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**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS,
CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL,
INCLUDING THE RIGHT TO DEVELOPMENT**

**Report of the Representative of the Secretary-General on the human rights
of internally displaced persons, Walter Kälin**

Addendum

MISSION TO THE CENTRAL AFRICAN REPUBLIC*

* The summary is being circulated in all official languages. The report, which is annexed to the summary, is being circulated in the language of submission and in English only.

Summary

The Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, visited the Central African Republic from 24 February to 3 March 2007, at the invitation of the Government.

Following his visit, the Representative concluded that the Central African Republic was experiencing a severe protection crisis, highlighted by the very large number of displaced persons, most of whom were living in the forest in unsafe conditions and in complete destitution, and in many cases had lost their homes and had no access to drinking water, health care or education for their children. In the north - the region particularly affected by the conflict - it is estimated that almost a quarter of the population has been displaced.

The Representative considers that the violence prevailing in the north is the main cause of population displacement. This violence is a direct result of the conflict affecting these regions; it also stems from the acts of brutality and human rights violations committed against civilians and their property, and the attacks by highway robbers (*coupeurs de route*) and other bandits in certain areas.

In order to provide a lasting solution to the issue of displacement, the Representative recommends a three-pronged strategy: continued political dialogue between the Government and the various armed groups; strengthened humanitarian assistance and protection from international organizations; and implementation of a targeted development programme in the north of the country in order to attack the root causes of the crisis, which lie in the marginalization and underdevelopment of this region.

More specifically, the Representative recommends that the Government should:

- (a) Respect the fundamental distinction between combatants and civilians and refrain from any act prohibited by international law, in particular attacks against persons and the burning of villages;
- (b) Work to effectively combat impunity;
- (c) Re-establish and strengthen the presence of the State, at all levels, in the north of the country.

The Representative also draws the attention of armed groups to their obligation to respect international humanitarian law. In particular, they must respect the fundamental distinction between combatants and civilians and refrain from making use of civilians to underpin their operations and from recruiting children into their ranks.

The Representative calls on the international community and donors to continue to provide humanitarian assistance to displaced persons and substantial support to a targeted development programme for the north of the country.

Annex

**REPORT OF THE REPRESENTATIVE OF THE SECRETARY-GENERAL
ON THE HUMAN RIGHTS OF INTERNALLY DISPLACED PERSONS,
WALTER KÄLIN, ON HIS MISSION TO THE CENTRAL AFRICAN
REPUBLIC (24 FEBRUARY TO 3 MARCH 2007)**

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Introduction

1. The Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, conducted an official mission to the Central African Republic from 24 February to 3 March 2007, at the invitation of the Government of the Central African Republic. In accordance with his mandate,¹ this mission took place within the framework of dialogue with the authorities, civil society and all actors concerned, in order to improve the protection of the human rights of displaced persons.
2. The Representative's aim in visiting the country was to gain a better understanding of the situation of displaced Central Africans and the challenges they face about which little was known until recently. He also wished to explore with the Government pointers to solutions based on human rights and in particular on the Guiding Principles on Internal Displacement,² which have been recognized by States as an important international framework for the protection of internally displaced persons.³
3. In Bangui, the Representative met with President Bozizé, the ministers responsible for issues related to internal displacement, representatives of the United Nations system in the Central African Republic, and representatives of civil society. In order to have a clearer picture of the situation, the Representative visited the prefectures of Ouham and Ouham-Pendé, where he met representatives of local authorities and humanitarian agencies, including non-governmental organizations (NGOs). At each stage of his mission, the Representative made a point of speaking directly with displaced persons; he thanked them for agreeing to tell him about their life stories and the difficulties they faced.
4. The Representative of the Secretary-General wishes to thank the Government of the Central African Republic for its invitation and for the constructive dialogue he enjoyed with the authorities he met, most importantly the President of the Republic. He also wishes to thank the Resident and Humanitarian Coordinator, the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA), the Office for the Coordination of Humanitarian Affairs (OCHA), the Office of the United Nations High Commissioner for Refugees (UNHCR) and all other members of the United Nations family for their support in the organization of this mission.
5. In view of the current sensitive juncture in the crisis that the Central African Republic is undergoing, the Representative wished to contribute to the search for solutions to the problems facing displaced persons by presenting, as soon as he returned, his preliminary conclusions and recommendations to the Human Rights Council at its fourth session.⁴

¹ Commission on Human Rights resolution 2004/55.

² For the text of the Guiding Principles on Internal Displacement see E/CN.4/1998/53/Add.2.

³ General Assembly resolution 60/1, para. 132.

⁴ A/HRC/4/38/Add.5.

6. The Representative of the Secretary-General wishes to point out that responsibility for protecting all the rights of displaced persons lies first and foremost with the Government of the Central African Republic. This responsibility stems both from treaty norms and from customary law, and the guarantees afforded to displaced persons are those afforded to all other persons living in the national territory. Displaced persons do not lose the rights enjoyed by the rest of the population as a result of their displacement. At the same time, because they have had to flee their homes, displaced persons have specific protection and assistance needs which the Government must address. Moreover, they have the right to request their Government to provide them with this protection (Principle 3).

7. The Representative of the Secretary-General also wishes to emphasize, with reference to Principle 25, that in the event of the authorities being unable to fulfil their obligations towards displaced persons, either because of insufficient resources or because they are unable to exercise control throughout the territory, it is incumbent upon them to invite other actors, in particular the specialized agencies and related bodies of the United Nations system, to assist them.

8. At the same time, the Guiding Principles also apply to non-State actors effectively controlling part of the territory, when this affects the rights of displaced persons. Thus, Principle 2 provides that the Guiding Principles shall be observed by all groups irrespective of their legal status and applied without any adverse distinction. These groups must also provide protection and assistance to displaced persons located in the area under their control, and allow those who wish to return home to do so safely and with dignity.

