

CENTRAL AFRICAN REPUBLIC 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Central African Republic (CAR) is a presidential republic. Voters elected Professor Faustin-Archange Touadera president in a 2016 run-off election. Despite reports of irregularities, international observers reported the 2016 presidential and legislative elections were free and fair. On February 6, the government and 14 armed groups signed the Political Agreement for Peace and Reconciliation, their eighth peace accord, and President Touadera appointed Firmin Ngrebada as prime minister. An inclusive government was established on March 22 under Prime Minister Firmin Ngrebada. National elections are scheduled to take place December 2020.

Police and gendarmes have responsibility for enforcing law and maintaining order. The Central African Armed Forces (FACA) have responsibility for maintaining order and border security. The FACA report to the Ministry of Defense. Police and the gendarmerie report to the Ministry of Interior and Public Security. Civilian authorities' control over the security forces continued to improve but remained weak. State authority beyond the capital improved with the deployment of prefects and FACA troops in the western and southeastern parts of the country; armed groups, however, still controlled significant swaths of territory throughout the country and acted as de facto governing institutions, taxing local populations and appointing armed group members to leadership roles.

Significant human rights issues included: arbitrary and unlawful killings and forced disappearance by ex-Seleka, Anti-balaka, and other armed groups; torture by security forces; arbitrary detention by security forces and armed groups; harsh and life-threatening prison conditions; violence against and unjustified arrests of journalists; widespread official corruption; unlawful recruitment and use of child soldiers by armed groups; trafficking in persons; crimes of violence against women and girls by armed groups, to which the government took increased action, but was often still unable to prevent or prosecute; criminalization of same-sex conduct; and use of forced labor, including forced child labor.

During the year the government started to take steps to investigate and prosecute government officials for alleged human rights abuses, including in the security forces. Nevertheless, a climate of impunity and a lack of access to legal services remained obstacles.

Intercommunal violence and targeted attacks on civilians by armed groups continued. Armed groups perpetrated serious abuses of human rights and international humanitarian law during the internal conflicts. Both ex-Seleka and Anti-balaka armed groups committed unlawful killings, torture and other mistreatment, abductions, sexual assaults, looting, and destruction of property.

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

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

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

There were several reports that the government or its agents committed arbitrary or unlawful killings during the year. According to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), government forces allegedly committed human rights violations, including extrajudicial killings, with the FACA responsible for 22, the national gendarmes five, and police two. On January 8, a FACA member who worked as prison guard in Bossembele killed a detainee, and on February 21, a gendarme killed a man at an illegal checkpoint in Boda. Additionally, according to reports by MINUSCA and nongovernmental organizations (NGOs), armed groups committed multiple arbitrary or unlawful killings. MINUSCA reported that armed groups killed 241 civilians in total in the second quarter of the year, including 82 killings by Return, Reclamation, Rehabilitation (3R), 53 by the Union for Peace (UPC), and 45 by the Popular Front for the Renaissance in the Central African Republic (FPRC).

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

In May the 3R armed group organized two simultaneous attacks, killing 41 civilians and seriously wounding five in Paoua Province. The United Nations

Experts Group investigated the incidents and determined 32 persons were massacred as a reprisal for exactions committed against members of the Peul ethnic group. Nine others were killed for stealing nearly 400 oxen belonging to the Peuls. The local branch of the Central African Observatory for Human Rights confirmed these numbers and distributed a communique highlighting the victims' information.

Additionally, in May local security forces reported elements of 3R killed an additional 15 civilians in the village of Maikolo. As of September the United Nations was investigating these cases.

The government publicly condemned these killings, memorialized the victims with three days of mourning, and arrested three of the perpetrators. The detainees were 3R commanders Issa Salleh (alias "Bozizee"), Mahamat Tahir, and Yauba Ousman. Sidiki, the leader of the 3R, denied having any prior knowledge of the incident. The three commanders remained incarcerated while awaiting trial. Prosecutor General of the Bangui Court of Appeal Eric Didier Tambo confirmed these accused killers were scheduled to be tried in CAR's Special Criminal Court (SCC).

There were numerous killings of civilians by the Lord's Resistance Army (LRA), a Ugandan rebel group that operated in eastern regions of the country, and other armed groups including the Anti-balaka, 3R, Revolution and Justice (RJ), the Patriotic Movement for the Central African Republic (MPC), UPC, FPRC, and Democratic Front of the Central African People (FDPC) (see section 1.g.).

According to the NGO Invisible Children, between May and June, the LRA perpetrated attacks on civilians in the Mbomou Uele region. The LRA reportedly kidnapped and robbed 25 civilians. Sixteen were released; however, the whereabouts of the remaining nine remained unknown.

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

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities. There were reports that forces from the ex-Seleka, Anti-balaka, and other armed groups were responsible for politically motivated disappearances. Those abducted included police and civilians (see section 1.g.).

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

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

Although the law prohibits torture and specifies punishment for those found guilty of physical abuse, there were reports from NGOs that FACA soldiers, gendarmes, and police were responsible for torture.

