

CENTRAL AFRICAN REPUBLIC

The Central African Republic (CAR) is a constitutional republic of approximately 4.5 million that is governed by a strong executive branch; the legislative and judicial branches are weak. Former armed forces Chief of Staff General Francois Bozize seized power in a military coup in 2003 and was elected president in 2005 elections. National and international observers judged the elections to be generally free and fair despite some irregularities. Bozize's term as president was stipulated under the constitution to expire on June 11. However, on May 10, the National Assembly passed a constitutional amendment that extended the terms of the office of the president and the National Assembly until elections. Poor preparations and a lack of funding led the government to delay the constitutionally mandated presidential and legislative elections scheduled during the year; as of year's end, the elections were scheduled for early 2011. Fighting between nonstate armed entities, as well as between nonstate armed entities and government security forces, increased, and much of the northwestern, northeastern, and extreme southeastern regions remained outside of government control. The illegal trade in diamonds contributed to conflict and human rights abuses in some parts of the country. Banditry remained a serious threat to civilians throughout the northern provinces. There were instances in which elements of the security forces acted independently of civilian control.

Principal human rights abuses included security forces continuing to commit extrajudicial executions in the North, torture, beatings, detention, and rape of suspects and prisoners; impunity, particularly among the armed forces; harsh and life-threatening conditions in prisons and detention centers; arbitrary arrest and detention, prolonged pretrial detention, and denial of fair trial; occasional intimidation and restrictions on the press; restrictions on freedom of movement; official corruption; and restrictions on workers' rights. Mob violence resulted in deaths and injuries. Societal abuses included female genital mutilation (FGM), discrimination against women and Pygmies; trafficking in persons; forced labor; and child labor, including forced child labor. Freedom of movement remained limited in the North because of actions by state security forces, armed bandits, and other nonstate armed entities. Sporadic fighting between government forces and nonstate armed entities continued to displace persons internally and increase the number of refugees.

Nonstate armed entities, some of which were unidentified, continued to kill, beat, and rape civilians and loot and burn villages in the North. Nonstate armed entities

kidnapped, beat, raped, and extorted money from local populations. There were reports of children as young as 12 years old serving as fighters in nonstate armed entities.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Unlike the previous year, there was one allegation that the government or its agents killed a member of opposing political groups. Soldiers, particularly the presidential security forces (presidential guard), killed civilians they suspected of being road bandits or supporting nonstate armed entities. Both government security forces and nonstate armed entities killed civilians in the course of conflict in the North (see section 1.g.).

During the year there were numerous credible reports that elements of the security forces, including the Central African Armed Forces (FACA), and particularly the presidential guard, committed unlawful killings while apprehending suspects and, allegedly, in connection with personal disputes or rivalries. Authorities appeared unwilling to prosecute personnel of the presidential guard for extrajudicial killings (see sections 1.d. and 1.g.).

There were no further developments in the following 2009 killings: the February beating death of Police Commissioner Daniel Sama by a senior member of the presidential guard; the April killing of suspected thieves Maxime Banga and Adam Demori, allegedly by members of the Central Office for the Repression of Banditry (OCRB); and the June killing of a butcher in Bangui by a gendarme and a member of the Research and Investigation Services (SRI).

Security forces continued to commit extrajudicial killings (see section 1.g.).

Unlike the previous year, the Permanent Military Tribunal (PMT) did not adjudicate crimes committed by armed forces personnel (see section 1.d.). The PMT did not meet during the year as President Bozize declined to fill vacancies on the tribunal.

There were no reports of the government prosecuting any OCRB personnel for killings committed in 2008.

There were no developments in the case of presidential guard member Boris Namsene, who shot and killed five persons in 2008 in Bangui before his apparent murder three days later.

In May villagers in Dissikou, located in Kaga Bandoro Province, killed two Mbororo men after the Mbororo accused the villagers of stealing their cattle. No intervention by the gendarmes based in the village took place, and there were no further developments by year's end.

In mid October residents of Bozoum, Ouham Pende Province, killed a suspected thief. According to a humanitarian worker, local gendarmes took part in the killing. Gendarmes claimed that they had no way of knowing who was responsible for the killing and did not plan on prosecuting anyone.

In November a member of the presidential guard, Elian Ngouyombo, shot and killed a 13-year-old boy in the eighth district of Bangui after a night guard who was watching a neighbor's house claimed the boy was trying to break into a bar owned by a member of the presidential guard. The soldier was arrested but was released a week later. No further information was available at year's end.

Armed bandits have contributed to instability for many years and continued to kill civilians. In the central part of the country, nonstate armed entities known as "zaraguinas" engaged in kidnappings, at times killing family members of individuals who could not or would not pay ransom. Although information about these armed entities was difficult to obtain, aid workers and UN officials described them as a combination of common criminals and remnants of insurgent groups from the recurring conflicts in the region.

There was no investigation into the 2008 death of Nganatouwa Goungaye Wanfiyo, a leading human rights activist near Sibut.

Civilians reportedly continued to kill persons suspected of being sorcerers or witches.

There was no additional information regarding the killing of two individuals suspected of witchcraft by members of a nonstate armed entity, Popular Army for the Restoration of the Republic (APRD), in June near Kaga Bandoro.

b. Disappearance

Hassan Ousman, leader of the National Movement for the Salvation of the People, and member of the Follow-up Committee of the 2008 Inclusive Political Dialogue--which brought together the government, rebel groups, civil society, and the democratic opposition in an effort to negotiate a power-sharing agreement and end a number of insurgencies underway since 2005--disappeared in December 2009. According to family members, the last time Ousman communicated with them was the day prior to his disappearance. Two family members who travelled to Bossembele to collect information about his possible detention were arrested and detained without charge for several weeks before being released. As of year's end, no further information about his disappearance was available.

During the year several nonstate armed entities kidnapped Mbororo children and young adults and held them for ransom.

The Lord's Resistance Army (LRA) continued to abduct men, women, and children in the southeastern part of the country (see section 1.g.).

The two foreign resident nongovernmental organization (NGO) workers taken hostage in November 2009 in Birao were released in March.

No further information was available on the December 2009 disappearance of Charles Massi, a member of the nonstate armed entity Convention of Patriots for Justice and Peace (CPJP) and a former minister (see section 1.g.).

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

Although the law and the constitution prohibit torture and specify punishment for those found guilty of physical abuse, police and security services continued to torture, beat, and otherwise abuse criminal suspects, detainees, and prisoners, according to local human rights groups such as the Central African Association Against Torture (ACAT) and the Central African Human Rights League (LCDH).

The government did not punish police who tortured suspects, and impunity remained a serious problem (see section 1.d.). Family members of victims and human rights groups, including the Central African Human Rights Monitoring Group (OCDH), filed complaints with the courts, but authorities took no action. Members of the armed forces raped, robbed, and abused civilians in conflict and nonconflict areas. Human rights lawyers reported that victims of abuse by

authorities were often pressured by relatives not to pursue their cases out of fear of reprisal.

According to ACAT, torture and beating of detainees occurred frequently in detention centers run by the SRI and the OCRB. Police employed several forms of torture, including "le cafe," which entailed the repeated beating of the soles of an individual's feet with a baton or stick. Immediately after administering the beating, police would sometimes force the victim to walk on badly bruised feet and, if the individual was unable to do so, they continued the beating (see section 1.g.).

For example, on April 9, authorities arrested Abdelsalem Doungouss, a lieutenant in the Water and Forest Ranger Service in Ndele, on accusations of complicity with the CPJP militia. During his initial arrest, members of the armed forces tortured him before transferring him to the SRI prison in Bangui, where he spent two months before being released on June 10 for lack of evidence. There were no reports of authorities taking action against those responsible.

Authorities tortured an individual suspected of being a member of the CPJP (see section 1.d.).

Authorities took no action in the following 2009 cases: the severing of three fingers of a man accused of stealing electrical cable by a presidential guard member in Bossangoa, and the June beating and burning of 15-year-old Angele Ndarata, accused of witchcraft by the parents of a boy who drowned in the Oubangui river and a court clerk who authorized the torture.

Authorities took no action in any of the following cases of abuse by members of security forces in Bangui in 2008: the severe beating of a man in Bangui by Corporal Zilo and five of his FACA colleagues in July; the beating of a man and his sister by Lieutenant Olivier Koudemon, a member of the presidential guard, in August; the severe beating of a suspect at OCRB and SRI police headquarters in October; or the beating of several individuals by Koudemon in December.

Civilians continued to suffer mistreatment in territories controlled by nonstate armed entities (see section 1.g.).

Members of security forces, particularly the armed forces, reportedly raped civilians, although throughout the country sexual assaults were rarely reported. Security personnel rarely were punished.

There were no further developments in the ongoing International Criminal Court investigation into the 2005 charges against former president Ange-Felix Patasse and others for crimes against humanity, including rape, committed prior to and during the 2003 coup.

Civilians continued to take vigilante action against suspected thieves, poachers, and "witches."

Civilians reportedly continued to injure and torture persons suspected of being sorcerers or witches. Mob violence was widespread and cases were underreported.

In April villagers in the town of Pende burned to death a woman accused of witchcraft. There were no further developments by year's end.

In July a prison official in Mobaye, Basse-Kotto Province, accused Angele Ndarata, a 15-year-old girl, of using witchcraft to cause the death of his wife. He subsequently ordered detainees to pour kerosene on her arms and set them on fire. The girl suffered severe burns. This was the second time the girl had been accused and tortured due to witchcraft claims. There were no further developments by year's end.

In early September, villagers in Bocaranga murdered a man accused of bewitching and causing the death of another man. There were no further developments by year's end.

In September the High Court in Bangui found four persons, including two children, respectively 10 and 13 years old, guilty of witchcraft and charlatanism. No further information about their fate was known at year's end.

In October the APRD arrested and detained four persons in Mbereguli village after being accused of witchcraft. All four were tortured before being released.

Authorities took no action in the following 2009 sorcery-related cases: the June beating of a woman in the village of Ngoumourou and the June beating of a woman and her child in Kaga Bandoro.

No action was taken against the mob that beat 13-year-old Vivian Ngoupande in August 2009. At year's end, Vivian was living with her aunt in another town.

