public political debates known as *patara* were broadcast on private radio stations in Bangui and in most provincial capitals. In areas controlled by armed groups, freedom of expression, however, was inhibited due to the risk of retaliation.

**Freedom of Expression for Members of the Press and Other Media, Including Online Media:** Independent media were active and expressed a wide variety of views, with some restrictions. All print media in the country were privately owned. Radio was the most widespread medium of mass communication. There



were alternatives to state-owned radio stations. Independent radio stations operated freely and broadcast organized debates and call-in talk shows that were critical of the government, the election process, ex-Seleka and Anti-balaka militias, the CPC, and Wagner Group elements. International media broadcast within the country. The High Commission for Communication is the regulatory body in charge of controlling the content of information broadcast or published in media. Opposition political candidates alleged that state-owned media favored the administration during the presidential election campaign. The government monopolized domestic television and national radio station broadcasting, with coverage typically favorable to government opinion.

**Censorship or Content Restrictions:** After the January 21 decree establishing the state of emergency, on February 16, the Ministry of Post and Telecommunications blocked access to two online newspapers, *corbeaunews-centrafrique.com* and *letsunami.net*. Both were accused of disseminating hate speech, disinformation, and fake news on social media. According to Reporters Without Borders, although the ministry did not cite specific reporting in its ban, both *Corbeau News* publisher Alain Nzilo and *Le Tsunami* publisher Edouard Yamalet claimed that their online publications were banned because of their coverage of abuses by Russian Wagner Group elements.

**Libel/Slander Laws:** On May 25, the Court of Justice of Bangui sentenced Jean Serge Wafio in absentia to four years' imprisonment on allegations of defamation, outrage, and public insults against then prime minister Firmin Ngrebada. In addition, the Court ordered Wafio to pay five million CFA francs (\$9,090) in damages to Ngrebada and 300,000 CFA francs (\$545) in court costs. Wafio is president of the Central African Democratic Party and resided in France. In an April 9 statement on social media, Wafio accused then prime minister Ngrebada of attempting to kill political opponents, including Simplicie Mathieu Sarandji of the United Hearts Movement (MCU), by poisoning. Sarandji was former prime minister Ngrebada's predecessor. According to Maitre Zoumalde, Ngrebada's lawyer, the court also issued an arrest warrant against Wafio, prohibiting him from exercising his civil and political rights, including eligibility to serve in public office for the next 10 years. Wafio is subject to enforcement of this warrant at any point he reenters the country. Many observers considered the ruling politically

motivated. In another case journalist Landry Ulrich Nguema Ngokpele was arrested in June, pursuant to a complaint filed by local NGO president Harouna Douamba. The complaint cites a 2018 article by Ngokpele's publication, *Le Quotidien de Bangui*, alleging that Douamba had swindled government authorities. Ngokpele was released in June after an outcry from civil society but later arrested again on national security charges for alleged connections to the CPC armed group.

**Nongovernmental Impact:** In areas controlled by armed groups, freedom of expression was inhibited due to the risk of retaliation.

### **Internet Freedom**

In one case the government restricted online content (see above Censorship and Content Restrictions). There were no credible reports that the government otherwise monitored or restricted private online communications.

### **Academic Freedom and Cultural Events**

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

## **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provide for the freedoms of peaceful assembly and association, but the government did not always respect these rights.

### **Freedom of Peaceful Assembly**

During the year the government denied several requests to protest from civil society groups, including E Zingo Biani, citing insecurity in Bangui, and subsequently dispersed demonstrators. The government tolerated demonstrations by groups closer to the regime. For instance, in May several thousand persons, mostly from groups associated with President Touadera's MCU party, marched across Bangui to denounce Special Representative of the Secretary General Mankeur Ndiaye's statements regarding the solution to the country's crisis being primarily diplomatic, and not military, during an interview with Radio France International. Security forces did not stop them.

