

# CENTRAL AFRICAN REPUBLIC 2015 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Central African Republic is a republic with a transitional government led by Catherine Samba Panza, who was elected president by the Transitional National Council (CNT) in January 2014. The president and prime minister share executive power. The CNT was established after the Seleka rebel alliance, led by Michel Djotodia, deposed former president Francois Bozize in March 2013. In April 2013 the Economic Community of Central African States (ECCAS) adopted the Ndjamena Declaration, which provided for the establishment of a transitional government leading to elections 18 months after the swearing-in of the transitional president, or by February 2015. In August 2013 Djotodia was sworn in as transitional president under the terms of a transitional charter but resigned in January 2014 under pressure from ECCAS after state authority--already weak under Bozize--largely collapsed under his rule. In December 2014 ECCAS extended the transition for an additional six months and called for a constitutional referendum and presidential and legislative elections by August 2015. Despite financial, logistical, and security challenges that resulted in further delays, the first of two rounds of presidential and legislative elections was held on December 30. The second round of elections was slated to occur before the end of March 2016. The last general election occurred in 2011, when former president Francois Bozize was re-elected in what national and international observers considered flawed elections. Civilian authorities did not maintain effective control over the security forces, and state authority barely extended beyond the capital Bangui. Armed groups controlled significant swaths of territory throughout the country and acted as de facto governing institutions, taxing local populations, providing security services, and appointing members to leadership roles.

While the human rights situation continued to improve since the September 2014 deployment of the Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), the civilian population remained subject to killings, hostage-taking, mistreatment and torture, sexual and gender-based violence, and displacement. According to MINUSCA's Report on the Situation of Human Rights in the Central African Republic, released on December 11, "serious violations of international human rights and international humanitarian law continued to be committed throughout the country by nonstate armed groups...and, to a lesser extent, by state actors."

The most serious human rights problems included arbitrary and unlawful killings, especially those perpetrated by the ex-Seleka and groups known as the anti-Balaka. (Note: This report refers to the “ex-Seleka” for all abuses attributed to the Seleka that occurred after the Seleka was dissolved in September 2013). Since 2013 the violence has claimed thousands of lives, and more than 800,000 persons remained internally displaced or fled to neighboring countries. Enforced disappearances and torture; sexual violence, including rape; and the use of child soldiers continued.

Other human rights problems included: inability of citizens to change the government through free and fair elections; harsh and life-threatening prison conditions, including the use of illegal detention facilities; arbitrary arrest and detention; the complete break-down of the judicial system, resulting in prolonged pretrial detention and 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. Refugees lacked protection and access to basic services. Corruption was widespread. Domestic and international human rights groups faced harassment and threats. Discrimination and violence were experienced by women; children; persons with disabilities; ethnic minorities; indigenous people; lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; persons with HIV/AIDS; Christians; and Muslims. Forced labor and child labor, including forced child labor, were also problems.

The government did not take steps to investigate and prosecute officials who committed violations, whether in the security forces or elsewhere in the government, creating a climate of impunity.

On July 24, Marie-Therese Keita Bocoum, the UN independent expert on the situation of human rights in the Central African Republic, released a report on events from May 2014 to June. While noting improved security due to increased patrolling by MINUSCA, the report attributed most human rights violations to armed groups. Such groups included ex-Seleka factions, which controlled the northern and eastern areas; the anti-Balaka, which controlled the western part of the country; and other armed groups operating in the East, including the Lord’s Resistance Army (LRA), Revolution and Justice, and the Democratic Front of the Central African People. MINUSCA peacekeeping troops reportedly were responsible for extrajudicial killings, and there were reports of sexual exploitation and the inappropriate use of force by international and MINUSCA peacekeeping forces during the year.

**Section 1. Respect for the Integrity of the Person, Including Freedom from:****a. Arbitrary or Unlawful Deprivation of Life**

There were several reports that the government or its agents committed arbitrary or unlawful killings.

Members of the Central Office for the Repression of Banditry (OCRB), a police anticrime unit, conducted extrajudicial killings near Bangui. According to international nongovernmental organizations (NGOs), on October 24, OCRB members allegedly conducted extrajudicial killings of two persons accused of theft. Led by Colonel Robert Yekoua, the OCRB was largely comprised of soldiers of the Central African Armed Forces (FACA) who operated as police officers. The transitional government failed to investigate or punish suspected perpetrators.