Prison and Detention Center Conditions

Prison conditions were extremely harsh and, in some cases, life threatening. Prison conditions outside Bangui generally were even worse than those in the capital. Police, gendarme investigators, and presidential guards assigned as prison wardens continued to subject prison inmates to torture and other forms of inhuman, cruel, and degrading treatment. Many prisons in the country lacked basic sanitation and ventilation, electric lighting, basic and emergency medical care, and access to potable water.

Prison cells were overcrowded, and basic necessities, including food, clothing, and medicine, were inadequate and often confiscated by prison officials. Prisoners depended on family members to supplement inadequate prison meals and sometimes were allowed to forage for food near the prison. According to a number of international observers and prison officials, prison detainees outside Bangui received no food from prison authorities and sometimes had to pay bribes to prison guards to secure food brought to them by their relatives. As in previous years, there continued to be reports of deaths in prison due to adverse conditions and negligence, including lack of medical treatment and inadequate food. According to the director of prisons at the Ministry of Justice, two deaths attributed to adverse conditions were reported in Bangui's Ngaragba prison during the year.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. The Attorney General's Office granted visitation privileges, but in practice those wishing to visit prisoners often had to bribe prison guards and officials.

According to several human rights lawyers, prison detainees have the right to submit complaints in the case of ill treatment during their detention; for the minority of detainees who had lawyers, it was generally their lawyers who apprised judicial authorities about ill treatment of their clients. Victims hesitated to lodge formal complaints out of fear of reprisal from prison officials. Authorities rarely initiated investigations of abuses in the prison system.

Prison administrators submitted reports describing the poor detention conditions, but these reports did not result in any action.

A census conducted by the UN Development Program (UNDP) in Bozoum Prison in January and February 2009 indicated 80 percent of prisoners complained of food shortages.

Prisoners frequently were forced to perform uncompensated labor (see section 7.c.).

Male and female prisoners were held in separate facilities in Bangui. Elsewhere, male and female prisoners were housed together, but in separate cells. Juveniles were sometimes held with adult prisoners.

Pretrial detainees were not held separately from convicted prisoners. As of December, there were 1,320 prisoners in the country. The country's prison population decreased by 38.46 percent from 2009 levels, largely as result of a decree signed by President Bozize on the anniversary of the country's independence on December 1. President Bozize granted amnesty to prisoners with sentences that ranged from a few months to no more than five years.

There were two prisons in Bangui, Ngaragba for men and Bimbo Central Prison for women. Inmates with infectious diseases were not segregated from other inmates. A nurse was available at the two prisons for inmates needing medical care. Detainees and inmates at both prisons received one meal per day. Food was insufficient, and prisoners complained of inferior ingredients. Inmates slept on the floor or on thin matting provided by families or charities. Authorities at the Bangui prison permitted detainees' families to make weekly visits.

As of December, there were 152 inmates in Ngaragba Prison; 102 of them were pretrial detainees. Several detainees had been held for seven months without appearing before a judge. Five prisoners were detained on accusations of sorcery. The more crowded cells each held approximately 30 to 40 inmates. Prisoners usually slept on bare concrete and complained that water supplies were inadequate. In the section reserved primarily for educated prisoners and former government officials suspected or convicted of financial crimes, cells held four to eight persons.

On January 23, Ngaragba prison closed for three weeks as a result of damages caused to the building by detainees rioting against the new prison director's disciplinary rules. For three days, prisoners tore apart their cells and threw rocks and chunks of concrete at riot police standing outside the prison walls. Authorities emptied the prison during the period of repairs and housed prisoners at various Bangui police stations, gendarmerie centers, and the OCRB's and SRI's detention centers. Reports suggested that the perceived ring leaders of the riot received "special treatment," indicating rougher than usual punishment, while in detention at the OCRB. After the rehabilitation, all the detainees were returned to Ngaragba.

As of December, Bimbo Central Prison held 33 female inmates, 21 of whom were pretrial detainees. Several had been detained for months and had not appeared before a judge; few had lawyers. Prison officials allowed sick detainees to be treated by a nurse who visited regularly. Overcrowding was reportedly not a problem, and children younger than five years old were allowed to stay with their mothers at the prison. In December a prison guard at Bimbo Central Prison, Andre Mangai, attempted to rape prisoner Ivonne Paki and left her with several injuries. Ivonne Paki's lawyer filed a complaint with the general prosecutor, and the case is currently followed by OCDH. The guard was immediately assigned to another prison, and the case was still under review by the court at the end of the year.

On September 11, a military guard at the prison in the town of Boda, Corporal Armand Ngagouni, sexually assaulted Ivonne Kokombe, who was being detained for sorcery. The sexual assault resulted in serious injuries. The case was reported by OCDH and taken to court, although no decision had been made by year's end.

Conditions in detention centers were worse than those in prisons and, in some cases, were life threatening. Bangui's police detention centers consisted of overcrowded cells with very little light and leaky buckets for toilets. Poor sanitation and negligence by authorities posed a serious health risk to detainees. According to local human rights groups, lack of training and poor supervision at detention centers were serious problems and continued to result in torture and beatings. Suspects in police and gendarmerie cells had to depend on family, friends, religious groups, and NGOs for food. Detainees with infectious diseases were not segregated from other detainees, and medicine was not available. Suspects generally slept on bare cement or dirt floors. Corruption among guards was pervasive. Guards often demanded between 200-300 CFA francs (\$0.40 - \$0.60) to permit showers, delivery of food and water, or family visits.

International observers noted that the detention center in the gendarmerie in Bouar had neither windows nor a toilet, only a bucket that was emptied every other day. Detainees at the police facility in Bouar slept chained to each other, a measure the police justified by alleging the detainees were recidivists and undisciplined.

In Bangui male and female detainees were separated; however, this was reportedly not the case in jails and temporary detention facilities in the countryside. There were no separate detention facilities for juvenile detainees, who routinely were housed with adults and often subjected to physical abuse.

According to a June report by the UN Secretary-General to the UN Security Council, escapes by detainees, including incarcerated members of the armed forces, have become prevalent, critically affecting the fight against impunity.

The government restricted prison visits by human rights observers. Although international observers were not entirely denied visits, the government delayed responses to visit requests, often for weeks or months. The International Committee of the Red Cross (ICRC) and religious groups routinely provided supplies, food, and clothes to prisoners. The ICRC had unrestricted access to prisoners; however, access for some other observers was at times limited to certain areas of a given facility. There was no ombudsman system in the country.

Adopted by the National Assembly during the year, the government budget included an increase of 1.7 percent for the Ministry of Justice. However, this action did not translate into a significant increase of resources devoted to prisons or detention centers.

In its national report submitted in February 2009 to the UN Office of the High Commissioner of Human Rights (UNOHCHR's) Universal Periodic Review Working Group (UPRWG), the government claimed the following improvements: construction or renovation of prisons in Sibut, Kaga-Bandoro, Bossangoa, Batangafo, Berberati, Bossembele, and Bozoum; training for prison wardens and directors; demilitarization of prison facilities; and separation of the sexes in Bangui prisons. By year's end, rehabilitation work was completed at all of the locations according to the Ministry of Justice. The prisons constructed in Bria and Bouca hold 120 and 100 persons respectively.

In April approximately 15 domestic NGOs, with assistance from the UNDP, created the coordinated prison action (CAP), an awareness-building mechanism designed to increase monitoring of prison and detention center conditions. The Ministry of Justice said it supported the body in principle but demanded that representatives from the government be included, causing some NGOs to express concern about the CAP's independence. At year's end, the Ministry of Justice had not yet agreed to the proposed monitoring framework through which prisons could be accessed.

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;

however, security forces frequently ignored such provisions, and arbitrary arrest and detention remained problems.

On April 23, a FACA detachment arbitrarily arrested Balala Fotour in Zoukoutouniala, near Ndele, on allegations of being a member of CPJP. After severely torturing and making death threats against Fotour, the FACA transferred him to the SRI in Bangui, where he spent three months before being transferred to Ngaragba prison where he remained in detention at year's end. According to Fotour, he travelled to a CPJP controlled area to visit a sick family member and had nothing to do with CPJP.

On June 9, the burning of Rayan Supermarket in Bangui resulted in the arrests of 11 persons, including Bienvenu Ngaro, Prosper Gbanga, Michelle Bengba, Lin Maximin, Crozin Cazin, Austin Moudjikem, Michael Boda Makpevode, Mathurin Ngozoua Mamadou, Ngere Koundangba, and Mathurin Francisco Willibona without due process. The two main suspects, Symphorien Balemby, president of the Central African Bar Association and Jean Daniel Ndengou, first vice president of the Economic and Social Council attached to the National Assembly, remained at large at year's end. On June 10, authorities arrested Albertine Kalayen Balemby, wife and secretary of Symphorien Balemby, and Gabin Ndengou, brother of Jean Daniel Ndengou and driver for the World Health Organization. The prisoners were transferred without due process to Bossembele Presidential Guard Detention Center located 91 miles from Bangui. According to Amnesty International, the detainees were reported to have been charged with arson, inciting hatred, and criminal association. In an act described as illegal by the Central African Bar Association, security forces searched Balemby's office without the presence of a lawyer. To protest against these practices, the Central African Bar Association went on strike on June 12 but resumed activities on August 7 after the attorney general agreed to conduct an investigation. At year's end, 11 persons remained in custody, and the investigation was ongoing.

Role of the Police and Security Apparatus

The Ministry of the Interior and Public Security, through the director general of police, oversees the activities of the national police, including the OCRB. The Ministry of Defense oversees armed forces, including the presidential guard, the national gendarmerie, and the SRI. The police and the armed forces share responsibility for internal security.

Police were ineffective; they severely lacked financial resources, and their salaries were often in arrears. Citizens' lack of faith in police led at times to mob violence against persons suspected of theft and other offenses.

During a visit to the country in February, UN High Commissioner for Human Rights Navi Pillay identified impunity for human rights abuses as one of the most daunting challenges facing the country. "Summary executions, enforced disappearances, illegal arrests, and detention are all issues that have surfaced in connection with state security and defense institutions," she said, "and strenuous efforts need to be made to put an end to these extremely serious abuses of power."

Mechanisms existed for redress of abuses by members of the police and armed forces. Citizens filed complaints with the public prosecutor. The most common complaints involved theft, rape, brutality, and embezzlement. Impunity remained a severe problem. Although the prosecutor had the ability to exercise authority and order the arrest of police officers suspected of committing abuses, the prosecutor's staff was small and severely underfunded. There was at least one prosecution of a police officer during the year, according to the deputy prosecutor.