## **Freedom of Association**

A law prohibiting unregistered organizations from organizing for purposes of political advocacy remained in place. All political organizations in the country must register with the Ministry of Administration.

The constitution grants the rights to freedom of association to nationals and foreigners, including the rights to establish NGOs, political parties, or religious groups. The law defines NGOs as associations having nondiscriminatory, apolitical, and nonprofit purposes, which aim to carry out activities of public interest that contribute to the achievement of development objectives. Political parties are organizations that prepare candidates to compete in elections.

### **c. Freedom of Religion**

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

### **d. Freedom of Movement and the Right to Leave the Country**

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

**In-country Movement:** Armed groups, criminals, and Russian elements from the Wagner Group made in-country movement extremely dangerous. Government forces, Wagner Group elements, armed groups, and criminals frequently used illegal checkpoints to extort funds. Additionally, due to the significant number of police, gendarme, customs, FACA, and armed group checkpoints, it was difficult to move freely between Bangui and provincial cities. There were reports that members of the Peuhl ethnic group were singled out for particularly abusive treatment and heightened scrutiny at many checkpoints.

**Foreign Travel:** Between March and May, the Bangui prosecutor issued travel bans on opposition leaders, Anicet-Georges Dologuele, Martin Ziguele, Karim Meckassoua, and Aurelien Simplicie Zingas. Border police executed the decision, preventing three from boarding flights at Bangui International Airport between

March and June. Zingas challenged the decision before the Bangui Administrative Court. On May 25, in its ruling at first instance, the court ordered the lifting of the measures and restitution of his travel documents.

### **e. Status and Treatment of Internally Displaced Persons**

As of October OCHA noted there were 722,000 internally displaced persons (IDPs) in the country due to the armed conflict. Humanitarian actors aided IDPs and returnees and promoted the safe voluntary return, resettlement, or local integration of refugees. The government worked with the United Nations and the broader humanitarian community on safe, voluntary return of the country's IDPs and refugees through a durable solutions working group. The government adopted and followed humanitarian principles for returnees. While there were no reports of forced returns, there were reports of forced evictions, such as a June eviction in Bambari (see below). There were multiple reports of instances in which government forces and Wagner Group elements also obstructed humanitarian organizations from providing services to civilians, including the displaced. Since April security incidents involving explosive devices in the western part of the country resulted in deaths of civilians and humanitarian workers and disrupted humanitarian access, prompting UN agencies and humanitarian actors to restrict movements. Even after reaching safe locations, IDPs frequently risked assault by criminals, including those associated with armed groups, when venturing outside of camps. Women and girls were often at risk of sexual violence in and outside IDP sites. In many affected areas, poor access and insecurity limited humanitarian assistance. From June to August humanitarian international NGOs had limited access to populations south of the town of Alindao due to military operations. When operations subsided in September, international NGOs were able to serve the affected populations. The presence of armed groups also delayed or obstructed humanitarian activities. OCHA reported that more than 8,500 individuals residing in an IDP site in the central town of Bambari, most of them ethnic Peuhl, were forcefully displaced by armed elements on June 4. MINUSCA's human rights division reported that FACA and Wagner Group elements were responsible. Two days later the site was set afire in circumstances that remained to be clarified. With extremely limited capacity, the government relied on MINUSCA to provide protection and humanitarian actors to provide multisector services to IDPs.

Humanitarian organizations remained concerned that armed group members continued to hide in IDP sites, carrying out recruitment activities and putting IDPs and humanitarian staff at risk. Violence increased humanitarian needs, which exceeded existing capacities. OCHA estimated that 2.8 million of the country's approximately five million inhabitants required humanitarian assistance and protection. Security concerns related to criminality, as well as armed group, FACA, and Russian Wagner Group activity prevented aid organizations from operating in some areas, particularly in the northwest.

