



STATE OF NEGLECT

Displaced Children in the Central African Republic



State of Neglect: Displaced Children in the Central African Republic

November 2008

Acknowledgements

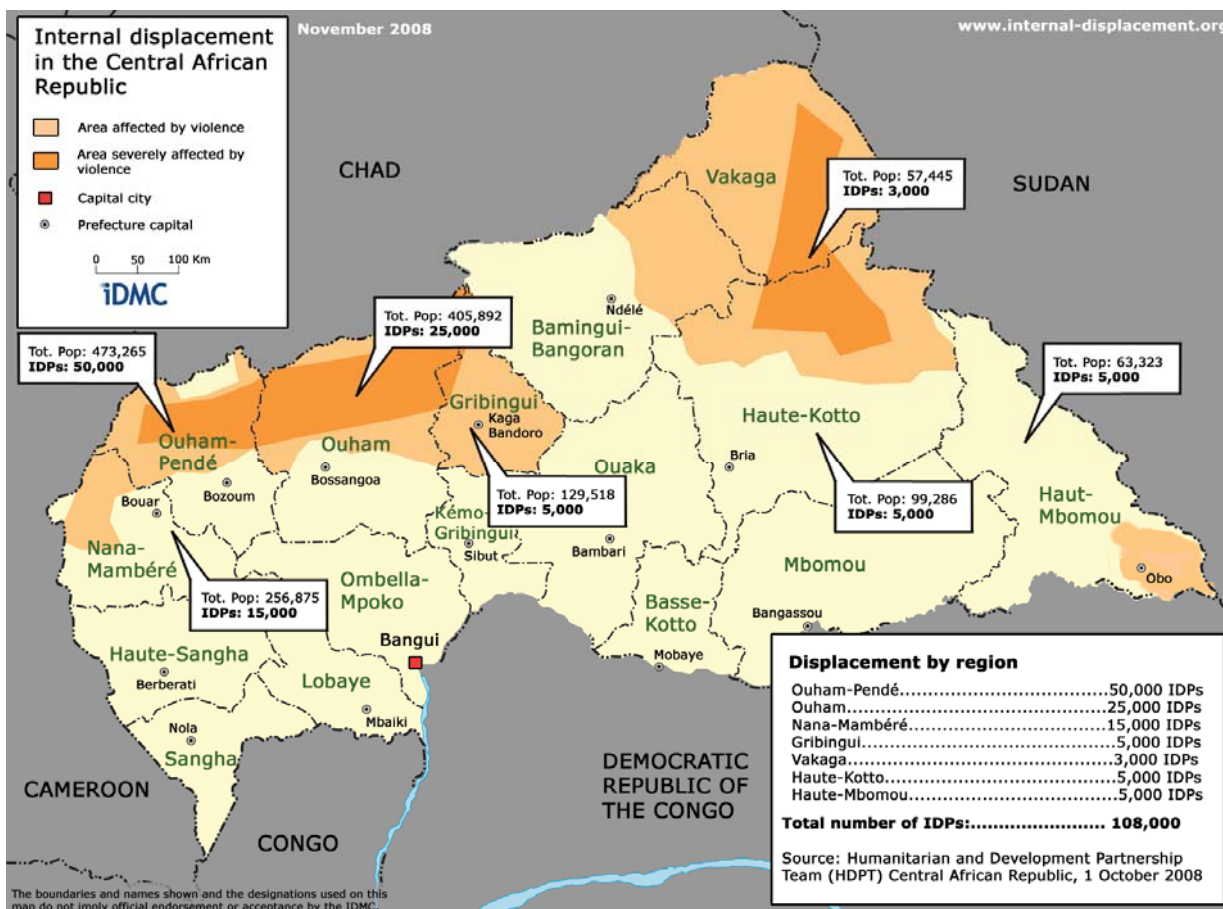
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Cover photo: Displaced children living in the town of Kambakota, in northern Central African Republic.
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Map of internal displacement in the Central African Republic (CAR)



CAR Quick Facts

Total population	4,302,360
Number of IDPs	108,000
Number of refugees from CAR in Cameroon, Chad and Sudan	104,000
Human development index rank (2007)	171 of 177
Population living on less than 1 USD per day	67%
Population living in rural areas	62%
Population (both rural and urban) without access to potable water	74%
Doctors per 100,000 people	8
Life expectancy	43 years
Number one cause of death	Malaria
Maternal mortality rate	1,355 / 100,000
Child < 5 mortality rate	176 / 1,000
Chronic malnutrition in children < 5	38%
Illiteracy rate among men	46%
Illiteracy rate among women	68%
Students per teacher in primary education	96
Students per classroom in primary education	108

Information taken from publications by the Humanitarian and Development Partnership Team (HDPT) in CAR, found in <http://hdptcar.net/>.

Table of contents

Executive summary	4
Recommendations	5
Introduction	9
Background: violence and insecurity in northern CAR	11
New causes of displacement	11
Peacekeeping operations	12
Evolving patterns of displacement	13
The impact of internal displacement on children	14
Lack of access to basic necessities: Kambakota	15
Economic exploitation: Batangafo	17
Violence against children: Kabo	19
Ethnic discrimination: Bocaranga	21
Recruitment of child soldiers	23
National and international responses	26
Government response: no support yet to displaced children	26
International response: confronting enormous challenges	27
Implementing the Guiding Principles on Internal Displacement	29
Sources	31
Annexe A - National laws of CAR: Selected child protection provisions	34
Useful websites	38
About the Internal Displacement Monitoring Centre	39

Executive summary

In July and August 2008, the Internal Displacement Monitoring Centre (IDMC) conducted a fact-finding mission to the Central African Republic (CAR) to research and report on the protection and assistance needs of displaced children.

Internally displaced children in CAR face severe protection problems from ongoing insecurity and violence. They have suffered trauma after witnessing extreme levels of violence such as the killing of family members when their villages were attacked by road bandits known as Zaraguina or coupeurs de route. During these attacks, some displaced children, including girls, have been abducted to work as porters of stolen property or kidnapped for ransom. Many others have been recruited into armed forces or groups, and processes for their release are delayed due to a stalled peace process and because proper protection and rehabilitation programmes have yet to be funded and launched.

The nutrition, water and sanitation, health, and shelter needs of CAR's displaced children remain largely unmet. Many are in urgent need of adequate shelter, having been forced to sleep outdoors during the rainy season, exposed to higher risks of contracting malaria or respiratory infections. Displaced children face economic exploitation as they are forced to work in fields belonging to host communities in exchange for food or meagre pay. Finally, displaced children from minority groups such as the Peuhl face ethnic discrimination, not least because many host communities have the mistaken perception that all Peuhl are road bandits.

The government of CAR and the international community have not adequately addressed these protection concerns, for various reasons. The government lacks a specific policy and legal framework to protect IDPs in general, and internally displaced children in particular; and state security and social services are almost totally absent in the north of the country. International humanitarian organisations have not focused specifically on displaced children's needs, and so have been unable to meet them in timely and efficient ways; and a wider presence of child-mandated organisations working on the ground is urgently needed in areas of displacement. It will take a concerted effort on the part of both the government and the international community in CAR to redress this state of neglect.

A window of opportunity has opened for CAR in the form of increased development funding for 2009, including \$600 million pledged at a landmark donor meeting in Brussels in October 2007, to be disbursed over the next three years. Humanitarian funding for CAR increased tremendously in 2008, and by the end of the year the Consolidated Appeals Process (CAP) may prove to be one of the best-funded in the world (it was 91 per cent funded at the time of publication of this report). Development and humanitarian funds must be used to give displaced children in CAR an opportunity to rebuild their lives after the devastating effects of violence and neglect.

Recommendations

To the government of CAR

- Re-establish and strengthen the presence of the state in the north of the country by restoring social services that provide health care, water and sanitation, and education, and by providing security through training, equipping and deploying security forces to protect displaced communities from further attacks by road bandits.
- End government support and training of community self-defence militias in the north of the country. Ensure that these militias release the children who they have recruited.
- Implement the Guiding Principles on Internal Displacement as a framework for providing protection and assistance to IDPs, including through the enactment of national legislation, in accordance with state obligations under the Pact on Security, Stability and Development in Africa's Great Lakes Region, and its Protocol on Protection and Assistance to IDPs (Article 6).
- Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.
- Revise the draft child protection law to include provisions for protecting displaced children, and submit it to the National Assembly for enactment.
- Work closely with UNICEF to determine if there are children under the age of 18 in the Central African armed forces, and if so, release them in accordance with international obligations.
- As part of security sector reform, revise training materials used by security forces to include comprehensive training on child protection and the rights of displaced people to prevent the recruitment of children into armed forces.
- Strengthen the National Human Rights Commission by allocating adequate funding, and by making the necessary changes to its statute and mandate to bring it into line with the Principles Relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles). Ensure that the Commission includes the human rights of IDPs, and in particular of displaced children, in its work.

To APRD, FDPC and UFDR

- Release all children under the age of 18 currently serving in armed groups, and end further recruitment and use of children in accordance with international obligations under UN Security Council Resolution 1612 and with discussions held with the Special Representative of the Secretary-General for Children and Armed Conflict in May 2008.
- Uphold individual ceasefire agreements signed with the government. Actively engage in the peace process by returning to the negotiating table with the government to resolve contentious provisions of the General Amnesty Law.

