

**Human Rights Council****Forty-second session**

9–27 September 2019

Agenda item 10

Technical assistance and capacity-building**Human rights situation in the Central African Republic****Report of the Independent Expert on the situation of human rights in the Central African Republic****Summary*

The present report of the Independent Expert on the situation of human rights in the Central African Republic, Marie-Thérèse Keita-Bocoum, drawn up pursuant to Human Rights Council resolution 39/19 of 28 September 2017, covers the period from July 2018 to June 2019. It describes general trends in the human rights situation in the Central African Republic and the major developments affecting it.

The reporting period was marked by an intensification of the peace talks, which led to the adoption, on 6 February 2019, of the Political Agreement for Peace and Reconciliation in the Central African Republic between the Central African Government and 14 armed groups. The agreement, signed in Bangui, was the result of the negotiations held in Khartoum from 24 January to 5 February 2019, in the framework of the African Initiative for Peace and Reconciliation in the Central African Republic, launched by the African Union.

As to developments in the human rights situation, the number of violations remained high until the end of 2018 and then fell sharply in the first half of 2019.

This decrease is attributable in part to the absence of major confrontations between rival armed groups or attacks on the civilian population, and to the signing of the Peace Agreement on 6 February 2019 in Bangui. However, an attack by members of the armed group Retour, réclamation et réhabilitation (Return, Reclamation and Rehabilitation), one of the signatories to the Agreement, was a setback in this trend towards improvement.

The Independent Expert wishes to emphasize that the peace process will succeed only if the Peace Agreement is implemented in good faith by all parties to the conflict. Justice is key to resolving the crisis in the Central African Republic and will be the decisive factor in the success of the peace process.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



Contents

	<i>Page</i>
I. Introduction	3
II. General situation	4
A. Political context and peace process.....	4
B. Security context	5
III. Human rights situation	7
A. General situation.....	7
B. Abuses attributed to armed groups	8
C. Violations attributed to State officials	9
D. Gender-based violence.....	9
E. Women’s rights.....	11
F. Situation of children and young people	11
G. Economic, social and cultural rights	12
IV. Humanitarian situation	13
A. Observations	13
B. Refugees and internally displaced persons	13
V. Transitional justice and efforts to fight impunity	14
VI. Conclusions and recommendations	15
A. Observations	15
B. Recommendations.....	16

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 39/19 of 28 September 2018 renewing the mandate of the Independent Expert and requesting her to submit a written report at its forty-second session.
2. The present report covers the period from July 2018 to June 2019, during which the Independent Expert made two visits to the Central African Republic, from 15 to 25 January and from 4 to 14 June. In the course of these missions, the Independent Expert met with the Prime Minister, the Minister for Foreign Affairs, African Integration and Central Africans Abroad, the Minister of Defence, the Minister of the Interior, Public Security and Regional Government, the Minister of Justice and Human Rights, the Minister for the Advancement of Women, the Family and the Protection of Children, the Minister of Health and Population, the Minister for Disarmament, Demobilization, Reintegration and Repatriation, and the Minister for Humanitarian Action and National Reconciliation. She also met with the Speaker of the National Assembly, the President and members of the National Commission on Human Rights and Fundamental Freedoms, the President of the High Council for Communication and the President and judges of the Special Criminal Court.
3. The Independent Expert also held discussions with senior management and chiefs of the various components of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), the United Nations country team, humanitarian workers and representatives of the diplomatic community, including the African Union, the Group of African States, the European Union Military Training Mission in the Central African Republic, China, France, the United States of America and the European Union. She also met with representatives of the armed groups, civil society, political parties including the opposition, human rights organizations and women's and youth organizations, and religious leaders. Lastly, she met with victims and displaced persons. She went to Bangassou, visited the women's prison in Bimbo and met with young people from the Ngaragba prison.
4. At the fortieth session of the Human Rights Council, the Independent Expert took part in the high-level interactive dialogue on the situation of human rights in the Central African Republic. In parallel with that session, the Independent Expert, with the Permanent Mission of the Central African Republic to the United Nations Office and other international organizations in Geneva, and the Special Representative of the Secretary-General for Children and Armed Conflict, organized a side event on the situation of children and young people in the armed conflict and the peace process in the country. The event was supported by the Office of the United Nations High Commissioner for Human Rights, the African Union, Belgium, France and Morocco. At the fortieth session, the final report of the universal periodic review of the Central African Republic (A/HRC/40/12) was adopted. The recommendations made to the country include: the launching of the National Commission on Human Rights and Fundamental Freedoms in compliance with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), the adoption of a comprehensive law on discrimination, the improvement of the juvenile justice system and the adoption of a road map for transitional justice.
5. At the forty-first session of the Human Rights Council, the Independent Expert presented an oral update on the human rights situation in the Central African Republic. She also met with representatives of the United Nations system, the diplomatic community and non-governmental organizations in Geneva.
6. The present report is also an opportunity to take stock of the key recommendations made by the Independent Expert in the various reports submitted to the Human Rights Council.
7. The Independent Expert thanks the Central African authorities for their cooperation during the course of her mandate, the United Nations, MINUSCA and particularly the Human Rights Division for their support, as well as donors for their support of her mandate. She is grateful to civil society organizations and all those who, over the years, have given

her essential information. Lastly, she is grateful to the victims she has met who have kindly shared with her their stories and their expectations for their country.

II. General situation

A. Political context and peace process

8. The reporting period was marked by an intensification of the peace talks, which led to the adoption, on 6 February 2019, of the Political Agreement for Peace and Reconciliation in the Central African Republic between the Central African Government and 14 armed groups. The agreement, signed in Bangui, was the result of the negotiations held in Khartoum from 24 January to 5 February 2019, in the framework of the African Initiative for Peace and Reconciliation in the Central African Republic, launched by the African Union.

9. The Independent Expert is of the view that the Peace Agreement represents a real opportunity for the people of the Central African Republic in that it holds out genuine hope for peace and thus for the development of the country. Many of those she spoke with stressed the fact that several of its provisions highlight the importance of respect for human rights and make reference to the root causes of the current crisis. In particular, the Agreement emphasizes the need to address political and social marginalization, encourages the parties to repudiate the political manipulation of ethnicity and religion, condemns the use of armed violence to achieve political ends and promotes the fight against impunity.