## **f. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

**Access to Asylum:** Internal conflicts made it difficult for the country to routinely provide security and protection for persons within its borders. The laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Individuals who had fled their countries of origin and had prior criminal records, however, were immediately repatriated.

**Durable Solutions:** UNHCR restarted voluntary repatriations of refugees from the country living in the Democratic Republic of the Congo, many of whom fled across the Oubangui River during violence in 2013. An initial group of 250 was welcomed back at Bangui's Port Amont during an October 22 ceremony presided over by Prime Minister Henri Dondra.

## **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. Refugees who returned to the country after voter registration was closed and the estimated 200,000 potential voters still outside the country were denied the right to participate in the December 2020 presidential and legislative elections.

## **Elections and Political Participation**

**Recent Elections:** In many areas of the country, before and during late December 2020 presidential and legislative elections, armed groups interfered with voter registration and the distribution of election materials. On election day threats and violence by armed groups prevented citizens from voting in 26 of 68 voting districts and interrupted voting in six others. It was unclear precisely how many registered voters were prevented from voting because of armed group interference with electoral processes. Most of the violence committed around the elections was committed by CPC-affiliated armed groups. There were no reports of government security actors attempting to interfere with the election or prevent individuals from voting. The government did not attempt to restrict eligible voters from registering, but armed groups interfered with registration.

International and NGO observers reported high voter turnout in Bangui. Some media reported that threats of violence suppressed turnout in many other areas. NGO observers reported some irregularities in polling places that were able to open, particularly a lack of indelible ink and legislative ballots at certain sites. They also reported that some voters who did not have voter identification cards were allowed to vote with a certificate from the National Elections Authority. Some candidates and opposition leaders, including Anicet Georges Dologuele, Martin Ziguele, and Mahamat Kamoun, alleged there were cases of election fraud. A local elections NGO, the National Observatory of Elections, concluded that observed irregularities did not undermine the overall credibility of the elections. The African Union observation mission reported that voting in Bangui conformed to the country's electoral code and international standards. Election results were announced in early January.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minority groups in the political process, and they did participate. UN Women, however, assessed traditional attitudes and cultural practices limited women's ability to participate in political life on an equal basis with men. Societal and legal discrimination against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons prevented them from effectively advocating for their interests in the political sphere (see section 6, Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and

Gender Identity). The law requires that in all public and private institutions, 35 percent of seats should be reserved for women. This provision was not observed. Seven of 32 ministers in President Touadera's cabinet were women, a 5 percent increase over his previous cabinet, but still short of the law's requirements. Political parties likewise did not reach 35 percent gender parity in their slates of candidates during the 2020 parliamentary elections. There were 17 women among the 133 members of the National Assembly, a 5 percent increase over the previous legislature. The law prohibits gender discrimination and provides for an independent National Observatory for Male/Female Equality to monitor compliance. As of year's end the National Observatory had not been established.

## **Section 4. Corruption and Lack of Transparency in Government**

Although the law provides criminal penalties for corruption by officials, the government did not effectively implement the law, and officials often engaged in corrupt practices with impunity. Corruption and nepotism have long been pervasive in all branches of government. Weak government capacity further limited attempts to address fully the problem of public-sector corruption. There were numerous reports of government corruption during the year.

**Corruption:** Corruption and bribery remained widespread. In April, President Touadera signed a decree dismissing Regis Lionel Privat Dounda, minister of youth and sports. Dounda was allegedly implicated, according to a report by the State's General Inspectorate, in a corruption affair with a Cameroonian oil company.

Laws and procedures for awarding natural resource extraction contracts and ensuring that information on those processes remain transparent were not followed. The Constitutional Court also asked that the government disclose mining concessions terms. The government did not respond. The government's oversight body, the High Authority for Good Governance, is not authorized to proceed with investigations without prior authorization from the president and the prime minister.

## **Section 5. Governmental Posture Towards International and**

## **Nongovernmental Investigation of Alleged Abuses of Human Rights**

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights abuses and violations of law. Government officials were typically cooperative and responsive.

