

# CENTRAL AFRICAN REPUBLIC 2020 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Central African Republic is a presidential republic. Professor Faustin-Archange Touadera was elected in the second round of presidential elections in 2016 for a five-year term. In February 2019 the government and 14 armed groups signed the Political Agreement for Peace and Reconciliation. President Touadera appointed Firmin Ngrebada as prime minister. The first round of presidential and legislative elections were held on December 27. Violence by armed groups reportedly prevented 26 out of 68 subprefectures from voting, and interrupted the vote in an additional six subprefectures. Observers noted minor irregularities in voting locations. Election results were still pending at year's end.

Police and gendarmes have responsibility for enforcing law and maintaining order. The Central African Armed Forces report to the Ministry of Defense. Police and the gendarmerie report to the Ministry of Interior and Public Security. Civilian authorities' control over the security forces continued to improve but remained weak. Members of the security forces committed some abuses. State authority beyond the capital improved with the increased deployment of prefects and troops in provincial capitals. Armed groups, however, still controlled significant swaths of territory throughout the country and acted as de facto governing bodies in those areas, taxing local populations and appointing armed group members to leadership roles.

Significant human rights issues included: unlawful or arbitrary killings by government security forces; torture by security forces; harsh and life-threatening prison conditions; arbitrary arrest by security forces; serious abuses in an internal conflict, including killing of civilians, enforced disappearances or abductions, torture and physical abuses or punishment, unlawful recruitment or use of child soldiers and other conflict-related abuses by armed groups; serious acts of corruption; lack of investigation of and accountability for violence against women; trafficking in persons; existence of laws criminalizing consensual same-sex conduct between adults; and forced child labor.

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

Intercommunal violence and targeted attacks on civilians by armed groups continued. Armed groups perpetrated serious abuses of human rights and international humanitarian law during these internal conflicts. Ex-Seleka, Anti-balaka, and other armed groups committed unlawful killings, torture and other mistreatment, abductions, sexual assaults, looting, and destruction of property. The government stated it was investigating several high-profile cases of intercommunal violence during the year and considering charges of crimes against humanity and war crimes against perpetrators.

Note: This report refers to the “ex-Seleka” for all abuses attributed to the armed factions associated with Seleka, including the Popular Front for the Renaissance in the Central African Republic, the Union for Peace, which occurred after the Seleka was dissolved in 2013. Although the 3R armed group is not a member of the ex-Seleka, they also committed serious human rights abuses during the year.

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

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

There were several reports that the government or its agents committed arbitrary or unlawful killings during the year (see section 1.g.). In a report published by the Human Rights Council in August, the UN’s independent expert stated that state security forces allegedly committed human rights abuses against civilians, including rape, use of minors at checkpoints, theft of cattle from the Peuhls, torture, and killing. Consistent with the code of military justice enacted in March 2017, military tribunals, martial courts, appeals courts, and the Court of Cassation have jurisdiction to try any violation by the military. The last session of the military court, however, dated back to 2013, and existing practice is for military offenses to be tried at the criminal court, which holds only two sessions a year.

In August a member of the armed forces stationed in Baoro, west of the country near the town of Bouar, killed a driver and his girlfriend out of jealousy.

In December media reports indicated a group that included Russian private military contractors, invited to the country by the government to assist with election security, and the country’s military elements used excessive force against civilians at a road checkpoint in Grimari, resulting in the death of at least four civilians, including a local employee of an international humanitarian nongovernmental organization (NGO).

## **b. Disappearance**

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

There were multiple reports of disappearances committed by the Lord's Resistance Army (LRA) for the purposes of recruitment and extortion (see section 1.g.).

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

Although the law prohibits torture and specifies punishment for those found guilty of physical abuse, there were reports from NGOs that Central African Armed Forces (FACA) soldiers, gendarmes, and police were responsible for torture (see section 1.g.).

In June an NGO reported that a female employee of a local bank was arrested and tortured by a police unit known as the Office for the Repression of Banditry (OCRB).

Impunity remained persistent throughout the country. Contributing factors included poorly trained officials, inadequate staffing, and insufficient resources. Additionally, claims of corruption among top government officials, delayed receipt of salaries for law enforcement and judiciary employees, and threats from local armed groups if officials arrested or investigated members persisted. The mechanisms to investigate abuses included the gendarmerie and the court prosecutors. Military tribunals, martial courts, appeal courts, and the court of cassation have jurisdiction to try any violation by the military. The last session of the military court dated back to 2013. Consequently, military offenses, such as torture, are tried at the criminal court, which holds only two sessions a year.

The government worked with the EU to provide training on human rights for FACA and gendarme units.

## **Prison and Detention Center Conditions**

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

The UN Multidimensional Stabilization Mission in the Central African Republic (MINUSCA) detained and transferred to government custody several medium- and high-level armed group members.

