

# SECURITY COUNCIL INFORMAL EXPERTS GROUP ON WOMEN, PEACE AND SECURITY

## CENTRAL AFRICAN REPUBLIC

June 15<sup>th</sup> 2016

### *Security Council Resolution 2242 (2015):*

*OP 5. Recognizes the ongoing need for greater integration of resolution 1325 (2000) in its own work in alignment with resolution 2122 (2013), including the need to address challenges linked to the provision of specific information and recommendations on the gender dimensions of situations on the Council's agenda, to inform and help strengthen the Council's decisions, and therefore in addition to elements set out in resolution 2122 (2013), and in accordance with established practice and procedure: (a) Expresses its intention to convene meetings of relevant Security Council experts as part of an Informal Experts Group on Women, Peace and Security to facilitate a more systematic approach to Women, Peace and Security within its own work and enable greater oversight and coordination of implementation efforts.*



## **RECOMMENDATIONS FOR THE SECURITY COUNCIL**

### **Considerations for the mandate renewal of MINUSCA, in light of the strategic review**

The Security Council should maintain the existing request for MINUSCA to consider gender as a cross-cutting issue across all of MINUSCA's work (SCR 2217 (2015), OP 40) and the additional mandate provisions requesting MINUSCA to ensure women's protection and support women's participation (SCR 2217 (2015), OP 32 (a)(iii), (b)(iv), (b)(v), (e)(ii)).

Additionally, there should be an increased emphasis on ensuring that MINUSCA and the country team have the capacity to support women's participation in electoral, disarmament and reintegration, and reconciliation processes, including national dialogues and transitional justice, and regularly engage with women's organizations, as well as protecting women and girls as part of the mission's protection-of-civilians mandate, from emphasis on recruiting women as community liaison assistants to strengthening the capacity of the women's protection unit and the inter-agency mechanisms for monitoring and coordination of both conflict-related sexual violence and sexual exploitation and abuse.

The Council should include strengthened language on reporting by the mission on implementation of the women, peace and security resolutions: e.g. measures to ensure women's adequate participation in upcoming local elections and in DDR/R, SSR, and CVR; the adequate vetting and training of national and international security forces on women's rights and protection; progress on implementing the National Action Plan on Women, Peace and Security; concrete steps taken to end impunity for conflict-related sexual violence, including through the operationalization of the Special Criminal Court –and urging Member States to nominate magistrates and staff for its international component- and the joint rapid response unit of the police and gendarmerie; and trafficking of women and girls, particularly across borders and in mining sites.

The Council should include new and strengthened language on sexual exploitation and abuse (SEA), reflecting the recent independent review of CAR as well as SCR 2272 (2016) and recent developments undertaken by the mission and the country team, with a particular emphasis on the implementation of adequately robust measures taken by the UN or troop contributing countries, including a call to increase the capacity and number of women in all components of the mission, and in particular in immediate response teams tasked with interviewing survivors.

### **Other important issues for the attention of the Council and the mission**

Women's participation and robust gender analysis must be part of the Peacebuilding and Recovery Assessment and all technical and political work undertaken in preparation for the donor conference in Brussels in November.

The Panel of Experts on the Central African Republic must have the necessary gender expertise to adequately report on gross human rights violations committed against women and girls, following up on Resolution 2262 (2016) which includes sexual violence as a designation criteria.

The government of CAR should renew its commitment to prevent conflict-related sexual violence and make CRSV response a priority, including through resource allocation, with the support of the international community, for the effective use of the new joint rapid response unit and the special criminal court.

Dedicated attention by the government is urgently needed to combat women's discrimination and abuse through the accusation of witchcraft, which is still a crime in CAR and leads to extrajudicial killings, torture, and prolonged detention. These acts should be properly investigated and the perpetrators of this abuse should be held accountable.

