

Recommended citation:

USDOS - US Department of State: Country Report on Human Rights Practices 2013 - Central African Republic, 27 February 2014 (available at [ecoi.net](http://www.ecoi.net))

http://www.ecoi.net/local_link/270679/387332_en.html (accessed 11 March 2015)



Country Report on Human Rights Practices 2013 - Central African Republic

EXECUTIVE SUMMARY

The Central African Republic is a republic with a transitional government of national unity. The president and prime minister share executive power. The legislative and judicial branches are weak. The last general election occurred in 2011. Citizens reelected President Francois Bozize in what national and international observers considered a flawed election. On January 11, the Economic Community of Central African States (ECCAS) brokered the Libreville Accords, which provided for transitional and power sharing measures among President Bozize, the political opposition, and the Seleka rebel alliance, which had launched an insurgency in December 2012. Within weeks of the Libreville Accords, Seleka leader Michel Djotodia accused President Bozize of ignoring the agreement, advanced on the capital, and deposed Bozize on March 24. Djotodia proclaimed himself president, suspended the constitution, dissolved the previous government, and began to rule by decree. On April 18, ECCAS adopted the Ndjamena Declaration, which provided for the establishment of a transitional government leading to elections in 18 months after the swearing-in of the transitional president. Djotodia was sworn in as transitional president on August 18 under the terms of the transitional charter, which took effect the same day.

State rule, already weak under Bozize, largely collapsed during the year. The absence of civilian administration, defense, and police forces led to a security vacuum that resulted in lawlessness in Bangui and throughout the country. On September 11, Djotodia formally dissolved the Seleka alliance. Nevertheless, former Seleka members continued to engage in conflict with armed militia groups throughout the country, including with a group called the Young Patriots established in the final days of the Bozize regime to counter the Seleka and their supporters. Armed groups who opposed the Seleka, including the Young Patriots, came to be known collectively as the anti-Balaka. Sectarian violence resulted in an estimated 500 deaths between December 5-7 and an estimated 200 deaths from December 20-26. While the violence was most pronounced in Bangui, it was also concentrated in Ouham prefecture, a region with ties to former president Bozize. Authorities under both Bozize and Djotodia failed to maintain effective control over the security forces. Security forces committed extensive human rights abuses.

The most serious human rights problems include arbitrary and unlawful killings, especially those perpetrated by the Seleka; enforced disappearances and torture, including rape; the use of child soldiers; seizure and destruction of property; and forced displacement.

Other human rights problems included harsh and life-threatening prison conditions, including the use of illegal detention facilities; arbitrary arrest and detention; prolonged pretrial detention; denial of fair public trial; arbitrary interference with privacy and the home; seizure and destruction of property without due process; and the use of excessive and indiscriminate force in internal conflict. There were restrictions on freedoms of speech, press, assembly, association, and movement, and lack of protection for refugees. The government did not respect the right of citizens to change their government peacefully, and corruption was widespread. Domestic and international human rights groups were subjected to harassment and threats. Discrimination and violence were experienced by women; children; persons with disabilities; ethnic minorities; indigenous people; lesbian, gay, bisexual, and transgender (LGBT) persons; persons with HIV/AIDS; Christians; and Muslims. Forced labor and child labor, including forced child labor, were also problems.

There were credible reports that the following armed groups perpetrated serious human rights abuses in the country during the year: the Seleka; the Young Patriots, who became known as the anti-Balaka; and the Lord's Resistance Army (LRA).

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

a. Arbitrary or Unlawful Deprivation of Life

There were numerous reports the Seleka committed arbitrary and unlawful killings. There was no functioning body to examine the killings and evaluate whether they occurred in the line of duty or were otherwise lawful. The killings included executions of members of the former security forces of the Bozize government – the Forces Armées Centrafricaines (FACA) and the presidential guard – as well as killings of civilians known to support or suspected of supporting Bozize.

For example, on April 22, in Nana-Gribizi province, the Seleka executed 27 individuals, wounded nearly 60, and burned nearly 500 homes in reprisal for community attempts to prevent the Seleka from looting materials meant for building a new school.

The Seleka collaborated with Mayor Adoum Takaji to kill 10 persons in the village of Ouin, five of whom were attempting to flee to the bush. When residents returned from the bush to bury the dead, the Seleka fired on them again, prompting them to return to hiding.

The transitional government downplayed the scale of the killings to the foreign press, claiming that most were the work of Bozize loyalists posturing as Seleka. UN Human Rights Council (UNHRC) staff reported in July that Bozize supporters committed extrajudicial killings in the beginning of the year. The presidential guard, the FACA, and the Young Patriots killed individuals they believed to be Seleka supporters. There were reportedly mass graves of opponents of the Bozize government in Bessemele.

There were also reports of arbitrary and unlawful killings committed by anti-Balaka groups. According to the December 19 Human Rights Watch (HRW) report *They Came to Kill*, anti-Balaka attacked the town of Bossangoa on December 5, killing at least 11 Muslim civilians. In January members of the Young Patriots erected roadblocks throughout Bangui to question Muslim citizens suspected of supporting the Seleka and prevent them from moving freely throughout the city. Soldiers and members of the Young Patriots shot a young Muslim man after he fled from a roadblock at which he had refused questioning.

b. Disappearance

There were several reports of politically motivated disappearances perpetrated by the Seleka, particularly against persons they alleged to be supporters of the Bozize government. For example, Seleka soldiers stopped and searched a taxi south of Bangui on July 13. They found a bag containing T-shirts with Bozize's picture and proceeded to abduct more than a dozen men who had been in the taxi, including the driver. Days later observers found the tortured bodies of some of the men floating in a nearby river.

The UNHRC mission in July received information on cases involving the disappearance of soldiers of the FACA, the presidential guard, and civilians in towns and villages across the country after Seleka members arrested them.

There were also reports of politically motivated disappearances perpetrated by the FACA. The UN mission received corroborated information concerning dozens of cases of enforced disappearances of Seleka members, their family members, and civilians suspected of supporting them.

There were reports throughout the year of the LRA abducting persons in the far southeast region. The LRA, established in Uganda in 1986 with the intent of overthrowing the government, is a violent armed group that has engaged in the forcible recruitment of child soldiers.