To the UN Peacebuilding Commission and its Country Specific Configuration for CAR

- Encourage all parties to conflict in northern CAR to uphold ceasefire agreements and to engage actively and constructively in the peace process.
- Call for the government to end its support and training of community self-defence militias in the north to carry out security functions legally reserved for the army, gendarmerie and police.
- As part of the Commission's efforts to rebuild communities affected by conflict and in order to prevent a return to violence, provide timely funding to programmes that focus on improving the living conditions of displaced people, including children, and conduct periodic monitoring to ensure that funds reach their intended beneficiaries.
- As part of the Commission's promotion of good governance, rule of law, and security sector reform, fund protection training programmes for security forces and local authorities that include child protection components.

To the UN Peace-Building Support Office in CAR (BONUCA) and the Office of the High Commissioner for Human Rights (OHCHR)

- Provide technical support to the government for strengthening the National Human Rights Commission by bringing it into line with the Paris Principles, and by including the human rights of IDPs, and in particular of displaced children, in its work.

To the UN Security Council

- Ensure that any UN peacekeeping force authorised to replace EUFOR troops in March 2009 has a strong child protection component and gives high priority to protecting displaced people, including children.

To donor governments

- Support the efforts of the government of CAR to re-establish social services and security in the north of the country, either through bilateral assistance or through the UN Peacebuilding Commission.
- Increase funding to UN agencies and humanitarian organisations for assistance programmes that improve the living conditions of displaced people, including children.
- Encourage the government of CAR to implement the Guiding Principles on Internal Displacement, including provisions for the protection of displaced children, into law, and to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

To the UN country team in CAR

- Deliver humanitarian assistance to displaced people most in need, such as displaced children living in Kambakota, and preposition food and non-food items in a timely and efficient manner.

- Consider the specific needs of displaced children when conducting humanitarian assessments in areas of displacement, and when launching profiling exercises.
- Prioritise protection and assistance programmes designed specifically to improve the living conditions of displaced children in CAR.

To OCHA

- Appoint a Humanitarian Coordinator as soon as possible, to ensure a coordinated response to the needs of IDPs, including children, and to continue strategic lobbying for much-needed humanitarian resources and international visibility of the crisis in CAR.
- Include information on the protection of displaced children in the IDP advocacy campaign to be launched in CAR in 2009.

To UNHCR

- Prioritise the provision of technical assistance to help the government of CAR implement the Guiding Principles on Internal Displacement, including provisions for the protection of displaced children, into national law.
- In collaboration with UNICEF, train the CARITAS humanitarian observers who currently monitor the situation of IDPs in the provinces of Ouham and Ouham-Pendé to also gather specific information on the protection and assistance needs of displaced children, including those from minority groups such as the Peuhl.
- Deploy a roving IDP protection officer in areas of displacement to monitor and report on the protection and assistance needs of displaced people, including children; recruit an international NGO to manage the IDP site in Kabo and to support returns as they occur.
- Disseminate the Guiding Principles on Internal Displacement more widely, especially the version in Sango, to provide IDP communities and associations with information about their human rights.

To UNICEF

- Ensure that the country task force created to implement a Monitoring and Reporting Mechanism (MRM) in accordance with UN Security Council Resolution 1612 addresses the concerns of NGOs that confidential and sensitive information could be made public, potentially jeopardising the safety of NGO staff and beneficiaries; and makes certain that staff working on the collection of information are adequately trained to monitor and report on violations committed against children. MRM should not be initiated in CAR until these conditions are in place.
- Provide technical assistance to the government of CAR to ensure that it revises the draft child protection law to include provisions for protecting displaced children, and submits it to the National Assembly for enactment.
- Create a child protection working group to ensure that child protection concerns are addressed in all clusters activated in CAR.
- Include the specific needs of girls and survivors of sexual violence in the disarmament, demobilisation and reintegration programmes currently being developed.

- In collaboration with the government, respond to urgent water and sanitation needs in areas of displacement. For example, rehabilitate the wells in the town of Kambakota, drilled by UNICEF in 1985 and currently in disrepair, to provide potable water for IDPs and host communities, and in parallel ensure community-based management of the wells.
- In collaboration with the government, respond to urgent health care and education needs in areas of displacement. For example, distribute urgently needed medical supplies and school materials to partners working in health care and education, respectively, and conduct periodic and effective monitoring of distribution processes.

Introduction

Children who have been forcibly displaced by violence in the north of the Central African Republic (CAR) face extreme insecurity, deprivation and exploitation. Some of these human rights abuses are shared by other children in the same areas or across the country. However, some are specific to displaced children, yet national authorities and the international community have failed to protect and care for them. Displaced children in CAR are thus also victims of a near total “state of neglect”.

This report focuses on three main topics: internal displacement in CAR, including causes and patterns of displacement; the situation of displaced children in four towns affected by displacement; and the legal and institutional frameworks needed to protect the human rights of displaced children under 18 years of age. Policy recommendations to the government of CAR, armed opposition groups, UN agencies, international donors, and humanitarian organisations underline the state of neglect in which displaced children have been left, and provide a roadmap for their protection and care.

IDMC conducted a mission to CAR from 9 July to 7 August 2008, to research and report on the situation of internally displaced children, including their protection and assistance needs. During the mission, IDMC visited four towns in northern CAR: Kambakota, Batangafo, Kabo, and Bocaranga. They are all affected by violence and they all host displaced communities, but there has been little information about the difficulties faced by displaced children there.

IDMC interviewed internally displaced people (IDPs) including women, children, community teachers and village leaders; national and international humanitarian workers; UN staff; state-employed education and health care workers; government officials, including local authorities such as mayors and *sous-préfets*; members of defence and security forces, including the army and the *gendarmerie*; members of self-defence militias; members of civil society organisations; and national human rights defenders. IDMC was unable to interview members of armed opposition groups because of limited time and logistical capacity to visit rebel-held areas.

All interviews with displaced children were conducted with their consent and in the presence of their parents. The length of interviews was limited to an average of 15 minutes and never longer than 30 minutes, to keep the children focused and prevent traumatic experiences resurfacing. Interview questions were semi-structured and informed by initial interviews with village leaders, parents or other adult members of displaced communities, who provided background information on causes of displacement, levels of violence, and current living conditions. Staff members of the Norwegian Refugee Council (NRC) and the International Rescue Committee (IRC) worked as translators during the interviews whenever needed. The names of children interviewed have been changed to protect their privacy and ensure their safety.

In addition to interviews and desk research, IDMC also carried out a review of legal provisions in place in CAR to protect children in general, and displaced children in particular. The national legislation reviewed includes the Army Discipline Regulations (1996), the Constitution (2004), the Family Code (1997), the law governing the statute and mandate of the juvenile court (2002), the Labour Code (1961), the Nationality Code (1961), the law governing the status of refugees (2007), the law governing the protection

of women against violence (2006), the Penal Code (1961), and the Penal Procedure Code (1962). A list of the child protection provisions contained in some of these laws is included at the end of this report as Annexe A.

Several topics which merit urgent and comprehensive investigation were not addressed in this report, either because they fall outside the specific focus on displaced children or because of the difficulties involved in getting substantive information. These include the juvenile justice system, the responses of government and civil society to the needs of other vulnerable children such as HIV/AIDS orphans, children living in the streets and children accused of sorcery, the abduction and trafficking of more than 100 Central African children from the south-eastern town of Obo to the Democratic Republic of Congo by Joseph Kony's Lord's Resistance Army (LRA)¹, and the widespread sexual exploitation and abuse of girls. Testimonies of sexual violence would have been extremely difficult to document in the course of a one-month fact-finding mission to CAR. IDMC was unable to ask questions about sexual violence because of the short length of the interviews it conducted, and because interview settings were not conducive to discussing such a sensitive subject. Nevertheless, comparisons with the situation of non-displaced children have been included in this report whenever possible.

Children in CAR affected by the issues listed above, including displaced children, face long-term psychological effects of the violence they have witnessed and endured. The failure to protect them today presents a huge barrier to their future well-being and to the development of their communities.

¹ *Annual report of the Special Representative of the Secretary-General for Children and Armed Conflict*, UN Human Rights Council, 27 June 2008.

Background: violence and insecurity in northern CAR

Since 2005, almost 300,000 people have been displaced in northern CAR. A third of them have sought refuge in Chad, Sudan, and Cameroon, while 108,000 are internally displaced. Approximately 85,000 have returned to their villages of origin.² IDPs have fled high levels of insecurity and violence caused by conflict between the government of President François Bozizé and various armed opposition groups, and by widespread human rights abuses committed by road bandits known as *Zaraguina* or *coupeurs de route*.

There are three main armed opposition groups in the country: the Popular Army for the Restoration of the Republic and Democracy (*Armée populaire pour la restauration de la république et la démocratie* or APRD), the Central African People's Democratic Front (*Front démocratique du peuple centrafricain* or FDPC), and the Union of Democratic Forces for Unity (*Union des forces démocratiques pour le rassemblement* or UFDR). While APRD and FDPC are both active in the north-west of the country, bordering Chad and Cameroon, UFDR is based in the north-east, on the border with Sudan.