In October a police officer was caught stealing money from a person under arrest at a police station in Bangui. The incarcerated person's lawyer took the case to court, but no further action was taken by year's end.

The PMT did not meet during the year, although it normally holds two yearly sessions. According to an official from the Ministry of Justice, the PMT did not hold any sessions because the positions of the president, prosecutor, and deputy prosecutor of the tribunal remained unfilled.

In June the country's delegation at the UNOHCHR told the UPRWG the country faced challenges implementing military justice, particularly because prison guards who belonged to the armed forces allowed or facilitated escapes for detained armed forces personnel (see section 1.c.).

During the year, in cooperation with the government, the Human Rights Section of the UN's Integrated Office in the Central African Republic (BINUCA) continued to collect complaints of human rights abuses committed by members of the security forces, including FACA soldiers, and by nonstate actors. It continued to investigate abuses and share information with the public prosecutor to facilitate the fight against impunity. In addition BINUCA provided more than 120 members of the security forces, including police officers and gendarmes, with international

humanitarian law and human rights training; it also provided similar training for 100 armed forces personnel of the multinational Mission for the Consolidation of Peace (MICOPAX).

BINUCA maintained UN human rights observers in three regional UN offices in the northwestern and central regions. While BINUCA reported on human rights and worked with the local human rights community, local and international observers have criticized its human rights section in recent years for its inability or refusal to bring such abuses to light or demand redress.

As part of its efforts to protect citizens and safeguard property, the government continued to conduct joint security operations with several hundred regional armed forces peacekeepers in the capital and selected cities in the Northwest. The government also conducted joint operations with the UN Mission in the CAR and Chad in the northeastern Vakaga Province.

Arrest Procedures and Treatment While in Detention

Judicial warrants are not required for arrest. The law stipulates that persons detained in cases other than those involving national security must be informed of the charges against them, and brought before a magistrate within 48 hours. This period is renewable once, for a total of 96 hours. In practice authorities often did not respect these deadlines, in part due to inefficient judicial procedures and a lack of judges. In several police detention centers, including the SRI, detainees were held for more than two days and often for weeks before authorities brought their cases before a magistrate. The head of the SRI stated that the SRI lacked the human resources and basic equipment such as computers to process cases in a timely manner.

The law allows all detainees, including those held on national security grounds, to have access to their families and to legal counsel. Indigent detainees may request a lawyer provided by the government, although it was not known if this right was often invoked. Detainees are allowed to post bail or have family members post bail for them. In most cases, lawyers and families had free access to detainees, but incommunicado detention occasionally occurred.

There were different standards for treatment of detainees held for crimes against the security of the state. National security detainees may be held without charge for up to eight days, and this period can be renewed once, for a total of 16 days. However, in practice such persons were held without charge for longer periods.

In September 2009 the National Assembly adopted revised penal and criminal procedure codes. Under these reforms, detainees gained the right to have access to attorneys immediately after arrest. However, many detainees were not able to exercise this right because of the costs of hiring a lawyer and a lack of understanding of their rights under the law.

According to BINUCA's human rights section, arbitrary arrest was a serious problem and was the most common human rights abuse committed by security forces during the year.

During the year authorities continued to arrest individuals, particularly women, and charge them with witchcraft, an offense punishable by execution, although no one received the death penalty during the year. Prison officials at Bimbo Central Prison for women stated that accused witches were detained for their own safety, since village mobs sometimes killed suspected witches. Near the end of the year, Bangui prison officials estimated that 18 percent of female detainees had been arrested for purported witchcraft.

During a visit in February, UN High Commissioner for Human Rights Pillay voiced deep concern over the targeting of women accused of being witches, "a gender-based calumny that has no place in any society in the 21st century."

Prolonged pretrial detention was a serious problem. At year's end, pretrial detainees constituted approximately 67 percent of Ngaragba Central Prison's population and an estimated 63 percent of Bimbo Central Prison's population. Detainees usually were informed of the charges against them; however, many waited in prison for several months before seeing a judge. Judicial inefficiency and corruption, as well as a shortage of judges and severe financial constraints on the judicial system, contributed to pretrial delays. Some detainees remained in prison for years because of lost files and bureaucratic obstacles.

In December President Bozize granted amnesty to prisoners with sentences that ranged from a few months to no more than five years (see section 1.c.).

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, the judiciary remained subject to executive branch influence and, despite government efforts to improve its capacity, the judiciary was inadequate to meet its tasks.

During a visit in February, UN High Commissioner for Human Rights Pillay expressed concerns about the judiciary's lack of independence. However, she praised the National Assembly's revision during the year of penal and criminal procedure codes, which she said would help bolster the independence of the judiciary and bolster the fight against impunity for human rights abuses.

The courts continued to suffer from inefficient administration, a shortage of trained personnel, growing salary arrears, and a lack of material resources. Less than 1 percent of the annual national budget was devoted to the Ministry of Justice. According to a Ministry of Justice source, during the year there were 124 magistrates working in the entire country. Many citizens effectively lacked access to the judicial system. Citizens often had to travel more than 30 miles to reach one of the 38 courthouses. Consequently, traditional justice at the family and village level retained a major role in settling conflicts and administering punishment.

There were numerous reports that, in reaction to judicial inefficiency, citizens in a number of cities organized to deal with cases through parallel justice and persecution, such as mob violence, or resorted to neighborhood tribunals and appeals to local chiefs. Citizens also sought such resort in cases of alleged witchcraft.

Trial Procedures

According to the penal code, defendants are presumed innocent until proven guilty. Trials are public, and defendants have the right to be present and to consult a public defender. Criminal trials use juries. If an individual is accused of a serious crime and cannot afford a lawyer, the government has an obligation to provide one. In practice the government provided counsel for indigent defendants, although this process was often slow and delayed trial proceedings due to the state's limited resources. Defendants have the right to question witnesses, to present witnesses and evidence on their own behalf, and to have access to government-held evidence. Defendants have the right to appeal. The law extends these rights to any citizen, including women. The government generally complied with these legal requirements. The judiciary, however, did not enforce consistently the right to a fair trial, and there were many credible reports of corruption within the court system. One indigenous ethnic group in particular, the Ba'Aka (Pygmies), reportedly was subject to legal discrimination and unfair trials.

Authorities occasionally tried cases of purported witchcraft in the regular courts. Witchcraft is punishable by execution although the state imposed no death sentences during the year. Most individuals convicted of witchcraft received sentences of one to five years in prison; they could also be fined up to 817,800 CFA francs (\$1,636). Police and gendarmes conducted investigations into alleged witchcraft. During a typical witchcraft trial, authorities called practitioners of traditional medicine to give their opinion of a suspect's ties to sorcery, and neighbors occasionally served as witnesses. The law does not define the elements of witchcraft, and the determination lies solely with the magistrate.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Authorities granted BINUCA's human rights unit and human rights and humanitarian NGOs limited access to prisoners and detainees, although bureaucratic requirements for visits and delays significantly restricted their frequency during the year.

Civil Judicial Procedures and Remedies

The constitution provides for an independent judiciary in civil matters, and citizens had access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation; however, there was a widespread perception that judges were bribed easily and that litigants could not rely on courts to render impartial judgments. Many courts were understaffed, and personnel were paid poorly.

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

The law prohibits searches of homes without a warrant in civil and criminal cases; however, police sometimes used provisions of the penal code governing certain political and security cases to search private property without a warrant.

Further developments in the June 2009 attack on the house of Minister of Regional Development Marie Reine Hassen were hindered by the PMT's inability to meet before year's end. The PMT has not met since April 2009.

Local journalists claimed that the government tapped their telephones and harassed them regularly by telephone.

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

Internal conflict continued in seven northern provinces and the Southeast. Despite the signing of the comprehensive peace accord in 2008 between the government and four nonstate armed entities--the APRD, the Democratic Front of the Central African People (FDPC), the Movement of Justice for Central African Liberators, and the Union of Democratic Forces for Unity (UFDR)--and a 2008 inclusive political dialogue between the government, nonstate armed entities, the political opposition, and civil society, which resulted in the formation of a government of national unity in January 2009, violence continued to increase during the year. Government and opposition forces engaged in numerous serious human rights abuses in the course of their struggle for control of the North, where soldiers, nonstate armed entities, and bands of unidentified armed men attacked civilians. Observers estimated that the government controlled little more than half of the country during the year.

Although government forces and nonstate armed entities maintained a ceasefire for much of the year, one notable nonstate armed entity, the CPJP, remained outside the peace process at year's end and continued to fight government forces in the provinces of Bamingui Bangoran, Vakaga, Ouaka, and Haute Kotto, causing many civilians to flee. Civilians were caught in the crossfire during fighting between the CPJP and the armed forces, which often accused them of supporting the nonstate armed entities. The CPJP has reportedly employed rape and murder as intimidation tactics.

During the year there was deliberate restriction of the free and safe passage of humanitarian organizations' assistance. During the first seven months of the year, the government denied humanitarian access north of the town of Ndele. In addition on October 2, humanitarian missions, led by the UN Educational, Scientific and Cultural Organization (UNESCO)-UNDP and MICOPAX, were blocked at an unofficial check point near Bozoum and threatened by APRD elements. These missions were ultimately allowed to continue after payment of money.

According to *Dangerous Little Stones: Diamonds in the Central African Republic*, a December report by the International Crisis Group, "rampant smuggling [of diamonds] fosters illicit trading networks that deprive the state of much needed revenue, while the government's refusal to distribute national wealth fairly has led jealous factions to launch rebellions. Profits from mining and selling diamonds illegally enable armed groups to collect new recruits and create a strong incentive

not to disarm." During the year the CPJP, which was active around the northeastern town of Ndele, frequently targeted diamond producing zones, killing those who worked in the diamond pits and trading the rough stones.

In addition attacks on civilians by the LRA in the Southeast contributed to the humanitarian crisis, increasing the number of internally displaced persons in LRA-affected areas.

The UN-led Security Sector Reform process continued to outline the restructuring and redeployment of the armed forces. The disarmament, demobilization, and reintegration of nonstate armed entities began in 2008 and continued in some provinces after suffering numerous delays.

The Ugandan Peoples Defense Force, in the eastern sector of the country, cooperated with the FACA in operations against LRA guerillas.