10. The Independent Expert noted that the government delegation to Khartoum comprised members of civil society, including women and young people, as well as representatives of political parties.

11. This association symbolizes the beginning of a unity that should strengthen the commitment by all levels of Central African society to supporting the Peace Agreement.

12. In accordance with the Peace Agreement, a Government that includes representatives of armed groups has been formed. In addition, joint security units comprising members of the armed groups and of the national armed forces, under the latter's command, are being set up. In the area of transitional justice, national consultations with a view to establishing a truth, justice, reparations and reconciliation commission were launched on 6 June 2019 at the start of the Independent Expert's last visit. An inclusive commission comprising all the parties to the Agreement has also been created, with a mandate to review all aspects of the tragic events of the conflict and propose to the truth, justice, reparations and reconciliation commission, once it is established, any judicial action that might be taken.

13. With regard to the monitoring of the implementation of the Peace Agreement, the Executive Monitoring Committee, co-chaired by the African Union and the Government of the Central African Republic, and with all the parties to the Agreement and leading public figures, was officially inaugurated on 15 May 2019. A national implementation committee has also been created, along with implementation committees at the prefectural level.

14. A disagreement arose over the composition of the new Government a month after the signing of the Peace Agreement, and several armed groups threatened to withdraw from it. To resolve the crisis, the African Union convened a meeting of all the parties in Addis Ababa from 18 to 20 March 2019. After these talks, President Touadera appointed a new 39-member Government including representatives of all the armed groups.

15. According to information gathered by MINUSCA, between 50 and 70 practical applications based on the provisions of the Peace Agreement are identified every week.

16. The Independent Expert wishes to emphasize that the peace process will succeed only if the Peace Agreement is implemented in good faith by all parties to the conflict. Despite the parties' undertakings to cease hostilities forthwith, she was informed that some of the signatory armed groups were still committing serious violations of human rights and international humanitarian law and blocking humanitarian aid.

17. In view of the significant concessions made by the people of the Central African Republic in order to restore security throughout the country, there is an urgent need for all parties to accept their responsibility, silence the guns and end the violence. The Independent Expert wishes to remind the armed groups, especially those that seek to take part in the peace process, that they must put an immediate stop to the violence. Otherwise, those responsible may be liable to criminal prosecution owing to their rank as commanders and their influence and responsibilities as senior officers. It is also the responsibility of the State to exercise the public right of action and prosecute the perpetrators of all such heinous crimes. Acts of this kind are likely to jeopardize the peace process, and the Independent Expert calls on all parties, guarantors and facilitators to strictly enforce the penalties for violations and to take all necessary steps to ensure that they do not recur.

18. The Independent Expert also underlines the importance of national ownership to guard against superficial implementation of the Peace Agreement. Efforts are being made, with the support of civil society, to disseminate this Agreement and explain its contents to all Central Africans, and the Independent Expert encourages the authorities to step up those efforts. Ownership should also emerge from ongoing consultations in all sectors of national life. In a peace process, consultations of this kind are important in negotiations, but they should not be confined to this phase. The recent demonstrations by civil society and the political parties point up the need for the Government to engage in continuous, inclusive dialogue in order to keep democratic channels open, provide a breathing space and contribute to political stability.

19. Local initiatives to organize peace dialogues in a number of localities also serve to reduce violence, promote reconciliation and strengthen social cohesion. The Independent Expert calls on the national authorities and all stakeholders to continue these efforts and ensure the inclusive participation of civil society in developing transitional justice initiatives.

20. The Independent Expert found that the upcoming elections were already at the forefront of her interlocutors' minds. In that regard, the Constitutional Court's decision of 5 June 2019 declaring the Act on the Electoral Code partially unconstitutional had given rise to numerous comments. Some people welcome the progress made in women's right to political participation, others accuse the Court of wanting to act in place of the legislator. The Court has sent the Act back to the National Assembly, which will make the necessary changes before again submitting it to the Court for approval.

B. Security context

21. The security situation has improved somewhat but remains tenuous. The second half of 2018 saw growing insecurity, marked by violent clashes that resulted in numerous civilian casualties.

22. One of the most serious incidents was the assault on Batangafo. On 31 October 2018, fighters from the Front populaire pour la renaissance de la Centrafrique (Popular Front for the Rebirth of Central Africa – FPRC) and the Mouvement patriotique pour la Centrafrique (Patriotic Movement for Central Africa – MPC) attacked Batangafo, burning and looting large areas for six days, and also destroying internally displaced persons camps. To counter the offensive, anti-balaka groups deployed additional forces in the town, triggering further clashes that left 11 dead, 37 injured and 23,000 displaced.

23. A second incident occurred on 15 November 2018, when ex-Séléka groups attacked the town of Alindao to punish anti-balaka groups for attacks on pastoralists outside the town. Camps for internally displaced persons were targeted. A survey by MINUSCA found that at least 112 people had died and 17,732 had been displaced.

24. Between 31 December 2018 and 15 January 2019, FPRC attacked Bakouma in an attempt to extend its control southwards in the direction of Bangassou. The attack resulted in the displacement of virtually the entire population of the town and surrounding villages, and killed at least 45 people, the majority of them civilians. Cases of sexual violence, looting and destruction of property, notably humanitarian infrastructure, were reported.

25. Since the signing of the Peace Agreement on 6 February 2019, the fiercest clashes are reported to have become somewhat less frequent, but the weapons have not been silenced. The rainy season has apparently also helped moderate the fighting. The events of May 2019 in the Paoua area, with coordinated attacks by Retour, réclamation et réhabilitation, are the only major attack recorded since then.

26. The daily violence against the population has eased very little, especially in the provinces. Many of those interviewed drew the Independent Expert's attention to the extortion – often extortion with violence – they experience at roadblocks, which have not yet been dismantled. There were reports of women and young people being subjected to harassment of all kinds, based on assumptions about which community they belong to, and of a sharp rise in petty crime during this period, particularly in Bangui.