Although all three groups have signed ceasefire agreements with the government, disagreements over an amnesty law have stalled the peace process, and the security of most people in northern CAR has hardly improved because human rights abuses by road bandits have replaced political conflict as the main cause of displacement since late 2007. The political and security situations in CAR remain volatile, and it is uncertain whether the government will be able to address the structural causes of the conflict before the next presidential elections in 2010.

New causes of displacement

The UN Office for the Coordination of Humanitarian Affairs (OCHA) estimates that up to half of all Central African refugees and IDPs have been displaced by road bandits.³ Well-organised and well-armed groups travel across the porous borders with Chad and Cameroon, from as far away as Niger. They are believed to include former Chadian soldiers who helped President Bozizé seize power in 2003.⁴ Their working methods have become increasingly violent in the past year: whereas as they used to limit their attacks to vehicles on main roads, in late 2007 they began looting and burning down entire villages and killing civilians indiscriminately. They are also responsible for the destruction of livelihoods, sexual exploitation and abuse, the abduction of children, and the restriction of humanitarian access to displaced communities.

The road bandits operate with almost total impunity, taking advantage of a security vacuum left by badly equipped, badly trained, and often absent government forces. The Central African army (*Forces armées centrafricaines* or FACA) numbers around 5,000 troops, of whom only half are on duty at any given time,⁵ and very few of these are deployed to the north of the country. In addition to low numbers of troops, the FACA and gendarmerie lack proper training and equipment to engage road bandits in any significant

² *Central African Republic Fact Sheet*, Humanitarian and Development Partnership Team, 1 October 2008.

³ *Consolidated Appeal for the Central African Republic 2009*, UN OCHA, November 2008.

⁴ *Open season for bandits*, IRIN News, 31 March 2008.

⁵ *Anatomy of a Phantom State*, International Crisis Group, 13 December 2007.

way. In July 2008, a FACA commander in Batangafo, a garrison town in northern CAR, described these capacity limitations bluntly: “I have thirty men, one vehicle and no communication equipment to cover my jurisdiction. As if that weren’t difficult enough, I have no fuel for my vehicle.”⁶

The only police squad created specifically to fight banditry, the Central Office for the Repression of Banditry (*Office central de répression du banditisme* or OCRB), only operates in and around the capital Bangui, and is not present at all in the north.⁷

Peacekeeping operations

The very small international military missions deployed to CAR as peacekeeping forces have also been unable to engage road bandits. The Multinational Force in the Central African Republic (*Force multinationale en Centrafrique* or FOMUC), a regional peacekeeping force of the Central African Economic and Monetary Community funded by the European Union and France, was in CAR from 2002 to 2008 under a mandate to provide security by patrolling main roads. However, it only had 200 troops, its area of operations was limited to three towns in the north, and it was not authorised to patrol more than ten kilometres from the centre of each town. In July 2008, FOMUC was replaced by the Mission for the Consolidation of Peace (*Mission de consolidation de la paix en Centrafrique* or MICOPAX), but troop numbers were not increased and its area of operations was not expanded. MICOPAX is not considered a neutral peacekeeping force, as it has recently integrated army troops into its ranks as part of its mandate to support the restructuring of the Central African army.

EUFOR, the European Union mission deployed to Chad and CAR in March 2008, is mandated under UN Security Council Resolution 1778 to protect refugees and IDPs affected by the spill-over of violence from Darfur, and to safeguard the delivery of humanitarian assistance. Unfortunately, only 180 EUFOR troops have been deployed to north-eastern CAR, near the border with Sudan. These troops were already serving in CAR as French government soldiers, and were simply “re-hatted” to become EUFOR troops. As road bandits mostly operate (and the bulk of IDPs are located) in the north-west, near the borders with Chad and Cameroon, EUFOR troops are limited in their capacity to protect civilians and humanitarian workers from attacks.

Given this absence of security forces, civilians throughout northern CAR, including IDP communities, have acted to defend themselves against attacks by road bandits. Since early 2008, there has been a huge growth in the number of self-defence militias patrolling main roads and villages, in some areas with the help of armed opposition groups such as the APRD. Members of self-defence militias told IDMC that they were operating with the explicit support of civil and military authorities, who were providing them with military training.⁸ The *sous-préfet* of Batangafo confirmed this as government policy, and added that self-defence militias were a welcome solution to the human resources and equipment limitations of the army. He believed the government had the political will to undergo security sector reform, but lacked the financial resources to expand, train, and equip the army as needed.

⁶ IDMC interview with commander of FACA detachment in Batangafo, 16 July 2008.

⁷ *Country Report on Human Rights Practices, Central African Republic*, US Department of State, 11 March 2008.

⁸ IDMC interview with members of a self-defence group in the Kabo IDP site, 21 July 2008.

Self-defence militias are armed with home-made hunting rifles and bows and arrows. They purchase ammunitions in local markets or from merchants who transport goods from Chad. They recruit members from their own communities, including children in their early teens. Members of a self-defence group operating in Kabo, the only IDP site in northern CAR, told IDMC that adolescent boys were unable to go to school because they were too old for primary school, secondary school was not available on the site or in town, and they didn't have work, as their families were too far from their fields to continue farming. Joining self-defence militias was therefore considered a natural and welcome occupation for them.

Self-defence militias have become an essential coping strategy throughout northern CAR.⁹ The fact that they are operating in a region already saturated with arms – 50,000 illicit small arms are reported to be circulating in the country¹⁰ – adds a layer of concern to the protection problems already facing displaced communities. The recruitment of children by self-defence militias is only one problem; the other is that self-defence militias have the potential to become parties to the conflict if the peace process fails and there is renewed fighting between the army and armed opposition groups.¹¹

Evolving patterns of displacement

Until mid-2007, when the main cause of displacement had been the clashes between the army and various armed opposition groups, IDPs who had been forced to flee their villages tended to hide in surrounding fields and forests where they had no access to basic services such as adequate shelter, drinking water, proper nutrition, and health care. In these situations of displacement, many IDPs eventually returned to their villages once they determined that it was safe enough to do so, despite widespread destruction of their properties.

However, since human rights abuses caused by road bandits have replaced political conflict as the main cause of displacement, and as attacks by road bandits have become more violent and widespread, the pattern of displacement has changed. IDPs have increasingly fled to larger towns where they hope to find security and assistance. They have depended almost entirely on help from host communities, especially as international humanitarian organisations have only been able to provide assistance to those living in accessible areas.

To date, IDPs have received no assistance from their own government, and most are unaware of their rights. However, the new pattern of displacement to larger towns should make it easier for humanitarian organisations to deliver assistance. IDPs gathered in larger towns are easier to access, posing fewer logistical challenges and security risks for the humanitarian NGOs present in the region.

⁹ *CAR: Complex Emergency and Underdevelopment*, International Rescue Committee (IRC), June 2008.

¹⁰ Annual Report, UNDP / Central African Republic, 2007.

¹¹ IDMC interview with UNICEF staff, 6 August 2008.

The impact of internal displacement on children

IDMC visited four towns hosting IDPs in Ouham and Ouham-Pendé, two of the five northern prefectures most affected by violence. Ouham is home to about 23 per cent of the country's IDPs; Ouham-Pendé to about 46 per cent.¹² As road bandits operate widely across the north of the country, the experiences of displaced children in these four towns probably reflect those of displaced children in other regions in northern CAR.

In its most recent country report on human rights practices, the US Department of State reported that ongoing insecurity and violence have had a disproportionate effect on children in CAR, who in 2007 accounted for almost 50 per cent of all IDPs.¹³ According to UNHCR, the percentage is even higher in Ouham and Ouham-Pendé, where 61 per cent of IDPs are children.¹⁴ IDMC found that although generalised poverty and under-development in CAR affect all children, displaced children have specific protection needs that make them more vulnerable to human rights abuses than children who are not displaced.

All children in CAR are affected by the chronic lack of social services in health, water and sanitation, and education resulting from years of very low levels of government spending in these areas.¹⁵ Even before the outbreak of the most recent armed conflict in 2005, social services were virtually non-existent in the north of the country. The education sector serves as a case in point: prior to the conflict, a mere 40 per cent of children in the north were enrolled in school. In 2007, in the middle of the conflict, an assessment mission found that there were no teachers, school buildings and classrooms had been destroyed, and only ten per cent of children were still going to school.¹⁶ In 2008, because humanitarian organisations such as COOPI, NRC and IRC are providing emergency education for displaced and non-displaced children, enrolment rates have increased but they have not yet returned to pre-conflict levels, which were nevertheless among the lowest in Africa.

The following sections illustrate the impact of displacement by reporting the experiences of displaced children in Kambakota, Batangafo, Kabo, and Bocaranga. In many areas of northern CAR there is simply no information on the situation of displaced children.

¹² *Central African Republic Fact Sheet*, Humanitarian and Development Partnership Team, 1 October 2008.

¹³ *Country Report on Human Rights Practices, Central African Republic*, US Department of State, 11 March 2008.

¹⁴ *Analyse de Données sur les Personnes Déplacées Internes, Ouham et Ouham-Pendé, RCA*, UNHCR, January – March 2008.

¹⁵ *Poverty Reduction Strategy Paper 2008-2010*, Ministry of Economy, Planning and International Cooperation, Central African Republic, September 2007.