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

Although the law and the transitional charter prohibit torture and specify punishment for those found guilty of physical abuse, there were several reports of torture committed with impunity during the year.

The Seleka, during their advance on Bangui, tortured and mistreated civilians at checkpoints, in illegal detention centers, and in other locations to obtain information on the location of money, weapons, and other belongings. The UNHRC mission interviewed a woman in Kaga-Bandoro tortured by Seleka members on March 7. She reported she was arrested by at least 16 Seleka members and then beaten with weapons, kicked with boots, dragged, and slapped over the course of several hours. Her captors also subjected her to mock executions. She was evacuated to Bangui where she was hospitalized for two months.

In many cases torture led to the death of victims. For example, Seleka members kidnapped a 32-year-old man from Gbangoro on June 2 on the road between Tale-Nama and Markounda. The Seleka beat him to death and dumped his body by the road later that day.

According to the *Economist*, uniformed Seleka members crushed a man's head with rifle butts. They left his body outside his home in Dekoa, 162 miles north of Bangui.

Members of police and presidential guard under Bozize, the FACA, and the Young Patriots also committed torture.

Prison and Detention Center Conditions

Prior to the Seleka taking power, prison conditions were rudimentary, harsh, life threatening, and substantially below international standards. Basic necessities, including food, clothing, and medicine, were inadequate and often confiscated by prison officials. The Seleka emptied numerous prisons as they moved across the country toward Bangui. Many of the prisoners released by the Seleka joined their ranks. Seleka commanders repopulated some of the prisons in addition to establishing their own makeshift detention centers. Detainees were reportedly kept in homes, in military camps, and on government premises not intended for keeping detainees. The UNHRC mission reported an incident in which the Seleka arrested several persons and put them in an empty gasoline tank in Bambari, resulting in at least one man dying due to gas inhalation. Seleka members working as prison guards subjected inmates to torture and other forms of inhuman, cruel, and degrading treatment. The Seleka arbitrarily killed many individuals they detained.

Physical Conditions: There was no information available on the number of prisoners and detainees. Destroyed or poorly kept records impeded access for observers, and the holding of detainees in locations other than official prisons prevented an accurate count of the detainee population. Prior to the Seleka takeover, authorities held male and female prisoners in separate facilities in the official prison in Bangui. Elsewhere, authorities held male and female prisoners in the same buildings but in separate cells. Authorities sometimes held juveniles with adult prisoners and pretrial detainees with convicted prisoners.

Death was likely prevalent in all prisons, jails, and detention centers. Most official prisons lacked basic sanitation and ventilation, electric lighting, basic and emergency medical care, and sufficient access to potable water.

Administration: The Seleka destroyed records in many prisons on their march toward Bangui. When the UNHRC mission visited two detention facilities in July, penitentiary authorities in both places did not provide requested registration records or respond to due process inquiries.

Authorities did not use alternatives to incarceration for nonviolent offenders. There was no ombudsman system. Prisoners and detainees did not have reasonable access to visitors, and authorities did not permit religious observance.

While prison detainees have the right to submit complaints in the case of mistreatment, victims of mistreatment hesitated to lodge formal complaints due to the lack of a functioning formal complaint submission mechanism. Authorities rarely initiated investigations of abuses in the prison system.

Independent Monitoring: The transitional government on occasion permitted some monitoring by independent observers. For example, it allowed the UNHRC mission to visit two detention facilities, the Central Crime Enforcement Office and the Research and Investigation Center, and interview at least 50 detainees, including three children. While the International Committee of the

Red Cross had access to prisoners in Bangui, authorities usually did not grant access to other facilities.

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. The Seleka ignored such provisions, however, and arbitrary arrest and detention remained serious problems.

According to the nongovernmental organization (NGO) the International Federation for Human Rights (FIDH), authorities arrested individuals for their suspected possession of money, their affiliation with the Bozize government, or for acts considered counter to the Seleka's interests. For example, on March 28, the Seleka arrested a 21-year-old man who was leaving an internet cafe in Bangui when Seleka members stopped him to extort money. Since he was carrying no cash, the Seleka bound him and threw him into the back of their pickup. After driving around town for several hours, they took him to a place of detention that his mother guessed was the headquarters of the Research and Investigation Center, where they threatened to insert chili peppers in his rectum before releasing him the following morning.

The archbishop of Bossangoa told FIDH that on May 15, the Seleka took a man from his home at 4 a.m. along with four other family members who had been visiting him to mourn the death of his grandson. The Seleka tortured the five physically and psychologically throughout the day. The five were released after paying 75,000 Central African (CFA) francs (\$155) and three goats.

The Seleka liberated 17 detainees on March 23 from a secret detention facility run by Bozize's Presidential Guard at the Bossembele military training center. Authorities had not charged any of the detainees nor informed them of the accusations against them. Authorities had held them incommunicado in a 30-square-foot cell for months or years.

Role of the Police and Security Apparatus

Djotodia signed a decree on July 22 reestablishing police and gendarmerie, which share responsibility for maintaining internal security and report to the Ministry of Security. Between March 24 and July 22, there was no regular police force.

Police and the gendarmerie were ineffective, underfunded, and outmatched by the Seleka. According to press reporting, the gendarmerie had only five vehicles at its disposal. The Seleka's ranks increased during the year from approximately 5,000 fighters in March to an estimated 20,000 by May, due in part to the incorporation of foreign nationals, including Chadian and Sudanese mercenaries. The government did not have the capacity to control or equip a comparably large security force. Many security force members were foreigners and not under the direct command and control of the government or its normal senior commanders. Security forces loyal to ousted president Bozize as well as unprotected and unpaid civil servants fled. They left security and law enforcement in the hands of the Seleka.

The transitional government, with the support of the ECCAS Mission for the Consolidation of Peace in Central Africa (MICOPAX, also known as FOMAC), launched the disarmament and

cantonment of the Seleka on July 1 to reestablish security throughout the country. The transitional government denied the UNHRC mission both access to the camps where the Seleka had been cantoned and information on the exact number of Seleka members disarmed and cantoned. The transitional government also implemented a “regroupment” of soldiers in the FACA.