Physical Conditions: The government operated three prisons in or near Bangui: Ngaragba Central Prison, its high-security Camp de Roux annex for men, and Bimbo Women's Prison. A combination of international peacekeepers, FACA, prison officers trained by MINUSCA and the Ministry of Justice, and judicial police guarded both men's and women's prisons.

On April 25, President Touadera signed a decree granting pardon to 227 prisoners to help prevent the spread of the COVID-19 epidemic. The pardon was directed at convicted minors, pregnant or breastfeeding women, prisoners ages 60 and older, and those with a chronic, serious, or contagious disease. Prisoners charged or convicted of murder, war crimes, crimes against humanity, genocide, attacks against the internal security of the State, burning of a residential house, and rape of minors younger than age 14 were excluded from the pardon.

On June 24, local press reported that Moussa Fadoul, former mayor of the fifth district of Bangui, died at Camp de Roux military prison due to medical neglect. Fadoul was apprehended in April 2019 by the police service from the Central Office for the Repression of Banditry (OCRB) during an attempted theft of a humanitarian vehicle. Following the death of Fadoul, the remaining prisoners protested, demanding better living conditions, medical care, and adequate legal provisions. In a press conference held on September 30, Central African judicial authorities noted that of the 38 prison centers in the country, 13 had been rehabilitated by the partners of the Central African Republic, mainly MINUSCA.

Nine prisons were operational outside the Bangui area: Bangassou, Bouar, Berberati, Bimbo, Bossangoa, Bambari, and Mbaiki. In March detention facilities rehabilitated by MINUSCA in Bangassou and Paoua reopened. In other locations, including Bossembele and Boda, police or gendarmes kept prisoners in custody. Most prisons were extremely overcrowded. Necessities, such as food, clothing, and medicine, were inadequate and were often confiscated by prison officials. Prisons lacked basic sanitation and ventilation, electricity, basic and emergency medical care, and sufficient access to potable water. Diseases were pervasive in all

prisons. Official statistics regarding the number of deaths in prison were not available. Conditions were life threatening and substantially below international standards. The national budget did not include adequate funds for food for prison inmates.

Authorities sometimes held pretrial detainees with convicted prisoners, juveniles with adults, and failed to separate prisoners by gender. In Bangui, however, prisoners were separated by gender. Smaller prisons in cities such as Bouar, Mbaiki, Berberati, and Bossangoa segregated male prisoners from female prisoners, but conditions were substantially below international standards. Female prisoners were placed in facilities without ventilation or electricity. All detainees, including pregnant women, slept on thin straw mats on concrete floors.

There were no detention centers or separate cells in adult prisons for juvenile offenders. The accusations against detainees ranged from murder to witchcraft and petty crimes. Police and gendarmes held individuals beyond the statutory limits for detention before imposing formal charges.

Prisons were consistently underfunded with insufficient operating resources for the care of prisoners. Additionally, prison guards and administrators were accused of charging prisoners, prisoners' family members, and other visitors' unofficial fees. The Central African Observatory for Human Rights (OCDH) reported that a prison officer at Ngaragba prison refused to release a prisoner despite the judge's release order.

Administration: Prison detainees have the right to submit complaints of mistreatment, but victims rarely exercised this option due to the lack of a functioning formal complaint mechanism and fear of retaliation from prison officials. There were reports that complainants paid police or gendarmes fees for their complaints to be heard. Authorities seldom initiated investigations of abuse in prisons.

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

Improvements: On May 28, the UN Development Program completed renovation on the prison in Camp de Roux. According to MINUSCA, the prison structure met international standards.

On June 23, 149 civilian prison officers from the first phase of initial training at the National School of Administration and Magistracy started their practical training. This training is part of a national strategy for the demilitarization of prisons, one of the priorities of the Ministry of Justice, jointly supported by MINUSCA, the UN Development Program, and UN Women.

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

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government sometimes observed these requirements. There were, however, reports of arbitrary detention and lengthy pretrial detention. Problems included a lack of affordable legal representation and slow, if any, response from the judiciary system.

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

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

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

Authorities sometimes followed legal procedures in cases managed by gendarmes or local police. Many detainees could not afford a lawyer. Although the law provides that a lawyer be provided for those unable to pay in felony cases where a sentence of 10 years or more could be imposed, lawyers are not provided for nonfelony cases. Remuneration for state-provided attorneys was 5,000 CFA francs (\$8.80) per case, which deterred many lawyers from taking such cases. After lawyers protested for higher wages, their remuneration was increased for the 2019-20 criminal sessions to 50,000 CFA francs (\$90) per case.