¹⁶ *Needs analysis framework: Analysing humanitarian needs in the Central African Republic*, Humanitarian and Development Partnership Team (HDPT), 2008.

Lack of access to basic necessities: Kambakota

“At the minimum, regardless of the circumstances and without discrimination, competent authorities shall provide internally displaced persons with and ensure access to: (a) Essential food and potable water; (b) Basic shelter and housing; (c) Appropriate clothing; and (d) Essential medical services and sanitation.”

[Principle 18(2), Guiding Principles on Internal Displacement]

In July 2008, IDPs in Kambakota lived in huts made of leaves and sticks which provided inadequate shelter from the rain.



Kambakota is a small town of about 1,300 people, located in the northern prefecture of Ouham. In March 2008, around 1,400 IDPs arrived in Kambakota from Kagoué 2, Kambadji and Kassai, three villages located about 25 kilometres to the north along different roads. The villages were

brutally attacked by road bandits who killed 37 civilians. IDMC interviewed the mayor of Kambakota and several IDP community leaders who spoke about the nature of the attacks and the effects of displacement on the children from those three villages.

IDP leaders described the road bandits who attacked their villages as travelling in a large group of as many as 20 men, who were heavily armed with Kalashnikovs and spoke Arabic. They were wearing what looked like uniforms with black shirts and trousers, and covered their heads and faces with black turbans, to avoid being recognised. The interviewees believed the road bandits were from Chad; the mayor explained that when *coupeurs de route* had been killed by rebels, Chadian national ID cards had been found on them. The mayor believed that some were not strangers to the region, as they seemed to know the geography and terrain quite well.¹⁷

The mayor and the Kambakota health post attendant believed that IDPs were more vulnerable than the local population: they had inadequate shelter, insufficient food for their children, and no access to potable water. The municipality had lent them a plot of land adjacent to the town to build temporary shelters, but it had no construction materials, such as bricks, to give them. IDPs had no choice but to build small huts from natural materials found in the forest, such as leaves and sticks, which did not adequately protect them from the rain.

In 1985, UNICEF built three wells in Kambakota, but two had broken down. Since 2007 the local population had only had one source of potable water. IDPs had been forced to drink marsh water because they did not have access to this well, which did not have the capacity to sustain 1,400 IDPs in addition to the local population.

¹⁷ IDMC interview with the mayor of Kambakota, 18 July 2008

In July 2008, Médicos Sin Fronteras España (MSF-E) conducted a medical assessment in Kambakota and donated essential medicines to the health post, to be used for 1,000 consultations. MSF-E had been unable to conduct mobile clinics in the area due to ongoing insecurity,¹⁸ and the much-needed donation would allow the post's attendant to treat the local population as well as IDPs. The health post is usually managed by the community using a cost-recovery system, but consultations and medicines were due to be provided free of charge while the MSF-E stocks last.

According to the health post's attendant, the most recurrent illnesses among displaced children under the age of five were diarrhoea, malaria and acute respiratory infections, usually in the form of pneumonia. While children who are not displaced were also affected by these diseases, especially due to a higher prevalence during the rainy season, displaced children had been unable to recover because they were also malnourished.¹⁹

In general, children are more susceptible to acute respiratory infections and malaria than adults simply because their immunity is less developed than that of adults. Children under five also breathe more air, drink more water, and eat more food per unit of body weight than adults, and this higher rate of intake results in greater exposure to pathogens, exacerbating their vulnerability to these illnesses.²⁰ In addition, malnutrition weakens children's ability to ward off illnesses.

Edouard, a ten-year-old boy from Kagoué 2, told his story: "I came to Kambakota with my parents and my siblings. I have two sisters and five brothers. The *Zaraguina* attacked our village and we had to walk for two days to get here. We made two small huts from leaves and tree branches and that is where we live. I sleep on leaves and put a sack on top of the leaves to stay dry. During the day, I go into the forest with my brothers to find things for the family to eat. Sometimes we find wild yams and mushrooms. Sometimes the neighbours from Kambakota give us cassava leaves. I don't have any other clothes and I'm hungry a lot."

CAR is party to the African Charter on the Rights and Welfare of the Child, which states in Articles 11 and 14 that State Parties:

"shall take measures to provide free and compulsory basic education; ensure the provision of necessary medical assistance and health care; ensure the provision of adequate nutrition and safe drinking water."

However, the government has as of November 2008 provided no assistance to displaced children in Kambakota. International assistance to IDPs in Kambakota has also been minimal. UN agencies including WFP, WHO, and UNHCR have conducted several assessment missions but have been slow to respond to urgent needs. By August 2008, only MSF-E and NRC had provided assistance to IDPs in Kambakota, MSF-E through donating medicines to the health centre, and NRC through emergency education, by providing school materials such as a blackboard and notebooks for the children, and by training displaced parents as teachers. Displaced parents have built benches made of logs for their children, and the classroom itself is an open space among the makeshift shelters where they currently live.

¹⁸ IDMC interview with MSF-E staff, 19 July 2008.

¹⁹ IDMC interview with Kambakota health post attendant, 18 July 2008.

²⁰ "Children's Environmental Health", World Health Organisation (<http://www.who.int/ceh/risks/en/>).

Chantale, a nine-year-old girl from Kagoué 2, told IDMC: “*Zaraguina* attacked our village and burned everything. They burned our house and our clothes and our shoes. They killed one of my brothers and my uncle. Here in Kambakota I go to school every day but I only have one notebook and it got wet from the rain. I don’t want to go back to our village because I’m afraid that I will die like my brother.”

Bénédicte, a six-year-old girl from Kassai, fled from her village with her family after they were attacked by road bandits. She walked to Kambakota with her parents, her grandmother and her sisters. Of her experiences of having to leave home she says: “I have nothing to wear because I left my clothes back in the village. We didn’t have time to get my clothes. I had a brother but when we came here, he died of thirst.” Of her new life in Kambakota she says: “I go to school everyday and I never miss a class. But now I’m sad because I’m hungry.”

Economic exploitation: Batangafo

“Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against: (b) slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labour of children.”
[Principle 11(2)(b), Guiding Principles on Internal Displacement]

Batangafo is a town in Ouham, with a local population of about 16,000 people. It is home to about 1,000 IDPs from various villages, including Croisement Moissala, a conglomeration of six villages located along the road leading north towards Chad. Although IDPs have been victims of repeated attacks by road bandits for the past year, they only fled to Batangafo in early May 2008 after attacks against their villages became markedly more violent, and villagers including children were killed.²¹

Although most villages had created self-defence militias to patrol the main roads near their homes, their traditional hunting weapons were no match against the Kalashnikovs and grenades used by the road bandits. The army has rarely confronted these road bandits, and almost never conducts patrols along the roads where they are most active. One reason many villages support the APRD rebel group is because it has been willing to fight the road bandits to protect the civilian population. According to people interviewed in Batangafo, members of the APRD have set up a base in Croisement Moissala to continue fighting against the road bandits.

In July 2008, the mayor of Croisement Moissala told IDMC that displaced families in Batangafo were facing enormous difficulties because they were unable to provide food for themselves and for their children. They lost all their food stocks and animals during the latest attacks against their villages in early May 2008, and were now surviving thanks to small food contributions from the local community.

In this context, displaced children were generally forced to work to support themselves and their families. While Article 125 of the CAR Labour Code (1961) sets the minimum age of employment at 14, displaced children as young as seven were working as field hands in plots belonging to host communities in Batangafo, in exchange for food or meagre pay. Local families hired them to harvest peanuts and cassava, which was gruelling work done for long hours in extreme heat and humidity. Most children were

²¹ IDMC interviews with the mayor of Croisement Moissala, 18 and 19 July 2008.

paid with a small portion of the peanuts or cassava leaves they had harvested. Others earned up to 300 francs per day (less than \$0.40). The mayor of Moissala confirmed that most displaced children hired to work as field hands were between the ages of seven and ten, and were both girls and boys.²² Displaced children were also working in the Batangafo market. A displaced woman told IDMC that displaced children went to the forest in small groups to collect firewood, hay, mushrooms and caterpillars, which were sold at market by their mothers; or they were hired by local merchants to help unload trucks transporting goods from Chad.²³

While it is common for non-displaced children who live in rural areas to help their families with farming chores, displaced children who are working as field hands or in market face specific protection risks. In Batangafo, for example, NRC was providing free emergency education for local and displaced children. But displaced children who were working as field hands and in market were unable to attend. They were living in a situation where food and other needs had to be met by any means as a matter of urgency. By working as paid labour and becoming responsible for earning enough money to feed their families, these children are missing out on important developmental stages and their long-term well-being is jeopardised.

CAR is party to the Convention on the Rights of the Child, of which Article 32 states:

“State parties recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.”

To date, neither the Ministry of Labour nor any other government agency has monitored the economic exploitation of displaced children in the north of the country. The National Human Rights Commission is not an independent institution and has not included the monitoring of the human rights of displaced children in its work.

As in Kambakota, UN agencies have been slow to respond to the food assistance needs of IDPs in Batangafo. Although IDPs have been there since May 2008, the World Food Programme (WFP) had not distributed food rations to IDPs three months later. UNICEF was planning to distribute non-food items such as kitchen sets, but had yet to establish distribution dates. MSF-E provides free primary health care at the Batangafo health centre, which serves the local population as well as IDPs.