9. The Representative of the Secretary-General would like to stress, as he did in his initial report to the Commission on Human Rights,⁵ that the concept of protection is not limited to ensuring the survival and physical integrity of displaced persons, but covers all the guarantees set out in international human rights law and, where applicable, in international humanitarian law, including civil and political rights and economic, social and cultural rights.

I. GENERAL CONTEXT

A. Human rights situation in the Central African Republic

10. The human rights situation in the Central African Republic is a matter for concern. Widespread impunity is considered to be one of the main problems in the area of protection of human rights. In addition, the Representative has received reports of threats and attacks against human rights defenders. Furthermore, in its concluding observations the Human Rights Committee noted with concern that “numerous serious human rights violations have been and continue to be committed with total impunity in the Central African Republic” and noted that “any sanctions tend to be administrative and military in nature, rather than judicial”.⁶

⁵ E/CN.4/2005/84.

⁶ CCPR/C/CAF/CO/2, para. 7.

11. The most frequently reported violations include cases of torture and ill-treatment, enforced disappearances and summary or arbitrary executions. This is accompanied by a disastrous economic situation that has a direct impact on the population's enjoyment of economic and social rights, in particular the right to health and education.

12. The Central African Republic is a party to the following international human rights instruments: the International Covenant on Civil and Political Rights, the first Optional Protocol to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child. It is also a party to the Rome Statute of the International Criminal Court.

13. At the regional level, the Central African Republic is a party to the African Charter on Human and Peoples' Rights and the Organization of African Unity's Convention governing the Specific Aspects of Refugee Problems in Africa.

14. Despite a worrying human rights situation, the Central African Republic has not yet ratified a number of fundamental instruments, including the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It has signed, but not yet ratified, the African Charter on the Rights and Welfare of the African Child and is not yet a party to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. In addition, it has signed but not yet ratified the Pact on Security, Stability and Development in the Great Lakes Region, and the related protocols. In particular, the Protocol on Protection and Assistance to Internally Displaced Persons provides an important conceptual framework for protecting the human rights of internally displaced persons.

15. The Representative of the Secretary-General on the human rights of internally displaced persons is the first Commission on Human Rights special procedures mandate-holder to have visited this country. The Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the right to food have both asked to visit the country; the Government informed the Representative that it had not received the special rapporteurs' requests and took the opportunity to officially invite these experts to conduct a mission in the Central African Republic.

B. History, causes and extent of internal displacement

16. Since its independence in 1960, the history of the Central African Republic has been characterized by large-scale poverty, severe political instability and a number of rebellions and armed conflicts, particularly during the past decade. Some analysts consider that the instability

prevailing in certain neighbouring countries, in particular the Sudan, the Democratic Republic of the Congo and Chad, has also contributed to the internal tensions of this country, which is home to 4 million inhabitants.⁷

17. A series of rebellions and internal armed conflicts in the 1990s had a major impact on the population and triggered an initial wave of internal displacement. Following the attempted coup d'état of May 2001, approximately 80,000 people fled, of whom 50,000 were internally displaced. Most of the internally displaced found refuge in local homes on the outskirts of the capital or in surrounding forests. In the two months following this wave of displacement, most of those displaced had returned home.⁸

18. The violence that accompanied President Bozizé's seizing of power in 2003 also triggered large internal population movements, involving an estimated 200,000 persons. The western and north-western regions and prefectures were especially affected, in particular Ouham, Ouham-Pendé, Nana Gribizi, Kemo and Ombelle Mpoko.⁹ After the legislative and presidential elections in 2005, the majority of the displaced persons are reported to have returned to their villages.

19. Since 2005 the security situation has worsened considerably, leading to further displacement of persons, particularly in the prefectures of Ouham, Ouham-Pendé, Bamingui-Bangoran and Vakaga. These provinces in the north of the country lie along the borders with Cameroon, Chad and the Sudan. This violence has largely been brought about by the conflict between the regular armed forces and the rebel groups operating in the north of the country. The first major attack was in September 2005, when rebels attacked the town of Markounda in Ouham. This attack was followed by many others, including in Kabo (November 2005) and Bémal (December 2005). The main rebel groups involved are the Popular Army for the Restoration of Democracy (APRD), which operates in the north and north-west, and the Union of Democratic Forces for Unity (UFDR), in the north-east. In 2006 the instability continued, characterized by further attacks and repression by the Government security forces. This violence, and the clashes between the rebel groups and the security forces (Central African Armed Forces - FACA - and the Presidential Guard), are the main reason for the displacement of persons. In addition to the fighting, this violence also includes many acts of brutality by the security forces against civilians and their property, such as the burning of whole villages, leading to displacement of persons on a mass scale.

20. In addition, the activities of highway robbers and other bandits have forced a great many people to leave their homes in search of protection. These groups attack trades people and

⁷ See in particular "CAR: a tragedy in the making?", report of the Multidisciplinary Mission to the Central African Republic, 4-11 November 2006.

⁸ See Internal Displacement Monitoring Centre (IDMC), [http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/7C7EABD92833D7B4802570B8005A7163?OpenDocument](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/7C7EABD92833D7B4802570B8005A7163?OpenDocument).

⁹ IDMC, "Internal displacement in Central African Republic", 26 January 2007.

travellers in order to steal their money or other goods, and also kidnap children, in particular Fulani shepherds, and hold them to ransom. The proliferation of small arms and incursions by marauders from neighbouring Chad and the Sudan also contribute to the prevailing feeling of insecurity in the north of the country.