On September 11, Djotodia officially disbanded the Seleka and declared that the FACA was responsible for protecting the territorial integrity of the country. The Seleka rebels, however, continued to ravage the country and showed no sign of ending the violence after being disbanded. Many members of FACA retained allegiance to various Seleka rebel commanders. The military chain of command was weak, and the FACA were underequipped and ineffective at preventing or responding to mass societal violence.

Arrest Procedures and Treatment of Detainees

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

Following the Seleka offensive that began in December 2012, judicial personnel fled their jurisdictions, after which Seleka members looted and occupied courts, destroying documents and taking the place of judges and prosecutors in some prefectures. The Seleka arrested hundreds of persons, despite having no knowledge of arrest procedures. In Bangui the UNHRC mission received reports of Seleka attacks on magistrates and lawyers in retaliation for past verdicts and lawsuits.

The newly reconstituted police and gendarmerie generally tended to follow arrest procedures. Nevertheless, because of the near collapse of the judiciary, the administration of justice was ineffective, and perpetrators of human rights violations enjoyed impunity. In most cases of gross human rights violations reported to the UNHRC mission, no investigations or prosecutions ensued.

The bail system did not function during the year. Authorities sometimes followed legal procedures in cases managed by gendarmes or local police. Lawyers continued to work and were sometimes accessible. For individuals detained by the Seleka and placed in illegal detention centers, however, legal procedures were not followed and access to lawyers not provided.

Arbitrary Arrest: Arbitrary arrest was a serious problem during the year. The UNHRC mission affirmed that it had consistent and corroborated information about persons arrested because of political and ethnic affiliation, the inability to pay bribes for release, being a former FACA member, or having committed acts considered contrary to the Seleka’s interests.

On May 8, the Seleka kidnapped a woman from her home in Bangui’s Gbaya Dobia neighborhood and took her to their base. There they demanded money and beat, tortured, and raped her. The Seleka set her free the following day.

Pretrial Detention: Prolonged pretrial detention was a serious problem, although figures were not obtainable due to the Seleka’s destruction of prison records and their holding of detainees in illegal detention centers. Due to the instability and insecurity, authorities did not deal with cases

expeditiously. The courts suffered from inefficient administration, a shortage of trained personnel, salary arrears, and a lack of material resources. The Seleka plundered the courts, stole machines, and destroyed records throughout the country, leaving the courts barely able to operate. Many judges outside Bangui fled to the capital for safety early in the year as Seleka moved from the northeast region of the country toward Bangui. Many magistrates and government workers did not return to their places of residence outside the capital fearing for their own safety. There were likely many instances in which the length of detention equaled or exceeded the sentence for the alleged crime.

e. Denial of Fair Public Trial

The transitional charter provides for an independent judiciary, but the judiciary remained subject to the influence of the executive branch and was unable to fulfill its responsibilities. Corruption was a serious problem. Authorities, particularly those of high rank, did not always respect court orders.

The UNHRC mission received reports of individuals on whom the Seleka passed sentences, although they were not authorized by law to exercise judicial power. Reported forms of punishment varied from imprisonment to fines.

Trial Procedures

The penal code presumes defendants 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, although this process can be slow and delay trial proceedings due to the state's limited resources. Defendants have the right to question witnesses, present witnesses and evidence on their own behalf, access government-held evidence, and file appeals. The law extends these rights to all citizens. The transitional government sometimes complied with these legal requirements. Defendants have the right to be informed promptly and in detail of the charges (with free interpretation as necessary), to adequate time and facilities to prepare a defense, and not to be compelled to testify or confess guilt, but these rights often were not respected.

Political Prisoners and Detainees

The Seleka reportedly detained persons associated with or perceived to be part of the Bozize regime in apparent retaliatory operations. A prominent case of arbitrary arrest and detention was that of Mohammed Moussa Dhaffan, a former Djotodia ally and former minister for forestry, water, hunting, and fishing. Authorities dismissed him from his government position and arrested him after he called for Djotodia's removal.

The UNHRC mission also reported that prior to March 23, the FACA, the presidential guard, and the Young Patriots carried out arbitrary arrests and detentions of political opponents and perceived supporters of the rebellion, including from specific ethnic communities. Officials released some abductees during the seizure of the capital, while others remained missing.

Civil Judicial Procedures and Remedies

The transitional charter 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.

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

The law prohibits searches of homes without a warrant in civil and criminal cases; however, the Seleka did not respect this prohibition. There were numerous reports of Seleka members entering homes without judicial authorization, seizing property without due process, and evicting persons from their place of residence both in Bangui and throughout the countryside, particularly in the north.

According to multiple sources, the Seleka engaged in organized and systematic looting of hundreds of private homes and shops, such as in Rafaior in the Fohu neighborhood of Bangui, where former regime officials resided. HRW documented the destruction by Seleka members of more than 1,000 homes in the north. The *Economist* reported how thoroughly Seleka members had sacked one unspecified village in August: “the courtroom’s roof disappeared. Doors, hinges, even electrical wiring went.” The Seleka’s looting and pillaging devastated the country’s administrative and commercial infrastructure.

In May the Ministry of Justice prosecuted a group of 23 Seleka members arrested for looting. The court sentenced 19 of them to one-to-five years in prison. Two weeks later a band of Seleka members invaded Bangui’s main prison and freed the men, having threatened to kill the warden if he did not release them.

The Seleka killed numerous individuals who resisted looting and extortion. Citizens sometimes killed Seleka members when defending their property. Both types of killings provoked retaliatory violence and killings. For example, in May citizens near Bangassou reportedly killed two Seleka members while resisting looting. Amnesty International (AI) reported that the Seleka retaliated by executing three local community leaders on April 20. Soldiers in a village in Basse-Kotto refused to give money to Seleka members on June 26-27, provoking a chain of retaliatory killings that escalated up to Seleka members hunting down and killing more than 200 persons, including children, on July 15. Those killed had fled to the forest to hide from the Seleka, according to AI.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

Killings: The Seleka started to attack and kill civilians in Bangui after taking the city on March 24. According to HRW virtually every neighborhood was attacked. Indiscriminate shelling killed or seriously injured numerous civilians.