Sanson, a twelve-year old boy from Bazara, told IDMC: “The *Zaraguina* killed my friend Hassan in front of his house. We were running away from the village and when we passed his house, we saw his father kneeling next to him on the ground. Hassan’s brothers and sisters are also here in Batangafo. I haven’t been able to go to school because most days I have to work in the fields belonging to ‘Le Musulman’²⁴ from the market. He usually gives me 200 francs.²⁵ We have to buy food for the whole family with that money.”

²² IDMC interviews with the mayor of Croisement Moissala, 18 and 19 July 2008.

²³ IDMC interview with a large group of IDPs in Batangafo, held in a classroom at the Batangafo Orphanage, 19 July 2008.

²⁴ Several merchants who own stalls in the Batangafo market are originally from Chad, and are referred to as “the Muslims” by the local population. Some own land and hire displaced children as field hands.

²⁵ Less than 30 US cents.

Violence against children: Kabo

“Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against: (a) rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity.”
[Principle 11(2)(a), Guiding Principles on Internal Displacement]



Displaced children in the Kabo IDP site sit in the only temporary classroom still standing after heavy rains in July 2008.

In 2008, displaced children in the north of the country witnessed and suffered from different forms of human rights violations. During attacks on their villages by road bandits, children saw family members or neighbours injured or killed, their homes looted and sometimes burned, and their family’s property, food stocks and animals stolen. Displaced children have also been abducted to

work as porters of stolen goods and have been recruited into armed groups.

In July 2008, IDMC spoke to displaced communities in Kabo, a town located in the northern province of Ouham that is home to the only IDP site in the country. Kabo is a stronghold of the army, with a permanent garrison and a *gendarmerie* station, and is located about 60 kilometres from the border with Chad. The IDP site in Kabo opened in October 2007, although it has never been officially recognised as a formal site by UN agencies. In July 2008, it was hosting around 10,000 IDPs. The most recent arrivals were 1,800 people who fled renewed attacks by road bandits in May 2008.

There were people from 29 villages displaced in Kabo, and village leaders had established an IDP Coordination Committee to help international humanitarian organisations distribute assistance. While local authorities were the official managers of the IDP site, Solidarités, an international NGO, registered the population on the site; distributed food rations and non-food items such as plastic sheeting, blankets, jerry cans, and mosquito nets; and built water and sanitation facilities, including water points and latrines. Solidarités told IDMC that it believed the numbers of IDPs on the site were inflated, and set the real number at around 7,000.²⁶ The inflated number was most likely due to the fact that during the registration process, many heads of households indicted having more people in their families than was actually the case, in order to receive more assistance. While it is important to understand these dynamics which are common in many camp settings and especially in areas of extreme poverty, the recruitment of a formal site manager would minimise the problems associated with registration of IDPs and the resulting inequitable distribution of assistance. It is also important to highlight the absence of UNHCR protection officers or protection-mandated NGOs working in Kabo

²⁶ IDMC interview with Solidarités staff, 21 July 2008.

to monitor and report on the protection needs of IDPs, including displaced children.

Other humanitarian organisations which were providing assistance on the site included MSF-E and NRC. MSF-E provided free primary health care at the health centre in town, ran a smaller health post on the IDP site, and built water and sanitation facilities. NRC provided emergency education to some of the children living on the site, distributing notebooks and training displaced parents as teachers.

In July 2008, IDMC spoke to displaced village leaders and to the President of the IDP Committee about the situation of displaced children in Kabo. Village leaders spoke about the levels of violence witnessed by displaced children, and were concerned that nothing was being done by the authorities. Besides looting and burning villages, and killing men, women and children, road bandits had sometimes abducted children and forced them to carry stolen goods after attacking their villages. Abducted children were released only after they had walked long distances and were too exhausted to go on. If they resisted or tried to rest, they were beaten along the way.

Merlin, a 13-year old boy from Balteze, told IDMC: “The *Zaraguina* burned everything in our village. I was at home with my family when we heard lots of shooting. We went outside and people were running everywhere and screaming. There were men dressed in military uniforms and black turbans shooting at our houses. I was hit in the back with something hard and I fell to the ground. One of the men grabbed my arm and forced me back onto my feet. He made me carry two large and heavy sacks that were full of things stolen from the village, including grain. They made me walk for a whole day. Whenever I tried to sit down to rest, one of the men would beat me with his gun. One of my hands was bleeding because the sack was too heavy and the rope was rubbing against my skin.”

Amadou, an eight-year old boy from Behili, witnessed the murder of his father: “I’m here in Kabo with my mother and one of my sisters. My other sister fled to Chad with my grandmother. We had to leave our village because the *Zaraguina* burned everything and killed many people. They killed my father and three other people from my family. After we left the village, we had to sleep in the bush because we couldn’t walk all the way to Kabo in just one day. I don’t ever want to go back to the village. Life is hard here in Kabo, but at least we won’t be attacked by the *Zaraguina*.”

These are traumatic events that are likely to affect the development of displaced children. To date, the army, gendarmerie and police have been completely unable to protect civilians from attacks by road bandits due to lack of resources, equipment and training. While Article 212 of the CAR Penal Code (1961) establishes a penalty of five to ten years imprisonment for any person who abducts or causes the abduction of a child younger than 15, there are no functioning national protection mechanisms in the north of the country to apprehend and prosecute road bandits and ensure the protection of children. IDPs in Kabo said they were unwilling to return to their villages of origin until the government could guarantee their security. Displaced village leaders told IDMC that at a minimum they expect the army to conduct regular patrols along main roads, and if possible, to set up permanent army posts in the bigger villages located along the road to Chad.²⁷

²⁷ IDMC interview with displaced village leaders and members of the IDP Coordination Committee in Kabo, 22 July 2008.

Ethnic discrimination: Bocaranga

“States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.”

[Principle 9, Guiding Principles on Internal Displacement]

A displaced Peuhl girl holds her young brother in Bocaranga.



Displaced children from Peuhl minority groups are being specifically targeted by road bandits in the north of the country. The Peuhl are traditionally nomadic herders and constitute a minority group in CAR. The road bandits have adopted the practice of kidnapping Peuhl children, and then demanding that Peuhl

herders sell their cattle to pay ransoms that subsistence farmers would be unable to pay.²⁸ The sums demanded can range anywhere between \$2,000 and \$12,000 per child. Kidnapped children are kept hostage for long periods, sometimes for up to a year, until families can come up with the ransom. Some children have been killed when families have been unable to produce the total amount.²⁹

These attacks have become so frequent that many Peuhl have had to flee to Cameroon. UNHCR puts the number at 45,000.³⁰ Others have been forced to settle among subsistence farmers, in towns like Bozoum or Bocaranga. Like other nomadic groups, the Peuhl in Bocaranga are considered internally displaced as they have been forced to give up their traditional movement patterns and so cannot maintain their way of life.

To date, the army, gendarmerie and police have taken almost no action to prevent these abductions, arrest the perpetrators, or otherwise protect Peuhl children from violence perpetrated by road bandits. By its inaction, the government has failed to meet its obligation to protect the population from violence.

In July 2008, IDMC interviewed a group of displaced Peuhl women and children in Bocaranga, a town located in the northern province of Ouham-Pendé, near the border with Cameroon. The leader and members of the Association of Peuhl Women spoke about their plight and the difficulties facing their children. Some Peuhl families had been displaced in Bocaranga for more than 12 months, while others had arrived as recently as three months prior to this interview. Due to the loss of their animals and the destruction of their way of life, they had to settle among subsistence farmers. This was taking a

²⁸ IDMC interviews with international NGOs, July and August 2008.

²⁹ *War against children in the wild north*, Amnesty International (AI), November 2007.

³⁰ *Fact Sheet - Central African Republic*, UNHCR, October 2008.

specific toll on Peuhl children, because their parents had been unable to provide for their nutrition needs. They were learning how to farm in order to decrease their dependency on cattle for milk and meat, but they were still waiting to be assigned plots of land by local authorities. The *sous-préfet* of Bocaranga told IDMC that he had been trying to negotiate a type of land-leasing arrangement with the local communities, but up to then had been unsuccessful. Mainly for reasons explained below, local communities were reluctant to rent plots of land to displaced Peuhl families, and would rather hire them as field hands or day labourers.³¹

According to Médecins sans Frontières France (MSF-F), displaced children from Peuhl families were the biggest referral group to its Therapeutic Feeding Centre in Bocaranga.³² In addition, discrimination had worsened the situation: Peuhl families, for example, were unable to sell milk at market because locals were unwilling to drink “Peuhl milk”.³³ The mayor of Bocaranga told IDMC that most displaced Peuhl children did not go to school, partly because their families could not afford to pay the fees.³⁴ Furthermore, the local population was fearful of the Peuhl. Because they are nomadic, they were often mistakenly linked to road bandits and perceived as potential aggressors.

These incidents of ethnic discrimination are complicated by the fact that some armed Peuhl herders have brought their cattle to graze in CAR and have had violent disputes with local villagers when their cattle have grazed on private agricultural fields. There have also been reports of the presence of armed Peuhl among groups of road bandits. This may explain why some armed opposition groups also associate the Peuhl with road bandits and discriminate against them. In Bocaranga, road bandits were regularly referred to by the local population, including local authorities, as Peuhl.