## BACKGROUND INFORMATION

### **Security Council Resolution 2217 (2015):**

*Condemning the multiple violations of international humanitarian law and the widespread human rights violations and abuses, including (...) sexual violence against women and children, rape, (...) committed by both former Seleka elements and militia groups, in particular the “anti-Balaka”,*

*Recalling its (...) resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013) and 2122 (2013) on Women, Peace and Security and calling upon all parties in the CAR to engage with the Special Representative on Children and Armed Conflict and the Special Representative on Sexual Violence in Conflict,*

*Expressing its concern that (...) women continue to be violently targeted and victims of sexual and gender based violence in the CAR (...)*

*Commending the ongoing role and contribution of the African Union (AU) to the stabilization of the CAR and welcoming the deployment of AU advisors to support the victims of sexual violence in the CAR,*

*8. Urges the Transitional Authorities, as well as the National Elections Authority (NEA), (...) to hold as a matter of urgency and as soon as possible the free, fair, transparent and inclusive presidential and legislative elections (...), ensuring the full, effective and equal participation of women, (...)*

*19. Calls upon all parties to armed conflict in the CAR (...) to issue clear orders against sexual and gender based violence, and further calls upon the Transitional Authorities to investigate swiftly alleged abuses in order to hold perpetrators accountable, in line with its resolutions 1960 (2010) and 2106 (2013), to ensure that those responsible for such crimes are excluded from the security sector and prosecuted, and to facilitate immediate access for victims of sexual violence to available services;*

*32. Decides that the mandate of MINUSCA shall include the following immediate priority tasks:*

*(a) (ii) To provide specific protection for women and children affected by armed conflict, including through the deployment of Child Protection Advisers, Women Protection Advisers and Gender Advisers;*

*(b)(iv) To assist the Transitional Authorities and, subsequently, the elected authorities, in mediation and reconciliation processes at both the national and local levels, working with relevant regional and local bodies and religious leaders, including through inclusive national dialogue, transitional justice and conflict-resolution mechanisms, while ensuring the full and effective participation of women;*

*(b) (v) To devise, coordinate and provide technical, logistical and security assistance to the electoral process and make all necessary preparations (...) including the full and effective participation of women at all levels and at an early stage, in all phases of the electoral process (...)*

*(e)(ii) To monitor, help investigate and report on violations and abuses committed against children, women as well as persons with disabilities, including rape and other forms of sexual violence in armed conflict, and to contribute to efforts to identify and prosecute perpetrators, and to prevent such violations and abuses;*

*40. Requests MINUSCA to take fully into account gender considerations as a cross-cutting issue throughout its mandate and to assist the Government of the CAR in ensuring the full and effective participation, involvement and representation of women in all spheres and at all levels, including in stabilization activities, security sector reform and DDR and DDR/R processes, as well as in the national political dialogue and electoral processes through, inter alia, the provision of gender advisers, and further requests enhanced reporting by MINUSCA to the Council on this issue;*

*43. Requests the Secretary-General to take the necessary measures to ensure full compliance of MINUSCA with the United Nations zero tolerance policy on sexual exploitation and abuses and to keep the Council informed if cases of misconduct occur, and notes the relevance of the guidance on contacts with persons who are the subject of arrest warrants or summonses issued by the ICC;*

## Introduction

1. The completion of the transition, improved security, and the peaceful transfer of power in 2016 are positive signs and important milestones for the Central African Republic. However, the challenges are still monumental. The continued presence, proliferation, and fragmentation of armed groups has led to widespread banditry and criminality, and the illegal exploitation of CAR's natural resources and extortion of its people. Justice, reconciliation, restoration of the State authority throughout the country, the reform of the security sector, and disarmament, demobilization, reintegration and repatriation will have to be pursued in a context of great fragility and massive humanitarian needs. **Last year's humanitarian response plan received only half of the funds it needed, and only 12 percent of this year's appeal has been funded so far.**
2. **This conflict's toll on women and girls has been documented**, including by human rights fact finding missions, commissions of inquiry, and many other actors. The ICC's landmark conviction of Jean-Pierre Bemba, issued in March of 2016, relied heavily on the participation and testimony of thousands of women from the Central African Republic in a historic case where, for the first time, a majority of the charges brought against the defendant were gender-based crimes. A year ago, women's organizations presented a joint agenda of priorities to the Bangui Forum of National Reconciliation, previously agreed upon in nationwide consultations. In spite of being a minority at the forum, some of their priorities were integrated in the thematic pillars of the national dialogue. In 2014, the government adopted a national action plan on women, peace and security. Both frameworks await implementation and funding.