27. Livestock migration continues to be a frequent cause of conflict in rural areas where the State still holds little sway. This applies chiefly to the north-west (Bouar, Bocaranga, Baboua), west (Berbérati, Gamboula, Amada-Gaza), west central (Bossembélé, Yaloké) and east central (Kouango, Bambari, Alindao, Kembé) regions, the north of Ouham prefecture and Nana-Grébizi prefecture. Relations between the transhumant herders and the farmers have worsened over the years owing to the disruption of transhumance routes, and this has led to cattle raiding followed by violent retaliation, which has had an increasing impact on people in these areas. The United Nations estimates that some 1.1 million people are in need in the areas affected.¹ Over and above security measures, there is an increasingly urgent need to tackle the problem by devising preventive measures including community justice and policing. It is also necessary to regulate these movements, working together with the various stakeholders, including neighbouring countries.

28. Throughout her mandate, the Independent Expert has received reports of violations committed by the Lord's Resistance Army. For example, in her 2017 report (A/HRC/36/64, para. 17), she showed how it continued to commit serious abuses against the civilian population, looting property and routinely abducting civilians, including children, and subjecting them to forced labour, forced recruitment and sexual violence. In view of the persistence, albeit on a smaller scale, of these attacks, the Independent Expert calls on the Central African authorities and MINUSCA to continue to keep a close eye on the problem and take all possible corrective measures.

29. The Independent Expert takes note of the continuing reform of the security sector, and of the disarmament, demobilization, reintegration and repatriation process, as well as the related challenges.

30. The Independent Expert also notes the efforts made to launch the special joint security units provided for in the Peace Agreement for an initial period of 24 months, with the main aim of securing the transhumance corridors. She understands that the provisions regarding the training of trainers and the logistics of the training courses were being implemented, and that funding had been secured. Some of those interviewed expressed concern at the inclusion in such units of members of armed groups who might have been responsible for past human rights violations, and that this might constitute a risk for the protection of civilians and a potential source of further violations. The Independent Expert was informed, by way of response, that recruits were required to undergo a prior vetting procedure conducted with the support of MINUSCA, and to go through the disarmament, demobilization, reintegration and repatriation process, and were then trained by Central African Armed Forces instructors supported by the European Union Military Training Mission in the Central African Republic, all of which should help allay these fears. To avoid any misunderstanding, the Independent Expert encourages the relevant authorities to clarify the chain of command in these units, and in particular the role of the military advisers to the Prime Minister, who are drawn from the armed groups.

31. The Independent Expert welcomes the continuing efforts aimed at the redeployment of the security forces and the public administration. For example, according to information

¹ Office for the Coordination of Humanitarian Affairs, *Central African Republic, aperçu des besoins humanitaires (Overview of humanitarian needs) 2019 (October 2018)*.

received, more than 4,000 soldiers have been trained and more than 1,400 members of the Central African Armed Forces deployed in the territory since the start of the process, 1,100 of them with the assistance of various external partners. The Government has launched a second recruitment campaign, aiming to enrol 1,000 police and gendarmes for 2018–2019. The first started in November 2018, in implementation of the Military Planning Act adopted on 18 December 2018 by the National Assembly, which aims to create an army of 9,800 troops by 2023. The adoption of the Code of Military Procedure, its translation into Sango and the efforts made to disseminate it are further steps in the right direction. The Independent Expert is aware of the challenges that remain, such as the inadequacy of public institutions' resources, the poor standard of training, the logistical difficulties and the problems of access to services. Banking services, for example, can only be accessed in Bangui, which puts some employees off going to other parts of the country, for fear that they will not get paid regularly.

32. The Independent Expert welcomes the support provided by MINUSCA and the European Union in the training, accreditation and certification of the Central African Armed Forces.

33. The Independent Expert recalls the right of every Central African to live in safety and calls on the authorities to step up their efforts in that regard. The effective restoration of State authority outside the main towns, the deployment of the security forces throughout the national territory and the acceleration of the disarmament, demobilization, reintegration and repatriation process should help improve the situation. The Independent Expert believes that the systematic penalization of violations of the Peace Agreement would send a strong signal to combatants from the armed groups and would have a positive impact on security. At the same time, the assurance that the defence and security forces are working in a professional manner and that their members are punished in cases of abuse is also key to the improvement of security.

34. The Independent Expert noted that many of those she spoke to sought a lifting of the arms embargo, which would enable the country to effectively combat the threats to the lives and property of the population. Some highlighted the unfairness of the situation: whereas government forces find it difficult to obtain weapons, the armed groups purchase them illegally on the black market. In this regard, the Independent Expert has been informed by the authorities in charge of the reform that real progress has been made in professionalizing the army, for example by increased recruiting and by strengthening the capacity of the State to prosecute and punish rogue elements, factors that should favour the lifting of the arms embargo.

III. Human rights situation

A. General situation

35. During the period from 1 July 2018 to 30 June 2019, the human rights situation fluctuated. The number of violations recorded remained high in 2018 but declined sharply in the first half of 2019.

36. In 2018, the Independent Expert was informed that more than 2,500 cases of violations and abuses of human rights and international humanitarian law had been identified. During the second half of 2018, 875 cases were recorded involving at least 1,246 victims. The human rights violations committed during this period were perpetrated mainly by armed groups and included arbitrary executions, cruel, inhuman or degrading treatment or punishment, injuries or mutilation, conflict-related sexual violence, arbitrary deprivation of liberty, abduction, looting, destruction or appropriation of property, serious violations and abuses targeting children, including their recruitment and use as soldiers, and attacks on humanitarian workers. The Independent Expert was also informed of cases of damage caused to schools and health centres. The prefectures of Ouham-Pendé, Ouham, Nana-Grébizi, Mbomou and Haute-Kotto were particularly affected.

37. Despite the significant decrease compared to 2017, levels of violence and abuse remain high.

38. The first quarter of 2019 was relatively calm, with a marked decrease in the number of human rights violations and abuses compared to the last quarter of 2018. This decrease can be explained in part by the absence of any major confrontations between rival armed groups or attacks on the civilian population, as well as the signing of the Peace Agreement on 6 February 2019 in Bangui. However, the attack carried out by members of the group *Retour, réclamation et réhabilitation*, a signatory to the Agreement, was a setback in this trend towards improvement.

39. From January to June 2019, MINUSCA documented 564 incidents of abuse and violations of human rights and international humanitarian law that affected at least 1,079 victims. This represents a decrease of 36.9 per cent in the number of incidents and 36.5 per cent in the number of victims compared to the previous six-month period, when 894 incidents involving 1,700 victims were recorded.