For individuals detained by ex-Seleka and Anti-balaka and placed in illegal detention centers, legal procedures were not followed and access to lawyers was not provided.

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

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

On June 2, ex-Seleka Popular Front for the Renaissance in the Central African Republic (FPRC) forces detained and tortured three men in Bria accused of malfeasance. One of the detainees was subsequently released that day after the local civic leaders intervened.

Pretrial Detention: Prolonged pretrial detention was a serious problem; after he visited the prison of Ngaragba in Bangui in September, the magistrate stated that 500 of 700 detainees were in pretrial detention. Although recordkeeping of arrests and detentions was poor, the slow investigation and processing of a case was the primary cause of pretrial detention. The judicial police force charged with investigating cases was poorly trained, understaffed, and had few resources, resulting in poorly processed cases with little physical evidence. The court system did not hold the constitutionally mandated two criminal sessions per year. Judges resisted holding sessions due to security concerns and insisted on receiving stipends beyond their salaries.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Although the law provides detainees the right to challenge the lawfulness of their detention in court, many detainees were not able to exercise this right due to a lack of affordable legal services and an unresponsive justice system.

#### **e. Denial of Fair Public Trial**

Although the constitution provides for an independent judiciary, there was a lack of independence of the judiciary from political actors. In 2013 the Seleka destroyed court buildings and records throughout the country, leaving the judicial system barely functional. In 2017 the president issued a decree that appointed eight members to the Constitutional Court, four of whom, including the president of the court, were women. A total of 18 of 27 first instance and appellate courts

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

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

In 2018 the National Assembly adopted the rules of procedure and evidence for the Special Criminal Court (SCC), and later that year the SCC officially began investigations and publicly launched a prosecutorial strategy. In 2019 the SCC moved into permanent offices. The SCC was established by law in 2015 in the domestic judicial system and operates with both domestic and international participation and support. In August, five national magistrates were sworn in after taking an oath, but the SCC was confronted with serious difficulties in recruiting international judges, delaying the opening of effective trials. The SCC has jurisdiction over serious violations of human rights and international humanitarian law, including genocide, crimes against humanity, and war crimes.

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

In May the SCC accepted the cases of nine members of the armed group UPC arrested for crimes committed in the towns of Obo, Zemio, and Bambouti, located in the southeastern CAR. As of September the SCC received 122 complaints and opened preliminary investigation on one case. Seven cases were being analyzed, and three were ready for preliminary investigations but postponed because of the COVID-19 crisis. Ten cases were transmitted to examining judges, and seven others were referred to ordinary courts.



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

In February parliament passed a bill establishing the Truth, Justice, Reparation, and Reconciliation Commission (TJRRC) to support the 2019 Accord for Peace and Reconciliation. The law includes a wide range of responsibilities for the TJRRC, including establishing truth, determining nonjudicial responsibility for violations, creating a reparations fund, and promoting reconciliation. The TJRRC is further intended to cooperate with the SCC and create a final report with recommendations.

### **Trial Procedures**

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

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

The constitution provides for an independent judiciary in civil matters, but citizens had limited access to courts in order to file lawsuits seeking damages for, or cessation of, human rights violations. In 2015 the civil courts resumed operations with regular sessions. There is no system for protecting victims and witnesses from intimidation and insecurity. Consequently, victims, who often lived side-by-

side with perpetrators, were reluctant to testify against perpetrators because there was no assurance of their safety and a credible judicial process.

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

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

#### **g. Abuses in Internal Conflict**

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

UN agencies and NGOs stated that humanitarian actors had not perpetrated any sexual violence during the year.

Killings: In December 2019 clashes between criminal self-defense groups and armed merchants in Bangui's PK5 district resulted in the deaths of 50 individuals and 72 injured. The minister of public security and MINUSCA stated they opened an investigation on the case. In January judicial authorities investigated with the assistance of MINUSCA and arrested 20 suspects.

Between March and April, a series of intercommunal clashes occurred between the Runga and Goula factions of the ex-Seleka groups in N'dele, Bamingui-Bangoran Prefecture. Approximately 50 individuals were reported killed, including civilians and a UN employee. The fighting forced 1,200 civilians to flee their homes. In April, after visiting the town of N'dele where violent clashes took place between the Goula and Rounga tribes, Eric Tambo, the general prosecutor of the High Court of Bangui, stated the court would investigate the case and prosecute the perpetrators for the charge of crime against humanity and war crimes.

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

On August 24, armed men from the Party of the Rally of the Central African nation attacked and killed 11 civilians, wounded 20, and set fires to homes in the village of Bornou, near the town of Bria, in reprisal of the killing of one of their men.

Approximately 400 persons fled their homes, including children, women, and the elderly.