In February the United Nations investigated and concluded that Russian mercenaries were responsible for violating the human rights of Muslim coffee trader Mahamat Nour, who was arrested, detained, and tortured in Bambari. After five days in detention, Mahamat was released and taken to a hospital in Bangui, where he received treatment for an amputated finger, lacerations, and bruises. In early October a local report claimed an unidentified assailant shot and killed Mahamat Nour at his home in Bambari after he returned there.

In June, three FACA troops that were seconded to Chinese mining companies in Bozoum were accused of raping a local woman. The victim was hospitalized and received several surgeries to repair injuries suffered during the attack.

On June 15, two French journalists, Charles Bouessel and Florent Vergnes, and local political activist Joseph Bendouga were arrested, detained, and beaten by members of the Central Office for the Repression of Banditry (OCRB). The arrests occurred while the three men were reporting and photographing a peaceful demonstration in Bangui. The OCRB was accused of confiscating and destroying their equipment. The French journalists were released without charge after six hours in detention; however, Bendouga remained detained and was reportedly tortured for four days.

There were reports of impunity for inhuman treatment, including torture, according to credible NGOs, and abuse and rape of civilians, that resulted in deaths by forces from the ex-Seleka, Anti-balaka, LRA, and other armed groups (see section 1.g.).

In June MINUSCA reported that within a one-week period there were more than 20 cases of sexual abuse and other human rights abuses in six prefectures across the country, including the Mbomou, Basse Kotto, Ouham-Pende, Nana Mambereee, Nana Gribizi, Bamingui-Bangoran, and Ombella M'Poko prefectures.

There were allegations that four MINUSCA personnel raped local women. The United Nations investigated one of the cases and referred the others to the troop-contributing countries.

Prison and Detention Center Conditions

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

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

Physical Conditions: The government operated three prisons in or near Bangui: Ngaragba Central Prison, its high-security Camp de Roux annex for men, and Bimbo Women's Prison. A combination of international peacekeepers, FACA, prison officers trained by MINUSCA and the Ministry of Justice, and judicial police guarded both men's and women's prisons. In March, 150 new civilian prison officers began training in Bangui, which was expected to increase the total to 250 officers. As part of the demilitarization of the prison service, responsibility for prisoner health services was transferred from the defense to justice ministry.

On August 30, General Inspector of Judicial Services Joseph Bindoumi identified a number of discrepancies at the severely overcrowded Ngarabga prison in Bangui. With 21,500 square feet of surface, the prison of Ngaragba contained 1,023. Bindoumi stated that the density of the population in the prison was of two prisoners per square meter and that only 200 prisoners had been regularly tried and condemned.

Nine prisons were operational outside the Bangui area: Bangassou, Bouar, Berberati, Bimbo, Bossangoa, Bambari, and Mbaiki. Detention facilities rehabilitated by MINUSCA in Bangassou and Paoua reopened in March. In other locations, including Bossembele and Boda, police or gendarmes kept prisoners in custody. 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. Conditions were life threatening and substantially below

international standards. The national budget did not include adequate funds for food for prison inmates.

Authorities sometimes held pretrial detainees with convicted prisoners, juveniles with adults, and failed to separate prisoners by gender. In Bangui, however, prisoners were separated by gender. Smaller prisons in cities such as Bouar, Mbaiki, Berberati, and Bossangoa segregated male prisoners from female prisoners, but conditions were substantially below international standards. Female prisoners were placed in facilities without ventilation or electricity. All 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. The accusations ranged from murder to witchcraft and petty crimes. Police and gendarmes held individuals beyond the statutory limits for detention before imposing formal charges.

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. Authorities seldom initiated investigations of abuse in prisons.

Prisons were consistently underfunded with insufficient operating resources for the care of prisoners. There were reports that complainants paid police or gendarmes fees for their complaints to be heard. Additionally, prison guards and administrators were accused of charging prisoners, prisoners' family members, and other visitors' unofficial fees.

Independent Monitoring: The government permitted monitoring by UNHCR independent experts and international donors. The government also permitted monitoring by the Office of the UN High Commissioner for Human Rights and the UN Human Rights Council's independent expert on human rights in the CAR.

Improvements: In March the government and agencies of the United Nations launched a nationwide recruitment of 150 new prison officers.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide 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 detention and lengthy pretrial detention. Ongoing challenges included a lack of affordable legal representation and an unresponsive judiciary system.

Police and gendarmes have responsibility for enforcing law and maintaining order. Prior to the conflict, police and gendarmes maintained limited or no presence in many areas. During the violence that commenced in 2013, police and gendarmes withdrew from the interior. Since 2014 the police and gendarmerie have gradually increased their presence in several previously vacated towns. Deployed officers, however, remained poorly trained, under resourced and supplied with poorly functioning arms and insufficient ammunition for their tasks.