21. The number of people who have had to flee their homes since the recent events is estimated at approximately 212,000. In addition, some 70,000 persons have sought refuge in neighbouring countries, principally Chad and Cameroon. Thus, out of a total population of 4.2 million, nearly 300,000 people are reported to have been displaced. In the north in particular, this represents approximately 25 per cent of the population. In the prefecture of Bamingi-Bangoran, for example, out of a population of 45,000, there are 15,000 internally displaced persons - approximately 30 per cent of the population.¹⁰ In the north-western regions particularly affected by displacement, the Representative observed, in addition, that on some routes such as those between Paoua and Batangafo or between Batangafo and Kabo, virtually all the villages had been burned and deserted.

22. The Representative of the Secretary-General notes with concern that the waves of displacement continue. On the last day of his mission he was informed that the town of Birao had been attacked that very morning, causing the displacement of 95 per cent of the population, as estimated by the Office for the Coordination of Humanitarian Affairs.¹¹

23. The recent displacements in the north of the Central African Republic appear to be of a more long-term nature than previous waves of displacement. In the region of Batangafo, some families have been displaced for nearly two years. This new trend is probably caused by renewed fighting in the places of origin of the displaced persons.

II. RESPONSES TO INTERNAL DISPLACEMENT IN THE CENTRAL AFRICAN REPUBLIC

A. Response by the national authorities

24. The Representative of the Secretary-General notes that the authorities in the Central African Republic are aware of the challenge represented by internal displacement. However, he recognizes the problems faced by the Government in meeting the needs of displaced persons.

25. In the Central African Republic, the Government has not developed a global strategy to address the issue of internal displacement as a whole and provide a structured response to the problems.

¹⁰ Humanitarian Community Partnership Team Central African Republic (HCPT), Fact Sheet, February 2007.

¹¹ See the press release of the Office for the Coordination of Humanitarian Affairs, "95 per cent of population flees Birao in northern Central African Republic", 21 March 2007.

26. The Ministry of Social Affairs has responsibility, within the Government, for handling assistance to internally displaced persons. The Representative met twice with the Minister of Social Affairs, Ms. N'Dakala Pagonendji. Within this Ministry, the Committee for Refugees and Stateless Persons has direct responsibility for these matters. In addition to assistance to displaced persons, this Committee is responsible for examining the scope for displaced persons to return to the various regions. Its activities are financed by a solidarity fund established by the 2007 Budget Act. The Minister drew attention to the ongoing financial and bureaucratic difficulties she faced, which considerably restricted her Ministry's ability to respond appropriately to the needs of displaced persons.

27. At the local level, prefects have responsibility for coordinating assistance to internally displaced persons. During his visit to Bossangoa the Representative met the prefect of Ouham, who reported on the problems he faced and his inability to provide assistance to these persons; in his prefecture, no funding for programmes to assist internally displaced persons had been received from the Ministry of Social Affairs since 2004.

28. In addition, according to several persons the Representative spoke with, State representatives in prefectures and town halls are rarely seen at local level, as they mostly remain in the capital. According to information received from the authorities, the Prime Minister organized an observation and awareness-raising mission in the affected areas. Conscious of the fact that civil servants and State officials often desert their place of work because of the attacks, he reportedly spoke of the possibility of strengthening the presence of the State in those regions in order to restore people's trust and hope. The Representative is concerned at this situation, which gives the impression that people are left to their fate, and deprives them of the protection that could be afforded by the presence of their elected representatives and government representatives in the regions.

29. The Representative is well aware of the lack of resources in the Central African Republic, but wishes to point out to the Government that the primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities (Principle 25).

B. Response by the international community

30. The crisis in the Central African Republic has long been seen as one which has been forgotten by the international system. Until recently, the international community was largely absent on the ground and allocated insufficient resources for humanitarian assistance. Since 2006 and the arrival of a new Resident and Humanitarian Coordinator, a tangible improvement can be seen in the involvement of the United Nations system in the country. The Coordinator has been able to encourage other players, including NGOs, to engage with the Central African Republic.

31. The involvement of the United Nations in the Central African Republic dates back to 1997, with the establishment of the Inter-African Mission to Monitor the Implementation of the Bangui Agreements, which was replaced a year later by a peacekeeping operation, the United Nations Mission in the Central African Republic (MINURCA). Following the elections in 1999, this mission was scaled down and replaced by the United Nations Peacebuilding Support Office in

the Central African Republic (BONUCA), which has a mandate to support the Government's efforts to consolidate peace and achieve national reconciliation, among other things.¹² BONUCA comprises a division of human rights that is in principle responsible for monitoring the human rights situation and providing technical cooperation in this area. In addition to its main offices located in Bangui, BONUCA has field offices in a number of prefectures. The Representative of the Secretary-General was dismayed to see the conditions in which BONUCA's human rights officers work: they have no vehicles for travel within the region they are covering, and in some cases even lack Internet access to send their reports to Bangui. This situation increases the risks both to staff and to victims of human rights violations, whose personal data in reports on such violations are transported to the capital by people prepared to assist BONUCA. The Representative also found that BONUCA does virtually no human rights work relating to the displacement of persons. According to the information he received, BONUCA has carried out no surveys on events causing displacement, such as the burning of villages. Nor does it appear to have investigated the situation of displaced persons or the specific cases of human rights violations to which they have been subjected.

32. In conformity with the new arrangements instituted by the recent humanitarian reforms, the Office of the United Nations High Commissioner for Refugees (UNHCR) has undertaken to coordinate the protection of internally displaced persons. In this connection, it has developed a three-pronged strategy: raising the awareness of the principal parties concerning internal displacement; identifying protection needs and analysing displacement patterns; and assisting victims of human rights violations.