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 to the conflict (see section 1.g.). The killings, often reprisal in nature, included summary executions and deliberate and indiscriminate attacks on the civilian population. The UN Panel of Experts on the Central African Republic, established pursuant to a 2013 UN Security Council resolution, documented 3,232 civilian killings throughout the country, including 22 aid workers, from December 2013 to mid-August (see section 1.g.). The panel reported an additional 79 civilians killed in Bangui between September 26 and October 16, including 12 children between six months and 17 years of age.

The LRA, a Ugandan rebel group that operated in eastern regions of the country, and other armed groups, including Revolution and Justice and the Democratic Front of the Central African People, were responsible for civilian killings (see section 1.g.).

Ethnic killings related to cattle theft occurred (see section 6).

MINUSCA peacekeeping troops reportedly were responsible for extrajudicial killings. For example, on June 10, a MINUSCA contingent from the Republic of Congo allegedly beat four civilians accused of criminal activity, resulting in two deaths and severe injuries to a third individual. The UN sent 20 peacekeepers home, urging investigation of the incident by the soldiers' home country. No investigation reportedly occurred by year's end.

## **b. Disappearance**

There were reports that forces from the ex-Seleka, anti-Balaka, LRA, and other armed groups operating in the country were responsible for politically motivated disappearances. Those abducted included a UN employee, two priests, the mayor of a subprefecture, and numerous other civilians (see section 1.g.).

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

In June MINUSCA issued a statement regretting the lack of progress by the Republic of Congo government in the investigation of the disappearance following the arrest of 11 persons from a private home in Boali in March 2014. According to Human Rights Watch, eyewitness accounts tied the disappearances to Congolese forces with the African Union's International Support Mission to the Central African Republic, the peacekeeping mission that preceded MINUSCA.

## **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 that government officials employed them. In her July report, the UN independent expert noted MINUSCA documented four cases of cruel, inhuman, or degrading treatment or punishment by government forces.

On January 27, at the gendarmerie in Bria, a town located northeast of Bangui, gendarmes forced a detainee to crawl until he confessed to crimes. Local authorities within the gendarmerie reported this was a common practice to obtain confessions.

The UN independent expert also reported allegations that security forces, particularly members of the OCRB, mistreated individuals in pretrial detention or during the arrest of suspected criminals (see section 1.g.).

According to the Human Rights Division of MINUSCA, which documented 775 cases of human rights violations between mid-September 2014 and May 31, serious violations of international human rights and international humanitarian law were committed throughout the country by nonstate armed groups, including anti-

Balaka and ex-Seleka, and, to a lesser extent, government forces. Violations affected at least 785 victims, including 88 women and 43 children.

Forces from the ex-Seleka, anti-Balaka, LRA, and other armed groups operating in the country abused, raped, and tortured civilians with impunity. Deaths due to torture occurred (see section 1.g.).

There were reports of sexual exploitation and the inappropriate use of force by international and MINUSCA peacekeeping forces during the year.

In April international press sources reported non-UN troops from France, Equatorial Guinea, and Chad allegedly sexually abused boys in the M'Poko camp for internally displaced persons (IDPs) in Bangui from December 2013 to June 2014. The government of France opened a judicial inquiry during the year, but results were not released by year's end. No other country announced an investigation.

Between 2014 and 2015, two European Union peacekeeping contingents allegedly raped two girls and paid two others for sex. The girls were 14 to 16 at the time of the alleged abuses.

UN officials reported 22 allegations of sexual abuse or exploitation by MINUSCA personnel in the Central African Republic in 2015, nine of which involved minors. In August a UN spokesperson announced MINUSCA peacekeepers belonging to a Democratic Republic of the Congo contingent in Bambari were accused of raping two women and a girl. Between October and December, HRW reported a 14-year-old girl and an 18-year-old woman were gang raped near the Bambari airport.

On December 30, according to reliable international press sources, UN peacekeeping troops were listed as allegedly using a prostitution ring in the M'Poko IDP camp, paying 289 to 1,731 CFA francs (50 cents and \$3) for sex with young girls. While UN sources did not officially confirm participant nationalities, UN officials were cited in the press accounts as the source for the countries being implicated.

UN Secretary-General Ban Ki-moon called on all countries that contribute peacekeepers to increase predeployment education and human rights training, enhance vetting procedures, conduct rapid and effective investigations, ensure consistent repercussions for offenders, boost assistance to victims, and strengthen reporting of any cases of sexual exploitation and abuse.