For example, on March 27, Seleka members killed 17 unarmed individuals in the Damal neighborhood. On April 12, a rocket attack injured 15 persons, including 13 children in the Walingba neighborhood. The Seleka targeted members of the FACA for extrajudicial killings. In an incident on April 18, residents found the bodies of eight members of the FACA nine miles outside

Bangui on the Sceaux bridge. The Seleka also summarily executed men it believed were FACA members. On April 15, Seleka members executed five men at the Mpoko River outside Bangui.

The UNHRC mission in July collected credible information that in January and February members of the Presidential Guard, the former FACA, and the Young Patriots killed several persons perceived to be supporters of the Seleka. The United Nations received reports of mass graves of opponents of the former Bozize regime in Bossembele. On September 16, an anti-Balaka group killed 40 Muslims, mostly women and children, as part of a retaliatory attack.

The LRA continued to commit attacks against civilians across Mbomou, Haut-Mbomou, and Haut-Koto prefectures. According to the UN Office for the Coordination of Humanitarian Affairs (UNOCHA), from January to September, presumed LRA fighters committed 21 attacks, resulting in 33 deaths and 128 abductions. UNOCHA estimated 21,000 persons remained internally displaced and more than 6,000 were living as refugees because of the LRA threat.

Abductions: In addition to the abductions committed by the Seleka and by forces associated with the Bozize government, there were reports that the LRA continued to commit numerous abductions throughout the southeast. The African Union Regional Task Force (AU-RTF), under Ugandan leadership, halted its offensive operations after the Seleka seized power in April, accusing the transitional government of being hostile to foreign troops. On October 3, the transitional government expressed willingness to cooperate with the AU-RTF, which resumed operations in October. As of mid-October the Ugandan military claimed to have killed eight LRA rebels, captured their weapons, and rescued an unspecified number of abductees.

Physical Abuse, Punishment, and Torture: The Seleka and forces associated with the Bozize government mistreated civilians, including reportedly by torture, beatings, and rape, in the course of the conflicts.

International and domestic observers reported that state security forces under the Bozize government and members of nonstate armed entities, including Chadian soldiers and bandits, continued to attack cattle herders, primarily members of the Mbororo ethnic group. Many observers believed Mbororo were targeted primarily because of their perceived foreign origins, relative wealth, and the vulnerability of cattle to theft. In other cases armed Mbororo attacked local farmers over land disputes.

Observers noted the use of rape by both government forces and nonstate armed entities to terrorize the population throughout the country. AI reported that on March 31, soldiers demanded entry to a home in the Boy Rabe district of Bangui to search for weapons. Six soldiers raped three women in the home, while an accompanying female soldier remained outside to guard the goods they had looted. According to HRW, Seleka armed men raped women in Bangui, forcing them to undress at night in the street and threatening them at gunpoint. Others reported rapes that occurred in the presence of the survivors' children or older relatives. Due to the prevailing insecurity in Bangui and the social stigma attached to rape, victims rarely reported these cases, and the women were unable to seek medical attention in the immediate aftermath of the incidents.

Child Soldiers: Numerous human rights organizations, including International Crisis Group, reported child soldiers in the Seleka and in other armed groups. The *Economist* reported Seleka gun-toting boy recruits, some as young as 12, riding in the back of light trucks in their outsized

uniforms and extorting money from anyone travelling on the roads. The UNHRC mission observed many children on Seleka pickups during patrols and serving as guards at the Office Central de Repression. They reported that the UN Children's Fund (UNICEF) assisted 149 children (134 boys and 15 girls) between the ages 12 and 17 whom the Seleka had recruited. Interim President Djotodia transferred 55 of the children to the care of UNICEF between June 27 and 30. Human rights and humanitarian organizations, including UNICEF, estimated that as of August, 3,500 children remained in the ranks of the Seleka.

The Seleka recruited child soldiers and used children as human shields, particularly in the battle against South African soldiers in Damara on the way to capturing Bangui on March 23-24.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the transitional charter and law provide for freedom of speech and press, authorities did not always respect these rights.

Freedom of Speech: There were reports that both the transitional government and the Bozize government impeded individuals' right to free speech.

Press Freedoms: Despite statements by Djotodia that the transitional government would respect freedom of the press, the transitional government targeted its critics with threat of legal action. The prosecutor general summoned the managing editor of the daily *Le Pays* on August 2 and threatened him with arrest. *Le Pays* apparently became a government target due to its coverage of the "Badica affair," although the government did not bring any libel action against it. Many observers believed that Badica, the leading diamond-buying office, financed the Seleka's ouster of former president Bozize. The Seleka intimidated both state and private-sector journalists by searching and looting their offices, including robbing and ransacking several news media locations, after entering the capital on March 24. Private-sector media professionals protested against the threats, intimidation, and violence on April 29 by observing a "Day Without the Media."

Radio was the most important medium of mass communication. There were a number of alternatives to the state-owned radio station, Radio Centrafrique. For example, privately owned Radio Ndeke Luka continued to provide independent broadcasts, including national and international news and political commentary in both French and Sango. Independent radio stations continued to operate freely and have organized debates and call-in talk shows critical of Djotodia and Seleka. International broadcasters, including Radio France Internationale, Radio Chine Internationale, and the BBC, continued to broadcast within the country.

The government continued to monopolize domestic television broadcasting (although this was available only in the capital and for limited hours), and television news coverage generally supported government positions.

Violence and Harassment: Journalists reported receiving threats and being targeted for violence by members of the transitional government. According to the NGO IFEX, Geoffroy Dotte, managing editor of the weekly *Dernieres Minutes*, was kidnapped in Miskine on August 3 after being seen with a copy of a press release issued by supporters of former government minister Mohamed Moussa Dhaffane. Dotte was handed over to the Seleka and taken blindfolded to an unknown location where the Seleka interrogated him for two hours despite showing his press card. The Seleka released him in the evening and ordered him to say nothing about what happened.

On January 9, the Seleka invaded the Radio Be-Okoko station in Bambari and abducted and tortured Elizabeth Olofi, a community-radio journalist who had reported on rebel excesses. She survived but required medical treatment.