Armed entities, including unidentified ones, took advantage of weakened security and continued to attack, kill, rob, beat, and rape civilians and loot and burn villages in the North. Kidnappings by such groups continued at an alarming rate during the year, contributing significantly to the massive population displacement. However, according to the ICRC, improved security in the Northwest encouraged some of the thousands displaced by conflict in recent years to return home.

Killings

Extrajudicial killings continued. During operations conducted by state armed forces against nonstate armed entities (including highway bandits), government forces did not distinguish between nonstate armed entities and civilians in the villages. Government forces often burned houses and sometimes killed villagers accused of being accomplices of nonstate armed entities.

UN, press, and NGO observers noted several extrajudicial killings by security forces and the use of disproportionate force against suspected bandits and other members of nonstate armed entities.

In December 2009 the family of Charles Massi, a member of the CPJP and a former minister, reported him missing. His wife and members of his party told international media that Chadian officials arrested Massi and transferred him to CAR authorities; his wife and members of his party also claimed that CAR authorities tortured and murdered him in Bossembele prison. Early in the year, the

press widely reported the same thing, but the Ministry of Defense denied the claims. In August the attorney general found no evidence of wrongdoing by the government, but strong suspicions remained about the extrajudicial murder of Charles Massi.

Authorities took no action in any of the following four killings by members of the FACA.

On January 10, the FACA detachment in Noufou arrested, tied up, and then killed three suspected cattle thieves from Cameroon.

In April an international NGO reported that the FACA summarily executed a Chadian migrant farmer they claimed to be a member of the FDPC militia north of Kabo.

On May 2, the FACA tortured and killed a suspected CPJP combatant found on the road between Ndele and Kaga Bandoro. The FACA allegedly displayed his body in Ndele shortly thereafter.

On August 18, according to *Le Democrate* newspaper, a group of FACA based in Bang killed a local butcher who refused to serve them meat free of charge. The newspaper reported that on August 25, the local population killed three members of the FACA and one police commissioner in reprisal for the killing of the butcher.

There were no further developments in the following 2009 cases: the February attack by the FACA on the village of Sokoumba that resulted in the death of at least 18 male civilians, including the village chief, or the March execution of four men suspected of banditry outside the northwestern town of Bozoum by government forces.

There were no further developments in the June 2009 death of two civilians as a result of fighting between the FACA and the FDPC on the Kabo-Moyenne Sido road in Ouham Province.

UN, press, and NGO observers noted numerous killings by nonstate actors and the use of disproportionate force against civilians.

From January to the end of November, the total number of attacks the LRA launched over the year was at least 54, in which at least 128 civilians were killed, more than 300 persons were abducted, and 20 were wounded. Approximately 80

persons detained by the LRA were released and another 39 escaped. As of November, the UN High Commissioner for Refugees (UNHCR) estimated 5,724 Congolese refugees and approximately 21,000 internally displaced persons (IDPs) were in the southeast.

On March 27, the CPJP attacked Yangoungale village. During this attack, insurgents took the village chief and the primary school director hostage. They reportedly shot and killed the school director's wife as she tried to escape the attack.

On April 6, gunmen killed a pastor from Sido who was working for the local Independent Electoral Commission (IEC) office. Members of the FDPC were suspected in the slaying.

On April 16, attackers identified only as "armed bandits" killed a member of the FACA who was escorting a convoy of IEC vehicles on the road between Birao and the border with Sudan.

In mid-April, CPJP members reportedly burned the village chief of Mbollo alive.

On May 3, the CPJP attacked Gadaye and Haoussa villages. In Gadaye the CPJP beat to death Abba Abdoulaye Hissen, the village patriarch, allegedly because he ordered villagers to leave the area and to settle in Ndele. In Haoussa the CPJP kidnapped and tortured Adamou Aroun, the village chief, for the same reason.

On May 4, the CPJP murdered the deputy village chief of a village 12 miles north of Ndele.

On May 13, CPJP rebels invaded Diki in search of food. The village self-defense group killed one member of the CPJP. The next day, a group returned to the village, and looted and burned many houses. They also killed the chief of the village and wounded many villagers.

On October 15, the CPJP attacked the town of Ippy in Ouaka Province. After looting several stores and destroying official buildings, CPJP attackers killed one secondary school student. No further developments were available at year's end.

There were also killings resulting from tensions over land use during the year. On March 16, local residents of Batangafo fought with migrant Chadian cattle herders, leaving at least 17 persons dead. The UN reported 13 villages were burned and at

least 1,500 persons displaced by the fighting. Gendarme and FACA in the town failed to intervene in the fighting; there were no further developments by year's end.

There were no further developments in the following 2009 conflict-related killings: the March killing by APRD members of the chief of Tchoulao village in the Ouham Pende; the April killing by an APRD officer in the northwestern town of Paoua of the local national herders organization representative; and the April deaths of 25 persons, following street battles between Mbororo cattle raisers and beef wholesalers in Bangui.

There were no further developments in the June 2009 torture and killing of two persons, relating to alleged witchcraft, by APRD members near Kaga Bandoro.

Abductions

The Popular Front for Redressing of Grievances, an exiled armed entity of Chadian origin, reportedly took civilians hostage during the year near Kaga Bandoro to extort money from their families.

Human Rights Watch reported that between July 2009 and July 2010, the LRA abducted more than 300 persons, many of them children, in southeastern CAR.

There was little or no response by local authorities to multiple kidnappings of civilians by armed entities considered to be bandits or zaraguinas (see section 1.a.).

On October 28, a group of CPJP rebels operating in Sam Ouandja in Haute Kotto Province took 21 electoral workers hostage. The electoral workers were released a few days later after the CPJP rebels took all of their belongings.

In November 2009 unidentified bandits in Birao abducted two foreign resident NGO employees. Kidnappers released the two in Darfur, Sudan, on March 14 (see section 1.b.).

Physical Abuse, Punishment, and Torture

Government forces and nonstate armed entities mistreated civilians, including through torture, beatings, and rape, in the course of the conflicts. During operations conducted by armed forces against nonstate armed entities (including highway bandits), the armed forces often burned homes and did not distinguish between

nonstate armed entities and local civilian populations they regarded as accomplices, although less often than in the previous year.

During the week of March 8, the mayor of Ndim reportedly authorized the public torture of a woman accused of adultery. No action was taken against those responsible by year's end.

On April 26, Jojo Bozize, one of President Bozize's sons, ordered the arrest of two of his domestic employees, Betty Kibembe and Serge Tkpoba, on suspicion of stealing clothes from his residence. Gendarmes imprisoned the two for two days at the SRI detention center where they were severely tortured. Bozize later learned that his partner had taken the clothes to the cleaners and, as a result, he took Kibembe and Tkpoba to a private clinic for medical treatment. Kibembe suffered serious leg wounds. Authorities took no action against Bozize, and human rights lawyers stated the two victims refused to press charges.

On June 6, Abdoulaye Amat, a member of the presidential guard, threatened Price Telo with a rifle and then cut off Telo's ear after he complained about a merchant and friend of Amat not paying full price for a motorcycle. Telo's parents informed senior figures of the presidential guard who told them they would arrest Amat, but at year's end, Amat remained free.

Civilians continued to suffer mistreatment in armed territories controlled by nonstate armed entities.

In April a member of the APRD killed a 12-year-old boy in Kounmbame. The APRD's local commander offered to execute the killer if the boy's family desired but, in the end, senior figures in the APRD paid the boy's family 100,000 CFA francs (\$200).

In April near Kaga Bandoro, the APRD arrested and tortured a man for allegedly practicing witchcraft. Members of the APRD tied the man to a tree, beat him, and cut off two of his toes to force a confession. After confessing, the man escaped, and the APRD responded by arresting his mother and torturing her. No further information was available at year's end.

In May near Kaga Bandoro the APRD arrested a man for alleged shape shifting, a form of witchcraft. When he managed to flee, the APRD arrested his mother, stripped her naked, beat her, and forced her to pay a fine of 100,000 CFA francs (\$200) before releasing her.

No action was taken against APRD members who in March 2009 tortured a village chief in Bocaranga and the evangelical pastor who tried to help the chief.

International and domestic observers reported that, during the year, state security forces and members of nonstate armed entities, including Chadian soldiers and bandits, continued to attack cattle herders, primarily members of the Mbororo ethnic group. Many observers believed Mbororo were targeted primarily because of their perceived relative wealth and the vulnerability of cattle to theft. One UN agency reported that, according to its NGO partners in the affected region, attackers often were themselves Mbororo.

Mbororo cattle herders were also disproportionately subjected to kidnapping for ransom. A UN agency working in the area indicated the perpetrators often kidnapped women and children and held them for ransoms of between one million and two million CFA francs (\$2,000 - \$4,000). Victims whose families did not pay were sometimes killed. Nonstate armed entities in the country continued to conduct frequent attacks on the Mbororo population on the Cameroonian side of the border, despite the Cameroonian government's deployment of security forces.

Some observers noted the use of rape by both government forces and nonstate armed entities to terrorize the population in the northern provinces, especially in the CPJP's zones of operation. Given the social stigma attached to rape, any report would likely underestimate the incidence of rape in the conflict zones. Several NGOs and UN agencies conducted gender-based violence awareness and treatment campaigns in northern provinces and Bangui.

On February 8, a member of the APRD allegedly raped a pregnant woman near the village of Goddo 2. Her husband made an official complaint to the APRD but by year's end, there was no evidence that the APRD took action against a perpetrator.

In July after an attack upon the village of Zokotonyala, members of the CPJP reportedly raped between 20 and 25 Houssa women. There was no additional information about the women as rebels prevented travelers from gaining access to the region.

On October 26, a group of CPJP combatants invaded the village of Kpata, in Bamingi Bangouran Province. After looting the village's 168 houses, they burned the village. Reportedly, the village was attacked because its inhabitants

participated in the electoral census. No further information was available at year's end.

Child Soldiers

According to multiple human rights observers, numerous APRD groups included soldiers as young as 12 years old. In addition the UFDR admitted that many children served as soldiers in its ranks. According to an international observer, although the UFDR and APRD stopped recruiting child soldiers during the year as a result of disarmament, demobilization, and reinsertion activities, in some remote areas, children were still used as lookouts and porters. According to one international NGO involved in disarmament, demobilization, and reintegration (DDR), in some cases, children have been "recruited" not for actual combat, but to go through the DDR process and get paid. The UN Children's Fund (UNICEF) and other observers noted that, while the child soldiers were willing to demobilize and were anxious to attend school, their communities lacked the most basic infrastructure.