## **Prison and Detention Center Conditions**

The transitional government operated two prisons in Bangui: Ngaragba Central Prison for men (with 89 inmates at year's end) and Bimbo Prison for women (with 20 inmates at year's end). A combination of international peacekeepers, FACA troops, and judicial police guarded the men's prison and its perimeter, while FACA troops guarded the women's prison. There were also prisons in Bouar, Mbaiki, and Berberati. Conditions in other prisons not emptied or destroyed by recent conflict were life threatening and substantially below international standards. Basic necessities, including food, clothing, and medicine, were inadequate and often confiscated by prison officials.

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

Physical Conditions: According to the UN independent expert who visited Ngaragba and Bimbo prisons in June, security, overcrowding, health, and nutrition at Ngaragba were "major challenges."

Authorities sometimes held pretrial detainees with convicted prisoners and juveniles with adults. In prisons outside of Bangui, men and women were held together.

Official prisons lacked basic sanitation and ventilation, electric lighting, basic and emergency medical care, and sufficient access to potable water. Prisoners seldom had access to health care, and disease was pervasive. In the women's prison, authorities divided inmates into three large rooms with no ventilation or electric lighting, and all, including pregnant women, slept on thin straw mats on cement floors.

On September 28, 677 detainees escaped from Ngaragba Central Prison.

Administration: There was no centralized recordkeeping system to track the number of prisoners in the country. Authorities did not use alternatives to incarceration for nonviolent offenders. There was no ombudsman system. Prison detainees have the right to submit complaints of mistreatment, but victims rarely did due to lack of a functioning formal complaint submission mechanism and fear

of retaliation by prison officials. Authorities seldom initiated investigations of abuse in the prison system. According to the UN independent expert, prisoners did not have reasonable access to visitors.

During the year the UN Development Programme (UNDP) conducted prison administration training for 25 correctional officials and wardens.

Independent Monitoring: The transitional government on occasion permitted monitoring by independent observers, including the UN independent expert in July and the MINUSCA Corrections Team, which in December visited Bimbo Prison to assess the need for facilities for women with infants. It also allowed the International Committee of the Red Cross (ICRC) to visit 300 detainees in Bangui and distribute food daily where there were severe shortages. Destroyed or poorly kept records impeded access for observers.

Improvements: Foreign donors funded renovations to Ngaragba Prison, including a cover for a wastewater drainage system that ran as an open trench through the prison yard. MINUSCA and UNDP personnel rehabilitated a high-security prison at Camp de Roux.

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

The law provides protection against arbitrary arrest and detention and accords detainees the right to a judicial determination of the legality of their detention, but the transitional government did not observe these prohibitions. In the territories they controlled, the ex-Seleka and anti-Balaka also ignored such provisions, and arbitrary arrest and detention remained serious problems throughout the country.

#### **Role of the Police and Security Apparatus**

The police and gendarmerie have responsibility for enforcing law and maintaining order; however, both largely were disbanded during the violence in 2013 and had limited or no presence in many areas of the country. While the police and gendarmerie increased the number of towns in which they were present during the year, they remained poorly trained and had few functioning arms and little ammunition.

Impunity was a problem. According to the July report of the UN independent expert, contributing factors included insufficient staffing and resources of the police, gendarmerie, and judiciary, along with an inadequate number of prisons.

The independent expert noted, “Victims are reluctant to file complaints with police in situations where complainants are not of the same religious or ethnic group as the law enforcement personnel.” She also reported cases in which national security forces were “reportedly reluctant to take action against human rights violators, particularly when the latter were anti-Balaka.” Since the beginning of its mandate in September 2014, MINUSCA nevertheless reportedly supported the authorities in apprehending nearly 390 persons, most of whom were in investigative detention pending trial at year’s end. The independent expert also noted that after more than five years without any trials taking place, criminal hearings resumed on June 29 and that the court heard nearly 60 cases.

From July 2014 to June, MINUSCA’s Human Rights Division provided training in civilian protection to 50 FACA soldiers (including three women), 112 UN Police personnel, and 101 police and gendarmerie officers (including nine women). MINUSCA also provided human rights training to 690 FACA soldiers and 45 police officers (including nine women).

Approximately 40 judicial police officers received refresher training in basic criminal investigation skills in December.

MINUSCA had a total military-police force of 11,820, including 1,820 police officers. The role of MINUSCA’s police force was to protect the civilian population from threat of physical violence within its capabilities and areas of deployment. MINUSCA police had the authority to make arrests and transfer persons to national authorities but not to investigate cases.

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

Judicial warrants are not required for arrest. The law stipulates 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.