40. The human rights violations and abuses identified during this period included arbitrary executions, cruel, inhuman or degrading treatment or punishment, injuries or mutilation, conflict-related sexual violence, arbitrary deprivation of liberty, abduction, looting, destruction or appropriation of property, serious violations and abuses targeting children, including their recruitment and use as soldiers, and attacks on humanitarian workers.

41. The Independent Expert is concerned about hate messages being spread via both traditional media, including radio, and online media. Such messages often lead to acts of physical and psychological violence. Echoing Security Council resolution 2448 (2018) of 13 December 2018, she condemns in the strongest terms all forms of incitement to violence and hatred, including on religious and ethnic grounds. Some of the messages call for racial or religious hatred, discrimination, xenophobia, hostility or violence, and sometimes even advocate genocide, war crimes and crimes against humanity. Messages of this kind have a negative impact on social cohesion, coexistence and the enjoyment of human rights by all.

42. The Independent Expert has taken note of the national action plan for the prevention of hate speech and public incitement to violence, which has been developed by the High Council for Communication with support from MINUSCA. The plan lays the foundations for a strategy to combat public incitement to violence in the Central African Republic. The Independent Expert also notes the media monitoring programme launched by MINUSCA to identify publications containing incitement to hatred and violence. While stressing the need to preserve freedom of expression, she encourages MINUSCA to publish reports on the information collected in order to help prevent human rights violations in the country.

B. Abuses attributed to armed groups

43. Most of the territory remains under the influence of armed groups, including those who signed the Peace Agreement.

44. These groups commit abuses and violations of human rights and international humanitarian law with impunity, assisted by the insufficient numbers of judicial, defence and security officials and other administrative personnel in many prefectures. The main allegations of human rights violations committed by armed groups relate to, *inter alia*, extrajudicial killings, acts of torture, cruel, inhuman or degrading treatment, arbitrary deprivation of liberty, unlawful exercise of justice, conflict-related sexual violence, confiscation of property, attacks on humanitarian workers and peacekeepers, recruitment of children and abductions.

45. According to information provided to the Independent Expert, the vast majority of the human rights violations documented since the signing of the Peace Agreement have been perpetrated by armed groups that are signatories to it.

46. The Independent Expert continues to be concerned about the sense of insecurity caused by the actions of armed groups, as described to her by the people she spoke with

during her country visits. She therefore urges the groups to end the violence, in accordance with their commitments within the framework of the peace process.

C. Violations attributed to State officials

47. The deployment of security forces and public administration officials in several regions is a positive development. However, the Independent Expert noted the lack of staff and logistical and material resources, as well as the difficulties in remunerating State officials deployed in the field.

48. State officials, including members of the Armed Forces of the Central African Republic and the Internal Security Forces, continue to commit human rights violations such as arbitrary detention, torture, cruel, inhuman or degrading treatment and illegal taxation. According to the highest authorities, respect for rights is improving as training for defence and security forces is strengthened. Furthermore, if any instances of wrongdoing were to occur, they would immediately be sanctioned.

49. The Independent Expert is particularly concerned about violations of freedom of expression. The repression of the demonstration by civil society and members of the opposition on 15 June 2019 must be investigated and those responsible must be punished. The Independent Expert is particularly concerned about the behaviour of members of the Central African Office for the Suppression of Banditry, who reportedly arrested two journalists and an opposition member during the demonstration. She was also informed of arbitrary arrests and detentions and acts of torture perpetrated by officials from the Office, some of which resulted in deaths. She also warns of the slow pace of judicial processes at Bimbo prison, where women wait several months to see a judge. She invites the competent authorities to conduct investigations to shed light on these allegations and, if they are found to be true, to punish those responsible. She urges the Human Rights Division of MINUSCA to strengthen its monitoring of places of detention and to prepare regular reports on the situation.

50. The Independent Expert continues to be concerned about the existence of illegal places of detention. She is also concerned that there is no centre for minors, who continue to be detained alongside adults, particularly outside the capital, contrary to the provisions of international instruments.

51. The shortage of judges and prison staff, as observed by the Independent Expert in Bangassou recently, is a contributing factor in ongoing impunity in the Central African Republic. This situation encourages continued violations and, at times, the development of a parallel justice system that can give rise to many abuses. Although she is aware that the security situation might deter some judges from travelling to their assigned areas and that they face logistical and material difficulties, the Independent Expert calls on judges to contribute to respect for the right of access to justice for all and to the prevention of violations.

D. Gender-based violence

52. Conflict-related sexual violence remains a major concern for the Independent Expert. She notes that all signatories to the Peace Agreement have an obligation to prevent and punish sexual and gender-based violence, to ensure that there is no de facto amnesty for the perpetrators and to promote the active participation of women in the peace and reconciliation process.

53. The parties to the conflict, particularly armed groups, have reportedly been responsible for many cases of conflict-related sexual violence, mostly involving rape, attempted rape, sexual slavery or forced marriage. In the south-east of the country, where there were repeated episodes of violence between anti-balaka groups and the Union pour la paix en Centrafrique in 2018, most of the women and girls reported to have been raped by parties to the conflict were allegedly attacked while travelling to farms or fleeing in search of safety (S/2019/280, para. 35).

54. Cases of sexual violence are often underreported. For example, during the period covered by the present report, from 1 July 2018 to 30 June 2019, members of armed groups such as the anti-balaka, the Union pour la paix en Centrafrique, the Front populaire pour la renaissance de la Centrafrique, the Front populaire pour la renaissance de la Centrafrique/Mouvement patriotique pour la Centrafrique coalition and Retour, réclamation et réhabilitation were allegedly responsible for 226 incidents of sexual violence, mainly rape cases involving 279 victims (164 women, 109 girls, 4 boys and 2 men).

55. Government officials, including members of the Armed Forces of the Central African Republic, were reportedly responsible for four incidents of rape involving six girls and two women during that period.

56. Victims are often reluctant to file a complaint for fear of reprisals and stigmatization. In addition, medical, judicial and psychosocial services have very limited capacity to respond to cases.