Impunity remained persistent throughout the country. Contributing factors included poorly trained officials, inadequate staffing, and insufficient resources. Additionally, claims of corruption among top government officials, delayed receipt of salaries for law enforcement and judiciary employees, and threats from local armed groups if officials arrested or investigated members persisted.

MINUSCA's uniformed force of 12,870 military personnel, police officers, and military observers were tasked to protect the civilian population from physical violence within its capabilities and areas of deployment. MINUSCA's 2,080 police officers were authorized to make arrests and transfer persons to national authorities.

The Mixed Unit for the Repression of Violence against Women and the Protection of Children (UMIRR) investigated 75 cases of gender-based violations and gender-based violations and filed 14 out of the 75 to the Appeals Court of Bangui to be tried during the 2019 criminal session. No statistics were available about those who were convicted. UN officials reported the prosecutor general of Bangui often did not take up cases UMIRR referred to the prosecutor.

Arrest Procedures and Treatment of Detainees

Judicial warrants are not required for arrest. The law, however, stipulates that authorities must inform detainees of their charges and present them before a magistrate within 72 hours. This period is renewable once, for a total of 144 hours. The only exceptions are suspects involving national security. Authorities often did not respect these deadlines, in part due to poor recordkeeping, inefficient and slow judicial procedures, and insufficient number of judges.

Authorities sometimes followed legal procedures in cases managed by gendarmes or local police. Many detainees could not afford a lawyer. Although the law provides that a lawyer be provided for those unable to pay in felony cases where a sentence of 10 years or more could be imposed, lawyers are not provided for nonfelony cases. Remuneration for state-provided attorneys was 5,000 CFA francs (\$8) per case, which deterred many lawyers from taking such cases. For individuals detained by ex-Seleka and Anti-balaka and placed in illegal detention centers, legal procedures were not followed and access to lawyers was not provided.

Prosecution of persons subject to sanctions by the UN Sanctions Committee did not occur.

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

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

Although recordkeeping of arrests and detentions was poor, the slow investigation and processing of a case was the primary cause of pretrial detention. The judicial police force charged with investigating cases was poorly trained, understaffed, and had few resources, resulting in poorly processed cases with little physical evidence. The court system did not hold the constitutionally mandated two criminal sessions per year. 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, in practice, many detainees were not able to exercise this right due to a lack of affordable legal services and an unresponsive justice system.

e. Denial of Fair Public Trial

Although the constitution provides for an independent judiciary, there was a lack of independence of the judiciary from political actors. In 2013 the Seleka destroyed court buildings and records throughout the country, leaving the judicial system barely functional. In 2017 the president issued a decree that appointed eight members to the Constitutional Court, four of whom, including the president

of the court, were women. A total of 18 of 27 first instance and appellate courts were operating during the year, including 16 outside of Bangui. The courts in Bangui and some other major cities, notably Bangassou, Bouar, Berberati, Bossangoa, Mbaiki, Boda, and Bimbo, resumed operation, but the deployment of magistrates and administrators outside Bangui was inadequate. Many judges were unwilling to leave Bangui, citing security concerns, the inability to receive their salaries while in provincial cities, and the lack of office space and housing.

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

In 2018 the National Assembly adopted the rules of procedure and evidence for the SCC. In October 2018 the SCC officially launched investigations and in December 2018 publicly launched a prosecutorial strategy. In 2019 the SCC moved into permanent premises, and the special prosecutor opened at least four investigations from 22 identified priority cases. Judges were conducting investigations of an additional three cases. The SCC was established by law in 2015 in the domestic judicial system and operates with both domestic and international participation and support. The SCC jurisdiction comprises serious violations of human rights and international humanitarian law, including genocide, crimes against humanity, and war crimes.

MINUSCA was assisting in setting up the SCC victim and witness protection unit, as provided for by the SCC founding law and the SCC rules of proceedings and evidence. Some victims and witnesses were already under the unit's protection during ongoing SCC proceedings. Some unit protection staff have been on boarded and more were under recruitment; protection equipment was been delivered and more is in procurement; court procurement; court personnel and other individuals in contact with victims and witnesses have been receiving training on protection and other subjects.

Two individuals, Alfred Yekatom and Patrice-Edouard Ngaïssona, were surrendered to the International Criminal Court in November 2018 and January 2019, respectively, on charges of crimes against humanity and war crimes committed in CAR in 2013 and 2014. The confirmation of charges hearing for both individuals concluded in October.

Operations of the courts of appeals for criminal courts in two of the country's three judicial districts--the Western district based in Bouar and the Central district based in Bangui--held criminal sessions during the year.

In August the Court of Appeals of Bouar held a criminal session during which six former combatants from the Patriotic Movement for the Central African Republic (MPC) armed group were convicted and sentenced to 10 to 15 years of imprisonment. The Appeals Court of Bangui held its criminal session from September 18 to October 17. A total of 29 cases including murder, rebellion, armed robbery, and rape were tried. On September 23, the court tried Abdoulaye Alkali, a senior officer from ex-Seleka, on the charges of war crimes and crimes against humanity. He was sentenced to six years in prison although General Prosecutor Eric Didier Tambo requested the sentence of life imprisonment.