In January, two Anti-balaka leaders, Crepin Wakanam and Kevin Bere-Bere, and 29 combatants were tried before the Criminal Court of Bangui for their responsibility in the 2017 massacre of numerous civilians and the killing of 10 peacekeepers in southeastern region. According to the United Nations, 72 persons were killed, 76 injured, and 4,400 displaced during the attack. They were tried for “crimes against humanity, war crimes, looting and murder.” During the year 20 cases were tried, resulting in more than 40 convictions. The sentences varied from five years to life in prison.

Abductions: The NGO Invisible Children reported that on April 6, an LRA group, composed of men, women, and children, camped near the community of Bougoua, in the prefecture of M’Bomou, and looted food and other items from the community, forcing 15 boys to porter the stolen goods. The boys were released later that day.

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

Child Soldiers: Armed militias associated with Anti-balaka, ex-Seleka, the LRA, and other armed groups forcibly recruited and used child soldiers; however, there were no verified cases of the government supporting units recruiting or using child soldiers during the year. Armed groups recruited children and used them as combatants, messengers, informants, and cooks. Girls were often used as sex slaves. The United Nations also documented the presence of children operating checkpoints and barricades.

The MPC, FPRC, and UPC are all signatories to the United Nation’s action plan combatting the use of child soldiers; however, they continued to use child soldiers. The FPRC and UPC issued orders barring the recruitment of children; however, NGOs reported the continued presence of children among these groups.

The country is a party to the African Charter on the Rights and Welfare of the Child and the Optional Protocol to the Convention on the Rights of the Child, which prohibit the involvement of children in armed conflicts. In addition, on June 15, President Touadera signed the decree enacting the Child Protection Law. The law prohibits and criminalizes the recruitment and the use of children into armed

groups and their exploitation for sexual purposes; perpetrators may be sentenced from 10 years of imprisonment to hard labor. In addition the law provides a child who has served in an armed force or group may not be subject to criminal prosecution on this ground. The child must be considered a victim and not an alleged perpetrator, and the law favors social reintegration mechanisms for children.

During the year the government, UNICEF, and various NGOs worked with the armed groups to combat the exploitation of child soldiers. UNICEF stated that from January to August, 1,125 children left armed groups and registered for reintegration programs. The United Nations estimated the number of children who remained active in armed groups at approximately 5,000. On September 4, President Touadera signed a decree appointing a focal point for children affairs in the Unit in Charge of Demobilization, Reintegration, and Repatriation Program. The focal point is tasked with the mission to promote children rights and facilitate their social reintegration.

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

Other Conflict-related Abuse: On April 22, MPC leader Alkhatim Mahamat stole construction materials sent by a National Assembly member to the town of Kabo for construction of a school.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

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

Freedom of Speech: Public discussion and political debates were generally free from state authorities' influence. In areas controlled by armed groups, freedom of expression, however, was inhibited due to the risk of retaliation by armed groups.

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

debates and call-in talk shows that were critical of the government, the election process, ex-Seleka, and Anti-balaka militias. International media broadcast within the country. The High Commission for Communication is the regulatory body in charge of controlling the content of information broadcast or published in media. Opposition political candidates alleged that the state-owned media favored the existing administration during the presidential election campaign.

In August police briefly detained a journalist from the Association of Journalists for Human Rights radio station while she was investigating irregularities in the issuing of the national identification card. Also in August Henri Grothe, a blogger who resided in France and regularly criticized CAR authorities on social media, was briefly arrested and his passport confiscated upon his arrival at Bangui M'poko international airport. Grothe was released without any charge.

The government monopolized domestic television and national radio station broadcasting, with coverage typically favorable to government positions.

Nongovernmental Impact: In areas controlled by armed groups, freedom of expression was inhibited due to the risk of retaliation.

### **Internet Freedom**

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

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

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

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

The constitution and additional laws provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

### **Freedom of Peaceful Assembly**

The government denied a number of requests to protest that were submitted by civil society groups, citing insecurity in Bangui. In September the government

denied the permit request made by the Civil Society Working Group (GTSC) to organize a *ville morte* (ghost city). The GTSC was demanding the arrest of Ali Darassa, UPC commander in chief, and the resignation of Prime Minister Firmin Ngrebada. To deter individuals from participating in the demonstration, the government deployed interior security forces and the presidential guards in the streets. Some GTSC representatives were briefly arrested. On October 13, the youth movement known as “4500,” which intended to demonstrate in front of the office of the judicial police regarding an increase in the cost of a national identification card, was prevented by police from holding its sit-in in Bangui. Three members of the movement were arrested by police and released shortly thereafter.