The bail system did not function. 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 ex-Seleka and anti-Balaka and placed in illegal detention centers, however, legal procedures were not followed, and access to lawyers was not provided.



Arbitrary Arrest: Arbitrary arrest was a serious problem. The NGO Human Rights Organization Network reported it had consistent and corroborated information that arrests based on ethnicity, suspected affiliation with an armed group, and/or the inability to pay bribes for release occurred.

In May FACA forces arrested five persons against whom evidence was “extremely weak,” according to the UN Panel of Experts.

According to the Central African Human Rights League, some ex-Seleka and anti-Balaka groups arbitrarily arrested and detained individuals they suspected were affiliated with the former Bozize government or had committed acts counter to ex-Seleka and anti-Balaka interests. No statistics on the number of such individuals was available.

Pretrial Detention: Prolonged pretrial detention was a serious problem. In July the UN independent expert reported that two-thirds of inmates in Ngaragba Central Prison were in pretrial detention. Due to instability and insecurity, authorities did not deal with cases expeditiously, and pretrial detention could be six weeks to a year. In many cases 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. In 2013 the Seleka plundered the courts and destroyed records throughout the country, leaving the courts barely able to operate. Many magistrates and government workers who fled the violence in 2013 did not return to their places of residence during the year, especially outside the capital, due to fear for their safety. According to MINUSCA’s December report, administration of justice was still “largely dysfunctional.” Corruption was a serious problem. Courts suffered from inefficient administration, a shortage of trained personnel, salary arrears, and a lack of material resources. Authorities, particularly those of high rank, did not always respect court orders.

The Human Rights Organizations Network reported that ex-Seleka chiefs passed sentences on individuals in regions under their control, despite having no legal authority to exercise judicial power. Reported forms of punishment varied from imprisonment to fines.

## **Trial Procedures**

The penal code presumes defendants are innocent until proven guilty. Trials are public, and defendants have the right to be present and consult a public defender. Criminal trials use juries. The law obliges the government to provide counsel for indigent defendants, although this process could be slow and 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, 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. These rights seldom were respected.

## **Political Prisoners and Detainees**

There were no reported cases of political prisoners or detainees.

## **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, and there were no reports that the transitional government failed to respect these prohibitions. There were numerous reports, however, of ex-Seleka and anti-Balaka 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.

According to local human rights organizations, the ex-Seleka and anti-Balaka engaged in organized and systematic looting of hundreds of private homes and shops. Ex-Seleka members looted, sacked, and sometimes destroyed houses in regions under their control, while anti-Balaka members continued to destroy houses of persons suspected to be close to the ex-Seleka in Bangui and in other parts of the country. The country's administrative and commercial infrastructure

remained significantly damaged or destroyed due to Seleka looting and pillaging in 2013.

The ex-Seleka killed numerous individuals who resisted looting and extortion. Citizens sometimes killed ex-Seleka members when defending their property. Both types of killings provoked retaliatory violence and killings.

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

In January the ex-Seleka turned over Dominic Ongwen, the LRA's second-in-command, to foreign troops. He was subsequently turned over to government authorities and transferred to the International Criminal Court for alleged crimes against humanity and war crimes.

According to the July report of the UN independent expert, in January Bria fell under the control of ex-Seleka fighters, who refused to allow the presence of any government representatives or the holding of local elections in areas under their control. On February 10, MINUSCA and Sangaris forces launched a joint operation to drive these armed groups out of all government buildings in Bria. The operation exposed nearby villages to reprisal attacks by the ex-Seleka, and many residents fled.

Killings: Attacks by armed groups resulted in numerous civilian casualties.

On January 5 and 6, ex-Seleka fighters of the Union for Peace in Central Africa shot and killed seven civilians, including a six-month-old infant and a 13-year-old child, near Ngakobo, according to the July report of the UN independent expert.

On August 20, alleged anti-Balaka forces killed a 19-year-old Muslim youth, triggering reprisal attacks by young Muslims and ex-Seleka rebels inside the Christian neighborhood of Bambari. At least 10 persons were killed and others injured. Many residents fled, increasing the number of IDPs by more than 3,000, according to the Office of the UN High Commissioner for Refugees (UNHCR). Youths from the Muslim and Christian communities erected barricades to protect themselves from gunfire, and the transitional government sent two ministers to calm tensions.

The LRA also killed civilians during the year.

Increased attacks near the border with Chad occurred. The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that on July 28, at least 26 persons died as a result of clashes between two unidentified armed groups over control of Markounda. On March 14, in the Ngaoundaye area, unidentified gunmen, allegedly from Chad, killed 10 persons, including two students, and injured several others.