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right. 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; this process delayed trial proceedings due to the state's limited resources. Defendants have the right to question witnesses, present witnesses and evidence on their own behalf, and file appeals. The government sometimes complied with these requirements. Defendants have the right to be informed promptly and in detail of the charges (with free interpretation as necessary) from the moment charged through all appeals, to receive adequate time and facilities to prepare a defense, and not to be compelled to testify or confess guilt. Authorities, however, seldom respected these rights.

With the assistance of MINUSCA and international donors, the government established the SCC, which is tasked with investigating and prosecuting serious human rights violations. It has a focus on conflict-related and gender-based crimes. The internationally nominated chief prosecutor for the court took office in May 2017. More than a dozen international and national positions within the court, including judges, prosecutors, and clerks, were filled.

Criminal hearings resumed in Bangassou, Bouar, and Kaga-Bandoro.

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 order to file lawsuits seeking damages for, or cessation of, a human rights violation. In 2015 the civil courts resumed operations with regular sessions. There is no system for protecting victims and witnesses from intimidation and insecurity. 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.

The director of the Mixed Unit for the Repression of Violence against Women and the Protection of Children (UMIRR), Commander of the Gendarmerie Paul Andre Moyenzo, reported the case of a nine-year-old girl who was sexually abused. The case was investigated by UMIRR, and the perpetrator was arrested, brought before the Court of Bangui and sentenced to years in prison. After release from prison a short time later, the perpetrator returned to the village and again threatened the victim, who also was stigmatized by her community.

Several civil courts were operational in Bangui and other prefectures in the western region.

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

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

g. Abuses in Internal Conflict

There were serious abuses of human rights and international humanitarian law by armed groups. The ex-Seleka and the Anti-balaka fighters operated freely across much of the country. Reports of abuses included unlawful killings, torture, abductions, sexual assaults, looting, and destruction of property.

UN agencies and NGOs stated that humanitarian actors had not perpetrated any sexual violence during the year. Media reported one allegation of sexual abuse by

a MINUSCA soldier from Senegal. Senegalese authorities were investigating the allegation.

The United Nations reported that between June 12 and June 18, elements of the Anti-balaka and ex-Seleka sexually abused 25 victims, including 23 men and two women. These incidents occurred in the prefectures of Mbomou, Basse-Kotto, Ouham-Pende, Nana Mambere, Nana Gribizi, Bamingui-Bangoran, and Ombella M'Poko. The majority of the perpetrators were members of FPRC, MPC, UPC, Fulani, FPRC/MPC Coalition, and FPRC/Arab.

Killings: In March a 23-year-old man employed by the international NGO Oxfam was arrested, tortured, and killed by elements of the FPRC in Bria.

In Haute-Kotto, Vakaga, and Bamingui-Bangoran prefectures, the FPRC illegally arrested and detained 46 persons at checkpoints between Bria and Ippy. There were reports that seven of the detainees were executed.

In May, 77-year-old Sister Ines Sancho, from a Franco-Spanish national and Catholic religious order, was killed by unknown assailants in Nola, the prefecture of Sangha Mbaere. Pope Francis and the Catholic bishop of CAR denounced her murder.

Abductions: There were reports that armed groups kidnapped civilians. In April FDPC elements kidnapped three persons in the village of Zoukombo. Two months later the hostages were released unharmed.

In June, 3R elements in the village of Baoro abducted a local driver, robbed him of 15,000 CFA francs (\$25), and released him after a ransom of 10,000 CFA francs (\$17) was paid. MINUSCA was investigating the case.

Physical Abuse, Punishment, and Torture: Members of armed groups, including the ex-Seleka and Anti-balaka, reportedly continued to mistreat, assault, and rape civilians with impunity.

Child Soldiers: Armed militias associated with Anti-Balaka, ex-Seleka, the Lord's Resistance Army (LRA), and other armed groups forcibly recruited and used child soldiers in CAR; however, there were no verified cases of the government supporting units recruiting or using child soldiers during the reporting period. Armed groups recruited children and used them as combatants, messengers,

informants, and cooks. Girls were often used as sex slaves. The United Nations also documented the presence of children operating checkpoints and barricades.

Despite the MPC, part of the ex-Seleka, signing of the United Nation's action plan combatting the use of child soldiers, the group continued to have children in its ranks. The FPRC and the UPC issued orders barring the recruitment of children; however, NGOs reported the continued presence of children among these groups' ranks.

In 2005 the government ratified the African Charter on the Rights and Welfare of the Child. In 2017 it also ratified the Optional Protocol to the Convention on the Rights of the Child. These conventions prohibit the involvement of children in armed conflicts. During the year the government, UNICEF, and various NGOs worked with the armed groups to combat the exploitation of child soldiers. Negotiations culminated in the identification and removal of 1,816 children, including 371 girls, from armed groups.