### **Freedom of Association**

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

### **c. Freedom of Religion**

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

### **d. Freedom of Movement**

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

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

### **e. Status and Treatment of Internally Displaced Persons**

According to the UN Office for the Coordination of Humanitarian Affairs, as of September there were an estimated 659,000 internally displaced persons (IDPs) in the country. Between August 2019 and August 2020, the number of IDPs increased by 8 percent, from 590,000 to 641,000. An estimated 67 percent of IDPs lived with host families, while 33 percent lived on IDP sites.

Humanitarian actors provided assistance to IDPs and returnees and promoted the safe voluntary return, resettlement, or local integration of IDPs. The government allowed humanitarian organizations to provide services.

Even after reaching safe locations, IDPs frequently risked assault by criminals, often assumed to be associated with armed groups that IDPs encountered if they ventured outside of camps to search for food. Women and girls were particularly at risk of sexual violence on the sites and when venturing outside, such as to go to markets or for agricultural activities. In many affected areas, humanitarian assistance was limited to strictly life-saving interventions, due to limited access and insecurity. The presence of armed groups continued to delay or block planned humanitarian deliveries.

Humanitarian organizations remained concerned regarding evidence that members of armed groups continued to hide in IDP sites and attempted to carry out recruitment activities, putting at risk IDPs and humanitarian staff. Recent survey data indicated an estimated one-third of IDPs residing in IDP sites were concerned regarding their security. Of registered deaths in IDP households surveyed in the three months prior to the mid-year survey, 25 percent were linked to armed conflict.

Security concerns, related to criminality as well as armed group clashes resulting in violence, prevented aid organizations from operating in certain areas. For example, 17,000 IDPs in N'dele were without assistance after aid agencies temporarily suspended operations in May when security incidents in the wake of fighting between armed groups and attacks on civilians made it untenable to continue. Also in N'dele, an estimated 9,700 IDPs sought refuge at an IDP site near MINUSCA to escape fighting between armed groups in early March. By mid-March, however, the site had been emptied as a result of pressure from armed elements.

On February 6, armed individuals broke into the residences of International Committee of the Red Cross employees in Kaga-Bandoro. The attackers assaulted guards and stole material goods. On March 23, in N'dele, attackers broke into the premises of the international NGO War Child and stole computers and office equipment.

During the year two humanitarian workers were killed and 21 injured. There were 304 reported incidents affecting humanitarian workers, premises, and assets

between January and September, a 39 percent increase compared with the same period in 2019.

#### **f. Protection of Refugees**

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

Access to Asylum: The laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Individuals who had fled their countries of origin and had prior criminal records, however, were immediately repatriated.

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

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

#### **Elections and Political Participation**

Recent Elections: Presidential and legislative elections were held on December 27. Armed groups interfered with voter registration and the distribution of election materials. On election day, threats and violence by armed groups reportedly stopped the vote in 26 of 68 subprefectures and interrupted the vote in six other subprefectures. At year's end it was unclear what percentage of voters were unable to vote due to insecurity. Most of the violence committed around the elections was committed by armed groups. There were no reports government security actors attempted to interfere with the election or prevent individuals from voting. If needed, a second round of presidential and legislative elections may be held in February 2021 and local elections are scheduled to be held later in 2021. The government did not attempt to restrict eligible voters from registering, but armed groups interfered with registration.

International and NGO observers reported high voter turnout in Bangui; however, some media reported the threats of violence suppressed the turnout in insecure areas. NGO observers reported minor irregularities in places where the vote occurred, most commonly citing a lack of indelible ink and legislative ballots at certain sites and cases where voters who did not have a voter identification card



were allowed to vote with a certificate from the National Elections Authority. A local NGO group, National Observatory of Elections, stated the irregularities did not undermine the credibility of the elections. The African Union observation mission reported the vote in Bangui conformed to CAR's electoral code and international standards. Election results were expected to be announced in early January 2021.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process. Five of the 39 cabinet members were women, as was the senior presidential advisor for national reconciliation. There were 11 women among the 140 members of parliament. Some observers believed traditional attitudes and cultural practices limited the ability of women to participate in political life on the same basis as men. In July 2019 the national assembly rejected the provision on gender parity provided in the draft electoral code and decided instead that political parties' candidate lists must be composed of at least 35 percent women.

Societal and legal discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons prevented them from effectively advocating for their interests in the political sphere.

In March 2019, 14 members of parliament, including three women, were elected to the Executive Bureau for one-year terms. The election of only three women did not comply with the law on parity, which requires there be a minimum of 35 percent representation by women in state and private institutions for a period of 10 years. The 2016 gender equality law also prohibits gender discrimination and provides for an independent National Observatory for Male/Female Equality to monitor compliance; however, the National Observatory had not been established by year's end.