57. The Independent Expert welcomes the signing, on 31 May 2019 and at the instigation of the Special Representative of the Secretary-General on Sexual Violence in Conflict, of the Joint Communiqué between the Central African Republic and the United Nations on preventing and combating conflict-related sexual violence. This step reflects the importance the Central African authorities attach to this issue and the willingness of the United Nations to strengthen its cooperation in this area.

58. The humanitarian country team has also set out to identify the areas most affected by sexual violence in order to adapt the protection response accordingly and strengthen security as a matter of priority. A multipurpose reception centre for victims has also been set up in Bangui.

59. The Independent Expert visited the joint rapid response unit to combat sexual violence against women and children in January 2019. The aim of the special unit, which is made up of police officers and gendarmes, is to provide advice and protect citizens' well-being. A counselling centre has been established within the unit to address the needs of victims and refer them to the appropriate services depending on the issues they are facing. Although the unit lacks logistical resources, the number of people using its services is a clear indication of the demand for them. The Independent Expert therefore invites the Government to adopt decrees appointing staff and to include the unit in the State budget. She encourages the various courts to handle the cases referred to them in an efficient and expeditious manner in order to ensure that victims have effective access to justice. The Independent Expert also encourages the authorities to develop a framework for cooperation between the joint unit and the special criminal investigation unit attached to the Special Criminal Court, so that the special unit can easily and effectively access the expertise of the joint unit.

60. The Independent Expert invites the Government to consider appointing within the Prime Minister's Office a special adviser on conflict-related sexual violence in order to support the implementation of commitments made in this area.

61. With regard to allegations of sexual exploitation and abuse by international forces, the measures taken by the Secretary-General pursuant to his zero-tolerance policy appear to be having a deterrent effect. According to the information provided, 10 allegations of sexual exploitation and abuse by MINUSCA personnel were recorded in 2019 (S/2019/498, para. 78). However, the Independent Expert regrets that the investigations conducted are rarely made public and rarely lead to convictions. She encourages the United Nations to continue its efforts on these issues and urges the States concerned to investigate allegations and ensure that the rights and needs of victims are placed at the centre of every investigation. Since most victims come from very low-income backgrounds, they should be provided with financial support and psychotherapy to enable them to participate effectively in investigations, travel to interview locations, be assisted by translators and lawyers from the outset of their interactions with investigators and support themselves before and during the proceedings.

E. Women's rights

62. In January and June 2019, the Independent Expert met with women's groups in Bangui and Bangassou. The discussions centred on issues linked to women's political participation and empowerment. The groups were also active in raising public awareness of the Peace Agreement as part of a first wave of activities in the country's 16 prefectures. Later, 32 women's associations travelled across the country to continue this work.

63. Women leaders are also working to increase women's participation in the upcoming elections, both as candidates and as voters.

64. The women interviewed highlighted the particular challenges linked to the inclusion of rural women as a result of financial difficulties and the weight of tradition. They all identified the need for women's leadership training and noted the support planned in this area through a project financed by the Peacebuilding Fund. They also pointed out that women traditionally do not have identity documents. A campaign should be conducted to regularize civil status and provide women with identity documents so that they can become full citizens.

65. At the institutional level, the recent decision of the Constitutional Court on 5 June 2019 regarding the constitutionality of the Electoral Code represents significant progress in giving effect to the right of women to participate fully in public life. Pursuant to Act No. 16.004 of 24 November 2016 on gender parity in the Central African Republic, the Court decided to supplement the Electoral Code and make it mandatory for all candidates standing in multiple-seat legislative, senatorial and regional elections to provide a signature. The Court also removed from the Electoral Code the requirements for candidates in senatorial elections to have a minimum of a bachelor's level qualification and at least 10 years' professional experience in the economic, political, social or cultural fields. The Court also brought the deposit required for senatorial candidates into line with the amount for parliamentary candidates. The deposit, which had previously been set at 500,000 CFA francs (CFAF), was reduced to CFAF 250,000. Recalling the unconstitutionality of legal or regulatory decisions disregarding the parity requirement, the Court reinstated electoral lists for legislative, senatorial, regional and municipal elections and specified that at least 35 per cent of the candidates on each list must be women, in accordance with the Equality Act. Under the Electoral Code, if the 35 per cent quota for women cannot be met on a particular list, the Court should decide on the admissibility of the list in question on a case-by-case basis.

F. Situation of children and young people

66. Children continue to be exposed to inadequate protection, including through family separation, recruitment and use by armed groups, sexual violence, exploitation and other harmful practices such as accusations of witchcraft, female genital mutilation and early marriage. Between October and December 2018, 91 serious violations were reported affecting 75 children, 63 per cent of them boys and 37 per cent girls. They included 19 cases of murder, 13 cases of sexual violence and 12 cases of recruitment and use of children in armed conflict. The vast majority of these violations were committed by armed groups.

67. Insecurity remains a major obstacle to education for children affected by conflict. Between September 2018 and February 2019, 363 schools were closed, 234 of which were attacked or occupied. Since 2017, more than 100 attacks against the education system have been reported.² For example, five schools were looted and burned in Batangafo on 30 and 31 October 2018.

68. Beyond the conflict, measures should urgently be taken to ensure that children in the Central African Republic have the full enjoyment of their rights, taking into account, in particular, the recommendations made by the Committee on the Rights of the Child in its

² Office for the Coordination of Humanitarian Affairs, *Central African Republic: humanitarian situation and urgent funding requirements*, update of 27 March 2019, p. 11.

concluding observations on the second periodic report of the Central African Republic (CRC/C/CAF/CO/2). A crucial first step is the adoption and promulgation of the Child Protection Code. The Independent Expert also wishes to stress the importance of a coordinated and holistic approach to issues related to children in conflict with the law. She regrets that juvenile courts are still not working properly and that children imprisoned for offences are held alongside adults. There is only one juvenile rehabilitation centre.