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

Following MINUSCA's January 17 arrest of anti-Balaka leader Rodrigue Ngaibona (also known as "General Andjilo"), anti-Balaka groups kidnapped a French humanitarian employee and a MINUSCA staff member, according to a UN report. The French national was released after four days, and the UN employee was released the same day of capture.

Physical Abuse, Punishment, and Torture: According to the UN independent expert, several incidents involving security forces occurred, "including cases of ill-treatment in places of pretrial detention or during the arrest of suspected criminals." The independent expert also received reports that national security forces were reluctant to take action against human rights violators, particularly when the latter were anti-Balaka.

The ex-Seleka and forces associated with anti-Balaka groups reportedly tortured, beat, and raped civilians in the course of conflict.

According to the independent expert, on March 11, ex-Seleka fighters with the Union for Peace in Central Africa illegally detained two men accused of having ties with the anti-Balaka and subjected them to cruel and inhuman treatment.

In April MINUSCA reported 85 incidents of sexual violence against women and girls in the province of Nana-Gribrizi; most perpetrators were members of armed groups, including ex-Seleka and anti-Balaka.

An August 2014 report by the UN Security Council cited a transitional government estimate that 44.5 percent of the population suffered some form of sexual- or gender-based violence during the year. The transitional government estimated 20

percent of such cases involved rape, 90 percent of which cases involved gang rape by armed men.

There were reports that peacekeeping forces, including MINUSCA and international contingents, exploited women and children, although some of the reports referred to cases that occurred prior to 2015 (see section 1.c.).

Child Soldiers: The United Nations and human rights organizations reported the recruitment and use of child soldiers during the year. According to estimates by the UN Children's Fund (UNICEF), there were between 6,000 and 10,000 child soldiers in the country. Children recruited by armed groups were sent to fight, used for sexual purposes, and served as cooks, porters, or messengers. According to the UN independent expert, the LRA forced children to commit atrocities such as looting and burning villages, killing village residents, and abducting or killing other children.

In a major development, however, on the margins of the May 4-11 Bangui National Forum, political, community, and religious leaders reached an agreement with members of armed groups on the release of all children in the ranks of armed groups and the end of recruitment of minors. On May 15, following an agreement concluded with UNICEF, anti-Balaka and ex-Seleka forces jointly released 357 child soldiers ages eight to 18, including 21 girls, in three ceremonies held in Bambari. On August 28, anti-Balaka forces released another 163 child soldiers in a ceremony in the northwest town of Batangafo. During the year UNICEF and its partners secured the release of 1,866 children associated with armed forces.

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

## **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.

Press and Media Freedoms: All print media in the country were privately owned, and radio was the most important medium of mass communication. There were a number of alternatives to the state-owned radio station, Radio Centrafrique. Independent radio stations operated freely and broadcast organized debates and

call-in talk shows critical of the transitional government, ex-Seleka, and anti-Balaka. International broadcasters broadcast within the country.

The transitional government monopolized 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.

Censorship or Content Restrictions: Unlike in the previous year, there were no reports the transitional government attempted to censor the media. Three journalists arrested in 2014 had not been tried by year's end.

### **Internet Freedom**

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

According to the International Telecommunication Union, approximately 4 percent of the population used the internet in 2014.

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

There were no reports the transitional government restricted academic freedom or cultural events, but the security situation prevented many universities and schools from operating during much of the year. The University of Bangui and some schools in urban areas resumed operations during the year, but schools in remote areas remained closed due to the security situation.

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

### **Freedom of Assembly**

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

## **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/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **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, particularly for political leaders.

Police seized the passport of Abdou Karim Meckassoua, a presidential candidate, but returned it after Meckassoua filed suit. On August 15, police arrested, detained, and seized the passport of Bertin Bea, secretary general of former president Bozize's Kwa Na Kwa party. The government returned Bea's passport in September.

In-country Movement: After Djotodia's resignation, anti-Balaka groups attacked Muslims and prevented many Muslims from moving freely within the country. The anti-Balaka set up roadblocks and checkpoints in Bangui and in the interior, extracting bribes from travelers. They also reportedly abducted and killed many Muslims who tried to flee to neighboring countries. Muslims in some communities in the southwest continued to live in enclaves surrounded by non-Muslims.