Of the recurrent kidnapping of Peuhl children, a member of the Association of Peuhl Women spoke about her family’s experiences: “My husband was killed by the *Zaraguina* and I had no choice but to come to Bocaranga with my children to find security. Many of my family members have fled to Cameroon and to Chad because they have been attacked too many times. They have had all their cattle and belongings stolen, or worse yet, they have had sell their cattle to pay the *Zaraguina*. Last year, my husband’s family suffered a lot at the hands of the *Zaraguina*. They kidnapped two of his small nephews who were herding the family’s animals. The *Zaraguina* sent another boy who was with my husband’s nephews to tell the family that the children would be killed unless money was paid. My husband was killed shortly after his nephews were taken and I was forced to flee to Bocaranga. I still don’t know what happened to the children.”³⁵

While Article 5 of the CAR Constitution (2004) prohibits ethnic discrimination, and while CAR is party to the African Charter on the Rights and Welfare of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination, both of which also prohibit ethnic discrimination,³⁶ displaced Peuhl children in CAR face discrimination on a daily basis.

³¹ IDMC interview with the *sous-préfet* of Bocaranga, 24 July 2008.

³² IDMC interview with MSF-F staff, 27 July 2008.

³³ IDMC interview with the President of the Association of Peuhl Women, 25 July 2008.

³⁴ IDMC interview with the mayor of Bocaranga, 24 July 2008.

³⁵ IDMC interview with a Peuhl woman in Bocaranga, 26 July 2008.

³⁶ Article 3, African Charter on the Rights and Welfare of the Child; Article 5(b), International Convention on the Elimination of All Forms of Racial Discrimination.

Recruitment of child soldiers

“In no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities.”

[Principle 13, Guiding Principles on Internal Displacement]

Displaced children in CAR have also been victims of recruitment into armed groups, including armed opposition groups such as the APRD, and more recently into self-defence militias as noted above. The environment in which displaced children live is so insecure that the risk of recruitment is always present. The armed opposition groups and self-defence militias which have taken on security functions normally reserved for the army, gendarmerie or police are in frequent contact with displaced children, whose communities sometimes encourage them to join up.

While current or former child soldiers were not directly interviewed for this report, the recruitment of children is an important protection issue that merits special attention. The Representative of the Secretary-General for Children and Armed Conflict and the UN Peacebuilding Commission have paid particular attention to this issue in CAR, and the UN Security Council Working Group on Children and Armed Conflict is scheduled to review the situation there in 2009.

The three main armed opposition groups in CAR have acknowledged recruiting children into their ranks and using them in hostilities. To date, only the UFDR has signed a joint disarmament, demobilisation and reintegration (DDR) agreement with the government and UNICEF. It has released approximately 450 children from its ranks, seventy-five per cent of them boys between the ages of 13 and 17 who had participated in military operations and combat for sustained periods of nine months to a year. Around ten per cent were boys between the ages of 10 and 13.³⁷ While these children were released into their families and communities, it is widely believed that neither the government nor UNICEF fulfilled their obligations under the agreement to provide the children with reintegration support. In the case of UNICEF, this was due to insufficient funding and lack of DDR partners.³⁸

In February 2007, the APRD told Human Rights Watch that it would demobilise child soldiers from its ranks if their physical security could be guaranteed.³⁹ In June 2007, it requested assistance from the UN country team to demobilise around 150 child soldiers, including girls, which it believed were in its ranks. Despite two clear indications from the APRD that it was willing to demobilise child soldiers, formal DDR procedures were stalled⁴⁰ because of ongoing insecurity, and children have yet to be demobilised from APRD ranks.

In May 2008, the Representative of the Secretary-General for Children and Armed Conflict visited CAR and met with armed opposition leaders. The APRD agreed to prepare a list of all children in its ranks, but repeated what it had said to Human Rights

³⁷ *Report of the UN Secretary-General on children in armed conflict*, UN Security Council, 21 December 2007.

³⁸ IDMC interviews with international NGOs, 15 July and 7 August 2008.

³⁹ *State of Anarchy: Rebellion and Abuses against Civilians*, Human Rights Watch (HRW), September 2007.

⁴⁰ *Child Soldiers Global Report 2008*, Coalition to Stop the Use of Child Soldiers, May 2008.

Watch more than a year earlier: that it would only release children after proper arrangements have been made to guarantee their physical security.⁴¹ APRD commanders are concerned about making the same mistakes that were made with children who were released from UFDR ranks in 2007, who never benefited from reintegration support.⁴²

In October 2008, the UN Peacebuilding Fund's CAR Steering Committee allocated \$2 million to UNICEF for the demobilisation, disarmament and reintegration of child soldiers.⁴³ This welcome development will allow UNICEF to engage and fund international NGOs to work on DDR, to develop protection guarantees before releasing children, and to develop efficient reintegration programming.

Finally, according to humanitarian workers present in areas of displacement and a report by the Coalition to Stop the Use of Child Soldiers, children are also thought to be present in government armed forces, but are not believed to be actively involved in hostilities.⁴⁴ The government, however, has not acknowledged having children in its ranks. CAR is party to the Convention on the Rights of the Child, the ILO Worst Forms of Child Labour Convention (No.182), and the Rome Statute of the International Criminal Court, all of which prohibit the recruitment of children under 15 for use in armed conflict.⁴⁵

The government has not signed the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. This protocol is particularly important because it raises the minimum age for recruitment and use of children in armed conflict from 15, as provided in the instruments listed above, to 18; it also prohibits non-state armed groups from recruiting and using children under 18 in armed conflict:

“States Parties shall raise in years the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention on the Rights of the Child, taking account of the principles contained in that article and recognizing that under the Convention persons under the age of 18 years are entitled to special protection.”

[Article 3(1): Optional Protocol to the Convention on the Rights of the Child]

“Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.”

[Article 4(1), Optional Protocol to the Convention on the Rights of the Child]

It also obliges states to provide the children who have participated in armed conflict with any necessary physical and psychological rehabilitation and support for reintegration within society. The Representative of the Secretary-General on the human rights of

⁴¹ CHAD-CAR: *Hundreds of children to be released from armed groups*, Office of the Special Representative of the Secretary-General for Children and Armed Conflict, 31 May 2008.

⁴² IDMC interviews with international NGOs, 15 July 2008.

⁴³ *News Bulletin 80*, Humanitarian and Development Partnership Team (HDPT), 6 – 13 October 2008.

⁴⁴ *Child Soldiers Global Report 2008*, Coalition to stop the use of Child Soldiers, May 2008.

⁴⁵ Article 38, Convention on the Rights of the Child; Article 3(a), ILO Worst Forms of Child Labour Convention (No. 182); Articles 8(2)(b)(xxvi) and 8(2)(e)(vii), Rome Statute of the International Criminal Court.

internally displaced persons⁴⁶ has called on CAR to sign this protocol, as have several human rights organisations, and the Committee on the Rights of the Child.⁴⁷

An important development in 2008 came when UNICEF established a country task force to monitor, document, and report on violations committed against children in armed conflict, in accordance with UN Security Council Resolution 1612. The country task force is required to implement a monitoring and reporting mechanism (MRM) to gather reliable information on the following six violations against children: killing or maiming of children, recruitment or use of child soldiers, attacks against schools or hospitals, rape or other grave sexual violence against children, abduction of children, and denial of humanitarian access for children.⁴⁸

While it is clear that effective monitoring and reporting depends on the participation of humanitarian organisations working on the ground with children, those in CAR have been unwilling to join the country task force because of concerns that confidential and sensitive information will be made public. Reporting on individual cases or on issues that can be easily traced back to original sources could potentially jeopardise the safety of NGO staff and beneficiaries.⁴⁹ MRM can only be effective if these issues are properly addressed by the country task force, and if staff working on the collection of information are adequately trained to monitor and report on violations committed against children. MRM should not be implemented in CAR until these initial conditions are safely in place.

⁴⁶ UN Human Rights Council, Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, 16 March 2007 (A/HRC/4/38/Add.5).

⁴⁷ *Concluding observations on the initial report of the Central African Republic (CRC/C/11/Add.18)*, Committee on the Rights of the Child, 18 October 2000.

⁴⁸ *Getting It Done and Doing It Right: Monitoring & Reporting Mechanism on Children and Armed Conflict*, Watchlist on Children and Armed Conflict, January 2008.

⁴⁹ IDMC interviews with international NGOs, July and August 2008.

National and international responses

Government response: no support yet to displaced children

“National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.”
[Principle 3, Guiding Principles on Internal Displacement]

The Ministry of Social Affairs is the government office charged with coordinating assistance to IDPs. However, it lacks the capacity to respond to the needs of IDPs or displaced children. It is severely under-funded and under-staffed, and employees appointed to work in towns that have IDPs do not have the training, means or institutional support to assess the needs of displaced communities and provide assistance. Ministry delegates in Batangafo and Kambakota told IDMC that the most they could do was compile lists of numbers of IDPs from village leaders, which were then sent to ministerial headquarters in Bangui and shared with international NGOs.⁵⁰ They do not have staff or vehicles for conducting assessment missions, and the government has no materials to distribute. Since few towns in the north have any kind of telecommunications links, government employees cannot call their superiors in Bangui for guidance or information, or even to report emergency situations of displacement.