During the year the *Report of the Secretary-General on Children and Armed Conflict* verified that recruitment and use of children in armed conflicts continued in the country. The report highlighted the use of child soldiers by the UPC, FPRC, MPC, Anti-balaka elements, ex-Seleka, Renovee, FDPC, LRA, and 3R. In January, 119 child soldiers, including 34 girls and 85 boys, were repatriated from the Revolution and Justice armed group. In May a campaign was launched in the capital against the enlisting of children in armed conflict that advocated for their protection and social reintegration.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression and the press. The government generally respected these rights.

Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views without restriction. All print media in the country were privately owned. Radio was the most widespread medium of mass communication. There were a number of alternatives to the state-owned radio

station, such as Radio Centrafrique. Independent radio stations operated freely and broadcast organized debates and call-in talk shows that were critical of the government, election process, ex-Seleka, and Anti-balaka militias. International media broadcast within the country.

Public discussion and political debates were generally free from state authorities' influence. Freedom of expression, however, was inhibited due to the risk of retaliation by armed groups for expressing opinions opposing their ideologies.

The government monopolized domestic television broadcasting, with coverage typically favorable to government positions.

In June a national television reporter and a journalist from Television Centrafricaine (TVCA) were beaten and robbed by elements of the Republican Guard. They were targeted for allegedly speaking against President Touadera's administration.

Also in June the Central Office for the Repression of Banditry (OCRB) arrested two French journalists with the Agence France Presse (AFP) for recording a peaceful demonstration held by opposition political parties. While in detention, they were beaten and interrogated and upon their release approximately six hours later, their cameras were confiscated and destroyed.

Internet Freedom

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

Academic Freedom and Cultural Events

There were no reports that the government restricted academic freedom or cultural events. The country's sole university was open.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, including the right to participate in political protests. The government, however, denied most requests to protest that were submitted by civil society groups, citing insecurity in Bangui.

Between April and June, the government repeatedly denied the right to peacefully demonstrate to a platform of civil society and opposition political parties, known as “E Zingo Biani.” On June 15, “E Zingo Biani” attempted to organize a meeting at the UCATEX stadium located in the Combatant district in the eighth constituency of Bangui near the Bangui M’poko Airport. The group submitted a request to the Ministry of Interior and Public Security; however, the request was denied. The Central African police, supported by MINUSCA forces as well as citizens who were part of a proregime paramilitary group called the “Central African Sharks Movement,” led by Heritier Doneng, prevented the demonstration from taking place. The group attempted to circumvent the ban peacefully with a demonstration and a march. Police fired teargas at the demonstrators, several of whom were severely injured. Former minister Joseph Bendounga and two AFP reporters were arrested by the OCRB.

Freedom of Association

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

c. Freedom of Religion

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

d. Freedom of Movement

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

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

In-country Movement: Armed groups and bandits made in-country movement extremely dangerous. Government forces, armed groups, and criminals alike frequently used illegal checkpoints to extort funds.

e. Internally Displaced Persons

The country continued to face an acute humanitarian crisis. According to UNHCR, there were 613,031 internally displaced persons (IDPs) and 606,875 CAR refugees in neighboring countries at the end of August. Targeted violence against civilians by armed groups continued throughout the year. According to the Office of Coordination and Humanitarian Action (OCHA), attacks by armed groups against humanitarian organizations increased during the year. These attacks obstructed delivery of life-saving assistance to persons displaced by conflict.

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

In March, 13 Muslim families that were among the IDPs in Bangassou returned to their homes in the village of Tokoyo.

In May many IDPs returned to their villages of origin due to the perception of improved security following the signature of the Political Agreement for Peace and Reconciliation (APPR), and a result of deteriorated living conditions in some IDP camps.

In June UNHCR and the governments of Cameroon and CAR agreed on the conditions for the voluntary repatriation of 285,000 Central Africans. This convention provided a legal framework for a voluntary return of CAR refugees living in Cameroon.

In July UNHCR and the governments of CAR and the Democratic Republic of the Congo (DRC) signed a Tripartite Agreement to facilitate the repatriation of CAR refugees living in the DRC.

Throughout the year clashes among armed groups caused death and destruction of property. According to UNHCR, many newly displaced persons suffered fatal attacks, robberies, lootings, and kidnappings. Even after reaching safe locations, they often risked assault by armed groups if they ventured outside of camps to search for food. In many affected areas, humanitarian assistance was limited to strictly life-saving interventions, due to limited access and insecurity. The presence of armed groups continued to delay or block planned humanitarian deliveries.

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

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

During the year three humanitarian workers were killed, and there were 90 reported incidents affecting humanitarian workers, premises, and assets.

f. 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. Individuals that had fled their countries of origin and had prior criminal records, however, were immediately repatriated.

In June the government celebrated the 36th anniversary of the National Commission for Refugees and gave 42 Rwandan refugees asylum certificates to remain in CAR.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

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

elections. None of the 30 presidential candidates obtained more than the 50 percent of the votes required to avoid a second round, which was held in February 2016. In January 2016 the Transitional Constitutional Court annulled the December 2015 legislative elections due to widespread irregularities and voter intimidation and fraud and ordered new elections. The rescheduled first-round legislative elections also took place in February 2016, with a second round held in March 2016. The inauguration of President Touadera took place in March 2016.