Censorship or Content Restrictions: There were reports during the year of the transitional government attempting to censor the media. For example, journalists of Radio Centrafrique claimed that Christophe Gazam-Betty, the minister of communication, required them to submit for his approval field reports and event coverage details before allowing them to broadcast. On July 6, Gazam-Betty and his Seleka bodyguards invaded the offices of the private newspaper *Le Confident* to search for and seize material criticizing the government. Gazam-Betty reportedly expressed anger over an article detailing disagreements among government ministers and subsequently barred the newspaper's journalists from covering important official events. Djotodia fired Gazam-Betty on October 9.

Internet Freedom

There were no reports of the transitional government or the Bozize government restricting access to the internet or monitoring e-mail or internet chat rooms without appropriate legal authority. According to the International Telecommunication Union, approximately 2.2 percent of the population used the internet in 2011.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The transitional charter provides for the right of assembly, but the transitional government and the Bozize government routinely restricted this right. Any association intending to hold a public political meeting was required to obtain the Ministry of Interior's approval; however, during the year the transitional government and the Bozize government prevented all opposition groups from meeting by refusing permits for gatherings.

Security forces prevented and intimidated groups from participating in demonstrations. The UNHRC mission reported Seleka soldiers surrounded a group of protesters and shot at them, killing

two. They were protesting an incident on April 13 near Ngaraba in Bangui's seventh district during which a Seleka vehicle struck and injured three civilians during a funeral procession.

Freedom of Association

The transitional charter provides for freedom of association, but there was insufficient information on the transitional government's respect for this right. All associations, including political parties, must apply to the Ministry of Interior for registration.

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/j/drl/irf/rpt/.

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

The transitional charter does not provide for freedom of internal movement, foreign travel, emigration, and repatriation. The transitional government restricted freedom of movement within the country and foreign travel during the year.

In-country Movement: After deposing former President Bozize on March 24, the Seleka increased restrictions on movement by setting up a greater number of roadblocks than had been in place previously and closing several transit roads. Seleka members extracted bribes from travelers at checkpoints, and the Seleka reportedly beat, tortured, and killed those unable to pay.

Foreign Travel: After its March 24 takeover, Seleka members barred Bozize government officials from traveling abroad. The former prime minister, the president of the national assembly, the army chief of staff, and others sought refuge in the camps of MICOPAX.

Internally Displaced Persons (IDPs)

Fighting between armed groups and the Seleka's attacks on civilians displaced more than 639,000 persons within the country by year's end. As of December 29, some UN and media sources estimated a makeshift camp at M'Poko International Airport in Bangui held more than 100,000 IDPs. Outside the capital or large towns, IDPs often hid in uninhabited bush areas. The Seleka injured many persons fleeing their homes.

Neither the transitional government nor the Bozize government provided protection or assistance to IDPs or returnees. They generally allowed humanitarian organizations to provide services, although security concerns sometimes prevented organizations from operating in Seleka-controlled areas. Neither the Bozize nor transitional government engaged in any efforts to promote the safe voluntary return or resettlement of IDPs. No laws or policies specifically protected IDPs.

According to the United Nations, an estimated 72,000 persons sought refuge from the violence in neighboring countries during the year.

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, has not held sessions since 2009, contributing to a growing backlog of asylum applications.

According to the UN High Commission for Refugees, approximately 11,250 refugees lived in three camps, to which humanitarian organizations had limited access to provide assistance, and an estimated additional 6,400 lived in host villages and Bangui.

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

The transitional charter provides for citizens to have the right to change their government peacefully by participating in an election within 18 months of the date of adoption of the transitional charter or by February 2015. The transitional charter specifies that members of the transitional government cannot run for election. The Seleka reportedly destroyed portions of the electoral register during the year.

Elections and Political Participation

Recent Elections: In 2011 the country held three rounds of multi-party presidential and legislative elections that resulted in the reelection of Francois Bozize as president. Bozize seized power in a 2003 military coup, declared himself president, and headed a transitional government until winning election in 2005. Domestic and international election observers judged the 2011 elections to be flawed, citing fraud, intimidation, and lack of ballot secrecy among other problems. Observers also reported irregularities including an unexplained increase of 40 percent in registered voters between 2005 and 2010 and high levels of “par derogation” votes indicating voters cast ballots outside their home districts.

Political Parties: The government subjected political parties to close scrutiny and restrictions. Members of political parties were not always able to move about the country without restriction. Many had to obtain authorization from the government before traveling.

Participation of Women and Minorities: The law does not prevent women and minority citizens from voting or otherwise participating in political life on the same basis as men or nonminority citizens. Three of the 34 ministers in the transitional government were women.

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. The World Bank's most recent Worldwide Governance Indicators indicated that corruption was a severe problem.

Corruption: The most prominent corruption case involved Interim President Djotodia and the purchase with a large amount of state funds of a collier chain worn during his swearing-in ceremony. After the ceremony Djotodia discovered the chain was not worth the amount paid. Officials charged the director general of the treasury and the supplier with embezzlement.

The National Committee Against Corruption in the Prime Minister's Office is the primary agency responsible for combating corruption. The committee coordinates and supervises efforts by government agencies to improve transparency and reduce corruption but was not active in the year.

Whistleblower Protection: There was no information available on laws that protect whistleblowers.

Financial Disclosure: The transitional charter 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 transitional constitutional court. The Department of the Treasury, with the transitional constitutional court, is mandated to monitor and verify disclosures. The law specifies no sanctions for noncompliance. Declarations are public and posted on the transitional government's website. The transitional government did not use a government website established under Bozize on which declarations had been publicly posted. The members of the government chosen in April 2011 publicly declared their assets and income upon entry into the government, but there were no reports that the members of the transitional national council had done so. The law does not require ministers to declare their assets upon departing government and is not explicit on what constitutes assets or income. Children and spouses are not required to make the same disclosure.

Public Access to Information: The law provides for access by journalists to "all sources of information, within the limits of the law." It does not specifically mention government documents or government information and makes no mention of access by the public. The transitional government often was unable or unwilling to provide information, and lack of access to information continued to be a problem for journalists and the public.