As of November 2008 the government has not provided any assistance to IDPs, including displaced children, but it has given international humanitarian organisations unimpeded access to displaced communities and has allowed them to operate freely in the country for this purpose. This has included allowing UN agencies and NGOs to implement rule of law activities, such as protection training workshops for local authorities, the army and the police, and even armed opposition groups such as the APRD.

Currently, CAR has no national law or policy on IDPs or on displaced children and the government has not implemented the Guiding Principles on Internal Displacement. While the Legal Counsel of the National Commission for Refugees is the government’s legislative focal point on internal displacement, the Commission itself does not deal with IDP issues. Although the Commission has plans to prepare a draft national law on the status of IDPs with support from UNHCR, the Legal Counsel did not believe that it will be finalised before the end of 2009.⁵¹ He explained that besides lacking resources, the government also lacked knowledge of the legal frameworks that could be used to protect IDPs.

He also told IDMC that the government had been unable to finalise a draft child protection law which has been under review for almost two years. According to the UNICEF Chief of Child Protection in CAR, the draft law did not include specific provisions for protecting displaced children.⁵² The status of this draft law was unclear in November 2008 and neither the Legal Counsel of the National Commission for Refugees nor the UNICEF Chief of Child Protection could say who was currently reviewing it, whether it could still be revised to include the protection of displaced children, or how long it would take to be finalised and enacted by the National Assembly.

⁵⁰ IDMC interviews with the delegates of the Ministry of Social Affairs in Batangafo and Kambakota on 17 and 26 July 2008, respectively.

⁵¹ IDMC interview with the Legal Counsel of the National Commission for Refugees, 31 July 2008.

⁵² IDMC interview with the UNICEF Chief of Child Protection in CAR, 15 July 2008.

The government created the National Human Rights Commission in November 2006 with a mandate to promote and protect the rights of vulnerable groups. However, the Commission is not independent and is believed to be “radically under-resourced and unable to carry out almost any human rights functions effectively”.⁵³ The Commission has not included in its work the monitoring of the human rights of IDPs or displaced children.

In late 2007, the government of CAR launched two initiatives that, if successful, will have important long-term consequences for IDPs. With the help of donor countries and UN agencies, the government began work on a comprehensive reform of the security sector and a national dialogue on peace and reconciliation between the government, the political opposition, armed rebel groups, and civil society organisations. While these are initiatives that depend on sustained international support and funding, and will not bear fruit in the immediate future, they are fundamental for achieving durable solutions to the problem of internal displacement in CAR, such as the return of IDPs to villages of origin, a goal that can only be reached when peace and security have been attained.

In June 2008, CAR became the fourth country to be placed on the agenda of the UN Peacebuilding Commission, which was set up to help countries emerging from conflict.⁵⁴ The Commission recently granted \$10 million for activities designed to consolidate peace in CAR. Other promising developments in 2009 that will greatly affect the lives of IDPs include bilateral development funding that has been approved for CAR. As a result of successful lobbying on the part of the government and UNDP, international organisations and donor governments such as the African Development Bank, European Commission, UNESCO, the World Bank, China and France will be funding programmes in economic reform, rehabilitation of transport infrastructure, and development of social service sectors. Without these indispensable development reforms, no amount of humanitarian assistance can solve the protection problems of displaced people, including children.

International response: confronting enormous challenges

“International humanitarian organisations and other appropriate actors when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard.”
[Principle 27, Guiding Principles on Internal Displacement]

While the situation in northern CAR has been considered a neglected crisis because of the low levels of international attention and funding, the past year has seen a dramatic surge in the presence of international NGOs and levels of humanitarian funding. This is a direct result of the persistent advocacy of the office of the UN Resident Coordinator / Humanitarian Coordinator (RC/HC) in CAR. The number of international humanitarian NGOs increased from five in 2006 to 24 in 2008, and humanitarian funding for 2008 has been granted by the following sources:

⁵³ UN Human Rights Council, Preliminary note by the Special Rapporteur on extrajudicial, summary or arbitrary executions on his mission to the Central African Republic, 2 June 2008 (A/HRC/8/3/Add.5).

⁵⁴ *News Bulletin 64*, Humanitarian and Development Partnership Team (HDPT), 9 – 16 June 2008.

Donor	Amount
Central Emergency Response Fund/CERF, <i>for rapid response</i>	\$3.4 million
Common Humanitarian Fund	\$2.5 million
Consolidated Appeals Process (CAP)	\$117 million (91% funded)

Sources: Humanitarian and Development Partnership Team (HDPT) biweekly news bulletins.

While these developments are fundamental for improving the response to IDPs and displaced children in particular, the logistical challenges and remoteness of northern CAR have stretched limited funding and presence. The Humanitarian Coordinator in CAR explained: “In northern CAR people have been turfed from their villages into the bush. They have been marked from all sides... People are terrorised and can’t go back to their villages, even to get water. It’s nice to know there are no camps [for the displaced] because they take away individual dignity. But this poses tremendous challenges because the displaced are scattered over vast areas of land, which makes the situation complicated logistically and expensive ... Either there is no bridge across a river or no road to a village. The north-east is a swamp for six months of the year.”⁵⁵

The poor road network has compounded the widespread insecurity caused by bandits, who have also targeted humanitarian convoys, to severely impede access to displaced communities. Humanitarian organisations have mostly established field offices in main towns, and have been unable to assess and respond to the protection and assistance needs of IDPs and displaced children scattered in insecure areas. Many IDPs are still unable to access NGOs’ services in crucial sectors such as health care, water and sanitation, development of livelihoods, and emergency education. For example, mobile clinics would be the only way to access many IDPs in desperate need of health services, but MSF-E, which provides primary health care in Batangafo and Kobo, has been unable to conduct mobile clinics outside these towns due to the insecurity.⁵⁶

Although the coordination of the humanitarian response in CAR has improved since the cluster approach was adopted there in July 2007, there is still a long way to go before clusters can really fill gaps and meet urgent needs. The cluster approach is a coordination mechanism designed to strengthen the effectiveness of humanitarian responses by “clarifying the division of labour among organisations, and better defining their roles and responsibilities within the different sectors of the response. It is about making the international humanitarian community more structured, accountable and professional, so that it can be a better partner for host governments, local authorities and local civil society.”⁵⁷ While the cluster approach in CAR has fulfilled some of these stated objectives, it has yet to be effective in delivering humanitarian assistance in a timely manner.

In CAR, ten clusters have been activated since last year: Education, Emergency Telecommunications, Food Security, Health, Logistics, Nutrition, Protection, Shelter

⁵⁵ Interview with Toby Lanzer – UN Humanitarian Coordinator in CAR, IRIN News, 3 April 2008.

⁵⁶ IDMC interview with MSF-E staff, 19 July 2008.

⁵⁷ *What is the Cluster Approach?*, UN OCHA Humanitarian Reform Support Unit (HRSU), <http://www.humanitarianreform.org/>.

and NFIs, WASH, and the Early Recovery Network.⁵⁸ The clusters are grouped under the Humanitarian and Development Partnership Team (HDPT)⁵⁹, a platform that has been instrumental in advocating for visibility and funding for CAR. One important gap within the cluster system in CAR is the lack of a child protection sub-cluster for addressing child protection concerns and coordinating relevant responses. Various humanitarian organisations interviewed for this report worried that creating such a sub-cluster would duplicate coordination mechanisms and only add more work to already overloaded schedules. A less burdensome approach would be to create a child protection working group within the protection cluster. Led by UNHCR, the protection cluster holds monthly meetings in Bangui. Government representatives are invited periodically in order to develop protection strategies jointly. This is an ideal platform for addressing the protection needs of displaced children on a national level.

Implementing the Guiding Principles on Internal Displacement

In CAR, UN agencies and international NGOs have used the Guiding Principles to promote the rights of IDPs by using them in protection training workshops for humanitarian observers, local authorities, government forces, international peacekeeping troops, and armed opposition groups such as the APRD. While these workshops have been successful in disseminating information about the Guiding Principles, ongoing training is needed to ensure that national and international agencies understand the legal frameworks that protect displaced people, including children. In 2007, UNHCR in CAR translated the Guiding Principles into Sango, the national language, and included illustrations in an effort to make them as accessible as possible to non-literate communities. Although the Sango version has been distributed to government ministries, local human rights NGOs and civil society organisations, there is still a need to distribute it more widely to displaced communities in order to empower them with information about their human rights.

CAR has ratified the Pact on Security, Stability and Development in Africa's Great Lakes Region, which entered into force in June 2008. Article 6 of the Pact's Protocol on Protection and Assistance to IDPs commits member states not only to enact national legislation to implement the Guiding Principles into domestic law, but also to create a practical implementation framework. States have different ways of introducing international law into their national legal systems. Under Article 72 of the Central African Constitution (2004), the provisions of any international instrument ratified by CAR become binding and have precedence over national laws. This constitutional provision will make the enactment of a national law on internal displacement much easier to achieve. By incorporating the Guiding Principles into national law, CAR would be creating an explicit framework for implementing its legally binding international obligations to protect and assist displaced people, including children.