33. In its capacity as lead agency for protection and under the general direction of the Resident and Humanitarian Coordinator, UNHCR has recently taken over leadership of the protection cluster that brings together the humanitarian agencies and NGOs working in this field. The Representative of the Secretary-General had the opportunity to attend a meeting of the protection cluster in the course of his mission. He welcomes the creation of this cluster, which facilitates the exchange of information and coordination of activities among humanitarian service providers. He observed that the agencies on the ground have been able to organize their activities so as to meet the needs of the population to the best of their abilities. He is nevertheless concerned that the protection cluster does not so far seem to have developed a coherent central strategy to guide its activities. He strongly encourages the members of the cluster to work together in conformity with its terms of reference adopted shortly before his mission began.

34. A number of other organizations are present in the Central African Republic, including the International Organization for Migration (IOM), the United Nations Children's Fund (UNICEF), the Food and Agriculture Organization of the United Nations (FAO), the Office for the Coordination of Humanitarian Affairs (OCHA) and the World Health Organization (WHO).

¹² BONUCA was established by decision of the Secretary-General. This decision was welcomed by the Security Council in a statement of 10 February 2000. <http://www.un.org/peace/africa/pdf/CAR.pdf>

During meetings with members of the various organizations within the United Nations family, the Representative observed strong determination and a good spirit of cooperation, and in particular a desire to enhance the presence of the various agencies in the field, which would help to improve the protection of individuals and to respond better to their needs.

35. The International Committee of the Red Cross (ICRC) is also present in the Central African Republic. In accordance with their mandate, the activities of ICRC representatives consist essentially of visiting detention facilities and promoting international humanitarian law in both central and outlying areas. In Paoua and Kaga-Bandoro, where it has two local offices, ICRC distributes non-food supplies to about 50,000 internally displaced persons.

36. Until the end of 2006, the only international civil-society institutions present in the conflict zones were Caritas Internationalis, Cooperazione Internazionale (COOPI), Médecins sans Frontières (MSF) and the International Committee of the Red Cross. The Representative of the Secretary-General was impressed by the commitment and professionalism of those organizations, which are often displaced persons' only hope. He agrees with their view that the international presence is much too weak, has significantly restricted the assistance provided to the displaced population and has hindered the meeting of their protection needs in a satisfactory manner. MSF is participating in the renovation of health centres and organizing a number of mobile clinics, which in some regions constitute the sole access to health services for displaced persons. COOPI and Caritas take charge of the distribution of food and non-food supplies directly to the most vulnerable groups in the displaced population. COOPI has been present on the ground the longest - 33 years. One of the major difficulties encountered by these agencies in carrying out their activities is the limited number of local partners with which they can cooperate. They have also spoken of the need to redefine humanitarian needs so as to develop the most appropriate response. The great majority of these organizations echoed the call made by the Resident and Humanitarian Coordinator to boost the presence of humanitarian organizations in the conflict zones. At a meeting with the humanitarian organizations in Bangui, the Representative already saw some encouraging signs, particularly the fact that a number of NGOs had arrived in the country to carry out evaluations with a view to planning their involvement.¹³

37. During his stay upcountry, the Representative met with groups of displaced persons who said they had never been visited by any representative of a humanitarian agency. This was the case, for example, in Otta, a village in the Paoua region where around 1,500 persons who fled the violence have been living in the forest since March 2006. Men, women and children live in appalling conditions. They told the Representative that they had received no assistance since they had left home.

¹³ According to information available in early March to OCHA, the number of NGOs working in the north has already increased. Save the Children, Solidarités and Première Urgence have apparently joined the agencies already working on the ground. For more information, see <http://www.reliefweb.int/rw/RWB.NSF/db900SID/AHAA-6ZPNK7?OpenDocument&rc=1&emid=ACOS-635NQG>

38. In general, the Representative considers that the presence of members of humanitarian agencies is not sufficient to cover all the protection needs of the displaced persons. He calls for the United Nations presence and that of NGOs to be strengthened in the regions most affected by displacement.

III. PROTECTION OF DISPLACED PERSONS

A. Protection against displacement

39. According to information gathered by the Representative of the Secretary-General, population displacements continue in the north of the Central African Republic, both in the western prefectures of Ouham and Ouham-Pendé and in the eastern prefecture of Vakaga. During his visits to the field, he noted with regret that many villages had recently been burned down. For example, in the village of Dimba 1, 28 houses were burned down at the beginning of the year by the security forces, obliging villagers to seek refuge in the bush. It is the security forces, in particular the Presidential Guard, which are most often blamed for these fires. According to information received from a member of the security forces, the rebels organize attacks against the army by hiding in villages in order to chase them away, but also, he admitted, out of vengeance, members of the security forces set the villages concerned on fire. According to the testimony of villagers, the security forces, and specifically the Presidential Guard, regularly patrol the highways, firing into the air and terrorizing the population. Sometimes they are attacked by rebels and, in retaliation, attack and loot the villages, and set the villagers' property on fire, destroying all their possessions, in particular their food reserves. Villagers also frequently mentioned the fact that they were presumed to be rebels or collaborators by members of the security forces, which would also explain the harassment to which they are subjected. Young men are apparently particular targets. One of the people the Representative met en route to Ouandago said that one year ago, all the inhabitants of his village had had to flee following an attack by members of the regular army against a rebel group which was operating from their village. A few months later, thinking that the situation had improved, the villagers went home taking with them items provided by humanitarian organizations, in particular tarpaulins. In October, they were attacked again by the security forces, who stole their tarpaulins.