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

Although the law provides criminal penalties for corruption by officials, the government did not effectively implement the law, and officials often engaged in corrupt practices with impunity. In 2017 President Touadera issued a decree appointing members of the High Authority for Good Governance, an independent body mandated by the constitution. It is charged with protecting the rights of minorities and those with disabilities and ensuring the equitable distribution of natural resource revenues. In December 2019 President Touadera launched the *National Good Governance Strategy*.

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

Corruption: No corruption cases were brought to trial. There were widespread rumors and anecdotal stories of pervasive corruption and bribery. In February an audio recording circulated on social media alleging fraud during the vote of state budget by the national assembly. The fraud was allegedly orchestrated by the first vice president of the national assembly. The CAR government took no legal actions.

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

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

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

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

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

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

## Women

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

Domestic abuse, rape, and sexual slavery of women and girls by armed groups threatened their security, and sexual violence was increasingly used as a deliberate tool of warfare. Attackers enjoyed broad impunity. In 2019 MINUSCA verified 322 incidents of conflict-related sexual violence, affecting 187 women, 124 girls, three men, two boys, and six women of unknown age. These incidents included 174 rapes or attempted rapes and 15 cases of forced marriage.

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

As of July the Mixed Unit for the Repression of Violence against Women and the Protection of Children (UMIRR) received 501 complaints from victims of various profiles, including 227 victims of sexual violence (rape, assault, forced marriage) and 232 cases of other form of violence. According to UMIRR, there were 266 reported cases of women who were victims of societal abuse in the country.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C of women and girls, which is punishable by two to five years' imprisonment and a moderate to substantial fine.

Nearly one-quarter of girls and women had been subjected to FGM/C, with variations according to ethnicity and region. Approximately one-half of girls were mutilated between ages 10 and 14. Both the prevalence of FGM/C and support for the practice has substantially declined in recent years.

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

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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

## **Children**

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

Education: Education is compulsory from ages six to 15. Tuition is free, but students have to pay for items such as books and supplies and for transportation. Few Ba'aka, the earliest known inhabitants of the forests in the south, attended primary school. There was no significant government assistance for efforts to increase Ba'aka enrollment.

Child Abuse: The law criminalizes parental abuse of children younger than 15. UMIRR is in charge of investigating abuses against women and children. As of July children's rights abuses were reported in 42 households. According to UMIRR, 214 girls and seven boys were reported victims of societal abuse.

With the support of UNICEF, Bethanie, a local NGO, provided legal, psychological, and socioeconomic assistance to 900 vulnerable children, including 200 children victims of sexual violence, 100 children accused of witchcraft, 250 children with HIV, and 350 children victims of other forms of violence in the prefecture of Ombella M'poko and Bangui.

Child, Early, and Forced Marriage: The law establishes 18 as the minimum age for civil marriage. A 2017 UNICEF report indicated that 68 percent of girls married

before age 18 and 29 percent of girls married before age 15, and that 27 percent of boys married before age 18. The practice of early marriage was more common in Muslim communities. There were reports during the year of forced marriages of young girls to ex-Seleka and Anti-balaka members. The government did not take steps to address forced marriage.

Sexual Exploitation of Children: On June 15, the government enacted the Child Protection Act. The legislation has a series of measures that address the exploitation of minors. The family code prescribes penalties for the commercial exploitation of children, including imprisonment and financial penalties. The minimum age of sexual consent is 18, but it was rarely observed.

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

Displaced Children: Armed conflict resulted in forced displacement, with the number of persons fleeing in search of protection fluctuating based on local conditions. The country's instability had a disproportionate effect on children, who accounted for 64 percent of IDPs, 48 percent of whom were children younger than five, according to a report by the International Organization for Migration (IOM).

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases>.

## **Anti-Semitism**

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

## **Trafficking in Persons**

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

## **Persons with Disabilities**

The law prohibits discrimination against persons with both mental and physical disabilities but does not specify other forms of disabilities. It requires that in any company employing 25 or more persons, at least 5 percent of staff must consist of sufficiently qualified persons with disabilities if they are available. The law states that at least 10 percent of newly recruited civil service personnel should be persons with disabilities. There are no legislated or mandated accessibility provisions for persons with disabilities. There were no available statistics concerning the implementation of this provision.

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

### **Members of National/Racial/Ethnic Minority Groups**

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

In December 2019 a young man from the subprefecture of Baboua, who was heading to the cattle market, was killed by unidentified armed men. The population of Baboua accused the Peuhl community of being the perpetrators. On December 30, dozens of young persons armed with machetes, knives, and other bladed weapons retaliated against a Peuhl citizen from a neighboring commune of Baboua, killing him.

### **Indigenous People**

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

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

The Ba'aka, including children, were often coerced into agricultural, domestic, and other types of labor. They were considered slaves by members of other local ethnic groups, and even when they were remunerated for labor, their wages were far below those prescribed by the labor code and lower than wages paid to members of other groups.