An important resource available to the government of CAR for the preparation of much-needed national legislation on IDPs is the newly-published *Protecting Internally Displaced Persons: A Manual for Law and Policymakers*.⁶⁰ This manual is a guide for

⁵⁸ *Consolidated Appeal for the Central African Republic (2008 Mid-Year Review)*, UN OCHA, 16 July 2008.

⁵⁹ See <http://hdptcar.net/>.

⁶⁰ *Protecting Internally Displaced Persons: A Manual for Law and Policymakers*, Brookings-Bern Project, October 2008.

national authorities seeking to prepare and enact domestic legislation and policies addressing internal displacement in their country. It provides concrete steps on how to shape laws and policies addressing the protection and assistance needs of IDPs and ensuring their rights. It would be of particular use in CAR because it draws from IDP-specific laws and policies already enacted and implemented in various other countries, including other African countries that are dealing with similar internal conflicts and causes of displacement.

Children who have been forcibly displaced by violence in the north of CAR have been left in a near total “state of neglect” by national authorities and the international community who have failed to protect and care for them. In order for displaced children to have a chance of overcoming the effects of the violence they have endured, the government must restore security and social services in the north as a matter of urgent priority. It must also acknowledge that current laws do not provide a sufficiently detailed basis for addressing and responding to the needs of IDPs, and enact national legislation to correct this problem. The international community must provide assistance to displaced children in a more timely and efficient manner, and continue working to strengthen the government’s capacity to respond to internal displacement. The time is now to encourage and support a viable and lasting peace process, without which children in the north of CAR will continue to be displaced.

International instruments that protect the rights of the child ratified by CAR
African Charter on the Rights and Welfare of the Child (1990)
Convention on the Rights of the Child (1989)
ILO Convention 138 concerning Minimum Age for Admission to Employment (1973)
ILO Convention 182 concerning Worst Forms of Child Labour (1999)
Pact on Security, Stability and Development in the Great Lakes Region (2006)
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), (1977)
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), (1977)
Rome Statute of the International Criminal Court (1998)
International instruments that protect the rights of the child not ratified by CAR
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000)
CAR has neither implemented the Guiding Principles on Internal Displacement as a policy framework nor incorporated them into national law.

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Annexe A

National laws of CAR: Selected child protection provisions

The civil law that protects children in the Central African Republic is still the French Civil Code of 1958. A new child protection law is still in draft form and has yet to be reviewed by the National Assembly, the country's legislative branch.

Constitution (2004)

Preamble: The people of the Central African Republic ... reaffirm their adherence to all international conventions duly ratified, most notably those relating to the prohibition of all forms of discrimination against women and those regarding the protection of the rights of the child.

Article 5(1): All human beings are equal before the law, without distinction as to race, ethnic or regional origin, sex, religion, political affiliation or social position.

Article 6(3): The protection of women and children against violence and insecurity, exploitation, and moral, intellectual and physical abandonment is an obligation for the state and other public institutions.

Article 6(5): Children born out of wedlock have the same rights to public assistance as legitimate children.

Article 6(6): Legally recognised natural children have the same rights as legitimate children.

Article 6(7): The State has the obligation to create the necessary conditions and public institutions which guarantee the education of children.

Article 7(1): Everyone has the right to access the sources of learning. The State guarantees access to instruction, culture, and vocational training to children and adults.

Article 7(6): Education is free in public schools.

Article 72: Treaties or accords regularly ratified or approved have, from their publication, an authority superior to that of laws, with reservation, for each accord or treaty, of its application by the other party.

Family Code (1997)

Article 209: No one under the age of 18 may enter into marriage unless the Public Prosecutor has granted a dispensation based on serious grounds and at the request of the person concerned.

Article 488: A legally recognised natural child has the same rights with respect to the

parents as a legitimate child.

Article 566: A minor is a person who has not reached the age of 18.

Labour Code (1961)

Article 125: Children may not be employed by any company, even as apprentices, before the age of 14, except on the basis of a derogation issued by the Ministry of Labour under recommendation from the Labour Advisory Commission, in light of the local context and the work that may be required.

Law governing the protection of women against violence (2006)

Article 9: The following are considered acts of violence against women and are punished in accordance with the provisions in this law:

- All forms of female genital excisions including the partial or total removal of the female genital organs, performed for cultural or religious reasons, or for any other non-therapeutic reason.

Article 19: Whoever practices, attempts to practice, or encourages excision or all other forms of female genital mutilation, whether by traditional or modern methods, will be sentenced to a prison term of two to five years and a fine of 100.000 to 1.000.000 francs CFA. The penalty will be doubled in case of second offence.

Article 20: If the mutilations lead to the death of the victim, the culprit or culprits will be sentenced to forced labour for life.

Article 21: A person who, having knowledge of a scheduled excision or of one already performed, fails to inform the public authorities will be sentenced to a prison term of six months to one year and a fine of 50.000 to 500.000 francs CFA.

Article 22: Rape will be punished by a limited term of forced labour.

Article 23: Whoever commits the crime of rape against a woman who is particularly vulnerable due to pregnancy, illness, disability, or physical or mental deficiency, or if the crime is committed against a minor under the age of 14, or under armed threat, or by two or more persons or accomplices, or by a legitimate ascendant, whether natural or adoptive, or by a person who abused the authority of their functions, will also be punished by a limited term of forced labour. Attempted rape will be punished on the same terms as rape itself.

Article 28: Whoever commits an offence against public morals by encouraging the debauchery or promoting the corruption of minors will be sentenced to a prison term of one to three years and a fine of 500.000 to 1.000.000 francs CFA

Nationality Code (1961)

Article 6: Every individual born in the Central African Republic is Central African.

Article 7: An individual born in the Central African Republic but whose parents are foreigners is not Central African.

Article 10(2): Children born of unknown parents, found in the Central African Republic, are presumed to have been born there unless proven otherwise.

Penal Code (1961)

Article 49: When a minor under the age of 16 commits an offence, he or she will be brought before a juvenile judge who, acting as an examining judge, will be able to sentence the minor to penalties specified in the present code, or to lesser penalties, or to measures deemed useful for ensuring the rehabilitation and re-education of the minor. However, a minor under the age of 14 can only be subject to re-education measures.

Article 187(1): Whoever deliberately injures or beats a child under the age of 15, or deliberately deprives them of food and care to the point of endangering their health, will be sentenced to a prison term of one to five years and a fine of 100.002 to 600.000 francs.

Article 187(5): If the injuries, beatings or deprivation of food result in the death of the child, whether intentional or not, the culprits will be punished by death.

Article 197: Whoever commits the crime of rape will be sentenced to a limited term of forced labour. If the crime is committed against a child under the age of 15, the culprit will be sentenced to the maximum term of forced labour allowed by law.

Article 199: A person will be considered a procurer and sentenced to a prison term of one year or a fine of 100.002 to 1.000.000 francs if he or she:

- (1) regularly aids, abets or knowingly protects the prostitution of others or solicitation in view of prostitution;
- (2) shares in the profit of the prostitution of others or receives subsidies from persons who habitually engage in prostitution;
- (3) knowingly lives with a person who habitually engages in prostitution and is unable to justify resources that would support his or her lifestyle;
- (4) hires, encourages or supports a person in view of prostitution or delivers her to prostitution or debauchery, even with the person's consent or even if the person has reached the age of majority;
- (5) serves as an intermediary between the persons who engage in prostitution or debauchery and the individuals who exploit or remunerate the prostitution or debauchery of others.

Article 200: If the offence is committed against a minor, the penalty will be a prison term of one to five years or a fine of 200.000 to 2.000.000 francs.

Article 212: Whoever abducts or causes the abduction of minors under the age of 15, whether by fraud or violence, will be sentenced to a prison term of five to ten years. If the

minor is a girl under the age of 18 who is a student in an educational facility in which the perpetrator is employed, the perpetrator will be sentenced to the maximum prison term allowed by law.

Penal Procedure Code (1962)

Article 143: All offences committed by children under the age of 18 will be tried in court chambers by the President of the Court acting as a juvenile judge, or by a juvenile judge designated for that purpose.

Useful websites

African Committee of Experts on the Rights and Welfare of the Child

<http://www.africa-union.org/child/home.htm>

Coalition to Stop the Use of Child Soldiers

<http://www.child-soldiers.org/home>

Child Rights Information Network (CRIN)

<http://www.crin.org>

Committee on the Rights of the Child

<http://www2.ohchr.org/english/bodies/crc/index.htm>

Humanitarian and Development Partnership Team (HDPT) – CAR

<http://hdptcar.net/>

Internal Displacement Monitoring Centre (IDMC)

<http://www.internal-displacement.org>

Office of the Special Representative of the Secretary-General for Children and Armed Conflict

<http://www.un.org/special-rep/children-armed-conflict/>

UNICEF

<http://www.unicef.org>

United Nations Peacebuilding Commission

<http://www.un.org/peace/peacebuilding/>

Watchlist on Children and Armed Conflict

<http://www.watchlist.org>

About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC), established in 1998 by the Norwegian Refugee Council, is the leading international body monitoring conflict-induced internal displacement worldwide.

Through its work, IDMC contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based IDMC runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.

Based on its monitoring and data collection activities, IDMC advocates for durable solutions to the plight of the internally displaced in line with international standards.

IDMC also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people.

For more information, visit the Internal Displacement Monitoring Centre website and the database at <http://www.internal-displacement.org>

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