UNICEF announced in July that it helped demobilize 180 child members of the APRD between the ages of 10 and 17 years old in Ouham-Pende since November 2008. An additional 15 children were demobilized in Nana Gribizi Province during the same time frame.

In December UNICEF held a 10-day training session in Boali, with 20 soldiers and six police officials, on the theme of protecting children before, during, and after a conflict. The objective of the training was to instruct the officials to become trainers themselves.

Several NGO observers have reported that self-defense committees, which were established by towns to combat nonstate armed entities (including bandits) in areas where the FACA or gendarmes were not present, used children as combatants, lookouts, and porters. UNICEF estimated that children comprised one third of the self-defense committees.

NGOs reported that the LRA continued to kidnap children and forced them to fight, act as porters, or to function as sex slaves. During the year 138 children were abducted by the LRA. Of those 138 children, 43 were released by the LRA, 45 escaped, and 13 were being supported in transit centers.

Displaced children have been forced to work as porters, carrying stolen goods for groups of bandits.

Other Conflict-related Abuses

In the Northwest, government security forces, including the FACA and presidential guard, continued to project a presence from larger towns and occasionally engaged in combat with armed entities. While the ceasefire between government forces and nonstate armed entities allowed some displaced persons to return home, approximately 330,000 persons remained displaced in the bush or in refugee camps along the Chadian or Cameroonian borders.

On multiple occasions during the year, government forces burned houses and other buildings along the Ndele-Garaba road. The area was considered sympathetic to the CPJP insurrection.

Internal movement was severely impeded, particularly in northern and northwestern areas the government did not control, by bandits and other nonstate armed entities, including former combatants who helped President Bozize come to power in 2003.

On April 16, the subprefect of Kabo called all the village chiefs north of the town to Kabo and explained that for the indefinite future, anyone who remained on the road would be considered an insurgent or in collusion with them, and thus subject to reprisals by the FACA. The subprefect's ultimatum apparently caused an estimated 5,000 new refugees to move to Chad.

Sporadic fighting between government security forces and nonstate armed entities, attacks on civilians by nonstate armed entities, armed banditry, and occasional abuse by government soldiers kept many IDPs from their homes. The UN Office for the Coordination of Humanitarian Affairs (OCHA) estimated that the number of IDPs increased during the year from 162,000 to 192,029 at year's end.

The overwhelming majority of IDPs were in the northwestern provinces of Ouham and Ouham Pende, where civilians remained displaced from their villages out of fear and lived in the bush for much of the year, returning occasionally to their fields to plant or scavenge. NGOs and UN agencies observed anecdotal evidence that some civilians were returning in the northwest provinces, but this was not a widespread phenomenon. Thousands of individuals remained homeless due to fighting in the north-central provinces of Haute Kotto and Bamingui-Bangoran,

and due to instability in the northeastern province of Vakaga, where there was renewed fighting within the UFDR, as well as an ethnic conflict between the Goula, Kara, and Rounga communities.

Hygiene-related illnesses and chronic malnutrition continued. Attacks or fear of attacks prevented many subsistence farmers from planting crops, and attackers either stole most of the livestock or the farmers fled with their livestock to safety in Cameroon. Chronic insecurity also rendered the North occasionally inaccessible to commercial, humanitarian, and developmental organizations, contributing to the lack of medical care, food security, and school facilities, although less so than in the previous year. Humanitarian organizations continued to supply some emergency relief and assistance to displaced populations, although long-term development projects remained suspended due to the frequently changing security situations and sporadic fighting.

The government did not attack or target IDPs, although some IDPs were caught in the fighting between government forces and nonstate armed entities. The government provided little humanitarian assistance, but it allowed UN agencies and NGOs access to these groups to provide relief.

MICOPAX peacekeepers and government forces conducted joint security operations in an effort to secure the northern region and control small arms proliferation. Despite these operations, the government was not able to provide sufficient security or protection for IDPs in the north.

On September 5, in Ouanda Djalle, 62 miles south of Birao, LRA combatants burned at least 80 houses and looted the marketplace and health center.

Refugees continued to flee the country during the year (see section 2.d.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, in practice authorities continued to employ threats and intimidation to limit media criticism of the government. Authorities did not arrest any journalists during the year; however, the government briefly detained one journalist.

Throughout the year, a number of newspapers criticized the president, the government's economic policies, and official corruption. There were more than 30 newspapers, many privately owned, which circulated daily or at less frequent intervals. Independent dailies were available in Bangui, but they were not widely distributed outside of the capital area. The absence of a functioning postal service continued to hinder newspaper distribution. Financial problems prevented many private newspapers from publishing regularly, and the average price of a newspaper, approximately 300 CFA francs (\$0.60), was higher than most citizens could afford.

Radio was the most important medium of mass communication, in part because the literacy rate was low. There were alternatives to the state-owned radio station, Radio Centrafrique. For example, privately owned Radio Ndeke Luka continued to provide independent broadcasts, including national and international news and political commentary. Its signal was strengthened to reach beyond Bangui, and new direct transmitters were set up in Bouar and Berberati. Ndeke Luka was also regularly rebroadcast by community radio for an hour or two each day. With the exception of Radio Ndeke Luka, which organized debates on current events, government-run and privately owned broadcast outlets based in the country tended to avoid covering topics that could draw negative attention from the government. International broadcasters, including Radio France Internationale, continued to operate during the year.

The government continued to monopolize domestic television broadcasting, and television news coverage generally supported government positions.

The High Council for Communications (HCC), which is charged with granting publication and broadcast licenses and protecting and promoting press freedom, is nominally independent. However, some of its members were appointed by government institutions and, according to several independent journalists, as well as the international NGO Committee to Protect Journalists, the HCC was controlled by the government.

The media continued to face many difficulties, including chronic financial problems, a serious deficiency of professional skills, the absence of an independent printing press, and a severe lack of access to government information. Journalists in the privately owned media were not allowed to cover certain official events, and, in the absence of information, the majority of news reporting continued to rely heavily on official or protocol-related information, such as government press releases.

During the year security forces often harassed and threatened journalists. For example, on August 17, unidentified armed men in military uniforms attacked Television Centrafrique camerawoman Virginie Mokonzi. The assailants reportedly beat, robbed, and raped her in front of her children and husband. The Journalist's Union organized a march to protest the attack and delivered a memorandum to the prime minister. By year's end, there were no reports of arrests.

On September 3, police arrested Alexi Remangai, a journalist at the daily newspaper *Le Confident*, and detained him for three days at SRI before releasing him as result of a protest by the Journalists' Association. Gendarmes arrested him following a complaint of defamation by the Ministry of Mines' chief of staff. Remangai had written an article in the newspaper about corruption and mismanagement by high-ranking ministry officials at the ministry. At year's end, the case was pending before a court.

There were also reports of government ministers and other senior officials threatening journalists who were critical of the government. However, according to the Central African Journalists' Union, the government did not arrest any other journalists during the year.

Unlike the previous year, the HCC did not suspend publication of any newspaper during the year.

Journalists continued to practice self-censorship due to fear of government reprisals.

Imprisonment for defamation and censorship was abolished in 2005; however, journalists found guilty of libel or slander faced fines of 100,000 to eight million CFA francs (\$200 to \$16,000).

The law provides for imprisonment and fines of as much as one million CFA francs (\$2,000) for journalists who use the media to incite disobedience among security forces or incite persons to violence, hatred, or discrimination. Similar fines and imprisonment of six months to two years may be imposed for the publication or broadcast of false or fabricated information that "would disturb the peace."

The Ministry of Communications maintained a ban on the diffusion by media of songs, programs, or articles deemed to have a "misogynist character" or to disrespect women.

Internet Freedom

There were no reports that the government restricted access to the Internet, monitored e-mail or Internet chat rooms, or attempted to collect personally identifiable information. The relatively few individuals who had access could engage in the peaceful expression of views via the Internet, including by e-mail. According to International Telecommunication Union statistics for 2008 approximately 0.44 percent the country's inhabitants used the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for the right of assembly; however, the government restricted this right on a few occasions. Organizers of demonstrations and public meetings were required to register with the minister of the interior 48 hours in advance; political meetings in schools or churches were prohibited. Any association intending to hold a political meeting was required to obtain the Ministry of Interior's approval.

There were no discriminatory government restrictions that targeted women or minorities.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected this right. All associations, including political parties, must apply to the Ministry of Interior for registration, and the government usually granted registration expeditiously. The government normally allowed associations and political parties to hold congresses, elect officials, and publicly debate policy issues without interference, except when they advocated sectarianism or tribalism.

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

c. Freedom of Religion

For a complete description of religious freedom, see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

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

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government restricted freedom of movement within the country and foreign travel during the year. Security forces, customs officers, and other officials harassed travelers unwilling or unable to pay bribes or "taxes" at checkpoints along intercity roads and at major intersections in Bangui, although these roadblocks had decreased significantly by year's end.

On multiple occasions during the year, police, gendarmes, and the FACA impeded the travel of members of the opposition Movement for the Liberation of Central African People party, delaying their travel for up to two days.

On May 9, authorities prevented Martin Ziguéle, a presidential candidate in 2005, from traveling abroad. Airport police briefly confiscated his passport and barred him from boarding an aircraft. The government's spokesman later said the incident was the result of an unspecified misunderstanding.

On May 27, airport authorities stopped former minister of communications Cyriaque Gonda from traveling to France. The government's spokesman said that Gonda failed to present a permission to depart document normally required for official travel by members of the government. Gonda was neither a current minister nor going abroad in an official capacity, and observers widely viewed the incident as stemming from a political dispute between him and the president.

On June 13, airport authorities confiscated the diplomatic passport of opposition figure Nicolas Tiangaye upon his return from France where he held meetings with Central Africans opposed to the government. Authorities claimed he had no right to a diplomatic passport, although in practice, many prominent figures held and used diplomatic passports for nonofficial travel.

In April 2009 the Ministry of Foreign Affairs requested that all diplomatic missions inform the ministry before travel to any area deemed "under tension,"

although these locations were unspecified. In practice the government hindered travel by diplomats outside of the capital on multiple occasions.