69. The Independent Expert continues to take a particular interest in the situation of young people in the Central African Republic. As a result of their vulnerability, they are often victims. They also constitute a recruitment pool for armed groups. During each of her visits, the Independent Expert met with groups of young people who, on each occasion, clearly expressed their need for education, training and employment. The Independent Expert urges the Central African authorities to strengthen existing initiatives in this regard and to prioritize investment in youth. Such investment will help to combat the lack of activity among young people resulting from the massive levels of unemployment and thus reduce their exposure to extremist messages and manipulation by those who do not prioritize peace. Some young people who have been demobilized are taking up arms again because they are unemployed. The support of international partners, including the private sector, will be essential to these processes and to encouraging the stabilization of the country and sustainable peace. In the immediate future, the Independent Expert recommends the active inclusion of young people in short-term economic projects such as labour-intensive work.

G. Economic, social and cultural rights

70. The Central African Republic is ranked second from bottom in the world (188th place) in the human development index for 2018. The level of structural poverty has worsened, dropping from 62 per cent in 2008 to 75 per cent in 2017 as a result of repeated massive displacements of civilians and the loss of their productive capacity.

71. With regard to the right to food, for example, the National Food Security Survey conducted in December 2018 indicates that approximately 2.1 million people – almost half of the population – are facing hunger. This critical situation of chronic malnutrition has persisted for nearly two decades in the country, with serious consequences such as delays in cognitive development, diminished school performance, increased mortality, low productive capacity in adults and a lack of access to education.³

72. Indicators in the area of health are also extremely worrying. The infant mortality rate is 88.5 per 1,000 births and the under-five mortality rate is 123.6 per 1,000 births.⁴ Most of these deaths are from preventable causes. Health remains one of the areas where needs are high as a result of persistent constraints on access to health services and outbreaks of epidemic-prone diseases such as hepatitis E, monkeypox and yellow fever. The Minister of Health has expressed concern about the resurgence of polio and the fact that cases of Ebola virus have been identified in a neighbouring country and could spread to the Central African Republic. The Independent Expert nevertheless acknowledges, as the Minister has pointed out, that health is both a problem and an asset, in that health facilities represent spaces of social cohesion that could serve as a crucible for peace and reconciliation.

73. The extent of the psychosocial assistance needs of victims and various segments of the population once again caught the Independent Expert's attention. The impact of the trauma suffered by the population as a result of the many years of war and violence must be a central concern: only by resolving this situation can the people of the Central African Republic make full and smooth progress towards coexistence, reconciliation and, consequently, lasting peace. The Independent Expert notes the interest the Central African authorities have taken in this issue, which has led to the ongoing development of a mental

³ Office for the Coordination of Humanitarian Affairs, *Central African Republic: humanitarian situation and urgent funding requirements*, update of 27 March 2019.

⁴ United Nations Development Programme, Human Development Reports, Central African Republic, Human Development Indicators. Available at <http://hdr.undp.org/en/countries/profiles/CAF#>.

health policy. She urges partners to make this issue a priority in their support to the Central African Republic in order to provide rapid solutions aimed at increasing the number of health centres, particularly outside the capital, expanding the number of high-quality training courses for health personnel and providing care for free.

74. To achieve lasting peace, priority investment is required in actions that can ease tensions and sow the seeds for national development. The Independent Expert stresses that such efforts should be people-centred and give rise to social justice. The National Recovery and Peacebuilding Plan reflects the importance of the measures to be taken. Roads are being built in the east and north-west of the country. In addition to road infrastructure, major projects are planned for the health and agriculture sectors. From 2014 to 2018, some 19,000 people, 39 per cent of them women, participated in labour-intensive work projects in seven prefectures. However, such projects should be replicated throughout the country, and the implementation of the various pillars of the National Recovery and Peacebuilding Plan should be expedited.

IV. Humanitarian situation

A. Observations

75. Civilians continue to pay the highest price in the continuing violence. In addition to the difficult living conditions resulting from forced displacement, the presence of armed elements in the camps continues to put displaced persons at high risk of, inter alia, illegal taxation, sexual violence, arbitrary arrests, killings and recruitment of youth and child soldiers.

76. The 65 assessments conducted by humanitarian actors between September 2018 and February 2019 indicate that the humanitarian situation in the country has deteriorated, particularly in the south-eastern regions. Humanitarian actors estimate that 2.9 million people, representing 63 per cent of the country's population, and 51 per cent of them children, are still in need of humanitarian assistance and protection. In these assessments, protection, health and food security are identified as the most pressing areas of need.⁵

77. In March 2019, the United Nations country team launched an urgent appeal for US\$ 165 million to respond to the situation.

B. Refugees and internally displaced persons

78. The military and political crisis that has afflicted the Central African Republic since 2013 in particular has generated massive population displacement. There are currently 613,031 internally displaced persons and 598,963 refugees in the six neighbouring countries. The Independent Expert was informed that, as a result of improved security in some areas, more than 115,000 refugees had returned to the country spontaneously and that 4,570 had been assisted to return in 2018. During the same period, 257,311 internally displaced persons spontaneously returned to their place of origin or habitual residence. This trend in returns appears to be continuing; in 2019 to date, 407 refugees and 48,915 displaced persons have returned voluntarily. In addition, an increasing number of people appear to be seeking assistance to return home, as the Independent Expert observed in Bangassou.

79. With regard to the legal framework for organizing and managing the voluntary repatriation of Central African refugees from neighbouring countries, the Independent Expert welcomes the signing of tripartite agreements between the Central African authorities, the Governments of Cameroon and the Democratic Republic of the Congo, and the Office of the United Nations High Commissioner for Refugees. According to the latter,

⁵ Office for the Coordination of Humanitarian Affairs, *Central African Republic: humanitarian situation and urgent funding requirements*, update of 27 March 2019.

at least 5,500 Central African refugees in Cameroon, 4,000 in the Democratic Republic of the Congo and 4,000 in the Republic of the Congo have registered for voluntary repatriation.

80. The Independent Expert urges the Governments concerned to ensure that returns are voluntary and are conducted in a safe and dignified manner. During her mission in June 2019, the Independent Expert was informed that MINUSCA and humanitarian and development agencies were working to support the Government of the Central African Republic in creating the necessary conditions for the voluntary return and socioeconomic reintegration of internally displaced persons and refugees.

V. Transitional justice and efforts to fight impunity

81. During her visits, the Independent Expert heard strong calls from all concerned for an end to impunity, from which she infers that justice and reparation are essential in resolving the Central African crisis and are decisive elements in ensuring the success of the peace process.

