



**ASSOCIATION DES FEMMES JURISTES
DE CENTRAFRIQUE**

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SUBMISSION TO THE COMMITTEE ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

**87TH SESSION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN (29 JANUARY 2024 – 16 FEBRUARY 2024)**

About the Association des Femmes Juristes de Centrafrique:

The *Association des Femmes Juriste de Centrafrique* (AFJC) was created on 19 June 1992 to promote and defend human rights in general, and in particular, women's rights and the rights of children in the Central African Republic (CAR). In order to promote these rights, AFJC has put in place strategies for supporting victims of violence (in particular for female and children victims) by providing legal services and psychosocial and medical support. AFJC is one of the principal judicial and psychosocial providers in the country, and specializes in dealing with cases of sexual and gender-based violence. The AFJC is active in many regions in CAR and has worked with more than 7,000 victims of violence.

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1. INTRODUCTION

- 1.1. CAR has experienced multiple cycles of violence over a period of decades, leading to devastating impacts on the civilian population. This has resulted in grave human rights abuses and violations of international law. Women and children have borne the brunt of serious crimes, including sexual and gender-based violence. The government of CAR has not taken adequate steps to: (1) combat Sexual and Gender-Based Violence (SGBV), (2) ensure that victims of such violence have adequate access to justice, or (3) promote female representation in powerful decision-making positions. The government must prioritize: (4) restoring peace to the entire country, and (5) addressing the current economic crisis, which further perpetuates instability. Finally, the government of CAR has (6) failed to provide security for human rights defenders and civil society actors, instead often repressing free expression.

2. THE GOVERNMENT HAS NOT TAKEN ENOUGH STEPS TO COMBAT SEXUAL AND GENDER-BASED VIOLENCE IN CAR

- 2.1. SGBV continues to remain an urgent crisis in CAR. From March 2020 to January 2022, AFJC, through its nine legal aid clinics, recorded 11,431 cases of serious human rights violations, including 10,741 SGBV cases.¹ AFJC provided psychosocial assistance to 6,451 victims and legal assistance to 4,980 people during this period. The organization additionally facilitated victim access to health care, medications, and educational programming for citizens and authorities.
- 2.2. Over the past few years, the government has taken some positive steps to combat sexual and gender based violence. These include the operationalization of a special unit to deal with sexual violence called the Mixed Unit for Rapid Intervention and Combatting of Sexual Violence against Women and Children (UMIRR), the implementation of a national gender policy, and the creation of the Special Criminal Court. However, the government has not yet taken all the necessary actions to combat sexual and gender-based violence.
- 2.3. Sexual violence continues to be used as a weapon of war. AFJC has documented situations of violent gang rapes, and the use of sexual violence by both formal and informal armed forces, as a means of humiliating victims and asserting power over villages newly within their territorial control. From December 2020 - March 2022 in just two prefectures of the country, the UN recorded 245 cases of sexual violence, most of them gang rapes, perpetrated by three different armed groups.² Women and girls are also put at the service of armed groups or armed forces and taken as fighters' "wives" in a practice of sex slavery.

¹ Operating in: Bangui, Bossangoa, Sibut, Boda, Nola, Carnot, Berberati, Bouar, and Bangassou.

² UN Office of the High Commissioner for Human Rights, "Rapport sur les Violences Sexuelles Liées aux Conflits Commises par le FPRC et L'UPC dans les Prefectures du Mbomou et de la Haute-Kotto" (25 July 2022), <https://www.ecoi.net/en/document/2077017.html>.

- 2.4. Despite these high figures and alarming cases, these numbers represent just a fraction of the total cases in CAR. Underreporting remains extremely high, and can be attributed to a range of factors, including stigma (which is compounded in situations of the most egregious conflict-related sexual violence, male victims, or vulnerable groups), fear of reprisal, cultures of patriarchy, and a lack of trust in the judicial system.
- 2.5. In 2022, CAR made progress in efforts to penalize SGBV issuing a circular relating to rape.³ However, it is necessary to ensure widespread understanding of the circular, and meaningful implementation of its provisions.
- 2.6. Unfortunately, in practice, much of the work of responding to the urgent needs of victims of SGBV is left to NGOs, such as AFJC. Victims often require holistic support to address the complex healthcare, psycho-social, economic, and legal needs that stem from experiencing such violence. The State has an obligation to meet these needs, and provide victims with comprehensive support.