During the year police continued to stop and search vehicles, particularly in Bangui, in what amounted to petty harassment to extort payments. Local human rights organizations and UN officials said the problem of illegal road barriers and petty extortion by soldiers was widespread. Merchants and traders traveling the more than 350-mile main route from Bangui to Bangassou encountered an average of 25 military barriers. While the fees extorted varied for private passengers, commercial vehicles reported paying up to 9,000 to 10,000 CFA francs (\$18 to \$20) to continue their journeys.

This extortion greatly discouraged trade and road travel and severely crippled the country's economy.

Freedom of movement, including of traders and delivery trucks, was also severely impeded in conflict zones.

In May the UN reported that North of Kabo, in a zone of continuing conflict between the government and the FDPC, the FACA charged truckers 100,000 CFA francs (\$200) to protect convoys of two or more trucks between the town and the border with Chad.

With the exception of diplomats, the government required that all foreigners obtain an exit visa. Travelers intending to exit the country could be required to obtain affidavits to prove that they owed no money to the government or to parastatal companies.

The constitution does not permit the use of exile, and the government did not employ it in practice.

Internally Displaced Persons (IDPs)

Sporadic fighting between government forces and nonstate armed entities, attacks on civilians by nonstate armed entities, and armed banditry prevented the country's IDPs, most of whom were displaced in 2006, from returning to their homes. At year's end, the number of IDPs totaled 192,029, including almost 100,000 in the northwestern provinces of Ouham and Ouham Pende. The number of individuals who had fled the country was estimated at 138,000, including 74,000 refugees in Chad and 64,000 in Cameroon. In the southeastern province of Haut-Mbomou,

attacks by the LRA caused the internal displacement of approximately 15,000 individuals by year's end.

In July the government reopened roads north of Ndele to humanitarian access after a prolonged closure due to government efforts to fight the CPJP.

In 2009 the UNHCR helped create the National Committee for Dialogue and Coordination for the Protection of the Rights of IDPs in the country. The objectives of the committee were to provide for the coordination and monitoring of activities related to the protection of IDPs, to formulate a new IDP protection law, and to establish a framework for increased assistance for IDPs. The committee participated in all meetings of the country's protection cluster, the main forum for the coordination of civilian protection activities in the context of humanitarian efforts, and focused on human right abuses, but, according to OCHA, the committee had not officially met or carried out any of its assigned responsibilities by year's end.

On October 29, the UNHCR and the Office of the Prime Minister organized a workshop for 60 members of parliament on the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. The objective of the workshop was to speed progress toward the ratification of the convention.

The government did not provide protection or assistance to IDPs, citing a lack of means.

There were no reports of the government attacking or specifically targeting IDPs. The government occasionally blocked humanitarian access in areas frequented by nonstate armed entities. There were no reports of the government inhibiting the free movement of IDPs.

In June 2009 several members of the UNOHCHR's UPRWG recommended that the government immediately take measures to safeguard the rights of IDPs, including by enacting a law with provisions for the protection of displaced children; provide for the free circulation of humanitarian workers so they can access IDPs; and follow up on past recommendations of the UN secretary-general's representative on the human rights of IDPs. At year's end, it was unclear if the government had taken significant steps to implement these recommendations.

Displaced children worked in fields for long hours and as porters for bandits or other nonstate armed entities (see sections 1.g. and 7.d.).

Protection of Refugees

The country's laws provide for granting asylum and refugee status, and the government has established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government accepted refugees without subjecting them to individual screening.

The government continued to cooperate with the UNHCR and other humanitarian organizations in assisting approximately 24,690 refugees in the country of which 5,466 remain in Bangui.

During the year security forces subjected refugees, as they did citizens, to arbitrary arrest and detention. Refugees were especially vulnerable to such human rights abuses. The government allowed refugees freedom of movement, but like citizens, they were subject to roadside stops and harassment by security forces and nonstate armed entities. Refugees' access to courts, public education, and basic public health care was limited by the same factors that limited citizens' access to these services.

While refugees in Mongoumba and Batalimo did not report any violations, refugees in Sam Ouandja reported restriction of movement by authorities and UFDR rebels allied to the government. Refugees in Bangui reported harassment and arbitrary arrest by police.

According to the UNHCR, there were no reports of refugee abuse during the year.

A significant number of members of the Mbororo ethnic group continued to live as refugees in Cameroon and southern Chad after violence in 2006 and 2007. However, according to Radio Centrafrique, many Mbororo herders started returning to CAR during the year.

Several international organizations worked with the government and UNHCR to assist refugees during the year. They included Doctors without Borders, Caritas, International Medical Corps, and the NGO Cooperazione Internazionale (COOPI).

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

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in presidential and legislative elections in 2005, which election observers considered to be generally free and fair, despite some irregularities.

Elections and Political Participation

In 2005 the country held two rounds of multiparty presidential and legislative elections that resulted in the election of General Bozize as president; Bozize had seized power in a 2003 military coup, declared himself president, and headed a transitional government until the 2005 elections. Domestic and international election observers judged the elections to be generally free and fair, despite irregularities and accusations of fraud made by candidates running against Bozize.

Bozize's term as president was stipulated under the constitution to expire on June 11. However, on May 10, the National Assembly passed a constitutional amendment that extended the terms of the office of the president and the National Assembly until elections, allowing Bozize to remain in office through the year.

The government twice postponed constitutionally mandated presidential and legislative elections set for March due to a lack of funds and preparation. Controversially, the National Assembly altered the 2005 constitution to allow the president to ask the Constitutional Court for a delay in elections if elections preparations commence in a "lawful manner," but due to "unforeseeable and unavoidable" events must be postponed. The president used this provision to extend his mandate until such a time as elections were organized. On July 30, the president decreed the first round of presidential and legislative elections would occur in January 2011.

Despite a constitutional requirement that he do so by 2007, as well as a recommendation stemming from the 2008 inclusive political dialogue, for the fourth consecutive year, the president did not call for municipal elections, citing lack of government resources.

During the year the LCDH continued to criticize President Bozize for concurrently serving as president and defense minister, on the grounds that the constitution prohibits the president from holding "any other political function or electoral mandate"; however, officials said this criticism was based on a misinterpretation of the constitution. After political activist Zarambaud Assingambi filed a complaint

with the constitutional court in 2008, the court ruled later that year that it was not competent to try the case.

Political parties continued to be subject to close scrutiny and restrictions by the government. Members of political parties were not able to move about the country without restriction; many had to obtain authorization from the government before traveling.

According to recommendations from a 2003 government-sponsored national dialogue, women should occupy 35 percent of posts in government ministries and political parties; however, this provision was not respected during the year. There were 10 women in the 105-seat National Assembly and four in the 32-person cabinet. There were no laws prohibiting women from participating in political life, but most women lacked the financial means to compete in political races.

There were 17 Muslims, including two members of the Mbororo ethnic group, in the National Assembly.

The Ba'Aka (Pygmies), the indigenous inhabitants of the south, made up between 1 and 2 percent of the population; they were not represented in the government and continued to have no political power or influence.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement these laws effectively, and officials often engaged in corrupt practices with impunity. Misappropriation of public funds and corruption in the government remained widespread. The World Bank's 2009 Worldwide Governance Indicators reflected that government corruption was a severe problem.

The government continued its campaign against embezzlement, money laundering, and other forms of financial fraud. Since May 2009 salary payments to government employees have been made through bank accounts instead of in cash. Computerization of financial information to increase transparency continued during the year. However, the effect of these actions was not particularly evident to the public, and skepticism remained over whether these actions would serve to deter corruption. Extortion at road checkpoints and corruption among customs service officials remained major sources of complaints by importers and exporters.

The president continued to chair weekly committee meetings to combat fraud in the treasury. In 2008 Prime Minister Touadera created a national committee to fight corruption that included representatives from the government, trade unions, NGOs, private sector, religious organizations, and the media. The committee's investigations resulted in the arrest of 19 senior civil servants in the tax division of the Ministry of Finance on charges of embezzling up to five million CFA francs (\$10,000) each. Six of those arrested were tried in 2008 and received jail sentences. Six voluntarily reimbursed the amount they were alleged to have stolen; 13 civil servants accused of embezzlement were condemned by the court, but a few were later released, although the exact number is unknown.

Police corruption, including the use of illegal roadblocks to commit extortion, remained a problem; however, removal of some illegal roadblocks enabled more freedom of movement and easier transportation by year's end.

Judicial corruption remained a serious impediment to citizens' right to receive a fair trial. According to the UNDP, during the year the average monthly salary of a judge working in one of the highest courts (the final court of appeals) was approximately 600,000 CFA francs (\$1,200); that of a junior judge was approximately 220,000 CFA francs (\$440).

According to the LCDH, corruption extended from the judges to the bailiffs. Many lawyers paid judges for verdicts favorable to their clients. There were, however, some efforts to combat judicial corruption, including by several UN agencies and the EU.

According to the constitution, senior members of the executive, legislative, and judicial branches are required to declare publicly their personal assets at the beginning of their terms. The members of the new government declared their assets upon entry into the government. The law does not require ministers to declare their assets upon departing government.

The law provides for access by journalists to "all sources of information, within the limits of the law"; however, it does not specifically mention government documents or government information, and no mention is made of access by the general public. The government often was unable or unwilling to provide information, and lack of access to information continued to be a problem for journalists and the general public. Furthermore, years of instability and conflict made information difficult for the government to collect, particularly in the

countryside. Information on the humanitarian situation, for example, was difficult to obtain and sometimes contradictory.

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

Domestic and international human rights groups generally operated with few government restrictions. A few NGOs investigated abuses and published their findings. However, due to ongoing lack of funds, insecurity, and economic dislocation, domestic human rights NGOs, whose area of work was almost totally limited to Bangui, continued to lack the means to disseminate human rights information outside the capital or support their rural branches. These limitations contributed to widespread ignorance about human rights and the means of redress for abuses. Officials in Bangui met with local NGOs during the year, but many local NGOs reported the government was not responsive. Government officials continued to criticize local NGOs publicly for their reports of human rights violations that security forces committed.

There were domestic human rights NGOs that demonstrated significant independence; however, several domestic civil society groups were led by individuals belonging to or closely associated with the ruling political party, which may have limited their independence. Citing the appearance of a conflict of interest, some international and domestic NGOs expressed concern over the neutrality and independence of the country's only legally recognized NGO platform or umbrella group, the Inter-NGO Council in CAR (CIONGCA), which was led by the brother of a former minister of state and ethnic kinsman of the president. In recent years, CIONGCA often represented domestic civil society groups in decision-making forums, including the follow-up committee of the 2008 inclusive political dialogue.