82. In the judicial sphere, the Independent Expert is concerned that the criminal justice system has not yet effectively been restored throughout the country and does not meet the expectations of the population. Impunity for human rights violations remains a major concern. Outside Bangui, the capacity and functioning of national judicial and prison structures remain limited. A total of 15 of the 27 first instance and appellate courts are beginning to operate, including 13 outside Bangui (S/2019/147, para. 45).

83. During her recent missions, the Independent Expert noted that the continuing discussions in the country on the importance of greater coherence and integration in the justice sphere were tending towards the strengthening of the judicial system as a whole (in respect of the International Criminal Court, the Special Criminal Court and the ordinary courts), to make it more effective.

84. During her meetings with victims' associations, the Independent Expert was informed that work was under way to identify and register victims. This will be crucial in helping associations prepare and organize themselves for dealing with the courts. Nevertheless, the Independent Expert is concerned by the lack of funding for victim support initiatives and invites international non-governmental organizations and technical and financial partners to strengthen their efforts in this regard.

85. With regard to the prison system, on 9 January 2019 the Government approved a national demilitarization strategy and health and social reintegration policies for detainees that it developed with support from MINUSCA. An additional 150 civilian prison officers have been recruited. Their training and subsequent deployment will help to strengthen and give effect to the justice system throughout the country.

86. In January 2019, the Independent Expert participated in a workshop on revitalizing the transitional justice process which drew some 60 participants from the Government, civil society, international organizations and the diplomatic community. The workshop provided an opportunity to review the progress made in institutional reforms, including in the areas of disarmament, demobilization, reintegration and repatriation, security sector reform, the establishment of the Special Criminal Court, the reorganization of assize courts, the establishment of local peace committees and the development of a strategy for durable solutions for internally displaced persons and refugees. Among the recommendations, she noted the challenging tasks of protecting victims and witnesses, taking care of children removed from armed groups, adopting the Child Protection Code and, more broadly, revitalizing the juvenile justice system, as well as developing a communication strategy on seeking the truth in the reconciliation and peace process.

87. The establishment in recent months of the main transitional justice institutions is a positive development. Transitional justice is a comprehensive process in which the ordinary courts, the Special Criminal Court, the International Criminal Court and the Truth, Justice, Compensation and Reconciliation Commission will each have a role to play. The launch, on 6 June 2019, of the national consultations on the establishment of the Commission is

another step in the right direction. However, the Independent Expert recalls that, in order to be credible, these consultations must also include the most vulnerable groups, who are often also the least likely to be consulted, such as internally displaced persons, persons living in remote areas, older persons and persons with disabilities. The Independent Expert calls for increased technical assistance to be provided to the Central African authorities in the implementation of the transitional justice strategy.

88. To fulfil the population's desire for justice, the Central African authorities must invest in the modernization of the system as a whole in order to ensure that: (a) adequate infrastructure is in place; (b) lawyers, criminal investigation officers, judges and prison officials, among others, are trained to carry out their duties; and (c) logistical and material resources are made available, particularly in the areas of forensic medicine and victim and witness protection. All these initiatives must be accompanied by a clear political will to prioritize the needs of victims.

89. In this context, the Independent Expert calls on the international community to provide resolute support to the Central African authorities in strengthening and modernizing the judicial system, together with adequate financial and technical resources. She also encourages the private sector to join these initiatives in order to strengthen the rule of law, which is the key to a society that is open to investment and respectful of the law and the dignity of citizens. Building the capacity of civil society must also be a priority, so that it is able to support victims and contribute fully to justice and reconciliation efforts.

VI. Conclusions and recommendations

A. Observations

90. The Central African Republic has faced significant challenges in the six years the Independent Expert has been monitoring the human rights situation in the country. She has visited the Central African Republic at least twice a year for six years and maintained a close dialogue with all key actors inside and outside the country. The Independent Expert welcomes the ongoing cooperation of the Central African authorities and the fact that she has always been able to meet with them at the highest level and engage in open discussions on the issues related to her mandate. She also welcomes the support provided by the United Nations through MINUSCA, the United Nations country team and the Office of the United Nations High Commissioner for Human Rights, as well as other international partners including the African Union and various diplomatic representations, in the implementation of her mandate. She has also established greater cooperation with a number of other special procedures mandate holders regarding the protection of human rights in the Central African Republic. Her work with all New York-based mechanisms concerned with progress in the Central African Republic, in particular the Office of the Secretary-General, the Secretariat and other United Nations agencies, the Special Representative of the Secretary-General on Sexual Violence in Conflict, the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Adviser to the Secretary-General on the Prevention of Genocide, has involved open dialogue that has been beneficial for all parties. Lastly, the Independent Expert is grateful to the hundreds of Central Africans who have shared with her their suffering, their analysis and their hopes for their country. Her aim has always been to advocate for greater awareness among all actors of the importance of protecting and promoting human rights, as well as for the strengthening of legal and institutional frameworks through increased technical assistance and cooperation from international partners. She has also always sought to promote a human rights perspective in peace and development assistance initiatives.

91. Much blood has been shed during these years, and the Independent Expert pays tribute to the memory of the deceased and the pain of the survivors. She notes with satisfaction that many of the recommendations she has made in her reports have been implemented, and cites the example of the public consultations held in the

context of the Bangui Forum on National Reconciliation in 2015, during which representatives from a range of sectors spoke on the main issues that should form the basis for peace, reconciliation and a new social contract. Reforms have been carried out to strengthen the institutional framework, including the establishment of the National Committee on the Prevention and Punishment of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination, as well as the establishment of the High Council for Communication and, more recently, the National Commission on Human Rights and Fundamental Freedoms. These are all advances that should contribute to better protection of human rights.

92. In the field of justice, the Independent Expert welcomes the implementation of an inclusive and comprehensive approach to the transitional justice process, with the organization of consultations on the expectations of the population, the establishment of the Special Criminal Court, the creation of a reparations fund for victims and the adoption of key legislation such as the Gender Equality Act, the Act on the Protection of Victims and Witnesses and the Code of Military Procedure. She notes the identification of pilot areas where innovative peace and security initiatives are being developed. In this regard, the example of Bangassou, which the Independent Expert visited three times during her mandate, ultimately demonstrates the implementation of a suite of actions that have clearly contributed to improving security in the area. This approach brings together the redeployment of defence and security forces and public administration, the military presence of MINUSCA and the development of violence reduction programmes that enable young people who have laid down their arms to learn a trade and receive support in launching income-generating activities.