**Government Human Rights Bodies:** The country's independent National Commission on Human Rights and Fundamental Liberties has the authority to investigate complaints, including the power to call witnesses and subpoena documents. In March the commission investigated living conditions in Ngaragba Prison and the M'Baiki Prison. The commission publicized its findings in the local press.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalizes all forms of physical and sexual violence, as well as sexual exploitation. The law prohibits rape of all persons regardless of gender, 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.

Domestic abuse, rape, and sexual slavery of women and girls by several armed rebel groups continued to threaten security, as did the use of sexual violence as a deliberate tactic of conflict. Attackers enjoyed broad impunity.

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 and prohibits all forms of violence against women. Domestic violence against women was common, including physical and verbal abuse and spousal rape. There were no reports of prosecutions during the year for domestic violence, although many courts did not operate for much of the year due to instability throughout the country. According to UNICEF's 2006 *Multiple Indicator Cluster Survey* (MICS),



nearly 45 percent of women suffered physical violence from their husbands or relatives; 52 percent suffered verbal abuse, and 32 percent were raped.

Women and girls were particularly affected by high rates of conflict-related sexual violence. Decades of unrest and harmful traditions and cultural practices in the country exacerbated gender-based violence, in particular rape, forced marriage, and domestic violence. Survivors of sexual violence were discriminated against, and the government was unable to provide adequate care, including health and social services, to survivors. Sexual violence committed by armed actors increased the risk of spreading HIV and other sexually transmitted infections. In Bangui, Medecins Sans Frontieres (Doctors Without Borders) observed a significant increase in cases of conflict-related sexual violence; the number of consultations linked to such attacks in its Bangui-based Tongolo center rose from 173 in December 2020 to 421 in February. Local NGOs like the National Association for the Support of Free Women and Girls Victims of Sexual Violence in Situations of Distress, the Flamboyants, and the Nengo (“Dignity” in the country’s predominant Sango language) Project assisted victims of sexual violence.

Increased instances of sexual violence corresponded to rising armed group activity and clashes between CPC rebels and the FACA after December 2020. Between January and June, MINUSCA’s human rights office documented 131 incidents of sexual violence connected to the conflict, including 115 rapes. Of these, 19 cases involved government security forces and Wagner Group elements, while 112 involved CPC rebels. For example during the electoral period, 3R and Anti-balaka rebels seized control of Bouar town in Nana-Mambere Prefecture. MINUSCA recorded 21 cases of rape pursuant to this single incident.

**Female Genital Mutilation/Cutting (FGM/C):** The law prohibits FGM/C of women and girls and establishes penalties of two to five years’ imprisonment and a monetary fine. When FGM/C results in the death of the victim, sentences can reach life terms with hard labor and a substantial monetary fine.

Nearly one-quarter of girls and women were subjected to FGM/C, with variations according to ethnicity and region. One percent of girls ages 10 to 14 were mutilated. Both the prevalence of FGM/C and support for the practice appeared to be decreasing, according to 2018 data, the most recent available. Information on

what may be causing this trend was unavailable.

**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. In August the National Assembly passed a law on the prevention of sexual harassment in the workplace.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. The most recent available data on reproductive health is based on 2019 surveys. According to UNICEF's 2018-2019 *MICS Findings Report*, 82 percent of women, and 89 percent of girls ages 15 to 19 years did not use contraception. Individuals have the right to decide freely and responsibly the number, spacing, and timing of children. The law authorizes abortion for pregnancies resulting from rape. The MICS 2010 survey indicated that the abortion rate was 7 percent among women ages 15 to 45.