A few NGOs were active and had a sizable effect on the promotion of human rights. Some local NGOs, including the LCDH, the OCDH, the anti-torture NGO ACAT, and the Association of Women Jurists (AWJ), actively monitored human rights problems; worked with journalists to draw attention to human rights violations, including those committed by the army; pleaded individual cases of human rights abuses before the courts; and engaged in efforts to raise the public's awareness of citizens' legal rights.

Domestic human rights NGOs reported that some officials continued to view them as spokespersons for opposition political parties. President Bozize mentioned his

suspicion of their ties to the opposition during numerous speeches over the year. They also reported several cases of harassment by officials during their fact-finding visits around the country. Domestic human rights NGOs reported during the year that its members located outside the capital remained afraid to investigate alleged abuses because security force members have threatened NGO activists suspected of passing information about abuses by security forces to international NGOs for publication. Several human rights lawyers reported that the families of victims of abuse by officials, or those close to officials, often urged the victims not to pursue their attackers due to fear of reprisal.

International human rights NGOs and international organizations operated in the country without interference from the government. However, nonstate armed entities sporadically targeted the small number of humanitarian workers operating in the northwest, northeast, and southeast, stopping their vehicles and robbing them. The entire North was occasionally inaccessible to NGOs due to increased violence.

Due in part to the government's inability to address persistent insecurity in parts of the country effectively, some international human rights and humanitarian groups working in conflict zones have either closed suboffices or left the country. For example, international NGOs working in the Vakaga and Haute Kotto Provinces did not send international staff to the region and maintained only limited nationally staffed programs.

Some international NGOs continued to raise human right awareness among authorities and security forces. For example, throughout the year, the International Rescue Committee and the Danish Refugee Council organized a training session for security force instructors focusing on fundamental human rights principles, international humanitarian law, the rights of children, and women's rights, among other issues.

During the year the government continued to cooperate with international governmental organizations in the promotion and protection of human rights. The national prosecutor's office continued to work with BINUCA to investigate human rights abuses by security forces, and the government continued to cooperate with it and other UN agencies in their efforts to train security forces in human rights (see section 1.d.). The government also continued to allow BINUCA to conduct visits to prisons and detention centers and to conduct human rights training for government security agents. International observers witnessed small improvements

after prison visits but did not observe a significant change in policy toward prisons and prisoners rights during the year.

The Office of the High Commissioner for Human Rights and Good Governance, attached to the presidency, investigated citizen complaints of human rights violations by members of the government. While the commission was operational, it remained ineffective and, after working briefly on three cases of violations, did not take any substantive follow-up steps. With a reported budget of five million CFA francs (\$10,000), the High Commissioner's Office did not have adequate staffing or financial resources, and lacked the means to train its investigators properly. The limited funding for the commission also meant that it only functioned in Bangui, limiting the scope of its operations. Some human rights observers noted that it acted more as a spokesperson for the government than an office promoting human rights.

In December a validation seminar was held to establish in law a National Human Rights Commission that was intended to promote international human rights standards at the national level. The commission was to be independent from the Office of the High Commissioner for Human Rights and Good Governance. At year's end, it remained undecided whether the commission would be led by a commissioner or by a panel.

A human rights commission in the National Assembly sought to strengthen the capacity of the legislature and other government institutions to advance human rights, but it had few financial resources. Credible human rights NGOs questioned the autonomy and desire of this commission to affect real measures, as the National Assembly was not generally considered sufficiently independent from the executive branch.

The government continued to cooperate with the International Criminal Court, which continued its investigation into crimes committed in the country in 2002-03 by the previous government and by soldiers under the command of Jean Pierre Bemba, then a Congolese rebel leader. In 2008 Bemba was arrested in Brussels. On November 22, the trial of Bemba opened in The Hague at the International Criminal Court. By the end of the year, 134 victims had been officially recognized by the court with more than 1,000 others awaiting a judicial decision.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution stipulates that all persons are equal before the law without regard to wealth, race, disability, language, or gender. However, the government did not enforce these provisions effectively, and significant discrimination existed.

Women

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. Police sometimes arrested men on charges of rape, although statistics on the number of individuals prosecuted and convicted for rape during the year were not available. The fear of social stigma inhibited many families from bringing suits. Released in June 2009, the report of the UNOHCHR's UPRWG commended the government's 2007-11 national action plan to combat gender-based violence; however, the report featured several recommendations from working group members urging the government to adopt measures to enhance the fight against sexual violence.

During a visit to the country in February, UN High Commissioner for Human Rights Pillay voiced deep concern over--and called for urgent action on--the widespread sexual violence that women faced, noting that crimes were being committed by both state and nonstate actors.

Few assessments have been conducted on the prevalence of rape. However, according to a baseline study conducted in June and July 2009 by Mercy Corps in four nonconflict areas (Bangui, Bouar, Bambari, and Bangassou), sexual violence against women was pervasive. One in seven women reported having been raped in the past year, and the study concluded that the true prevalence of rape may be even higher. In addition, from February through November, an international NGO reported 128 total cases of gender-based violence brought to its attention in the Nana Gribizi and Ouham Pende Provinces. The reports included male and female rape, as well as gang rape. In 27 cases, the victim knew the perpetrator and, in 18 cases, the perpetrator was armed. Of these 128 cases, two victims identified a member of the APRD as the perpetrator, one assailant was a member of the FACA, and one was from an unspecified armed entity. According to the NGO, in only three of the 128 cases were attempts made to hold the perpetrators accountable. In one of these three cases, the village leader reported the incident to the gendarmes, and the case was still under investigation at year's end. In the other two cases, the family members of the victims brought the two perpetrators to the APRD who whipped each perpetrator 150 lashes each and one was fined 250,000 CFA (\$500). Victims were reluctant to report the assaults out of fear of stigmatization.

Although the law does not specifically mention spousal abuse, it prohibits violence against any person and provides for penalties of up to 10 years in prison. Domestic violence against women, including wife beating, was common; 25 percent of women surveyed in the Mercy Corps study had experienced violence committed by their partner in 2009. Of them 33 percent of men and 71 percent of women said it was acceptable to use violence against women when women had not properly performed their domestic tasks. Mercy Corps did not witness a significant change during the year, although it did not carry out a new study. Spousal abuse was considered a civil matter unless the injury was severe. According to the AWJ, a Bangui-based NGO specializing in the defense of women's and children's rights, victims of domestic abuse seldom reported incidents to authorities. When incidents were addressed, it was done within the family or local community. The deputy prosecutor said he did not remember trying any cases of spousal abuse during the year, although litigants cited spousal abuse during divorce trials and civil suits.

Some women reportedly tolerated abuse to retain financial security for themselves and their children.

The law prohibits sexual harassment; however, the government did not effectively enforce the law, and sexual harassment was a common problem. The law describes no specific penalties for the crime.

The government respected couples' rights to decide freely and responsibly the number of children they had, as well as when they had them. Most couples lacked access to contraception and skilled attendance during childbirth. According to UNICEF data collected between 2000 and 2006, 19 percent of women between the ages of 15 and 49 who were married or in union were using contraception, and only 44 percent of births were attended by skilled personnel. According to the UN Population Funds, the maternal mortality rate remained extremely high--850 out of every 100,000 live births and infant mortality was 106 deaths per 1,000 live births in 2008. UN sources estimated that a woman's lifetime risk of maternal death was one in 27. There was little information available regarding whether women received the same level of care as men for sexually transmitted infections, including HIV. The government continued working with UN agencies to increase the use of contraception, including by women, and to assist in other prevention activities targeting sexually transmitted infections.

The law does not discriminate against women in inheritance and property rights, but a number of discriminatory customary laws often prevailed, and women's statutory inheritance rights often were not respected, particularly in rural areas.

Women were treated as inferior to men both economically and socially. Single, divorced, or widowed women, including those with children, were not considered heads of households. One of every three women surveyed by Mercy Corps stated they were excluded from financial decisions in their households. By law men and women were entitled to family subsidies from the government, but several women groups complained about lack of access to these payments for women. There were no accurate statistics on the percentage of female wage earners. Women's access to educational opportunities and to jobs, particularly at higher levels in their professions or in government service, remained limited. Some women reported economic discrimination in access to credit due to lack of collateral. However, there were no reports of discrimination in pay equity or owning or managing a business. Divorce is legal and can be initiated by either partner.

Women, especially the very old and those without family, continued to be the target of witchcraft accusations.

The AWJ advised women of their legal rights and how best to defend them; it filed complaints with the government regarding human rights violations. During the year several women's groups organized workshops to promote women's and children's rights and encourage women to participate fully in the political process.

Children

Citizenship is derived by birth in the national territory or from one or both parents. The registration of births was spotty, and Muslims reported consistent problems in establishing their citizenship. Unregistered children faced limitations in access to education and other social services. According to a 2006 UNICEF study (the most recent available), total birth registration was 49 percent, with 36 percent of children registered in rural areas. Registration of births in conflict zones was likely lower than in other areas.

Education is compulsory for six years until the age of 15; tuition is free, but students had to pay for their books, supplies, transportation, and insurance. Girls did not have equal access to primary education; 65 percent of girls were enrolled in the first year of school, but only 23 percent of girls finished the six years of primary school, according to a 2007 UNESCO study. At the secondary level, a

majority of girls dropped out at the age of 14 or 15 due to societal pressure to marry and bear children.

Few Ba'aka (Pygmies) attended primary school. Some local and international NGOs, including COOPI, made efforts (with little success) to increase Ba'aka enrollment in schools; there was no significant government assistance to these efforts.

The law criminalizes parental abuse of children under the age of 15. Nevertheless, child abuse and neglect were widespread, although rarely acknowledged. A juvenile court tried cases involving children and provided counseling services to parents and juveniles during the year.

The law prohibits FGM, which is punishable by two to five years' imprisonment and a fine of 100,000 to one million CFA francs (\$200 to \$2,000) depending on the severity of the case; nevertheless, girls were subjected to this traditional practice in certain rural areas, especially in the Northeast and, to a lesser degree, in Bangui. According to the AWJ, anecdotal evidence suggested FGM rates declined in recent years as a result of efforts by UNICEF, AWJ, and the Ministries of Social Affairs and Public Health to familiarize women and girls with the dangers of the practice.