93. During her mandate, the Independent Expert also called for greater regional involvement in resolving the Central African crisis, as well as for increased international assistance in security and economic development.

94. The Peace Agreement signed in Bangui on 6 February 2019 represents a real opportunity for peace for the people of the Central African Republic. However, the peace process can only succeed if it is implemented in good faith by all parties to the conflict, if weapons fall silent, if the violence ends and if justice prevails.

95. The Central African authorities must sustain their efforts to reclaim their territory by continuing to deploy administration officials, with assistance from MINUSCA and other partners. As a matter of urgency, the population must begin to feel the positive effects of the Peace Agreement, especially a reduction in the violence they suffer on a daily basis and improvements in access to services, particularly health and education services, in accordance with the strategy developed in the National Recovery and Peacebuilding Plan. It is equally important to ensure that the Central African authorities can exert their sovereignty and protect the population by facilitating access to weapons for the defence and security forces.

96. During the period under consideration, the human rights situation changed dramatically, with the number of violations recorded remaining high in 2018, but declining sharply in the first half of 2019.

B. Recommendations

97. The Independent Expert welcomes the implementation of the recommendations made in her previous reports and reiterates those that remain pending.

98. The Independent Expert calls on the Government, with support from the international community, to take the following measures:

(a) Prioritize the implementation of the Peace Agreement by adopting a human rights-based approach and a spirit of consultation and dialogue with all national actors, in particular civil society and political parties;

(b) Make the necessary efforts to ensure that all Central Africans, including refugees, take ownership of the Peace Agreement;

- (c) Sanction any breaches of the Peace Agreement and, if possible, bring the perpetrators to justice;
- (d) Support local peace and reconciliation initiatives and promote an inclusive approach;
- (e) Continue subregional cooperation efforts and dialogue with neighbouring countries to address common challenges, including those related to livestock migration, security and humanitarian issues;
- (f) Continue efforts to ensure the protection of civilians and the restoration of State authority throughout the country through the deployment of security forces and civilian officials, as well as the acceleration of the disarmament, demobilization, reintegration and repatriation process and the security sector reform;
- (g) Accelerate institutional reforms for the reconstruction of the rule of law and launch an ambitious programme to modernize the Central African justice system, which requires the revision of key legislation, the adoption of the Child Protection Code, the criminalization of serious violations of children's rights in situations of armed conflict, the adoption of the Legal Aid Act, improvements in staff capacity, the provision of adequate resources to national courts and the effective presence of judicial authorities in the towns where they are deployed;
- (h) Strengthen the independence of the National Commission on Human Rights and Fundamental Freedoms and clarify its legal status in accordance with the Paris Principles;
- (i) Support the National Gender Equality Observatory, the High Council on Communication and the National Committee on the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination, and increase the resources available to the Joint Rapid Response and Prevention Unit that deals with cases of sexual violence against women and children;
- (j) Strengthen the implementation of the recommendations of the universal periodic review and the treaty bodies;
- (k) Continue the implementation of the transitional justice strategy, placing the rights and needs of victims at its centre;
- (l) Accelerate economic recovery by implementing the National Recovery and Peacebuilding Plan;
- (m) Promote the implementation of labour-intensive work projects, with young people and women given priority access to the jobs created;
- (n) Strengthen youth reintegration initiatives, in partnership with the private sector, by tailoring training to employment opportunities and promoting a youth employment plan;
- (o) Strengthen initiatives to increase the participation of women in peace and security initiatives and the upcoming general elections, in accordance with Security Council resolution 1325 (2000) of 31 October 2000;
- (p) Conduct a study on the impact of the conflict on economic and social rights in the Central African Republic, with emphasis on the link with the illegal exploitation of natural resources;
- (q) Support the provision of humanitarian assistance by protecting humanitarian actors and supporting calls for funding.

99. The Independent Expert encourages armed groups that have signed the Peace Agreement to implement its provisions in good faith and to continue to prioritize peaceful solutions. She calls on non-signatory groups to join the peace process and sign the Agreement. She also urges armed groups to take the following measures:

(a) End the attacks on civilians and humanitarian personnel and take appropriate measures to ensure full respect for human rights and international humanitarian law;

(b) Expedite their participation in the disarmament, demobilization, reintegration and repatriation process;

(c) End illegal exploitation of natural resources;

(d) Contribute to the restoration of State authority throughout the country and provide support for the process of truth, justice and reparations for victims.

100. The Independent Expert recommends that MINUSCA take the following measures:

(a) Continue to support the implementation of the transitional justice strategy;

(b) Continue to support the strengthening of democracy and the effective participation of civil society in political dialogue;

(c) Strengthen violence prevention measures;

(d) Strengthen technical and financial assistance in the field of human rights, including for the judicial system, women's and youth organizations and the National Commission on Human Rights and Fundamental Freedoms.

101. Addressing the international community, the Independent Expert commends the efforts to protect civilians and recommends the following measures:

(a) Provide additional support to the implementation of the Peace Agreement by encouraging the parties to implement it in good faith and by advocating the application of the sanctions provided for in the event of non-compliance;

(b) Urgently release the necessary funds in response to the appeal launched by humanitarian agencies, which remains underfunded;

(c) Support the implementation of the National Recovery and Peacebuilding Plan by rapidly releasing the necessary funds for priority projects, and encourage the private sector to contribute to this process.

102. In particular, the Independent Expert recommends that MINUSCA, United Nations bodies, the Peacebuilding Fund and bilateral partners take the following measures:

(a) Provide practical and coordinated support to efforts to combat impunity, with a focus on strengthening the ordinary justice system in parallel with support for all components of the transitional justice process;

(b) Provide technical and financial support to initiatives for victims, including legal aid for survivors of sexual violence;

(c) Continue to implement measures where necessary to prevent and punish cases of sexual exploitation and abuse by international forces, in accordance with the zero-tolerance policy;

(d) Encourage and support the organization of a subregional conference on cross-border issues, while continuing to support joint commissions with neighbouring countries;

(e) Remain seized of the issue of the human rights situation in the Central African Republic.