

UPR Submission: Central African Republic

March 2018

This submission has been prepared by Human Rights Watch for the third cycle review of the Central African Republic in the framework of the Universal Periodic Review (UPR). It is based on information obtained through research conducted since the second cycle review of the Central African Republic. This submission covers a period of intense conflict, during which civilians have borne the brunt of violence perpetrated by armed groups. While Human Rights Watch has reported on a range of human rights abuses in the country since the last UPR, this submission focuses on sexual violence committed by two main parties to the conflict, the Seleka and the anti-balaka.¹

Conclusions and recommendations from the second cycle UPR of the Central African Republic include calls for strengthened measures to prevent sexual violence and attacks on civilians by armed groups, as well as to improve access to critical medical, mental health, and legal support for sexual violence survivors. They also call for accountability for crimes of sexual violence, including through timely and thorough investigations of sexual violence by armed groups. Human Rights Watch found that members of armed groups continue to commit rape and sexual slavery with impunity, and that survivors continue to suffer not only from the violence itself, but from long-term physical, emotional, and social consequences, often without timely access to essential services.

Sexual Violence as a Weapon of War

In interviews with 296 survivors, Human Rights Watch documented pervasive sexual violence against women and girls perpetrated by Seleka and anti-balaka fighters from early 2013 to mid-2017. This includes cases of rape, sexual slavery, physical assault, and kidnapping of women and girls between the ages of 10 and 75, primarily in the capital, Bangui, and in and around the towns of Alindao, Bambari, Boda, Kaga-Bandoro, and Mbrès.

Armed groups have not simply committed sexual violence as a byproduct of fighting, but, in many cases, used it as a tactic of war. Commanders have consistently tolerated sexual violence by their forces and, in some cases, they appear to have ordered it or to have committed it themselves.

In many cases, survivors said their attackers used sexual violence as a form of retribution for perceived support of those on the other side of the sectarian divide. Seleka fighters taunted women and girls by calling them “anti-balaka wives” and anti-balaka fighters accused their

¹ Human Rights Watch, “*They Said We Are Their Slaves*”: Sexual Violence by Armed Groups in the Central African Republic, October 2017, <https://www.hrw.org/report/2017/10/05/they-said-we-are-their-slaves/sexual-violence-armed-groups-central-african>.

victims of supporting Muslims. In some instances, armed groups used sexual violence as punishment for the alleged alliances of survivors' male relatives.

Members of armed groups aggravated the humiliation by raping some women and girls in front of their husbands, children, and other family members. Survivors also witnessed fighters rape, kill, or mutilate their husbands and other relatives. In one instance, a survivor said fighters raped her husband, forcing her to watch, before killing him and raping her.

Most survivors said that multiple perpetrators raped them—sometimes 10 men or more during a single incident. The rapes of these women and girls, which resulted in injuries ranging from broken bones and smashed teeth to internal injuries and head trauma, constitute torture. Torture was exacerbated in some cases by additional violence, including rape with a grenade and a broken bottle. Perpetrators also tortured women and girls by whipping them, tying them up for prolonged periods, burning them, and threatening them with death.

In interviews with 257 women and 39 girls (ages 17 and under) Human Rights Watch documented 305 cases of sexual violence by members of armed groups. Some survivors experienced sexual violence multiple times, on separate occasions. Multiple women and girls said fighters raped them while they were pregnant.

Human Rights Watch interviewed 44 women and girl survivors of sexual slavery, wherein fighters committed sexual violence and exerted ownership over victims. The survivors said that they were held captive with a total of at least 167 other women and girls who were also sexual slavery victims. Sexual slavery survivors were held captive for up to 18 months, repeatedly raped—some taken as fighters' "wives"—and forced to cook, clean, and collect food or water. At least nine survivors became pregnant while held as sexual slaves, including girls aged 14 and approximately 16 at the time, and at least five gave birth to children from the rapes.²

Due to stigma, under-reporting by survivors, and time constraints and security-related restrictions on research, the cases documented by Human Rights Watch likely represent a small proportion of all sexual violence incidents perpetrated by armed groups in the country during the period covered.³

Lack of Access to Services

Only 145 of the 296 sexual violence survivors had accessed any post-rape medical care due to a range of obstacles, such as a lack of medical facilities, cost of travel to such facilities, and fear of stigma and rejection. Of these, only 83 survivors confirmed that they had disclosed the sexual violence to health care providers, thus allowing for comprehensive post-rape care. Service providers' failure to provide discreet, confidential, and sensitive care sometimes deterred survivors from disclosing sexual violence or successfully accessing help.