### **Internally Displaced Persons**

Ex-Seleka and anti-Balaka attacks on civilians and fighting between armed groups displaced at least 922,000 persons at the height of the conflict in January 2014. As the security situation improved during the year, hundreds of thousands returned to their homes. As of October, according to OCHA, approximately 417,000 persons remained internally displaced, including more than 65,000 persons in approximately 32 sites in Bangui. Outside the capital or other large towns, IDPs often settled in uninhabited bush areas.

The transitional government provided protection and assistance to IDPs and returnees. The transitional government generally allowed humanitarian organizations to provide services, although security concerns sometimes prevented organizations from operating in areas previously controlled by the Seleka, and targeted attacks on humanitarian operations impeded their ability to access some populations. According to the MINUSCA's December report, many IDPs were trapped in enclaves throughout the country and were "exposed to a dire humanitarian situation." Many reportedly feared for their lives due to violence and threats from armed elements.

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

More than 36,000 persons, including the Peuhl (Fulani), remained trapped in enclaves in Boda, Carnot, Yaloke, Dekoa, Berberati, and the PK5 neighborhood of Bangui. Armed actors surrounding the sites restricted their movements. At year's end approximately 200 ethnic Peulhs who fled their homes to avoid revenge killings by anti-Balaka forces lived in dilapidated government buildings in Yaloke under the protection of UN peacekeepers and gendarmes. The transitional government initially denied the Peulhs freedom of movement and the right to leave the country but relented after pressure from the international community. With an improving security situation in the capital, a significant number of Muslims returned to Bangui.

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

According to UNHCR, as of September 30, an estimated 470,000 Central African refugees were living in neighboring countries, with the largest concentrations in Cameroon and the Democratic Republic of the Congo.



## 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 UNHCR, approximately 11,000 refugees from neighboring countries lived in the country; most refugees were of Congolese and Sudanese origin and lived in two camps in Zemio and Bambari. Violence during the year reduced access to basic services, such as education and health services, for refugees residing in Bambari.

## Section 3. Freedom to Participate in the Political Process

The transitional charter provides citizens the ability to choose 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 charter also gives the ECCAS mediator discretion to postpone elections by up to six months, if necessary, and provides authority to the heads of state from ECCAS countries to unanimously extend elections further if requested by the transitional president, transitional prime minister, and transitional head of parliament. As a result of continued instability and violence, as well as funding shortfalls within the government, ECCAS extended the transition twice during the year, in May and in November. The first of two rounds of presidential and legislative elections was held on December 30. The second round was slated to occur before the end of March 2016.

## Elections and Political Participation

Recent Elections: In 2011 the country held three rounds of multiparty presidential and legislative elections that resulted in the re-election of former president Bozize. Bozize had 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.

Political Parties and Political Participation: The transitional charter specifies that members of the transitional government and members of the CNT in certain leadership positions may not run for election.

Participation of Women and Minorities: In January 2014 the CNT elected Catherine Samba-Panza as president, the country's first female president. In August 2014 Mahamat Kamoun became the country's first Muslim prime minister. Eight of the 31 cabinet members were women. The legislature has one Fulani representative but no representatives who are Ba'aka (the earliest known inhabitants of the forests in the south) or albino.

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

Corruption: 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 2014 Worldwide Governance Indicators indicated corruption was a severe problem.

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 responsible for monitoring and verifying disclosures. The law specifies no sanctions for noncompliance. Declarations are public and posted on the transitional government's website. The transitional government, however, did not use the government website established under former president Bozize on which declarations had been publicly posted. The law does not require ministers to declare their assets upon departing government and is not explicit on what constitutes assets or income.

Public Access to Information: The transitional charter stipulates that every citizen has the right to access government information, which is posted on the government website and also published in the *Official Gazette*, the newspaper in which official decrees and laws are published.

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

Instability, harassment, and threats by ex-Seleka and anti-Balaka groups restricted the operations of domestic and international human rights groups. In 2014 many international human rights and humanitarian groups either closed their offices or left the country due to violence and intimidation; some had returned by year's end. Renewed violence in September led to additional closures.

According to OCHA, between January 2014 and July, 19 humanitarian workers were killed and 272 incidents involving mistreatment of humanitarian workers occurred. On July 18, for example, unknown armed elements opened fire on a 20-vehicle World Food Program convoy escorted by MINUSCA; one driver was killed and several individuals injured.

According to local press reports, on August 20, intercommunal violence in Bambari resulted in the deaths of at least 10 civilians. The violence erupted after alleged anti-Balaka fighters killed a 19-year-old Muslim in the city. An ICRC staff member also was injured, and eight civilians were medically evacuated due to injuries.