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

Domestic and international human rights groups operated in a restricted manner during the year due to instability and harassment and threats by the Seleka and other armed groups. Many international human rights and humanitarian groups either closed their suboffices or left the country during the year.

Seleka members killed two local NGO workers in Bossangoa in September, accusing them of collaborating with a village self-defense group. Seleka members also threatened NGO activists suspected of passing information about abuses by security forces to international NGOs for publication. According to the UNHRC, several leaders of human rights organizations went into hiding or fled the country after receiving death threats from the Seleka. Human rights defenders issued press releases under the Human Rights Network in an attempt to prevent identification of their authors.

Militias and military officers loyal to former president Bozize also attacked and threatened NGO workers and workers for international organizations during the year.

According to the UNHRC, members of the Bozize regime's forces and the Seleka also looted the premises of several humanitarian organizations and local service providers, including hospitals, other medical facilities, and warehouses where the organizations stored food and nonfood items. On September 7, Seleka members stopped two employees of the Agency for Technical Cooperation and Development, a French NGO, at a checkpoint three miles from Bossangoa as they were returning from a project site assisting the local population. When the Seleka discovered one employee had a satellite telephone, they accused him of being a pro-Bozize militia member and shot and killed him and his companion. The UN mission also reported that the Seleka engaged in systematic and widespread looting of private property, including offices and warehouses of NGOs in the towns of Ndele, Batangafo, Paoua, Kaga-Bandoro, Bambari, and Bria.

UN and Other International Bodies: International organizations operated in the country with difficulty. For example, Seleka members raided the UN's compound in Kaga-Bandoro and looted warehouses throughout the country belonging to UN agencies and other international humanitarian organizations.

AI reported that in February machete-wielding youth affiliated with former president Bozize surrounded the house of a UN employee; took him, his brother, and two others to Ndres cemetery; and opened fire. The employee survived, but the assailants killed his three companions. While hiding in the cemetery, the UN employee reportedly watched others brought to the cemetery and executed. Seventeen individuals were killed in the incident.

Government Human Rights Bodies: The interim government issued a decree on May 20 establishing a Joint Commission of Inquiry with a mandate to investigate human rights violations committed in the country since 2004. The commission consisted of 10 members: a chairperson, who is a magistrate; two vice presidents; and seven police and gendarmerie officers. One of the two vice presidents was the head of a local NGO. The interim government charged the joint commission with reporting to the president of the Transitional National Council and not to the judiciary. Members of the transitional government told AI researchers the commission would not be able to do a thorough job of investigation due to lack of resources.

Although the Transitional National Council established a Ministry for Human Rights and an Office for the Coordination of Humanitarian Action in June, neither was operational by year's end.

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

The transitional charter stipulates that all persons are equal before the law without regard to race and gender, but not with regard to disability, language, and sexual orientation and/or gender identity. The government did not enforce these provisions effectively, and significant discrimination existed.

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.

Although the law does not specifically mention spousal abuse, it prohibits violence against any person and provides for penalties of up to 10 years in prison. Domestic violence against women, including wife beating, was common, and 25 percent of women surveyed in an international NGO study in 2009 experienced violence committed by their partner. The law considers spousal abuse a civil matter unless the injury was severe. According to the Association of Women Lawyers of Central Africa (AFJC), victims of domestic abuse seldom reported incidents to authorities.

After the transitional government came to power, victims, witnesses, family members, reliable NGOs, and medical practitioners gave the UNHRC mission reports indicating the Seleka had committed sexual violence both in Bangui and in the provinces. In Bangui alone the UNHRC mission received credible and corroborated information of hundreds of cases of rape, including at least 250 cases between January and June. Armed men reportedly belonging to the Seleka perpetrated 140 rapes. An NGO documented 106 cases of rape committed by Seleka members in Bangui from December 2012 to April. The UNHRC mission also received reports of dozens of rapes in Basse-Kotto and Haute-Kotto prefectures and received additional reports during field visits to Damara, Sibut, and Kaga-Bandoro.

Sources reported that from April 13 through 16, several women and girls, some as young as 12 years old, were raped in the pro-Bozize Boy-Rabe neighborhood. One source reported the rape of seven women, while another reported the rape of four women on April 14 and of a 12-year-old girl on April 15. Many victims of sexual or gender-based violence who subsequently sought medical treatment required surgery. Several of them became pregnant, suffered a miscarriage, or contracted sexually transmitted diseases, including HIV/AIDS.

There was no evidence of efforts to find and punish the perpetrators or to otherwise combat and address rape and domestic violence.

Harmful Traditional Practices: Women, especially the very old and those without family, continued to be targets of witchcraft accusations (see section 6, Other Societal Violence or Discrimination).

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

Reproductive Rights: The government respected couples' right to decide freely and responsibly the number, spacing, and timing of children and to do so free from discrimination, coercion, and violence. Most couples lacked access to contraception, skilled attendance during childbirth, prenatal care, and essential obstetric care and postpartum care. According to UN data collected between 1990 and 2011, approximately 9 percent of women and girls between the ages of 15 and 49 who were married or otherwise in union used a modern method of contraception, and skilled health personnel attended 41 percent of births. According to estimates from the UN Population Fund, the maternal mortality rate remained extremely high: 890 deaths for every 100,000 live births in 2010. With only 0.08 physicians per thousand residents, most births were unattended by qualified medical professionals, resulting in poor outcomes. UN sources estimated that in 2010 a woman's lifetime risk of maternal death was one in 26.

Discrimination: The 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. Women's access to educational opportunities and to jobs, particularly at higher levels in their professions or in government service, remained limited. Some women reported economic discrimination in access to credit due to lack of collateral, but there were no reports of discrimination in pay equity or owning or managing a business.

The government did not take any steps in the year to combat discrimination against women. The AFJC advised women of their legal rights and how best to defend them. During the year, as a result of the widespread insecurity, the AFJC filed an increased number of complaints with the government regarding human rights violations.

Children

Birth Registration: Children derive citizenship by birth in the national territory or from one or both parents. Birth registration can be difficult and less likely to occur in regions of the country with little government presence. When births were registered, parents did not always register them immediately. Unregistered children faced restrictions on access to education and other social services.