40. The total impunity enjoyed by members of the security forces contributes to the climate of terror, as there is no pressure to hold them accountable for their acts. Certain commanders who have committed abuses, and are known to have done so, have still not been prosecuted. Reports were received that in the Bossangoa region, the public prosecutor had referred certain cases to the permanent military court, but that although it was competent to prosecute it had not followed up the cases. For example, the Representative was informed that following an attack by rebels in Paoua in January 2006, the Presidential Guard intervened and, during the reprisals, reportedly killed more than 100 civilians. It seems that thus far the competent authorities have not opened an inquiry to shed light on the circumstances of the tragedy and prosecute the persons responsible. However, the Representative has been informed that in at least one case, a member of the Presidential Guard who is known to have committed human rights violations has been removed from the area where he committed the abuses. But it is important to initiate proceedings so that all those responsible for violations are brought to justice. The Representative has been informed by the authorities that plans are being made to identify those responsible for the violations, bring them to court and compensate the victims.

41. The Representative considers that the absence of discipline and the lack of training on human rights and international humanitarian law among members of the armed forces are among the major causes of violations committed by the armed forces and the Presidential Guard. The Representative attended the closing session of a training seminar organized in Bossangoa by UNHCR for army and police officers, at which it was observed that of the approximately 50 participants, only one had already received training in this area. In this connection, the Government informed the Representative that the office of the country's High Commissioner for Human Rights and Good Governance was devising a plan to improve training, education and awareness-raising on human rights and international humanitarian law among the defence and security forces.

42. The Representative stresses that the security forces must be reminded as a matter of urgency that they have an obligation to draw a distinction between civilians and combatants and to prosecute those who commit crimes against the civilian population. He also considers that the authorities, in cooperation with the international organizations, must launch a training campaign for members of the security forces.

43. The climate of insecurity also stems from the activities of bandits and highway robbers, particularly in the north-west, in the areas under government control, and this also prompts people to flee. For example, the Representative was informed that on 26 February 2007, the day before he travelled along the Batangafo-Ouandago road, tradespeople from Chad were attacked by highway robbers near the village of Dimba 1. The villagers, who were hiding in the bush and who witnessed or learned of the incident, consider this attack as a further indication that the security conditions do not yet allow them to return home.

44. As regards the rebel groups, the Representative was informed both by members of the security forces and by some of the people in the villages he visited that the rebels were using the villages as a base for their activities, thereby placing the civilian population in danger.

45. The Representative wishes to point out that every human being has the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence, and that arbitrary displacement is prohibited (Principle 6). It is also the responsibility of the authorities to comply with their obligations under international law, particularly human rights and humanitarian law. The rebels are also bound by the basic principles of international humanitarian law.

B. The need for protection during displacement

46. Following his mission, the Representative of the Secretary-General observes that the Central African Republic is faced with an emergency situation and that many displaced persons urgently require protection and assistance, particularly in terms of their enjoyment of the rights to housing, food and access to health care and education. While in some cases displaced persons fled to Bangui or other towns such as Bokaranga or Kabo, where they found refuge with families, most of them fled to the forest, a few kilometres away from their villages, in extremely difficult conditions. They must cope with the problems posed by the lack of security; they dare not move, even for medical emergencies; in many cases they set up markets in the bush so that they will not be the victims of violence; and they cannot send their children to school.

47. In this connection the Representative points out that every human being has the inherent right to life and that displaced persons must be protected in particular against summary or arbitrary executions, torture and ill-treatment and enforced disappearances (Principle 10). He also wishes to cite Principle 18, which provides that all internally displaced persons have the right to an adequate standard of living. At the minimum, the authorities must ensure access to essential food and potable water; basic shelter and housing; appropriate clothing; essential medical services and sanitation.

1. Right to security of the person

48. The Representative has received reports of the harassment of displaced persons, arbitrary detentions by the security forces and occasional summary executions. For example, in the Kaga Bando region, two women going to the market were allegedly killed on 5 January 2007 by members of the security forces who accused them of providing the rebels with supplies. According to one person the Representative met, the civilian population, including displaced persons, find themselves between a rock and a hard place. On the one hand, the rebels threaten them so that they will not reveal their location, while on the other hand the security forces accuse them of supporting the rebels. In some cases displaced persons are said to have been attacked by bandits after the distribution of non-food items by humanitarian aid workers.

49. In general, displaced persons are also victims of the general climate of violence and human rights violations prevailing in certain areas. It was brought to the Representative's attention that the population had suffered violence at the hands of unruly or drunken soldiers. The fact that soldiers are not stationed in barracks but live among the people, and that they take their weapons with them when they come off duty, means that things can easily get out of hand.

50. The Representative nonetheless recognizes that in some towns, like Bossangoa, steps have been taken recently to discipline the security forces. He encourages the authorities to continue along these lines by focusing on efforts to combat impunity and bringing to justice the persons responsible for the violations.

2. Right to adequate housing

51. Given the particularly high number of villages that have been burned, the Representative of the Secretary-General considers that housing is one of the most urgent needs facing displaced persons in the north of the Central African Republic. Most displaced persons in rural areas have sought refuge in the bush. This is particularly true of the area along the Paoua-Batangafu and Batangafu-Kabo highways visited by the Representative. The people he met there live in extreme poverty. In many cases they live in isolated camps, do not even have tarpaulins for makeshift shelters, no longer have access to potable water from village wells, and lack blankets and mattresses, since they had to leave everything behind when they fled their homes.

52. As the rainy season approaches, the Representative wishes to emphasize the need to provide displaced persons with the materials they need to build shelters.

3. Right to food

53. While most of the humanitarian aid workers the Representative met are of the view that at the moment there is no tangible evidence of severe malnutrition in the north of the Central African Republic, he notes that because they have been displaced and are living in the bush, many people have to gather leaves and wild fruits in order to eat. In many cases, they lost their food stocks when their villages were set on fire, and are still not able to farm their land for fear of being attacked on the way there. In some of the areas visited, the Representative observed that the distribution of food by NGOs is helping considerably to stabilize the food situation.