Government Human Rights Bodies: A Joint Commission of Inquiry established in 2013 with a mandate to investigate human rights violations committed in the country since 2004 lacked resources and was not operational during the year.

## **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. The government did not enforce the charter's 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. In 2014 the International Rescue Committee reported more than two-thirds of 125 women surveyed in Bangui had been gang raped, primarily by armed groups (see section 1.g.).

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. A legal aid center in Bimbo for sexual and gender-based crimes reported receiving approximately 10 cases a week. The law considers spousal abuse a civil matter unless the injury is severe. According to the AFJC, victims of domestic abuse seldom reported incidents to authorities.

The government took no known action to punish perpetrators or otherwise combat rape and domestic violence.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C for women and girls, which is punishable by two to five years' imprisonment and a fine of 100,000 to one million CFA francs (\$173 to \$1,730), depending on the severity of the case. Approximately 24 percent of girls and women between ages 15 and 49 had been cut, according to multiple indicator cluster surveys reported by UNICEF in 2010; of that number 52 percent had undergone the procedure between ages 10 and 14. The government broadcast public awareness announcements about FGM/C on public radio.

Other Harmful Traditional Practices: Women, especially the very old and those without family, were accused of witchcraft (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 common. The law prescribes no specific penalties for the crime.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence. Nevertheless, 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 ages 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 (see section 7.d.). 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 during the year to combat discrimination against women. The AFJC advised women of their legal rights and how best to defend them. Because of widespread insecurity, the AFJC filed an increased number of complaints during the year.

## **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 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 or impossible 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 and supplies, and for 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 age 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.

Public schools remained closed during the year due to instability in the country. In 2013 Seleka forces looted, ransacked, and burned numerous schools throughout the country, and only a very few private schools were open, according to UN reports. The closure of public schools affected approximately 800,000 children from elementary through secondary school. Due 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 for much of the year. A new school year began in November where security permitted.

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

Early and Forced Marriage: The law establishes 18 as the minimum age for civil marriage. Nonetheless, an estimated 68 percent of women between ages 20 and 24 were married before age 18 and 29 percent before age 15, according to UNICEF data collected between 2005 and 2013. UNICEF reported 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 during the year of forced marriages of young girls to ex-Seleka and anti-Balaka members.

Female Genital Mutilation/Cutting: See information for girls under 18 in Women's section above.

Sexual Exploitation of Children: There are no statutory rape or child pornography laws to protect minors. The family code prescribes penalties for the commercial exploitation of children, including imprisonment and financial penalties. The minimum age of sexual consent is 18, but it was rarely observed (see Section 6, Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity). A legal aid center in Bimbo for sexual and gender-based crimes reported cases involving minor victims.

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

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

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

Displaced Children: Prior to the Seleka takeover in 2013, there were more than 6,000 street children between ages five and 18, including an estimated 3,000 in

Bangui, according to data collected by the Ministry of Family and Social Affairs. Observers believed that HIV/AIDS and societal 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 60 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/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with both mental and physical disabilities but does not specify other forms of disabilities. It 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 are no legislated or mandated accessibility provisions for persons with disabilities, and authorities did not provide such access.

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

When persons with disabilities reached IDP camps, they faced difficulties accessing sanitation, food, and medical assistance.

### **National/Racial/Ethnic Minorities**

Violence by unidentified persons, bandits, and other armed groups against the Mbororo, essentially 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 these altercations resulted in deaths.

In May conflict between Mbororo herders and members of the local community in Kaga Bandoro resulted in nine deaths and the displacement of 1,460 persons.

### **Indigenous People**

Discrimination against the Ba'aka, who constituted 1 to 2 percent of the population, was 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 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 slaves by members of other local ethnic groups, and even when they were remunerated for labor, their wages were far below those prescribed by the labor code and lower than wages paid to members of other groups.

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

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



The penal code criminalizes consensual same-sex sexual activity. The penalty for “public expression of love” between persons of the same sex is imprisonment for six months to two years or a fine of between 150,000 and 600,000 CFA francs (\$260 and \$1,040). 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 (\$173 and \$1,390); however, there were no reports that police arrested or detained persons under these provisions.

While official discrimination based on sexual orientation occurred, there were no reports the government targeted gays and lesbians. Societal discrimination against LGBTI persons was entrenched due to a high degree of cultural stigmatization and social pressure to conform to a heterosexual lifestyle. Many citizens attributed the existence of homosexuality to undue Western influence. There were no reports that LGBTI persons were 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 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 former Bozize government neglected.