The National Assembly convened in May 2016; elections for the Senate still had not been held. Central African refugees and members of the diaspora in some neighboring states were able to participate in the elections.

In March the National Assembly convened its first ordinary session and focused on the revision of some provisions within the National Electoral Code. In June the Constitutional Court determined that some provisions of the new Electoral Code were unconstitutional, including the provision on gender parity, and returned it to the National Assembly. In July the National Assembly adopted the new Electoral Code, establishing the legal framework for the presidential, legislative, regional, and municipal elections scheduled for 2020 and 2021.

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

In 2019, 12 Muslims and seven women were appointed to the Cabinet. Societal and legal discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons prevented them from effectively advocating for their interests in the political sphere.

In March, 14 members of parliament, including three women, were elected to the Executive Bureau for one-year terms. The election of only three women did not comply with the law on parity, which requires there be a minimum of 35 percent representation by women in state and private institutions for a period of 10 years. The 2016 gender equality law also 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 implement the law effectively, and officials often engaged in corrupt practices with impunity. In 2017 President Touadera issued a decree appointing members of the High Authority for Good Governance, an independent body mandated by the constitution. It is charged with protecting the rights of minorities and the handicapped, and with ensuring the equitable distribution of natural resource revenues, among other roles.

Corruption and nepotism have long been pervasive in all branches of government, and addressing public-sector corruption was difficult in view of limited government capacity.

Corruption: No corruption cases were brought to trial. There were widespread rumors and anecdotal stories of pervasive corruption and bribery. In July a parliamentary commission released a report with allegations of corruption including bribery among members of parliament, ministers, high-ranking civil servants, and Chinese mining companies operating in the prefectures of Ouham-Pende and Ouham. No legal actions were taken by the government.

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

As of September there was no evidence that any ministers declared their assets.

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

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

Government Human Rights Bodies: In 2017 President Touadera signed into law an act establishing an independent National Commission on Human Rights and Fundamental Liberties (NCHRFL). The commission has the authority to investigate complaints, including the power to call witnesses and subpoena documents. In 2019 the NCHRFL collaborated with the Ministry of Justice, MINUSCA, and the African Union to draft the National Human Rights Policy for CAR. Additionally, the government was setting up the SCC's victim and witness protection unit with MINUSCA's assistance (see section 1.e.).

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

Women

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

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

Twelve cases of rapes were reported in the city of Berberati. During the year MINUSCA investigated 134 cases of sexual and gender-based violence by armed groups that involved 149 victims. A total of 62 suspected perpetrators were referred to authorities for prosecution. MINUSCA held 13 awareness and sensitization sessions throughout the country that were attended by 675 community members.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C of women and girls, which is punishable by two to five years' imprisonment and a fine of 100,000 to one million CFA francs (\$170 to \$1,700), depending on the severity of the case.

Nearly one-quarter of girls and women had been subjected to FGM/C, with variations according to ethnicity and region. Approximately one-half of girls were cut between the ages of 10 and 14. Both the prevalence of FGM/C and support for the practice declined sharply over time.

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

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

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

Children

Birth Registration: Children derive citizenship by birth in the national territory or from one or both parents. Birth registration could be difficult and less likely to occur in regions with little government presence. Parents did not always register births immediately. Unregistered children faced restrictions on access to education and other social services. The lack of routine birth registration also posed long-term problems.

Education: Education is compulsory from six to 15 years of age. Tuition is free, but students have to pay for items such as books and supplies and for transportation. The World Bank estimated 30 percent of children did not attend primary school and 22 percent did not attend secondary school. Girls did not have equal access to primary or secondary education. Few Ba'aka, the earliest known inhabitants of the forests in the south, attended primary school. There was no significant government assistance for efforts to increase Ba'aka enrollment.

Child Abuse: The law criminalizes parental abuse of children younger than 15. The Mixed Unit for the Repression of Violence against Women and the Protection of Children (UMIRR) investigated 2,093 cases of child abuse between June 2017 and August 31, 2019.

In May, 105 children, including 48 girls, were released from unidentified armed groups in towns in the Bangassou and Kaga-Bandoro areas.

In June the FPRC armed group signed an action plan to combat serious violations of the rights of the child including, the recruitment and use of children in armed conflicts, killing and maiming of children, abduction, and sexual violence. In March, four armed groups released 202 child soldiers. UNICEF and MINUSCA continued efforts to secure the release of all children that were still retained by this armed group.

In July a 13-year-old girl, accused of practicing witchcraft, was tortured by her father in the village of Kere. As of September the girl remained under protective custody with national police in Bambari.