According to UNICEF data collected between 2002 and 2007, the percentage of girls and women between the ages of 15 and 49 who had undergone FGM was approximately 27 percent.

The law establishes 18 as the minimum age for civil marriage; however, an estimated 61 percent of women between the ages of 20 and 24 were married before the age of 18, according to UNICEF data collected between 1998 and 2007, and the 2006 Multiple Indicators Country Survey reported that nearly 20 percent of women married before reaching the age of 15. The Ministry of Family and Social Affairs had limited means to address this problem. Early marriage was usually reported in less educated and rural environments where the government lacked authority. The phenomenon of early marriage was more common in the Muslim community.

There were no statutory rape or child pornography laws protecting adolescent minors or children.

Child labor was widespread; forced child labor, including the use of children as soldiers, occurred (see sections 1.g., 7.c., and 7.d.).

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

There were NGOs specifically promoting children's rights, including some, such as Voices of the Heart, which assisted street children.

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

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

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

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with both mental and physical disabilities. It also requires that for any company employing at least 25 persons, at least 5 percent of its staff must consist of sufficiently qualified persons with disabilities, if they are available.

In addition the law states that each time the government recruits new personnel into the civil service, at least 10 percent of the total number of newly recruited personnel should be persons with disabilities. According to the Ministry of Family and Social Affairs, the provision was not automatic and depended on the availability of applications from persons with disabilities at the time of the recruitment decision by the interested ministry.

There was no societal discrimination against persons with disabilities. However, there were no legislated or mandated accessibility provisions for persons with disabilities, and such access was not provided in practice. Approximately 10 percent of the country's population had disabilities, mostly due to polio, according to the 2003 census. The government had no national policy or strategy for providing assistance to persons with disabilities, but there were several one-of-a-kind government and NGO-initiated programs designed to assist persons with disabilities, including handicraft training for persons with visual disabilities and the distribution of wheelchairs and carts by the Ministry of Family and Social Affairs.

The Ministry of Family and Social Affairs continued to work with the NGO Handicap International during the year to provide treatment, surgeons, and prostheses to persons with disabilities.

National/Racial/Ethnic Minorities

Violence by unidentified persons, bandits, and other nonstate armed entities against the Mbororo continued to be a problem, as they continued to suffer disproportionately from the civil disorder in the North. Their cattle wealth makes them attractive targets to the bandits and other nonstate armed entities that controlled the North. Additionally, since many citizens viewed the Mbororo as inherently foreign due to their transnational migratory patterns, they faced occasional discrimination with regard to government services and protections.

Indigenous People

Despite constitutional protections, there was societal discrimination against Ba'Aka (Pygmies), the earliest known inhabitants of the rain forest in the South. Ba'Aka constitute approximately 1 to 2 percent of the population. They continued to have little say in decisions affecting their lands, culture, traditions, and the exploitation of natural resources. Forest-dwelling Ba'Aka, in particular, were subject to social and economic discrimination and exploitation, which the government has done little to prevent. Despite repeated promises, the government took no steps to issue

and deliver identity cards to Ba'Aka, lack of which, according to many human rights groups, effectively denied them access to greater civil rights.

The Ba'Aka, including children, were often coerced into agricultural, domestic, and other types of labor. They often were considered to be the slaves 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 in recent years that Ba'Aka were effectively "second-class citizens," and the popular perception of them as barbaric, savage, and subhuman seemingly had legitimized their exclusion from mainstream society.

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

The penal code criminalizes homosexual behavior. 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 (\$300 and \$1,200). When the relationships involve a child, the sentence is two to five years' imprisonment or a fine of 100,000 to 800,000 CFA francs (\$200 and \$1,600); however, there were no reports that police arrested or detained persons they believed to be involved in homosexual activity.

While there is official discrimination based on sexual orientation, there were no reports of the government targeting gays and lesbians. However, societal discrimination against homosexual conduct persisted during the year, and many citizens attributed the existence of homosexual conduct to undue Western influence.

Other Societal Violence or Discrimination

Persons with HIV/AIDS were subject to discrimination and stigma, although less so as NGOs and UN agencies raised awareness about the disease and available treatments. Nonetheless, many individuals with HIV/AIDS did not disclose their status for fear of social stigma.

Section 7 Worker Rights

a. The Right of Association

The law allows all workers, except for senior-level state employees and security forces, including the armed forces and gendarmes, to form or join unions without prior authorization; however, only a relatively small part of the workforce, primarily civil servants, exercised this right. The percentage of Central Africans in the workforce during the year was estimated to be as high as 82.6 percent or roughly 3.7 million. The percentage of workers in agriculture was 66.8 percent, in the public sector 2.9 percent, and in the private sector 15.8 percent.

The labor code provides for the right of workers to organize and administer trade unions without employer interference and grants trade unions full legal status, including the right to file lawsuits. The government generally respected these rights in practice.

There continued to be substantial restrictions that made it difficult for citizens to hold a leadership position within a union, despite some amendments to the labor code. Although the labor code no longer bars a person who loses the status of worker from belonging to a trade union or participating in its administration, the law still requires that union officials be full-time, wage-earning employees in their occupation, and only allows them to conduct union business during working hours as long as the employer is informed 48 hours in advance and provides authorization. In addition the law requires that foreign workers must meet the residency requirements of at least two years before they may organize. In June the International Labor Organization (ILO) requested the government to amend these provisions to ensure they are in conformity with ILO principles and standards.

Workers have the right to strike in both the public and private sectors, and they exercised this right during the year; however, security forces, including the armed forces and gendarmes, are prohibited from striking. Requirements for conducting a legal strike were excessively 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 union and employer failed to reach agreement on valid demands. The union must provide eight days' advance written notification of a planned strike. The law states that if employers initiate a lockout that is not in accordance with the code, the employer is required to pay workers for all days of the lockout. The Ministry of Labor has the authority to 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. In June, as on numerous other occasions, the ILO requested the government to amend the relevant provisions to ensure the scope of the "minimum service" and the government's power to end strikes would conform with ILO principles and standards to provide that the workers' right to strike would not be unfairly undermined.

b. The Right to Organize and Bargain Collectively

The labor code provides that unions may bargain collectively in the public and private sectors, and provides workers protection from employer interference in the administration of a union.

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

In the civil service, the government, which was the country's largest employer, set wages after consultation, but not negotiation, with government employee trade unions. Salary arrears continued to be a severe problem for armed forces personnel and the 24,000 civil servants. In June the ILO recommended that the government amend a provision of the labor code, which in effect hinders the public sector workers' right to bargain collectively by providing for the negotiation of collective agreements in the public sector by professional groupings even when trade unions exist.

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

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

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Although the labor code specifically prohibits forced or compulsory labor and prescribes a penalty of five to 10 years' imprisonment, the government did not enforce the prohibition effectively, and there were reports that such practices occurred. Women and children were trafficked for forced domestic labor, agricultural labor, mining, sales, restaurant labor, and sexual exploitation. Prisoners often worked on public projects without compensation. In rural areas, there were reported cases of the use of prisoners for domestic labor at some government officials' residences. However, in Bangui and other large urban areas, the practice was rare, partly because of the presence of human rights NGOs or lawyers. Prisoners often received shortened sentences for performing such work. Ba'Aka, including children, often were coerced into labor as day laborers, farm hands, or other unskilled labor, and often treated as slaves.

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

d. Prohibition of Child Labor and Minimum Age for Employment

The labor code's prohibition of forced or compulsory labor applies to children, although they are not mentioned specifically. Other provisions of the labor code forbid the employment of children younger than 14 years of age without specific authorization from the Ministry of Labor; however, the Ministry of Labor and Civil Service did not enforce these provisions. Child labor was common in many sectors of the economy, especially in rural areas, and forced labor also occurred. Unlike in previous years, there were no reports that children were employed on public works projects or at the residences of government officials. The labor code provides that the minimum age for employment could be as young as 12 years of age for some types of light work in traditional agricultural activities or home services. The law prohibits children younger than 18 years old from performing hazardous work or working at night. The law defines hazardous work as any employment that endangers children's physical and mental health. However, children continued to perform hazardous work during the year. The labor code does not define the worst forms of child labor.

According to data collected by UNICEF in surveys between 1999 and 2007, approximately 47 percent of children between the ages of five and 14 years were involved in child labor. UNICEF considered a child to be involved in labor if, during the week preceding the survey, a child between five and 11 years old

performed at least one hour of economic activity or at least 28 hours of domestic work or a child between 12 and 14 years old performed at least 14 hours of economic activity or at least 28 hours of domestic work.

Throughout the country, children as young as seven years old frequently performed agricultural work. Children often worked as domestic workers, fishermen, and in mines (often in dangerous conditions). International observers noted that children worked in the diamond fields alongside adult relatives, transporting and washing gravel, as well as in gold mining, digging holes, and carrying heavy loads. The mining code specifically prohibits child or underage labor; however, this requirement was not enforced during the year, and many children were seen working in and around diamond mining fields.

In Bangui many of the city's estimated 3,000 street children worked as street vendors.

During the year nonstate armed entities recruited and used child soldiers (see section 1.g.).

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

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

e. Acceptable Conditions of Work

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

The minimum wage in the private sphere varies by sector and by kind of work. For example, the monthly minimum wage was 8,500 CFA francs (\$17) for agricultural workers and 26,000 CFA francs (\$52) for government workers.

The minimum wage only applies to the formal sector, leaving much of the economy unregulated in terms of wages. The annual minimum wage increased 12 percent during the year from 25,000 CFA (\$50) to 28,000 CFA (\$56). However,

the minimum wage does not provide a decent standard of living for a worker and family. 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 both citizens and foreign and migrant workers. Overtime policy varied according to the workplace; violations of overtime policy were taken to the Ministry of Labor, although it is unknown whether this occurred in practice during the year. The government does not enforce labor standards.

There are general laws on health and safety standards in the workplace, but the Ministry of Labor and Civil Service neither precisely defined nor enforced them. The labor code states that a labor inspector may force an employer to correct unsafe or unhealthy work conditions, but it does not provide the right for workers to remove themselves from such conditions without risk of loss of employment. There are no exceptions for foreign and migrant workers.