3. LEGAL AND JUDICIAL INSTITUTIONS DO NOT PROVIDE EQUAL AND ADEQUATE ACCESS TO JUSTICE FOR ALL

- 3.1. The government has made efforts to rehabilitate judicial infrastructure. However, CAR fails to provide equal and adequate access to justice for all. Victims face expensive legal costs, difficulties in accessing legal services, and weaknesses in the justice system.
- 3.2. First, many victims cannot afford to pay for the costs of filing a complaint in CAR. Victims must pay fees in order to get a complaint filed before the gendarmerie or police. The government does not provide any legal aid services to victims of human rights violations, and most of these services must be provided by civil society. AFJC's offices, located in different parts of the country, receive approximately 30-40 cases per office per day. Yet, gaps in NGO funding have created significant challenges to providing regular and lifesaving support for those most affected.
- 3.3. Victims regularly wait for long periods before being processed through the judicial system and having judgments rendered. Slowness is due in part to a shortage of investigating judges in the country. Additionally, not all judges view or treat SGBV as a serious offense or problem.
- 3.4. There is also a significant gap in what legal and judicial services are available inside Bangui and in other provinces. Today, while CAR's largest towns have courts, victims in small towns are left without access or institutions to which to turn. The government also accepted a recommendation to organize mobile court hearings in remote areas.⁴ While some trials have occurred, ensuring access to justice in rural areas continues to

³ Lettre Circulaire No 055/MJRJDH/DIRCAB.16, sur les crimes sexuels (March 8, 2016).

⁴ UN Doc A/HRC/40/12, *supra* note 1, at Recommendations 121.76; UN Doc A/HRC/40/12/Add.1, *supra* note 1.

be a serious challenge - and in many instances, a complete absence of police stations or courts makes it impossible for victims to report crimes. This is compounded by a lack of sustained support to key civil society providers of legal aid in the country. For example, AFJC does not have adequate funding to support permanent centers in all of CAR's provinces. In addition to their four locations inside Bangui, they have a full-staff office in each of three other provinces, while the remaining eight provinces have at most a permanent paralegal.

- 3.5. Additionally, in practice there has been limited action made towards prosecuting leaders of armed groups, especially in relation to cases arising from the armed conflict. In many instances, perpetrators accused of the commission of grave crimes, including SGBV, continue to evade judicial proceedings. It remains to be seen whether and to what extent crimes from the height of 2012-2013 violence will ultimately be prosecuted, but for now, for most victims in CAR, justice remains elusive.

4. THE GOVERNMENT IS NOT DOING ENOUGH TO PROMOTE THE INCLUSION OF WOMEN IN DECISION-MAKING BODIES

- 4.1. The 2016 Constitution provides for quotas for female representation in the Constitutional Court and the High Council of Communication (a State institution). Various administrative bodies also require quotas to ensure adequate gender representation. Codification in the constitution and organic laws have led to a positive improvement in representation in these targeted institutions. The police and army have also switched to mixed recruiting, improving female representation in their ranks.
- 4.2. Worryingly, under the new constitution, passed in August 2023, specific quotas for women in senior positions in government, except for within the High Council of Communication were removed. Therefore, this new constitution fails to guarantee women's equality, undermining women's leadership in senior positions. This impedes the rights of women under Article 7 of CEDAW.
- 4.3. Already, within the national assembly and in elected positions, female representation is weak. Women face significant challenges in running for local, provisional, and national elections – including security threats, intimidation, a lack of financial means, and discrimination.
- 4.4. More broadly, both in the political sphere and in other economic roles, while the idea of political and economic parity between men and women exists within the laws, in reality a power imbalance remains. Women often are discouraged by their families, communities, and society at large from pursuing professional positions or powerful decision-making roles. As of March 2023, CAR ranked 188th out of 191 countries in terms of gender equality.⁵

⁵ The World Bank, “Central African Republic Overview” (30 March 2023), <https://www.worldbank.org/en/country/centralafricanrepublic/overview>.