54. The Representative of the Secretary-General is also concerned about future harvests: in addition to having lost their harvests over the last few years, the future seems uncertain since many farmers have been unable to save their seeds, which is the only guarantee of another harvest.

55. Unless these people are provided with emergency aid to revive their farming, the Representative fears that the standard of living of the displaced persons will deteriorate even further, with repercussions on their health and possibly their survival.

4. Right to health

56. The Representative of the Secretary-General was unable to obtain accurate information regarding the health conditions of displaced persons. But he is concerned at the reduced capacity of the health facilities, most of which were destroyed during the clashes. In connection with the 2007 consolidated appeal, the United Nations indicated that during 2006 most health facilities had been destroyed and their equipment and medicines looted. It would also seem that medical personnel are reluctant to be posted to these areas owing to the lack of security.¹⁴ The deterioration of the health system in general has an impact on the most vulnerable sectors of the population, including displaced persons. In some of the regions visited, the Representative found that thanks to the presence of Médecins sans Frontières, the deterioration was not so great as to cause a real health crisis.

57. Furthermore, on account of their living conditions in the forest, and particularly the lack of access to drinking water and sanitation, displaced persons are at a greater risk of diarrhoeal diseases and malaria.

58. Lastly, owing to a constant sense of insecurity and fear of arbitrary detention, ill-treatment or even summary execution, displaced persons dare not go to health centres to seek medical care. For example, in the locality of Otta, the Representative of the Secretary-General met a woman who had been bitten by a snake and who, over a month later, had still not sought medical care. In the same locality, he was informed of the situation of women who had to give birth in almost inhuman conditions, some of whom had died for lack of access to a doctor when complications arose.

¹⁴ Central African Republic 2007, Coordinated Aid programme, Consolidated Appeals Process, p. 25.

59. The Representative considers that it is essential to strengthen the health-care structures and improve people's access to medical services. Given the lack of security, one option might be to escort the people concerned to health centres on a regular basis or to increase the number of mobile clinics. Certain organizations present in the field such as Médecins sans Frontières already organize mobile clinics in some places; the system should be reinforced to improve the humanitarian response in this area.

5. Right to education

60. The education sector has been greatly affected by events in the Central African Republic. As early as 2003, many schools had been destroyed; this trend continued throughout 2006. It is estimated that 117 schools had to close in 2005. In areas where there were already too few schools, the Representative is worried that the exercise of the right to education will increasingly become wishful thinking for thousands of children. According to United Nations estimates, approximately 90,000 children aged between 6 and 16 would be affected.¹⁵

61. Many teachers have left the regions concerned to escape the violence. Moreover, even where there still are schools, parents dare not send their children to them owing to the lack of security. Parents fear that schoolchildren may be attacked on the way to and from school and, in some cases, prefer them to stay close to their family in case they have to flee again. According to United Nations estimates, the displacements that occurred in 2006 deprived approximately 30,000 children of access to education.¹⁶

62. The Representative was told how an emergency education system has been organized with the assistance of UNICEF, using parents as teachers (*agents-parents*). In the absence of professional teachers, members of the community with some educational background are identified. They receive basic training, including some teacher training, and are then entrusted with the task of teaching children in the community. If the children are unable to go to school, the school is shifted to the community. The Representative encourages this type of activity, which prevents the children from losing everything they learned during their previous years of education. He nevertheless draws the attention of those involved to the fact that this type of education, which is impermanent by definition, cannot replace teaching by professionals. He therefore encourages all those concerned to do their utmost to renovate the schools that have been destroyed, replace their equipment and bring back teachers to schools in localities where the security conditions allow.

6. Freedom of movement

63. The freedom of movement of displaced persons is infringed on a daily basis. They are very often confined to the place where they have found refuge. When they dare to move, for example to go to the market, they are subject to harassment, extortion and sometimes arbitrary arrests by the security forces. On the way to Batangafo, the Representative met a 50-year-old man who had

¹⁵ CAP 2007, p. 21.

¹⁶ CAP 2007, p.13.

fled from his village along with all the other inhabitants (around 600 people) because of repeated attacks by highway robbers and the security forces. The men in the village dare not move for fear of being harassed by members of the security forces who accuse them of supporting the rebellion.

64. In this connection, the Representative wishes to point out that, like other citizens, displaced persons have the right to move around freely and to choose their place of residence. He therefore calls upon the authorities to take appropriate steps to enable everyone to move around freely without fear of being disturbed, in particular in rural areas.

7. Judicial system

65. As with other State infrastructure, the judicial system has also been affected by the clashes in the north of the country. Buildings and much of the documentation have been destroyed. In addition, there is the absence of qualified personnel, who like many others have fled the violence. As a result, the people living in these areas, including displaced persons, have virtually no access to the judicial system. Human rights violations therefore remain unpunished.

8. Particularly vulnerable groups

66. As in many conflicts, children are paying a heavy toll in the crisis which the Central African Republic is undergoing. On account of their vulnerability they are hit harder by the problems facing the displaced population as a whole. In addition, they are deprived of the enjoyment of rights which are more specific to them, such as the right to education.

67. The Representative is concerned at reports of the recruitment of children by armed groups operating in the north-west of the country. He himself noticed children among the rebels patrolling the territories under their control. According to the estimates he received, almost 1,000 children are involved. It would appear that the armed groups do not organize recruitment campaigns but welcome into their ranks children who have lost their parents or are seeking refuge and protection. This phenomenon is reportedly on the increase, and there is said to be a greater tendency to recruit children into rebel factions in areas which have been attacked by the Armed Forces or the Presidential Guard.