During the worst of the crisis, some Christian communities formed anti-Seleka militias that targeted Muslim communities, presumably for their association with the Seleka. The Catholic archbishop of Bangui, local priests, and an imam worked with communities to defuse tensions by making radio broadcasts urging members of their religious communities to call for tolerance and restraint. Local leaders, including the bishop of Bossangoa, and internationally based academics warned against casting the conflict in religious terms and thus fueling its escalation along religious lines.

Ethnic killings related to cattle theft occurred. For example, on August 2, in the village of Malegbassa, anti-Balaka forces attacked Fulani herdsmen to steal their cattle, killing at least four persons and injuring others. Ex-Seleka forces, comprised mostly of ethnic Fulani, counterattacked and killed at least eight persons.

According to the UN independent expert, there were numerous credible reports that “persons accused of witchcraft have been detained, tortured, or killed by individuals or members of armed groups, particularly in the west of the country.” Accusations of witchcraft were usually brought against members of the most vulnerable population groups, including women, the elderly, children, persons with disabilities, and persons with albinism. According to the independent expert, “Persons suspected of witchcraft also were victims of mob justice, often carried out by anti-Balaka militias with the complicity of local authorities.”

In April anti-Balaka elements buried alive four women accused of practicing witchcraft in Zaorossoungu, Mambere-Kadi Province. On June 10, local residents beat to death a man accused of witchcraft.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers, except for senior-level state employees, all security force members, and foreign workers in residence for less than two years, to form or join 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 that union officials be full-time, wage-earning employees in their occupation and allows them to conduct union business during working hours if the employer is informed 48 hours in advance and provides authorization. Substantial restrictions, including reciprocity, hampered noncitizens from holding leadership positions in a union, despite amendments to the labor code.

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. 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 provides workers protection from employer interference in the administration of a union. Unions representing public sector workers are effectively prevented from bargaining collectively.

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

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

Collective bargaining occurred in the private sector during the year, although the total number of collective agreements concluded was unknown. The 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.

## **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, especially in armed conflict zones. The failure of government enforcement was due to a lack of resources, a dysfunctional judicial system, and an inadequate inspection cadre. Employers subjected men, women, and children to forced domestic, agricultural, mining, 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 was inexpensive. Ba'aka, including children, often were coerced into labor as day laborers, farm hands, or other unskilled labor and often treated as slaves (see section 6). No known victims were removed from forced labor during the year.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

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

The labor code forbids the employment of children younger than age 14 without specific authorization from the Ministry of Labor and Civil Service, but the law also provides that the minimum age for employment can be as young as age 12 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 child labor laws. The government trained police, military, and civilians on child rights and protection, but trainees lacked resources to conduct investigations. The government had numerous policies related to child labor, including programs 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. Children continued to perform hazardous work and labored as child soldiers. No known victims were removed from the worst forms of child labor during the year.

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

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

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

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

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

It is illegal to discriminate in hiring or place of employment on the basis of race, national or social origin, gender, opinions, or beliefs. The law does not explicitly prohibit discrimination in employment and occupation based on disability, age, language, sexual orientation, gender identity, social status, and HIV-positive status or having other communicable diseases. There was no documentation as to whether the government effectively enforced the law.

Discrimination against women in employment and occupation occurred in all sectors of the economy and in rural areas, where traditional practices remained widespread (see section 6).

Migrant workers experienced discrimination in employment and pay.

#### **e. 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 transitional 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. Salary and pension arrears were problems for armed forces personnel and the country's 24,000 civil servants.

The minimum wage in the private sector varied by sector and type of work. While the average monthly minimum wage remained 28,000 CFA francs (\$49), it was 26,000 CFA francs (\$45) for government workers and 8,500 CFA francs (\$15) for agricultural workers.

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

The transitional government did not enforce labor standards, and violations were common in all sectors of the economy. Government reports indicated that only 18 of 53 labor inspectors were assigned to enforcement duties, which was insufficient to enforce compliance. Penalties were seldom enforced and were insufficient to deter violations. Employers commonly violated labor standards in agriculture and

mining. Inspectors did not have the authority to determine or assess penalties when violations were detected.

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 and generally earned a daily wage of 2,000 CFA francs (\$3.47), 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 (\$322) per year via legal sales, but this figure varied considerably based on the scale of the mine. Often miners supplemented these earnings by either illegal diamond sales or wages from other sectors of the economy. No credible information was available regarding workplace injuries and deaths.

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