5. THE GOVERNMENT MUST PRIORITIZE RESTORING PEACE TO THE ENTIRE COUNTRY WITH THE SUPPORT OF THE INTERNATIONAL COMMUNITY

- 5.1. There is currently a sense of safety and relative calm inside Bangui. Yet attacks, reprisal attacks, and violence between armed groups and state armed forces, often leading to human rights violations, continue in the interior of the country. The last elections, held in December 2020, exemplified government security failures. Significant violence erupted across the country, including against officials. Some would-be candidates were intimidated by armed groups and as a result were unable to run for office.⁶ Additionally, many polling stations were closed due to the violence. In the end, voter turnout was just 32.25%.⁷ The effects of the electoral violence, and ongoing fighting since then continues to affect the civilian population. Across the country, 3.4 million people, representing well over half of the population, remain in need of humanitarian assistance and protection.⁸
- 5.2. Outside Bangui and its immediate surroundings, various non-government armed groups still vie for resources and power in other parts of the country. Civilians caught in the crossfire are at risk of decreased access to goods, resources, and aid, as well as at risk of bodily harm. Women and girls are especially harmed by this ongoing insecurity, facing violations of the right to life, and serious barriers to food and healthcare.⁹
- 5.3. Failures to protect people within CAR's territory from unlawful killings and arbitrary detentions are state violations of the international rights to life, liberty, and security of person.

6. THE GOVERNMENT MUST ADDRESS THE WORSENING ECONOMIC CRISIS AND INCREASING POVERTY

- 6.1. CAR is experiencing a severe and devastating economic crisis. In 2022, the country experienced a debilitating fuel crisis, partly responsible (along with conflict, flooding,

⁶ Al Jazeera, "CAR violence forced closure of 800 polling stations: Commission" (28 December 2020), <https://www.aljazeera.com/news/2020/12/28/violence-forces-800-polling-stations-to-close-in-car-commission>.

⁷ Al Jazeera, "CAR court confirms President Faustin Touadera's re-election" (18 January 2021), <https://www.aljazeera.com/news/2021/1/18/c-african-republic-court-confirms-president-touaderas-reelection>.

⁸ UN Office for the Coordination of Humanitarian Affairs, "Situation Report", (17 March 2023), <https://reliefweb.int/report/central-african-republic/central-african-republic-situation-report-17-march-2023#:~:text=In%202023%2C%203.4%20million%20people%20will%20need%20humanitarian%20assistance%20and,%25%2C%20reaching%206.1%20million%20people..>

⁹ As indicative of some of the challenges women in CAR face, the country has one of the world's highest maternal mortality rates. The World Bank, "Central African Republic Overview" (30 March 2023), <https://www.worldbank.org/en/country/centralafricanrepublic/overview>.

and other challenges) for the country’s complete halt in economic activity and real GDP growth of 0.0% last year.¹⁰

- 6.2. Household incomes have not increased with the cost of goods and general inflation over the past several years. For example, the cost of fuel at petrol stations has doubled in the past year, and severe shortages mean that many people are forced to buy fuel at the secondary market at a more expensive rate, as petrol stations often do not have fuel. This impacts the ability to conduct trade, and bring in goods from rural areas of the country. Further illustrating the country’s rampant inflation, the cost of rice rose by 33% and the cost of cooking oil by 25% between January and March 2023.¹¹
- 6.3. Many in the country experience extreme levels of poverty, with a disparate impact on women and girls, vulnerable groups, as well as those living in the provinces. The disparate impact on women and girls, especially those living in rural areas, is highlighted in Article 14 of CEDAW. The extreme poverty experienced in CAR results in malnutrition, an inability for many people to pay for life-saving medical treatment and medicines, and inability to access other essential goods. With half of the population not having enough to eat, CAR “has one of the highest proportions of critically food-insecure people in the world.”¹²
- 6.4. As one individual told AFJC: “during the 2013 conflict we were being killed instantly by guns and bullets, but now with the economic crisis we are simply dying slowly.”¹³

7. THE GOVERNMENT IS NOT PROPERLY PROVIDING SECURITY FOR HUMAN RIGHTS DEFENDERS OR ENSURING AN OPEN SPACE FOR CIVIL SOCIETY AND POLITICAL DEBATE

- 7.1. Human rights defenders are frequently targeted for attack by state and non-state armed forces as reprisal for, or to prevent these workers from, exposing human rights abuses. More broadly, space for civil society and peaceful protest is closing in the country. In April 2023, Human Rights Watch published a report about the risks to civil society, media, and opposition political parties, finding that there is widespread fear to dissent and challenges to freedom of association.¹⁴

¹⁰ The World Bank, “Central African Republic Overview” (30 March 2023), <https://www.worldbank.org/en/country/centralafricanrepublic/overview>.