68. The Representative requests all concerned to respect their obligations under international law and to demobilize these children as quickly as possible. According to information gleaned during these interviews, UNICEF is prepared to provide assistance in this area, and some rebel groups have apparently signalled their willingness to demobilize the children among their ranks. The Representative requests the Government to cooperate in this process and to provide the necessary guarantees for its implementation. He likewise requests the competent international organizations to take this up as a matter of priority, and calls on the Special Representative of the Secretary-General in the Central African Republic to bring all his influence to bear so that this practice is eradicated.

69. The Representative is likewise concerned at the stigmatization of young men by the security forces, which see them as rebels or as collaborators. This stigmatization exacerbates the constant sense of insecurity among the population and further restricts the freedom of movement of a specific population group.

C. Protection needs in the event of return and in the search for lasting solutions

70. According to Principle 28, internally displaced persons have the right to choose either to return to their home area or to settle in the place to which they were displaced or in another part of the country. Whichever option is chosen, it must be on a voluntary basis, and any return must take place in safety and with dignity. Moreover, Principle 29 states that internally displaced persons who have returned to their place of habitual residence must be protected against any discrimination. They have the right to recover their property or, where this is not possible, the authorities must accord them appropriate compensation or some other form of equitable reparation.

71. Everyone with whom the Representative of the Secretary-General spoke during his mission, particularly the displaced persons themselves, stressed that all displaced persons would like to return to their place of habitual residence. Nevertheless, in nearly all instances the displaced persons think that the conditions are not in place to enable them to return, essentially because the security situation is still much too unstable. Problems connected with the destruction of their homes and the non-existent State administration in the areas concerned must also be taken into account.

72. The Representative is aware that in present circumstances, mass returns cannot be contemplated. Nevertheless, he has been informed that some spontaneous returns have occurred, and encourages the Government and humanitarian agencies in the Central African Republic to do what they can to facilitate this. He also considers that once the necessary conditions have been met, returns could take place very quickly, since the displaced persons have more often than not found shelter merely a few kilometres from their villages.

73. Experience has shown that in order for a return to be successful, three elements must be taken into account so as to create favourable conditions for lasting reintegration: security, restitution of property and reconstruction of dwellings.

1. Security

74. The Representative of the Secretary-General agrees with many of the people he talked to, including the President of the Republic, that security depends to a large extent on peace, that dialogue is the sole means of ending the conflict and that recourse to arms alone is not a viable option. In this connection, he welcomes the fact that the authorities have taken the initiative of starting a dialogue with certain armed groups. He encourages the authorities to broaden the dialogue further by including all armed groups and the various sectors of civil society. He believes that, while political dialogue with the various armed factions operating in the country is essential to achieving a lasting peace, dialogue with citizens, including displaced persons, is equally important. Such dialogue and consultation with displaced populations must be open and constructive in order to restore the confidence which alone will make it possible to envisage their return to their homes.

75. The Representative has been informed of initiatives recently adopted by the authorities to encourage displaced persons to return to their homes. At the same time, he was informed of cases when, after returning to their homes, families had been forced to flee yet again, having been the victims of attacks. The Representative welcomes any initiative taken by the authorities

to engage in dialogue with the population groups, but emphasizes the need to inform them clearly, precisely and fully about the real situation, so that they may make an appropriate decision on whether to return or not.

2. Reconstruction of dwellings

76. During his visit to the north-east, the Representative was able to see the large number of houses that had been burned. With a view to future returns, he encourages the authorities to carry out an assessment of the number of houses destroyed in regions to which they have access. This assessment would subsequently facilitate the implementation of a reconstruction plan in concert with international organizations.

77. Together with dwellings, the reconstruction of infrastructure that has been damaged in nearly 10 years of non-stop conflict is essential to ensure that people return to and remain in the areas affected. Schools, health-care centres and government buildings must be rebuilt, as well as wells and roads.

IV. CONCLUSIONS AND RECOMMENDATIONS

78. Following his visit, the Representative of the Secretary-General concludes that the Central African Republic is experiencing a grave protection crisis, highlighted by the very large number of displaced persons, and that the country is in an emergency situation. Many displaced persons are in urgent need of protection and assistance, in particular with regard to the enjoyment of their rights to housing, food and access to health care and education. He is of the view that if appropriate emergency measures are not taken, the protection crisis may well become a large-scale humanitarian crisis which will be difficult to overcome in a country already beset by serious underdevelopment.

79. In the Representative's view, the violence prevailing in the north of the Central African Republic is the main cause of the population displacement. This violence is linked above all to abuses committed against civilians and their property, including extrajudicial, arbitrary or summary executions and the burning of entire villages during security operations, forcing the population to flee for their own protection. According to information obtained from humanitarian agencies and the statements made by many displaced persons, these violations are mainly committed by security forces, and in particular the Presidential Guard. The actions of bandits and highway robbers also contribute to the climate of insecurity and are forcing the population to flee. He wishes to remind the authorities that the State has primary responsibility for protecting its citizens, and that it is incumbent upon it to take all measures to ensure the protection of the civilian population.

80. The Representative is worried about the situation in which displaced persons live, and considers it to be a cause for deep concern. Such persons are completely destitute and very often no longer have housing, drinking water or health care, while their children do not have access to education. In some cases, they live in considerable food insecurity and could rapidly become undernourished.

81. For fear of being stopped and brutalized by the members of the security forces, displaced persons do not dare to go to their villages in search of water or to urban centres for medical care. Often viewed by the security forces as rebels or collaborators, internally displaced persons, in particular young men, are also stigmatized, thereby exacerbating the constant sense of insecurity in which the population lives and limiting individual freedom of movement. Accordingly, the Representative shares the view of many displaced victims who consider that conditions are not yet ripe for a permanent return to their usual places of residence.