Birth registration was spotty during the year and not possible in conflict zones. Seleka members looted birth registration offices around the country and destroyed their records. The government closed the vital statistics office in Bangui through October.

Education: Education is compulsory from six to 15 years of age. Tuition is free, but students have to pay for items such as books, supplies, and transportation. Girls did not have equal access to primary education: 65 percent of girls were enrolled in the first year of school, but only 23 percent of girls finished the six years of primary school, according to a 2007 UNESCO study. At the secondary

level, a majority of girls dropped out at the age of 14 or 15 due to societal pressure to marry and bear children. Few Ba'aka, the earliest known inhabitants of the forests in the south, attended primary school. Some local and international NGOs made efforts, with little success, to increase Ba'aka enrollment in schools, but there was no significant government assistance for these efforts.

During the year the Seleka looted, ransacked, and burned numerous schools throughout the country. Only a very few private schools were open according the UNHRC. The closure of public schools affected approximately 800,000 children from elementary through secondary school. Owing to the volatile security situation, many teachers and civil servants who sought refuge in Bangui at the outbreak of hostilities had not returned to the provinces by year's end.

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

Forced and Early Marriage: The law establishes 18 as the minimum age for civil marriage; nonetheless, an estimated 61 percent of women between the ages of 20 and 24 were married before the age of 18, according to UNICEF data collected between 2000 and 2009. UNICEF reported that forced marriages were on the rise among young girls in rural areas where the transitional government lacked authority. The transitional government did not take steps to address forced marriage. The practice of early marriage was more common in the Muslim community. There were reports in the year of forced marriages of young girls to Seleka members.

Harmful Traditional Practices: The law prohibits female genital mutilation/cutting (FGM/C), which is punishable by two to five years' imprisonment and a fine of 100,000 to one million CFA francs (\$206 to \$2,060), depending on the severity of the case. Approximately 24 percent of girls and women between the ages 15 and 49 had been cut, according to multiple indicator cluster surveys reported by UNICEF from 2010. No information was available on the type of excision most often practiced. The government broadcast public awareness announcements about FGM/C on public radio during the year.

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 years of age, but it was rarely observed.

The UNHRC reported the Seleka committed sexual violence against children between the ages of two to 17. The UNHRC also received reports on the use of girls as sex slaves.

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

Displaced Children: Prior to the Seleka takeover, there were more than 6,000 street children between the ages of five and 18, including an estimated 3,000 in Bangui, according to data collected by the Ministry of Family and Social Affairs. Many experts believed that HIV/AIDS and a belief in sorcery, particularly in rural areas, contributed to the large number of street children. An estimated 300,000 children had lost one or both parents to HIV/AIDS, and children accused of sorcery (often reportedly in connection with HIV/AIDS-related deaths in their neighborhoods) frequently were expelled from their households and were sometimes subjected to societal violence.

The country's instability had a disproportionate effect on children, who accounted for almost 50 percent of IDPs. Access to government services was limited for all children, but displacement reduced it further.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

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/.

Persons with Disabilities

The transitional charter provides for equal protection, but it does not explicitly prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to transportation, and access to state services. The law prohibits discrimination against persons with both mental and physical disabilities but does not specify other forms of disabilities. It also requires that in any company employing 25 or more persons, at least 5 percent of its staff must consist of sufficiently qualified persons with disabilities, if they are available. Additionally, the law states that at least 10 percent of the total number of newly recruited government civil service personnel should be persons with disabilities. There were no legislated or mandated accessibility provisions for persons with disabilities, and authorities did not provide such access.

The government did not enact programs during the year to ensure access to buildings, information, and communications. No information was available on whether any children with disabilities attended school during the year. The government mandates the Ministry of Labor's Labor Inspectorate with protecting children with disabilities.

National/Racial/Ethnic Minorities

Violence by unidentified persons, bandits, and other nonstate armed entities against the Mbororo 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 have armed themselves against attacks resulting from disputes with farmers upset over the presence of the Mbororo's grazing cattle. Several of these altercations during the year resulted in deaths. Additionally, some observers reported that, following the ouster of the Bozize government, Seleka members armed Mbororo herders, who joined them in committing abuses against villagers.

Indigenous People

Despite the ratification of the International Labor Organization (ILO's) Convention on Indigenous and Tribal Peoples, there was discrimination against the Ba'aka, who constituted 1 to 2 percent of the population. The Ba'aka continued to have little say in decisions affecting their lands, culture, traditions, and the exploitation of natural resources. Forest-dwelling Ba'aka in particular were subjected to social and economic discrimination and exploitation, which the transitional government did little to prevent.

The Ba'aka, including children, often were coerced into agricultural, domestic, and other types of labor. They were considered to be the slaves of 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," and the popular prejudice that they were barbaric and subhuman further caused their exclusion from mainstream society.

Societal Abuses, Discrimination, and Acts of Violence 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 (\$309 and \$1,236). When one of the participants is a child, the adult may be sentenced to two to five years' imprisonment or a fine of 100,000 to 800,000 CFA francs (\$206 and \$1,648); however, there were no reports that police arrested or detained persons under these provisions.

While there is official discrimination based on sexual orientation, there were no reports of the government targeting gays and lesbians. Societal discrimination against LGBT persons was entrenched due to a high degree of cultural stigmatization and social pressure placed upon individuals to conform to a heterosexual lifestyle. Many citizens attributed the existence of homosexuality to undue Western influence. There were no reports of LGBT persons targeted for acts of violence, although the lack of reports may be due to cultural biases and stigma attached to being a member of the LGBT community. There were no known organizations advocating or working on behalf of LGBT persons.

Other Societal Violence or Discrimination

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. According to the United Nations, 13,703 individuals on antiretroviral drugs were at risk of missing their treatment because of supply chain interruption resulting from Seleka looting of medical stores.