¹¹ International Crisis Group, “Ten Years After the Coup, Is the Central African Republic Facing Another Major Crisis?” (23 March 2023), <https://www.crisisgroup.org/africa/central-africa/central-african-republic/dix-ans-apres-le-coup-detat-la-republique>.

¹² UN Office for the Coordination of Humanitarian Affairs, Situation Report (30 May 2023), <https://reports.unocha.org/en/country/car/>.

¹³ AFJC interview with community member, notes on file.

¹⁴ Human Rights Watch, “Central African Republic: Closing Civic Space” (4 Apr. 2023), <https://www.hrw.org/news/2023/04/04/central-african-republic-closing-civic-space>

- 7.2. Especially during the most recent campaigning period for the new constitutional referendum, there were examples of suppression of civil society. The UN Independent Expert on the Human Rights Situation in CAR, had warned that it is imperative that those opposing the referendum be given the civic space and media attention to be able to disagree and present alternate proposals.¹⁵ This failure to do so, and more generally, suppressing demonstrations or other forms of protesting, both offline and online, continues to violate the right to freedom of peaceful assembly and association.¹⁶

RECOMMENDATIONS

We recommend that the Government of CAR...

To prevent SGBV:

1. Take steps to implement the 2016 circular affirming the criminalization of rape and other relevant laws in the country to prevent and prosecute cases of SGBV.
2. Train relevant police, security, and judicial officers in the proper investigation and management of SGBV cases.

To advance access to justice:

3. Develop robust legal aid services, and provide long-term support, with the aid of the international community, to civil society and legal aid organizations conducting legal aid, and in particular, assisting women and girls, and victims of SGBV crimes.
4. Facilitate access to justice in all parts of the country with the restoration of regular court hearings in the provinces.
5. Provide gender-sensitivity and de-biasing training to police and judicial officers.
6. Provide additional resources to the Special Criminal Court to advance accountability for serious human rights violations, including SGBV.

To promote inclusion of women in decision-making bodies:

¹⁵ UN Office of the High Commissioner for Human Rights, “UN Expert Warns Constitutional Referendum in Central African Republic Poses Human Rights Risks” (June 16, 2023), <https://www.ohchr.org/en/press-releases/2023/06/un-expert-warns-constitutional-referendum-central-african-republic-poses>

¹⁶ United Nations General Assembly. The Universal Declaration of Human Rights (UDHR) at Art. 20. New York: United Nations General Assembly, 1948.

7. Promote women's access to and participation in decision-making spheres of political and public life, including the electoral system, and strengthen their leadership roles in order to allow women to be heard and to participate in the recovery and consolidation processes in CAR, while promoting a new generation of dynamic, committed, and visionary young girls.
8. Restore gender quotas in key executive and judicial positions to the recently passed Constitution.
9. Create an environment that enables women to participate in the political and public spheres of life
10. Encourage female leadership in community governance through female involvement in local elections.
11. Advocate for increased participation of women in Parliament, government, local administration and political parties, and the National Elections Authority.

To restore peace across the country:

12. Urgently, and with the support of the international community, restore peace to the entire country, including through acceleration of Demobilization, Disarmament, and Reintegration efforts.
13. Engage in effective and prompt prosecution of those who commit human rights violations in the context of conflict.

To address the economic crisis:

14. Address the economic crisis, and ensure regular and affordable provision of fuel and essential goods.
15. Improve the standard of living for the entire population, by developing initiatives to support economic growth.
16. Ensure that humanitarian actors are able to access the entire country, by protecting humanitarian corridors and the safety of humanitarian workers.

To protect human rights defenders and civic space:

17. Take steps to ensure respect for an open civic space, and protection of human rights defenders, and strongly condemn any intimidation, harassment, or attacks against human rights defenders by all actors.