Domestic abuse, rape, and sexual slavery of women and girls by armed groups threatened their security, and sexual violence was increasingly used as a deliberate tool of warfare. Attackers enjoyed broad impunity. Constitutional provisions for women's rights were rarely enforced, especially in rural areas. Sexual abuses by UN peacekeeping forces had been documented, but many instances had not been investigated or prosecuted.

Early and Forced Marriage: The law establishes 18 as the minimum age for civil marriage. The practice of early marriage was more common in the Muslim community. There were reports during the year of forced marriages of young girls to ex-Seleka and Anti-balaka members. The government did not take steps to address forced marriage. For additional information, see Appendix C.

Sexual Exploitation of Children: During the year the government cabinet drafted the Child Protection Act. The draft legislation has a series of measures that address the exploitation of minors. The legislation was at the National Assembly for approval ratification at year's end.

There are no statutory rape or child pornography laws to protect minors. The family code prescribes penalties for the commercial exploitation of children, including imprisonment and financial penalties. The minimum age of sexual consent is 18, but it was rarely observed.

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

In April MINUSCA and the NGO Justice Rapid Response sponsored a three-day workshop for 26 child protection workers in Bangui. The workshop provided training to strengthen monitoring, investigating, and reporting skills necessary to address crimes against children.

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

Displaced Children: Armed conflict resulted in forced displacement, with the number of persons fleeing in search of protection fluctuating based on local conditions.

The country's instability had a disproportionate effect on children, who accounted for 64 percent of IDPs, 48 percent of whom were children younger than five, according to a report by the International Organization for Migration. Access to government services was limited for all children, but displacement reduced it further. Nevertheless, according to a humanitarian NGO, an estimated 110,000 displaced and vulnerable children participated in psychosocial activities. UNICEF stated armed groups released 1,954 children in 2018-19.

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.html>.

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with both mental and physical disabilities but does not specify other forms of disabilities. It requires that in any company employing 25 or more persons, at least 5 percent of staff must consist of

sufficiently qualified persons with disabilities, if they are available. The law states that at least 10 percent of newly recruited civil service personnel should be persons with disabilities. There are no legislated or mandated accessibility provisions for persons with disabilities. In addition, there were no available statistics concerning the implementation of this provision.

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

National/Racial/Ethnic Minorities

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

Indigenous People

Discrimination continued against the nomadic pastoralist Mbororo minority, as well as the forest dwelling Ba'aka. The independent High Authority for Good Governance, whose members were appointed in 2017, is tasked with protecting the rights of minorities and the handicapped, although its efficacy had yet to be proven.

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

The Ba'aka, including children, were often coerced into agricultural, domestic, and other types of labor. They were considered slaves by members of other local ethnic groups, and even when they were remunerated for labor, their wages were

far below those prescribed by the labor code and lower than wages paid to members of other groups.

Reports made during the year by credible NGOs, including the American Bar Association Rule of Law Initiative, stated the Ba'aka were effectively “second-class citizens,” perceived as barbaric and subhuman and excluded from mainstream society.

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

The penal code criminalizes consensual same-sex sexual activity. The penalty for “public expression of love” between persons of the same sex is imprisonment for six months to two years or a fine of 150,000 to 600,000 CFA francs (\$255 to \$1,020). When one of the participants is a child, the adult could be sentenced to two to five years’ imprisonment or a fine of 100,000 to 800,000 CFA francs (\$170 and \$1,360); 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 LGBTI persons. Societal discrimination against LGBTI persons was entrenched due to a high degree of cultural stigmatization. There were no reports of LGBTI persons targeted for acts of violence, although the absence of reports could reflect cultural biases and stigma attached to being an LGBTI individual. There were no known organizations advocating for or working on behalf of LGBTI persons.

HIV and AIDS Social Stigma

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

Other Societal Violence or Discrimination

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

During the worst of the crisis, some Christian communities formed Anti-balaka militias that targeted Muslim communities, presumably for their association with the Seleka. 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 and thus fueling its escalation along religious lines.

Ethnic killings often related to transhumance movements occurred. The major groups playing a role in the transhumance movements were social groups centering on ethnic identity. These included Muslim Fulani/Peul herders, Muslim farming communities, Christian/animist farming communities, and the Kara and Rounga conflict in Birao. Armed group conflict can also devolve into ethnic violence, such as the Kara/Rounga conflict in Birao. In September clashes started between the FPRC fighters from the Goula and Rounga ethnic groups and Movement of Central African Liberators for Justice (MLCJ) fighters from the Kara ethnic group following the killing of the son of the sultan of Birao by unidentified assailants. In retaliation the MLCJ fighters ambushed and killed two FPRC combatants. More than 20 individuals were killed, including civilians, and more than 20,000 inhabitants were displaced.

The law outlaws the practice of witchcraft. Conviction of witchcraft is punishable by five to 10 years' imprisonment and a fine from 100,000 CFA francs to one million CFA francs (\$170 to \$1,700).