The maternal mortality rate was 829 per 100,000 live births, according to the World Health Organization. The major factor contributing to the high maternal death rate was the lack of access to adequate health care. According to 2019 data from the Ministry of Health, the most recent available, there were 873 health-care establishments in the country, of which approximately 52 were hospitals. Of these, 50 percent were small, often rural doctor's offices, and 44 percent were clinics. Most health-care establishments received medicine, supplies, and other support from humanitarian organizations including UN organizations, the ICRC, and Doctors Without Borders.

Only 19 percent of women reported receiving prenatal care for their last pregnancy (MICS 2018-2019). The birth rate was high at 6.4 per woman (MICS 2018-2019) and 43 percent of women reported having a child before age 18 (MICS 2018-2019). Lacking sexual and reproductive education contributed to early pregnancy among girls, which was more prevalent in rural than in urban areas (MICS 2010). Only 53 percent of births in 2006 were attended by qualified health personnel (83 percent in urban areas, 35 percent in rural areas). Data from the 2018-2019 MICS survey indicated that the infant mortality rate was 100 per 1,000 live births, and 53 percent of deliveries were assisted.

The government worked closely with the International Organization for Migration and MINUSCA to train and deploy the Mixed Unit for Rapid Intervention and Repression of Sexual Violence to Women and Children (UMIRR). UMIRR opened a new office in Bouar in September to reach victims of sexual violence in the country's northwestern region. Emergency contraception was not widely available to women as a part of the country's clinical management of rape. (See the Female Genital Mutilation/Cutting (FGM/C) subsection for additional information.)

Menstrual health and hygiene issues severely impacted girls' ability to attend school. Socioeconomic barriers, rather than explicit policies, often prevented pregnant girls from attending school.

**Discrimination:** The formal law does not discriminate against women in inheritance and property rights, but the government did not enforce the formal law effectively, and 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 of lack of access to these payments for women.

## **Systemic Racial or Ethnic Violence and Discrimination**

Nomadic Peuhl pastoralists were often the victims of violence. Their cattle wealth made them frequent targets, and they continued to suffer disproportionately from civil disorder in the northern and northwestern parts of the country. Peuhl were often perceived as foreign because of their transnational migratory patterns. They were also associated with CPC-affiliated armed groups that claimed to represent Peuhl interests. Ethnic killings often occurred in relation to transhumance movements, a major source of livelihood for Peuhl. In recent years some Peuhl pastoralists armed themselves against attacks from farmers objecting to the presence of their grazing cattle. Transhumance movements brought Muslim Fulani/Peuhl herders, Muslim, and Christian farming communities into conflict, which waned during the rainy season and increased as cattle movements resume

during the dry season.

Intercommunal clashes also took place in June between Peuhl herders and local farmers in the Bamingui-Bangoran Prefecture, in the village of Tiri, near N'dele. The government took no action to prosecute or investigate these killings and many others, in view of the ongoing conflict in the country.

Peuhl community leaders reported that FACA and Wagner Group elements indiscriminately targeted Peuhl civilians during military operations against the 3R rebels in the western part of the country. International community sources assessed that the government's moving 8,000 majority-Peuhl IDPs from a site in Bambari in June was a case of forced displacement (see also section 1.e., Internally Displaced Persons).

Armed group conflict at times devolved into ethnic violence, such as the Goula/Rounga conflict in Birao. Throughout the year acts of violence were recorded between the Rounga and the Goula ethnic groups. Violence between the groups continued in Birao and spread to N'dele.

The government had no programs to address factors behind racial or ethnic biases.

## **Indigenous Peoples**

Traditionally, forest dwelling Ba'Aka, including children, were often coerced into agricultural, domestic, and other types of labor. They were used as slaves by members of other local ethnic groups. Even when they were remunerated for labor, their wages were far less than those prescribed by the labor code and lower than wages paid to members of other groups. Some NGOs described the Ba'Aka as "second-class citizens."