² Some survivors had not had pregnancy tests at the time of their interviews with Human Rights Watch and had not yet determined definitively whether they had become pregnant while held as sexual slaves.

³ Human Rights Watch also heard credible reports of armed groups committing sexual violence against men and boys, but the research referred to here focuses on violence against women and girls.

Among those who did disclose rape, many said service providers did not offer them critical elements of post-rape care, including post-exposure prophylaxis (PEP) to prevent HIV, emergency contraception, testing for HIV and other sexually transmitted infections (STIs), and psychosocial support. Only 41 of the survivors Human Rights Watch interviewed said they accessed medical care within 72 hours of rape, the time period during which PEP can be effectively administered.

Numerous women and girls who visited health centers and disclosed rape told Human Rights Watch that personnel did not inform them about nearby health or psychosocial services for rape survivors. In only 66 cases had survivors received any psychosocial support. Survivors described symptoms consistent with depression or post-traumatic stress disorder (PTSD) and, in some cases, suicidal thoughts.

Fifty-three women and girls told Human Rights Watch that costs hindered their access to medical care. Though a Ministry of Health official told Human Rights Watch that health facilities offer free post-rape care, several survivors who disclosed sexual violence to health personnel told Human Rights Watch that medical providers asked for payment for exams, tests, or medications.⁴ Even when services were free, survivors sometimes could not afford the cost of transport to health facilities.

Human Rights Watch interviewed 13 survivors, including three girls, who said they became pregnant from rape. Survivors held as sexual slaves said they knew of at least five other women and girls who became pregnant while held captive. Though abortion is legal in cases of rape in the Central African Republic, significant barriers to access remain. An 18-year-old survivor who was pregnant following rape by an anti-balaka fighter said she wanted an abortion, but had not accessed medical care and did not know how to do so. “What am I going to do with this baby?” she asked. “I did not want it. Who will take care of it? My family is all dead and I have a murderer’s baby.”⁵

Only 92 of the 296 survivors Human Rights Watch interviewed said that they had undergone HIV testing since experiencing sexual violence. Even then, testing was often inconclusive as it had not been administered repeatedly or after the time delay necessary to determine infection. A 28-year-old survivor who was raped by a Seleka fighter in 2013 echoed many others when she said that she constantly questions her condition: “I ask myself, ‘Did he give me AIDS? What [other] disease? How is my health? Will I die soon?’”⁶

Many survivors said they had not sought help, including essential medical care, due to fear of stigma and rejection. They described family or community members blaming them for being raped and publicly humiliating them by “pointing fingers” at them or calling them names. Human Rights Watch interviewed 38 women and girls who said that their husbands, partners, or family members abandoned them after rape.

⁴ Human Rights Watch interview with Ministry of Health official, Bangui, October 26, 2016.

⁵ Human Rights Watch interview with survivor, Bangui, January 13, 2016.

⁶ Human Rights Watch interview with survivor, Bangui, January 14, 2016.

Impunity and Lack of Access to Justice

Though the Central African Penal Code punishes rape and sexual assault as criminal offenses, no member of an armed group has been tried for rape during the conflict. Only 11 of the 296 sexual violence survivors interviewed by Human Rights Watch said they attempted to file a criminal complaint. They reported powerful deterrents to seeking justice, including inappropriate response from authorities, death threats and physical attacks for daring to come forward, lack of legal assistance, and feeling intimidated and powerless when seeing their known attackers move freely around their villages and towns.

Those who informed authorities faced mistreatment, including victim-blaming, failure to investigate, and even demands to present their own perpetrators for arrest. Economic strain and fear of reprisals further deter survivors from seeking justice. A lawyer who assists victims of sexual violence told Human Rights Watch: “The perpetrators are still around. They are walking free and the victims are too scared to denounce them.”⁷ In at least three cases, survivors or their family members who directly confronted members of the armed group responsible for sexual violence were killed, beaten, or threatened with death.

Other obstacles to investigation and prosecution include difficulty identifying perpetrators and inconsistent provision of medical reports attesting to signs of rape.

The Special Criminal Court

In June 2015, then-president Catherine Samba-Panza signed a law creating a temporary Special Criminal Court (SCC) to investigate and prosecute grave human rights violations committed in the country since 2003 “as defined by the Central African penal code and under international law obligations of the Central African Republic, notably the crimes of genocide, crimes against humanity and war crimes.”⁸ Crimes against humanity, as defined by the Central African penal code, include “rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization, or any other form of sexual violence of comparable gravity.”⁹

Given the weakness of the Central African national judicial system and the International Criminal Court’s limited focus on prosecuting high-level perpetrators of the gravest crimes, the SCC could contribute significantly to combatting impunity for serious violations committed during armed conflict.¹⁰ By delivering justice at a national level, the SCC offers victims and others most

⁷ Human Rights Watch interview with Central African lawyer, Bangui, June 14, 2016.