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

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

The penal code criminalizes consensual same-sex sexual conduct. The penalty for conviction of “public expression of love” between persons of the same sex is imprisonment for six months to two years or a moderate to substantial fine. When one of the participants is a child, the adult could be sentenced to two to five years’ imprisonment or a moderate to substantial fine. There were no reports police arrested or detained persons under these provisions.

While official discrimination based on sexual orientation occurred, there were no reports the government targeted LGBTI persons. Societal discrimination against LGBTI persons was entrenched due to a high degree of cultural stigmatization. The IOM reported the case of an LGBTI person who had to move due to physical violence against him by neighbors due to his sexuality. There were no known organizations advocating for or working on behalf of LGBTI persons.

### **HIV and AIDS Social Stigma**

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

### **Other Societal Violence or Discrimination**

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

During the worst of the crisis, some Christian communities formed Anti-balaka militias that targeted Muslim communities, presumably for their association with the Seleka. The Interfaith Religious Platform, which includes Muslim and Christian leaders, continued working with communities to defuse tensions and call for tolerance and restraint. Local leaders, including the bishop of Bossangoa, and internationally based academics warned against casting the conflict in religious terms and thus fueling its escalation along religious lines.

Ethnic killings often related to transhumance movements occurred. The major groups playing a role in the transhumance movements were social groups centering on ethnic identity. These included Muslim Fulani/Peuhl herders, Muslim farming communities, and Christian/animist farming communities. Armed group conflict at times devolved into ethnic violence, such as the Kara/Rounga conflict in Birao. Throughout the year, there were recorded acts of violence among the various ethnic groups--primarily between the Rounga and the Goula ethnic groups. Violence between the groups continued in Birao and spread to Ndele.

The law prohibits the practice of witchcraft. Conviction of witchcraft is punishable by five to 10 years' imprisonment and a moderate to substantial fine. Individuals accused of sorcery or witchcraft experienced social exclusion. According to a legal advocate, the penal code does not have an established definition of witchcraft, and the state does not typically intervene in these cases. District chiefs often preside over witchcraft trials: however, the accused are also often killed by the local population. For instance, on August 27, local press reported that in the village of Barka-Panziin, in the prefecture of Mambere-Kadei, a 60-year-old woman suspected of witchcraft by the inhabitants was severely beaten by her own children and buried alive by the local population. She was rescued by gendarmes stationed at a timber company located two miles away. Women accused of witchcraft faced the possibility of sexual violence in prison while waiting for their trial or serving their sentence. Those accused of witchcraft reported psychological harm from fearing for their physical safety due to the accusations.

## **Section 7. Worker Rights**



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

The law provides for the right of workers, except for senior-level state employees, security force members, and foreign workers in residence for less than two years, to form or join independent unions without prior authorization. The labor code provides for the right of workers to organize and administer trade unions without employer interference and grants trade unions full legal status. The law requires union officials be full-time, wage-earning employees in their occupation and allows them to conduct union business during working hours if the employer is informed 48 hours in advance and provides authorization. The labor code provides that unions may bargain collectively in the public and private sectors.

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

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

The government generally enforced applicable laws and respected laws concerning labor actions. The enforcement of penalties was not sufficient to deter violations. Penalties were commensurate with other violations of civil rights. Workers exercised some of these rights, but only a relatively small part of the workforce, primarily civil servants, exercised the right to join a union. While worker

organizations are officially outside government or political parties, the government exerted some influence over the leadership of some organizations.

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

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

### **b. Prohibition of Forced or Compulsory Labor**

The labor code specifically prohibits and criminalizes all forms of forced or compulsory labor. The penalties for these crimes were commensurate with the penalties for similar crimes. The enforcement of penalties was not sufficient to deter violations. The labor code's prohibition of forced or compulsory labor also applies to children, although the code does not mention them specifically. The penalties for violations were not sufficient to deter violations because the government did not enforce the prohibition effectively. There were reports such practices occurred, especially in armed conflict zones.

Employers subjected men, women, and children to forced domestic labor, agricultural work, mining, market or street vending, and restaurant labor, as well as sexual exploitation. Criminal courts sentenced convicted persons to imprisonment and forced labor, and prisoners often worked on public projects without compensation. This practice largely took place in rural areas. Ba'aka, including children, often were coerced into labor as day laborers, farm hands, or other unskilled labor and often treated as slaves (see section 6, Children). No known victims were removed from forced labor during the year.