The vast majority of Ba'Aka did not have birth certificates and consequently could not register to be political candidates and vote. They often also had trouble registering for school. Ba'Aka, and Ba'Aka women in particular, frequently were exploited and coerced into servitude or working long hours for "in-kind" salaries of fabric or other household goods. Access to health care, particularly prenatal healthcare, was poor and many Ba'Aka women gave birth in the forest instead of in clinics and other medical facilities. A local Human Rights Center, cosponsored

by the World Wildlife Fund employed one lawyer who assisted the Ba'Aka with legal cases. To date, three persons were found guilty of exploiting Ba'Aka labor.

## **Children**

**Birth Registration:** Children derive citizenship by birth in the national territory or from one or both parents. Birth registration was less likely to occur in regions with little government presence. Parents did not always register births immediately for many reasons including a registration deadline of one month, registration costs, or distances to government facilities. Many citizens' birth certificates and civil status documents were lost during the conflict. Unregistered children were at times unable to access education and other social services. During the year NGOs assisted with documentation activities. In July the Norwegian Refugee Council held mobile hearings with courts in the town of Alindao to issue birth certificates to children in need. The initiative provided more than 3,000 children between the ages of six and 13 with identity documents.

**Education:** Education is compulsory from ages six to 15. Tuition is free, but students pay for books, supplies, and transportation. Few indigenous Ba'Aka children attended primary school. There was no significant government assistance for efforts to increase Ba'Aka enrollment.

**Child Abuse:** The law criminalizes parental abuse of children younger than 15. UMIRR is the government's entity charged with investigating abuses against women and children.

**Child, Early, and Forced Marriage:** The law establishes 18 as the minimum age for civil marriage. A 2018 UNICEF report indicated that 68 percent of girls in the country married before age 18 and more than one-quarter before age 15. Early marriage was more common in Muslim communities. There were reports of forced marriages of young girls to ex-Seleka and Anti-balaka members during the year. The government did not take steps to address forced marriage.

**Sexual Exploitation of Children:** In June the government enacted the Child Protection Act, which provides a lifetime sentence and significant monetary fines for trafficking in persons involving minors. The age of consent for sexual activity is 18. Armed groups committed sexual violence against children and used girls as

sex slaves (see section 1.g.). From January to June, MINUSCA documented 84 cases of conflict-related child rape. In June the deputy headmaster of the Castors Girls School in Bangui was arrested and imprisoned for having raped a girl, age 12.

**Displaced Children:** Conflict-related forced displacement disproportionately affected children. UNICEF estimated 168,000 children were internally displaced within the country; and approximately 70,000 of them were not able to return home. The situation of children already displaced remained extremely worrying, because many were separated from their families and were at greater risk of child rights violations, such as being abducted, threatened, or forced to join armed groups.

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

## **Anti-Semitism**

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

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Persons with Disabilities**

Persons with disabilities faced unique challenges in accessing education, health services, public buildings, and transportation. The government did not enact programs to provide access to buildings, information, and communications. There are no legislated or mandated accessibility provisions for persons with disabilities. The government did not provide government information and communication in accessible formats.

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 consist of sufficiently qualified persons with disabilities presuming that they were represented in the applicant pool. The law states that at least 10 percent of newly recruited civil service personnel should be persons with disabilities. Statistics covering implementation of these provisions were unavailable.

According to an August World Food Program report, there was a lack of data on persons with disabilities, their needs, and the barriers they face. This lack of data impacted the ability of humanitarian responders to plan, deliver, and evaluate inclusive activities. Data from 2020 collected by Humanity & Inclusion showed that 87 percent of persons with disabilities reported difficulties accessing nonfood item distributions, food, and cash. The Ministry of Labor, Employment, and Social Protection's (Ministry of Labor) Labor Inspectorate was responsible for protecting children with disabilities.

