

Introduction

The Central African Republic (CAR) is a secular and democratic state. The current constitution, adopted after a national referendum in December 2015, guarantees freedom of conscience, assembly and worship. However, the constitutional provisions do not express the full definition of freedom of religion or belief (FoRB) as outlined in the Universal Declaration of Human Rights (UDHR) and international treaties, including the ICCPR.

The civil conflict and transition period

On 10 December 2012 fighting broke out between the Bozizé government and the Seleka rebel alliance, leading to a significant deterioration in the human rights and humanitarian situation. The CAR had no previous history of sectarian violence, but during this time local sources noted the increased targeting of the Christian population by Seleka elements.

In March 2016 the CAR returned to democratic rule; however, the transition period between the Seleka's seizure of power in March 2013 and the election of Faustin-Archange Touadéra three years later saw widespread violations, including of the right to FoRB. Violence regularly reported during the transition period, such as grenade attacks, bombs thrown into occupied church buildings, looting, desecration of places of worship, and the destruction of buildings providing essential social services.

Since November 2016 armed groups have increasingly split into factions, causing an upsurge in violence, which in turn has led to large scale population displacement. Armed groups continue to operate without restraint across the country, and these groups are responsible for the majority of human rights violations, including of the right to FoRB.

Peace agreement

In February 2019 the government concluded a peace agreement with 14 armed groups operational in the country. Negotiations were led by the African Union and welcomed by the UN. The peace agreement was the 23rd of its kind signed in the CAR over a 13 year period. It called for the immediate surrendering of arms by the armed groups and a cessation of hostilities; however, armed groups continued to use force to demonstrate their displeasure at the power sharing arrangements. Humanitarian organisations, including the World Food Programme (WFP), have continued to report security incidents in the Douala corridor in the west of the CAR, disrupting the transit of food and commodities.

Upon the signing of the agreement, a new prime minister, Firmin Ngrebada, was appointed and a new cabinet announced. The original cabinet only included representatives of ten armed groups, but a revised cabinet was announced on 22 March 2019 which included representatives of all 14 groups party to the agreement.

Impunity

There remain serious concerns regarding impunity, the restoration of rule of law and securing justice for victims of violations. While impunity is mentioned in the text of the peace agreement, there are no mechanisms specifically cited to address the violations perpetrated by leaders of the armed groups that were now in the government. Religious leaders who participated in the peace talks expressed concerns that the negotiated peace agreement could culminate in a return to a transitional administration, resulting in impunity for perpetrators at the heart of government.

The establishment of a Special Criminal Court mandated to investigate and prosecute grave violations is a welcome step. The court, which was created in 2015 by the Transitional Government, began investigating cases at the beginning of 2019. However, while it has received widespread support from the international community, the finances needed to fulfil its mandate are yet to be met. Additionally, the International Criminal Court arrested two anti-Balaka leaders whose cases are being processed in The Hague, while in January 2021, the first Seleka suspect was surrendered to the court. These developments are significant steps towards realising justice. However, they do not adequately challenge the impunity that perpetrators of grave violations of human rights and international humanitarian law have enjoyed since the beginning of the December 2012 crisis.

Recent developments

Continued violence

Despite the signing of the peace agreement in February 2019, violence remains a persistent problem in the CAR today, with numerous incidents reported throughout 2020.

Clashes between the CAR's armed forces and elements of the UPC armed group in Alindao, 300km east of Bangui were reported on 9 January 2020. The tensions had been rising for some time and the clashes resulted in the destruction of two camps for internally displaced persons (IDPs). 650 families sought refuge in a nearby hospital and at least 2000 people were displaced.

On 17 January 2020 two people were killed and 40 houses were razed to the ground in Birao, north-eastern CAR, after tensions between armed groups operating in the region spiralled into violence. On 16 February fighting erupted in Birao resulting in the death of 12 members of the armed group Popular Front for the Rebirth of Central Africa (FPRC). The FPRC attempted to attack an IDP camp and an army base but was repelled by the army and UN Peacekeeping troops, who restored order to the town. The FPRC, a signatory to the government peace agreement, had taken over the town in 2014 and was able to control levies of goods crossing between CAR and neighbouring Sudan.

On 11 February over 100 homes were destroyed and supplies were damaged in an arson attack on an IDP camp located in the Catholic Church compound of Alindao at around 11pm. No one was injured as residents at the camp worked together to extinguish the fire.

Killing of UN peacekeepers

UN peacekeepers continue to be targeted by armed elements. On 25 December 2020 the UN Secretary-General António Guterres condemned an attack on the UN peacekeeping mission in the country, known as MINUSCA, which claimed the lives of three Burundian peacekeepers and left two others injured. Fatal attacks on peacekeepers were also reported in March and July 2020.

On 19 January 2021 the UN reported that two more peacekeepers were killed after their convoy was ambushed by members of armed groups including the anti-Balaka.

December 2020 elections

Violence in the CAR escalated in the lead up to, and the country's parliamentary and presidential elections, following a Constitutional Court ruling against the candidacy of former president Bozize. Soon after a coalition of six major armed groups linked with Bozize, that also comprised former Seleka and anti-Balaka elements, known as the Coalition of Patriots for Change (CPC), announced its intention to disrupt the 27 December elections, launching an extensive campaign of violence in the lead up to voting that included the targeting of the president's second home in Damara. The fighting pitted the allied militia against then national army Minusca, and troops from Russia and Rwanda, whose presence was secured following bilateral agreements between the CAR and their respective governments.

On 4 January President Touadéra was declared to have won a second term in office, with an estimated 53.9% of votes cast - a declaration that was subsequently confirmed by the Constitutional Court on 18 January. However, the political opposition demanded the annulment of the elections on the grounds that fighting had prevented over half of all registered voters from voting.

Ahead of the elections, the UN reported that an over 55,000 people had fled their homes in fear of rising insecurity in the country. In January 2021 it was reported that this number had risen to over 120,000. Additionally, by the end of January a rebel siege of the Bangui-Douala road, the main supply line for the capital, was reportedly having repercussions on food prices, which in turn was exacerbating the suffering of the inhabitants. The armed groups were also reportedly restricting the movement of, and in some cases, forcibly recruiting, civilians.

Recommendations

To the government of the Central African Republic:

- Ensure that the freedom to change religion is guaranteed both in law and in practice.
- Support peace and reconciliation projects that aim to rebuild trust between religious communities.
- Ensure that relevant provisions within the constitution reflect the right to freedom of religion or belief as set out in the ICCPR.
- Work towards disarming and demobilising armed groups operating within the country in order to ensure the right to life and security for all citizens.
- Work to re-establish state authority and administration throughout the territory in order to prevent armed groups from restricting the right to FoRB.
- Ensure that individuals who have committed gross human rights abuses during recent or previous conflicts are brought to justice do not receive political positions or appointment to the armed forces.

To the UN, AU and Economic Community of Central African States (ECCAS):

- Foster dialogue between major protagonists with the ultimate view of revamping and reinitiating the 2019 AU peace agreement.
- Along with relevant parties, including bilateral partners and key regional actors, formulate the most effective collective means of supporting and strengthening governance and key institutions.