⁸ “Central African Republic: UN Investigators urge establishment of war crimes tribunal,” UN press release, January 21, 2015, http://www.un.org/apps/news/story.asp?NewsID=49863#.V_ahbigrKUI (accessed August 18, 2017); Republican Pact for Peace, Reconciliation and Reconstruction in the Central African Republic, Annex I to the letter dated 15 May 2015 from the Chargé d’Affaires a.i. of the Permanent Mission of the Central African Republic to the United Nations addressed to the President of the Security Council, U.N. Doc. S/2015/344, <http://www.refworld.org/pdfid/5587dc5e4.pdfS/2015/344> (accessed August 18, 2017), p. 5; Loi Organique N° 15.003, portant création, organisation et fonctionnement de la cour pénale speciale, art. 3, on file with Human Rights Watch.

⁹ Central African Penal Code, 2010, art. 153.

¹⁰ See Human Rights Watch, *Killing Without Consequence: War Crimes, Crimes against Humanity and the Special Criminal Court in the Central African Republic*, July 2017, pp. 69-86,

affected by the crimes increased accessibility to and resonance with trials, and can bolster domestic ownership and capacity in the delivery of justice for atrocity crimes.

While the SCC cannot address or resolve the full range of complex problems the Central African Republic faces, experience suggests that lack of accountability fuels continued abuses. Fair, credible trials of grave crimes can build respect for the rule of law, help break long-standing cycles of impunity, and contribute to long-term stability.

The SCC has made important progress, especially in 2017, but continues to face intense challenges. While making the court operational has taken longer than anticipated, the process has involved important steps to protect the court's credibility, independence, and impartiality.

Since 2015, Central African victims, activists, and justice practitioners have consistently reaffirmed the urgent and unequivocal demand for justice for war crimes and crimes against humanity that have been committed over the last 15 years. Alongside support from the Central African authorities, international partners will need to provide strong political backing and financial support, for the court to succeed.

A key challenge for the SCC and national courts is providing robust protection for witnesses and victims of sexual violence. At present, no such protection mechanism exists in the Central African Republic. No victims participated in the UN-assisted 2015 criminal session in Bangui, either as a witness or a civil party, in part out of security concerns.¹¹ In the 2016 criminal session, four witnesses participated as civil parties; only one was a witness in a conflict-related case, which involved accusations of associating with criminals.

Recommendations

- Issue a public and unambiguous message to Seleka and anti-balaka leadership that it will show zero tolerance for sexual violence and make every effort to bring all perpetrators of sexual violence to account.
- With support from the United Nations agencies, donor governments, and nongovernmental organizations, ensure availability and provision of free, comprehensive, essential emergency post-rape medical care in adherence with the national clinical management of rape protocol, including—with the survivor's informed consent—emergency contraception, post-exposure prophylaxis for HIV prevention, prevention of and treatment for other sexually transmitted infections, pregnancy testing and access to or referral for safe abortion.
- With support from the United Nations agencies, donor governments, and nongovernmental organizations, ensure access to psychosocial support for sexual

<https://www.hrw.org/report/2017/07/05/killing-without-consequence/war-crimes-crimes-against-humanity-and-special>.

¹¹ Human Rights Watch interview with Central African lawyer, Bangui, June 14, 2016. See Amnesty International, "The Long Wait for Justice, Accountability in the Central African Republic," January 11, 2017, p. 7.

violence survivors and referral systems to psychosocial support where on-site care is not available.

- Train police, gendarmes, prosecutors, and judges in how to respond to, investigate, and prosecute cases of sexual and gender-based violence.
- Conduct awareness-raising and behavior change activities to educate community members about how and why survivors can access services in a timely manner and to combat stigma and rejection of survivors.
- In cooperation with UN agencies and the UN mission, urgently develop and implement a national strategy to combat and respond to sexual violence, including conflict-related sexual violence.
- Develop and implement, in collaboration with the United Nations mission, a civilian protection strategy, including specific measures to protect women and girls and to mitigate the risk of sexual violence.
- In conjunction with the UN mission, give the Special Criminal Court full political support to fulfill its mandate, while respecting its independence. Support the prompt adoption of the rules of procedure and evidence of the Special Criminal Court by the Central African parliament.
- Expedite the provision of work facilities for the investigators, magistrates, and SCC support staff, and residences for the SCC national magistrates and their families, and expedite renovation of the former Court of First Instance to serve as the Special Criminal Court premises.