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 labor code provides for the right of workers to organize and administer trade unions without employer interference and grants trade unions full legal status. The law requires union officials be full-time, wage-earning employees in their occupation and allows them to conduct union business during working hours if the employer is informed 48 hours in advance and provides authorization. Substantial restrictions hampered noncitizens from holding leadership positions in a union, despite amendments to the labor code.

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

Workers have the right to strike in both the public and private sectors, but the law prohibits security forces, including the armed forces and gendarmes, from striking. Requirements for conducting a legal strike are lengthy and cumbersome. For a strike to be legal, the union must first present its demands, the employer must respond to these demands, labor and management must attend a conciliation meeting, and an arbitration council must find that the union and the employer failed to reach agreement on valid demands. The union must provide eight days' advance written notification of a planned strike. The law states that if employers initiate a lockout that is not in accordance with the code, the employer is required to pay workers for all days of the lockout. The Ministry of Labor, of Employment and Social Protection has the authority to establish a list of enterprises that are required by law to maintain a "compulsory minimum service" in the event of a strike. The government has the power of requisition or the authority to end strikes by invoking the public interest. The code makes no other provisions regarding sanctions on employers for acting against strikers.

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

The government generally enforced applicable laws and respected laws concerning labor actions. The enforcement of penalties was not sufficient to deter violations. Workers exercised some of these rights, but only a relatively small part of the workforce, primarily civil servants, exercised the right to join a union. While worker organizations are officially outside government or political parties, the government exerted some influence over the leadership of some organizations.

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

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

Information was unavailable on the effectiveness of collective bargaining in the private sector.

b. Prohibition of Forced or Compulsory Labor

The labor code specifically prohibits and criminalizes all forms of forced or compulsory labor. The enforcement of penalties was not sufficient to deter violations. 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 such practices 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). No known victims were removed from forced labor during the year.

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 of the worst forms of child labor. The mining code specifically prohibits child or underage labor. The employment of children younger than 14 was prohibited under the law without specific authorization from the Ministry of Labor, of Employment and Social Protection. 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 law enumerates the types of hazardous work prohibited for children

The government did not enforce child labor laws. The government trained police, military, and civilians on child rights and protection, but trainees lacked resources to conduct investigations. The government 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 programs to eliminate or prevent child labor, including its worst forms. Penalties were not sufficient to deter violations.

Child labor was common in many sectors of the economy, especially in rural areas. Local and displaced children as young as seven years old frequently performed agricultural work, including harvesting peanuts and cassava and helping gather items subsequently sold at markets such as mushrooms, hay, firewood, and caterpillars. In Bangui many of the city's street children worked as street vendors. Children often worked as domestic workers, fishermen, and in mines, often in dangerous conditions. 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. No known victims were removed from the worst forms of child labor during the year.

Children continued to be engaged as child soldiers. There were reports of ex-Seleka and Anti-balaka recruiting child soldiers 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 place of employment based on race, national or social origin, gender, opinions, or beliefs. The government did not effectively enforce the law, however, if they were rigorously enforced, the laws would be sufficient to deter 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.

Migrant workers experienced discrimination in employment and pay.

e. Acceptable Conditions of Work

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

The minimum wage in the private sector varied by sector and type of work. The minimum wage in all sectors was below the World Bank standard for extreme poverty.

The minimum wage applies only to the formal sector, leaving most of the economy without a minimum wage. The law applies to foreign and migrant workers as well. Most labor was performed outside the wage and social security system in the extensive informal sector, especially by farmers in the large subsistence agricultural sector.

The law sets a standard workweek of 40 hours for government employees and most private-sector employees. Household employees may work up to 52 hours per week. The law also requires a minimum rest period of 48 hours per week for citizen, foreign, and migrant workers. Overtime policy varied according to the workplace. Violations of overtime policy may be referred to the Ministry of Labor, Employment, and Social Protection, although it was unknown whether this occurred during the year. There is no legal prohibition on excessive or compulsory overtime. The labor code, however, states 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, of Employment and Social Protection did not precisely define them. The labor code states that a labor inspector may force an employer to correct unsafe or unhealthy work conditions.

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

The government did not effectively enforce labor standards, and violations were common in all sectors of the economy. The Ministry of Labor, of Employment and Social Protection has primary responsibility for managing labor standards, while enforcement falls under the Ministry of Interior and Public Safety and the Ministry of Justice and Human Rights. The government did not have an adequate number of labor inspectors to enforce compliance with all labor laws. Penalties were seldom enforced and were insufficient to deter violations. Employers commonly violated labor standards in agriculture and mining. Salary and pension arrears were problems for armed forces personnel and the country's approximately 24,000 civil servants.

Diamond mines, which employed an estimated 400,000 persons, are subject to standards imposed by the mining code and inspection by the Miners' Brigade. Nevertheless, monitoring efforts were underfunded and insufficient. Despite the law requiring those working in mines to be at least age 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. Often miners supplemented these earnings with either illegal diamond sales or wages from other sectors of the economy.

The government does not release information on workplace injury and deaths, or other occupational health and safety statistics, and officials failed to respond to International Labor Organization direct requests to provide this information.