## **HIV and AIDS Social Stigma**

Persons with HIV and AIDS were subjected to discrimination and stigma, and as a result, many individuals with HIV and AIDS did not disclose their status. Many persons living with HIV and AIDS had difficulty accessing appropriate treatment. According to a 2019 survey, HIV prevalence was 3.5 percent among adults. An August UNAIDS assessment of the gender dimensions of HIV prevalence in the country stated 56 percent of new HIV infections in the country were among women, and 60 percent of all persons living with HIV in the country were women. The prevalence of HIV among persons ages 15 to 49 years was 4.9 percent according to the 2010 MICS report; contacts at the Institute Pasteur reported the infection rate in Bangui was approximately 18 percent. MINUSCA sources assessed that the vulnerability of women and girls to HIV was the result of protracted insecurity, humanitarian crises, and retrograde social norms. The same study identified disproportionately high HIV and AIDS prevalence rates amongst other socially stigmatized populations like sex workers (15 percent) and men who have sex with men (6.5 percent).

## **Acts of Violence, Criminalization, and Other Abuses Based on**

## **Sexual Orientation and Gender Identity**

The law criminalizes consensual same-sex sexual conduct. The penalty for conviction of “public expression of love” between persons of the same sex is imprisonment for six months to two years and a substantial monetary fine. During the year 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 LGBTQI+ persons. Societal discrimination against LGBTQI+ persons was entrenched due to a high degree of cultural stigmatization. One openly LGBTQI+ organization based in Bangui, Central African Alternative, carried out health-based advocacy for LGBTQI+ persons.

## **Other Societal Violence or Discrimination**

Many, but not all, members of the ex-Seleka and its factions were Muslim and have roots in neighboring countries or in the country’s remote Muslim north, a region the government often neglected. During the worst of the crisis, some Christian communities formed Anti-balaka militias that targeted Muslim communities. The Interfaith Religious Platform, which includes Muslim and Christian leaders, continued working with communities to defuse tensions and call for tolerance and restraint. Local leaders, including the bishop of Bossangoa and internationally based academics, warned against casting the conflict in religious terms, which risked fueling its escalation along religious lines.

The law prohibits the practice of witchcraft. Witchcraft charges disproportionately affected women. Individuals accused of sorcery or witchcraft experienced social exclusion. According to a legal advocate, the law does not have an established definition of witchcraft, and the state did not typically intervene in these cases. District chiefs often presided over witchcraft trials, but the accused were often lynched by local populations. In September the minister of justice reported that the government during the year worked with international partners to train judges on the management of witchcraft procedures, acknowledging that such procedures were marred by the lack of legal definitions for witchcraft and the subjective nature of perceived infractions.



## **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, security-force members, and foreign workers in residence for less than two years, to form or join independent unions without prior authorization. The law 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. 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. Strikes are limited to work-related matters. 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 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 freedom of association in the formal sector. Penalties were commensurate with other violations of civil rights, but enforcement was inconsistent. 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 labor 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. The penalties for these crimes were commensurate with the penalties for similar crimes. The labor code's prohibition of forced or compulsory labor also applies to children, although the code does not mention them specifically. The penalties for violations were not sufficient to deter violations because the government did not enforce the prohibition effectively. There were reports forced labor occurred, especially in armed conflict zones.

Employers subjected men, women, and children to forced domestic labor, agricultural work, mining, market or street vending, and restaurant labor, as well as sexual exploitation. Criminal courts sentenced convicted persons to imprisonment and forced labor, and prisoners often worked on public projects without compensation. This practice largely took place in rural areas. 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, Children).

Also see the Department of State's *Trafficking in Persons Report* at

<https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The labor code forbids some of the worst forms of child labor. The law prohibits children younger than 18 from performing “hazardous work,” but the term is not clearly defined and does not specify if it includes all the worst forms of child labor. The mining code specifically prohibits child or underage labor. The employment of children younger than 14 is prohibited under the law without specific authorization from the Ministry of Labor. The law, however, also provides that the minimum age for employment may be as young as 12 for some types of light work in traditional agricultural activities or home services. Additionally, since the minimum age for work is lower than the compulsory education age, some children may be encouraged to leave school to pursue work before completion of compulsory education.