82. The Representative is especially concerned about the situation of children recruited by certain rebel factions, and he points out that the Guiding Principles (Principle 13) stipulate that in no circumstances shall displaced children be recruited by armed forces.

83. The Representative welcomes the fact that the various stakeholders, including the Government and representatives of the international community, have become aware of the seriousness of the problem of internal displacement in the Central African Republic. In order to provide a lasting solution to the issue and to protect and assist the victims, the Representative recommends a three-pronged strategy: continued political dialogue between the Government and the various armed groups in order to address the root causes of displacement; strengthened humanitarian assistance and protection from international organizations in order to facilitate the protection of the population affected by abuses; and implementation of a targeted development programme in the north of the country in order to attack the root causes of the crisis, which lie in the marginalization and underdevelopment of the region.

84. In particular, the Representative shares the opinion expressed by the President of the Central African Republic, who said he was convinced that dialogue was the sole means of ending the conflict plaguing the country and that recourse to arms alone was not a viable option. He welcomes the fact that the authorities have taken the initiative of starting a dialogue with certain armed groups, and encourages them to broaden the dialogue further by including all armed groups and the various sectors of civil society. He believes that, while political dialogue with the various armed groups operating in the country is essential to achieving a lasting peace, dialogue with citizens, including displaced persons, is equally important. Such dialogue and consultation with displaced populations must be open and constructive in order to restore the confidence which alone will make it possible to envisage their return to their homes.

85. In this context, the Representative recommends that the authorities should:

(a) When planning and carrying out security operations, respect the fundamental distinction between combatants and civilians and refrain from all acts prohibited by international humanitarian law and international human rights law, including attacks on civilian persons and objects, the burning of villages, summary and extrajudicial executions, and acts of torture and ill-treatment;

- (b) **Make an unambiguous statement at the highest level defining the role of the security forces and the limitations on their behaviour and reminding them of their obligations under international humanitarian law. At the same time, a proactive training and awareness programme in international humanitarian law and human rights for members of the security forces should be started without delay;**
- (c) **Given t he many violations of international law attributed to some members of the security forces, in particular the Presidential Guard, effectively combat impunity by conducting inquiries and bringing to justice the main perpetrators of human rights violations, including arbitrary displacement. In this connection, the Representative welcomes the recent initiatives of the armed forces aimed at transferring officers responsible for human rights violations from the regions concerned. However, he stresses the fact that the removal of the personnel in question is not sufficient in itself, because it does not do justice to the victims and deprives them of their right to compensation;**
- (d) **Ensure that displaced persons have access to health-care services and education in areas under government control, for example by organizing protected convoys and promoting the use of mobile clinics;**
- (e) **Re-establish and strengthen the presence of the State at all levels in the north of the country by restoring basic services in education, justice, the police and health care as a matter of priority and encouraging devolved and decentralized authorities to return to their localities;**
- (f) **Ratify without delay the Pact on Security, Stability and Development in the Great Lakes Region and the related protocols, in particular the Protocol on Protection and Assistance to Internally Displaced Persons, which the Central African Republic helped to draft, and revise national legislation on the basis of the principles and obligations of developed States in this regard;**
- (g) **Pay special attention to the needs of displaced children, and in that connection ratify as soon as possible the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;**
- (h) **Continue to cooperate with the international community in its efforts to protect and assist displaced persons;**
- (i) **Make clear and complete information available to displaced persons so that they can take informed decisions on their future, and, if they so wish, facilitate their return to their localities of origin in security and dignity;**
- (j) **Address the root causes of the crisis, such as the marginalization of or discrimination against certain regions, which is evidenced in underinvestment and a concentration of wealth around the capital and in the south of the country. To do so, the authorities must ensure more equitable access to the country's resources, giving particular attention to the areas in greatest difficulty.**

86. **The Representative recommends that the armed groups should:**

(a) Respect international humanitarian law. In particular, they should respect the fundamental distinction between combatants and civilians and refrain from all acts prohibited by international humanitarian law, such as making use of civilians to underpin their operations, recruiting children into their ranks and exposing the civilian population to the risk of reprisals;

(b) Embark without delay on the immediate disarming and rehabilitation of child soldiers, in close cooperation with international organizations which specialize in this area.

87. **The Representative recommends that the United Nations and humanitarian and development organizations should:**

(a) Increase their presence on the ground, especially in the areas which are affected by the conflict and contain large numbers of displaced persons, in order to protect and assist them in case of need;

(b) Continue to provide humanitarian assistance to displaced populations, in particular non-food products and seed, so that they can continue to farm;

(c) At the approach of the rainy season, make a special effort to provide displaced victims with equipment so that they can build structures in which they can take shelter in bad weather;

(d) Work with the Government to train and heighten the awareness of the security forces, in particular as concerns international humanitarian law, human rights and the Guiding Principles on Internal Displacement;

(e) Step up activities to protect displaced persons, in particular by strengthening the protection cluster and ensuring more regular monitoring of the human rights situation by BONUCA's human rights division;

(f) Provide substantial support to efforts to demobilize and rehabilitate child soldiers;

(g) Support the Government's efforts to strengthen the presence of State institutions on the ground, in particular in the areas of education, justice, the police and health care;

(h) Provide substantial support to a targeted development programme for the north of the country so as to combat the root causes of the crisis, which lie in the marginalization and underdevelopment of the region.

88. **The Representative recommends that donors should continue to support programmes to benefit internally displaced persons, and increase their assistance substantially so as to underpin the continuing presence of agencies and organizations active in the area.**