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

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

The labor code forbids some of the worst forms of child labor. The law prohibits children younger than 18 from performing "hazardous work," but the term is not

clearly defined and does not specify if it includes all of the worst forms of child labor. The mining code specifically prohibits child or underage labor. The employment of children younger than 14 is prohibited under the law without specific authorization from the Ministry of Labor. The law, however, also provides that the minimum age for employment may be as young as 12 for some types of light work in traditional agricultural activities or home services. Additionally, since the minimum age for work is lower than the compulsory education age, some children may be encouraged to leave school to pursue work before completion of compulsory education. The law stipulates the types of hazardous work prohibited for children.

The government did not enforce child labor laws. The government trained police, military, and civilians on child rights and protection, but trainees lacked resources to conduct investigations. The government announced numerous policies related to child labor, including those to end the sexual exploitation and abuse of children and the recruitment and use of children in armed conflict, but there was no evidence of programs to eliminate or prevent child labor, including its worst forms. Penalties were not sufficient to deter violations. Penalties were commensurate with similar crimes. Government officials were alleged to have subjected minors to military-related labor at two checkpoints.

Child labor was common in many sectors of the economy, especially in rural areas. Local and displaced children as young as age seven frequently performed agricultural work, including harvesting peanuts and cassava and helping gather items subsequently sold at markets such as mushrooms, hay, firewood, and caterpillars. In Bangui many of the city's street children worked as street vendors. Children often worked as domestic workers, fishermen, and in mines, often in dangerous conditions. For example, children were forced to work without proper protection or were forced to work long hours (i.e., 10 hours per day or longer). Children also engaged in the worst forms of child labor in diamond fields, transporting and washing gravel as well as mining gold, digging holes, and carrying heavy loads. Despite the law's prohibition on child labor in mining, observers saw many children working in and around diamond mining fields. No known victims were removed from the worst forms of child labor during the year.

Children continued to be engaged as child soldiers. There were reports of ex-Seleka, Anti-balaka, and other armed groups recruiting child soldiers during the year (see section 1.g.).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

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

It is illegal to discriminate in hiring or place of employment based on race, national or social origin, gender, opinions, or beliefs. The government did not effectively enforce the law; however, if rigorously enforced, the laws would be sufficient to deter violations. Penalties were commensurate with the penalties for other civil rights violations. The law does not explicitly prohibit discrimination in employment and occupation based on disability, age, language, sexual orientation, gender identity, social status, HIV-positive status, or having other communicable diseases.

Discrimination against women in employment and occupation occurred in all sectors of the economy and in rural areas, where traditional practices that favor men remained widespread. There were legal restrictions against women in employment, including limiting occupations and tasks. The labor code prohibits the employment of women in jobs that exceed their strength. Furthermore, carrying, dragging, or pushing any load is prohibited during pregnancy and within three weeks of returning to work after giving birth. Women are not allowed on the premise if persons work with certain dangerous chemicals, and women are restricted in the work they may do in other trades, including working on the manufacture of sulfuric acid, application of rubber coatings, and pickling or galvanizing of iron.

Migrant workers experienced discrimination in employment and pay.

#### **e. Acceptable Conditions of Work**

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

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

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

The law sets a standard workweek of 40 hours for government employees and most private-sector employees. Household employees may work up to 52 hours per week. The law also requires a minimum rest period of 48 hours per week for citizen, foreign, and migrant workers. Overtime policy varied according to the workplace. Violations of overtime policy may be referred to the Ministry of Labor, although it was unknown whether this occurred during the year. There is no legal prohibition on excessive or compulsory overtime. The labor code, however, states that employers must provide for the health and security of employees who are engaged in overtime work. Penalties were commensurate with other crimes.

There are general laws on health and safety standards in the workplace, but the Ministry of Labor did not precisely define them. The labor code states that a labor inspector may force an employer to correct unsafe or unhealthy work conditions.

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

The government did not effectively enforce labor standards, and violations were common in all sectors of the economy. The Ministry of Labor has primary responsibility for managing labor standards, while enforcement falls under the Ministry of Interior and Public Safety and the Ministry of Justice and Human Rights. The government did not have an adequate number of labor inspectors to enforce compliance with all labor laws. Penalties were seldom enforced and were insufficient to deter violations. Violations for occupational safety and health (OSH) standards were commensurate with those for crimes such as negligence. Employers commonly violated labor standards in agriculture and mining.

Diamond mines, which employed an estimated 400,000 persons, were subject to standards imposed by the mining code and inspection by the Miners' Brigade. Nevertheless, monitoring efforts were underfunded and insufficient. Despite the law requiring those working in mines to be at least 18, observers frequently saw underage diggers. Diggers often worked in open pits susceptible to collapse, working seven days a week during the peak season. Diggers were employed by larger mine operators, worked in dangerous conditions at the bottom of open pits, and lacked safety equipment.

Miners, by contrast, had a share in ownership and participated in the proceeds of diamond sales. Often miners supplemented these earnings with either illegal diamond sales or wages from other sectors of the economy.

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