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. In previous years the government announced numerous policies related to child labor, including those to end the sexual exploitation and abuse of children and the recruitment and use of children in armed conflict, but there was no evidence of ongoing programs to eliminate or prevent child labor, including its worst forms. Penalties were commensurate with similar crimes but were not sufficient to enforce compliance. Government officials allegedly subjected minors to military-related labor at two checkpoints.

Child labor was common in many sectors of the economy, especially in rural areas. Local and displaced children as young as age seven frequently performed agricultural work including harvesting peanuts and cassava and helping gather items 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, frequently in dangerous conditions. For example, children were forced to work without proper protection or were forced to work long hours (i.e., 10 hours per day or longer). Children also engaged in the worst forms of child labor in diamond fields, transporting and washing gravel as well as mining gold, digging holes, and carrying heavy loads.

Despite the law's prohibition on child labor in mining, observers saw many children working in and around diamond mining fields. There were reports of one indigenous Ba'Aka minor being removed from a situation of forced domestic labor in Bangui.

Children continued to be engaged as child soldiers. There were reports of ex-Seleka, Anti-balaka, and other armed groups recruiting child soldiers and using them as porters and assistants at illegal checkpoints during the year (see section 1.g.).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

#### **d. Discrimination with Respect to Employment and Occupation**

It is illegal to discriminate in hiring or employment based on race, national or social origin, gender, opinions, or beliefs. The government did not effectively enforce the law, and discrimination occurred with respect to gender, minority status, and national origin. Penalties were commensurate with the penalties for other civil rights violations. 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. There were legal restrictions against women in employment, including limiting or prohibiting the employment of women in some tasks, jobs, and industries. Furthermore, carrying, dragging, or pushing any load is prohibited during pregnancy and within three weeks of returning to work after giving birth. Women are not allowed on the premises of businesses where employees work with certain dangerous chemicals, and women are restricted in the work they may do in other trades, including working on the manufacture of sulfuric acid, application of rubber coatings, and pickling or galvanizing of iron.

Migrant workers experienced discrimination in employment and pay.

## **e. Acceptable Conditions of Work**

**Wages and Hour Laws:** The labor code states the Ministry of Labor sets 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 were 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. The minimum wage in all sectors was less than the World Bank standard for extreme poverty.

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, although it was unknown whether this occurred during the year. There is no legal prohibition on excessive or compulsory overtime. The labor code, however, states that employers must provide for the health and security of employees who are engaged in overtime work. Penalties were commensurate with other analogous crimes.

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

The law provides that workers may remove themselves from dangerous working conditions 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 effectively enforce labor standards, and violations were common in all sectors of the economy. The Ministry of Labor 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 labor laws. Penalties were commensurate with those for similar violations but were seldom applied and insufficient to enforce compliance. The law applies to foreign and migrant workers as well, although foreign workers must meet residency requirements to join a union. Employers commonly violated safety and health standards in agriculture and mining.

Diamond mines, which employed an estimated 400,000 persons, were 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, 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. Miners often supplemented these earnings with either illegal diamond sales or wages from other sectors of the economy.

The government did not release information on workplace injury and deaths or other occupational safety and health statistics, and officials failed to respond to direct requests for information from the International Labor Organization in previous years.

**Informal Sector:** A 2020 World Bank Group report stated that most economic activity in the country was informal, conducted by micro, small-, and medium-sized enterprises representing 40 to 60 percent of GDP. The minimum wage applied only to the formal sector, leaving most of the labor force of the country in the informal sector without a minimum wage. Most labor was performed outside the wage and social security system, especially by farmers in the large subsistence agricultural sector and laborers in the artisanal mining sector. While most labor

protection laws applied to the informal sector, they were not enforced, and violations of wage, hour, and safety regulations were common.