Evidence emerged mid-year that sectarian divisions had widened and the violence had taken on a religious cast. Many but not all Seleka members were Muslim, having originated in neighboring countries or in the remote Muslim north, a region the former Bozize government had neglected. Djotodia was considered the first Muslim to hold top executive power in the country, although his family is part Christian. There were press reports in mid-August that Seleka had targeted Christians

in and around the town of Bohong. According to reports from a Catholic group, attackers killed 50 persons and burned 4,500 houses but seemingly spared the Muslim community. On December 23, a group of Christians severely beat and hanged a Muslim man and his son after they discovered the man and his family were members of the local Muslim community. Some Christians reported they resorted to wearing Muslim attire to avoid harassment. Christian merchants claimed the transitional government gave preferential treatment to Muslim merchants.

By the end of the year, the level of violence had taken on a distinctly religious cast. 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. Leaders including the bishop of Bossangoa, along with internationally based academics, warned about the danger of casting the conflict in religious terms and thus fueling its escalation along religious lines.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of all workers, except for senior-level state employees and all security force members, to form or join 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, including the right to file lawsuits. The labor code no longer bars a person who loses the status of worker from belonging to a trade union or participating in its administration. But the law requires that union officials be full-time, wage-earning employees in their occupation and allows them to conduct union business only during working hours so long as the employer is informed 48 hours in advance and provides authorization. Additionally, the law requires that foreign workers meet a residency requirement of at least two years before they may organize. Substantial restrictions continued to make it difficult for noncitizens to hold a leadership position within a union, despite some amendments to the labor code.

Workers have the right to strike in both 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. To be legal, strikes must be preceded by the union's presentation of demands, the employer's response to these demands, a conciliation meeting between labor and management, and a finding by an arbitration council that 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 and Civil Service has the authority to determine 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. The labor code provides that unions may bargain collectively in the public and private sectors, and it also provides workers protection from employer interference in the administration of a union. In 2010 the ILO recommended the government amend a provision of the labor code, which in effect hinders public-sector workers' right to bargain collectively by providing that the collective agreements in the public sector be negotiated by professional groupings, even when trade unions exist. The transitional government took no action on the ILO recommendation.

Employees can have their cases heard in the 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 transitional government generally enforced the applicable laws and respected the 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 said 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 transitional government generally was not involved if the two parties were able to reach an agreement. Information was unavailable on the effectiveness of collective bargaining in the private sector. Employers were not known to use subcontractors or other short-term contractors to avoid negotiations with striking workers.

The transitional government, which was the country's largest employer, set wages after consultation, but not negotiation, with government-employee trade unions. Salary and pension arrears continued to be a problem for armed forces personnel and the 24,000 civil servants. In June the Republic of the Congo approved a 25 billion CFA loan (\$51.5 million) to help the government meet its commitments, especially in terms of paying civil service salaries. There were three months of arrears as of October.

b. Prohibition of Forced or Compulsory Labor

The labor code specifically prohibits all forms of forced or compulsory labor and prescribes a penalty of five to 10 years' imprisonment. 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 that such practices occurred. The failure of government enforcement was due to a lack of resources and to an inadequate inspection cadre. Employers subjected women and children to forced domestic, agricultural, mining, sales, and restaurant labor, as well as sexual exploitation. 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 is quite inexpensive. Ba'aka, including children, often were coerced into labor as day

laborers, farm hands, or other unskilled labor, and often treated as slaves. 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/.

c. Prohibition of Child Labor and Minimum Age for Employment

The labor code forbids the employment of children younger than 14 years of age without specific authorization from the Ministry of Labor and Civil Service, but the law also provides that the minimum age for employment could be as young as 12 years of age for some types of light work in traditional agricultural activities or home services. The law prohibits children younger than age 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 transitional government did not enforce these provisions due to a lack of resources and an inadequate inspector cadre. Child labor was common in many sectors of the economy, especially in rural areas. There were no reports of children employed on public works projects or at the residences of government officials. Children, however, continued to perform hazardous work and labored as child soldiers during the year.

Throughout the country children as young as age seven frequently performed agricultural work. Children often worked as domestic workers, as 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.

In Bangui many of the city's street children worked as street vendors.

During the year the Seleka recruited and used child soldiers (see section 1.g.).

Displaced children continued to work in fields for long hours in conditions of extreme heat, harvesting peanuts and cassava and helping gather items subsequently sold at markets such as mushrooms, hay, firewood, and caterpillars.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The labor code states that the minister of labor and civil service must set minimum wages in the public sector by decree. The minimum wages in the private sector are established based on sector-specific collective conventions resulting from negotiations between the employers and workers' representatives in each sector.

The minimum wage in the private sphere varies by sector and kind of work. While the average monthly minimum wage remained 28,000 CFA francs (\$58), for agricultural workers it was 8,500 CFA francs (\$18) and for government workers 26,000 CFA francs (\$54).

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 country's officially estimated poverty rate was 65 percent.

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 could be referred to the Ministry of Labor and Civil Service, although it was unknown whether this occurred during the year. There is no legal prohibition in regards to 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.

There are general laws on health and safety standards in the workplace, but the Ministry of Labor and Civil Service did not precisely define them. The labor code states that a labor inspector may force an employer to correct unsafe or unhealthy work conditions, but it does not provide the right for workers to remove themselves from such conditions without risk of loss of employment. There are no exceptions for foreign and migrant workers.

The transitional government did not enforce labor standards, and violations were common in all sectors of the economy. The government did not enforce standards due to inadequate resources and labor inspectorate capacity. Employers commonly violated labor standards in agriculture and mining. Miners often worked in open pits susceptible to collapse, and observers commonly saw children pushing produce carts through the streets. Despite the prevalence of these conditions, labor inspectors generally failed to intervene.

For example, diamond mines are subject to standards imposed by the mining code and inspection by the Miners' Brigade, but monitoring efforts were underfunded and insufficient. With an estimated 400,000 employed in association with diamond mining, it was one of the largest sectors in the country. Despite the law requiring those working in mines to be at least 18 years of age, observers frequently saw underage diggers. On average a digger earned a daily wage of 2,000 CFA francs (four dollars), 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 have a share in ownership and participate in the proceeds of diamond sales. On average they earned 186,000 CFA francs (\$383) 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 work place injuries and deaths.

published on  **eol.net**
European Society of Organism Information Networks