## Women's participation, representation, and leadership

3. **The representation of women in the executive and legislative branches of government is very low:**
  - a. Cabinet/ministerial functions: 4 out of 22 (19%),
  - b. Cabinet presidency: 3 out of 17 (17%) compared to 40% during the transition.
  - c. Parliament: 11 out of 130 (8%).
4. **Women made up 20% of the Bangui Forum on National Reconciliation. Seven out of 25 members of the follow-up committee to implement the recommendations of the Forum are women.** A joint agenda of women's priorities was developed during national consultations and presented at the Forum, ranging from the integration of women's needs and considerations in the DDRR process, an end to impunity for gender-based violence, and a focus on women's economic recovery in community violence reduction programmes.
5. There is currently **no female representation in the committees on DDRR and SSR. The DDRR Agreement does not contain any specific provisions related to female ex-combatants/associated with armed groups/forces.** The eligibility criteria to carry a weapon de facto excludes the women that would have taken on support roles, such as porters, cooks, activists, intelligence, during the conflict. The only provision specifically related to women in the agreement relates to the registration process and that women will be separated from men and have the same opportunities (without mentioning what these are). **As of June 2016, more than 2800 combatants, including 413 women have been engaged in the pre-DDRR activities (14.5 percent).**

6. The **community violence reduction** programme targets 70,000 ex-combatants not eligible for traditional DDR programmes, including women and children. Activities to be implemented include skills training and job placement for women, youth at-risk, and non-eligible combatants; medico-legal support for female victims of SGBV and medico/social and basic education projects for street children; and sensitization and outreach projects. **Labor-intensive cash-for-work projects have benefitted more than 3,000 women out of a total 10,000 beneficiaries.**
7. The **Security Sector Reform** and Defense Advisory Capacity has been carrying out the verification of FACA personnel in collaboration with the Ministry of Defense to establish an authentic and comprehensive database of Central African Armed Forces (FACA) personnel. This database indicates that **4.7 percent of FACA personnel are women.** The FACA has 8,300 people on their payroll, which accounts for 25 percent of public expenditure. The first phase of non-operational two-weeks training conducted by SSR/DAC for the FACA Non-Commissioned Officers ended on May 27<sup>th</sup> and no female officers were among the trainees.
8. Between December 2015 and the first months of 2016, MINUSCA supported CAR authorities with a constitutional referendum, two rounds of presidential elections, two rounds of legislative elections, and subsequent run-offs and other electoral support tasks. However, **women’s representation in parliament is very low (8 percent).** The new Constitution calls for the election of municipal and regional councils that will in turn indirectly elect a Senate chamber. The last **municipal local elections** were held in 1988 in CAR, and will be a **new opportunity to improve women’s representation in decision-making bodies.** In September 2015, the government appointed 1,074 individuals, including 213 women, as members of “special delegations” to serve as municipal councils at prefecture and sub-prefecture levels.
9. **Gender balance in the peacekeeping mission:** The representation of women in the military and police components of MINUSCA is low (below global averages for peacekeeping missions)

	June 2016
Military component	1.3%
Police component	2.7%
Civilians – international posts	28%
Civilians – UN volunteers	31%
Civilians – national posts	21%

**Protection issues and humanitarian concerns affecting women and girls, including conflict-related sexual violence:**

10. In **2015**, MINUSCA verified **79 cases of CRSV**, 36 involving the rape of minors, committed by former Séléka, anti-balaka and Lord’s Resistance Army elements; armed youth and self-defence groups; and gendarmes and the police. From **January to April 2016**, MINUSCA registered at **least 26 cases of sexual violence**, 22 of which were rape.
11. Conflict-related sexual violence continues to remain both a cause and a consequence of displacement, and most incidents are reported during flight, where armed actors demand sex from women fleeing war zones as a form of “payment of passage.” Sexual assaults are so frequent when internally displaced persons leave displacement sites that United Nations agencies have begun distributing warning kits to women, which contain flashlights and whistles to alert local protection committees in the case of emergency.

12. Victims of sexual violence including CRSV are often prevented from reporting to service providers by their own families. **Only 26 per cent of survivors sought assistance within 72 hours, missing a critical opportunity to prevent HIV/AIDS transmission or unwanted pregnancy and to gather forensic evidence.** Moreover, many public structures charge fees for medical services and certificates, which renders them inaccessible to the indigent. Social pressures combined with a lack of reproductive health care make **unsafe abortion a leading cause of maternal mortality and children born as a result of rape are rarely accepted by society.** Sexual violence against men and boys has also been shrouded in cultural taboos. With the establishment of listening centres -a more neutral term for gender-based violence crisis centres- and the recruitment of male staff, the number of men and boys seeking help for sexual abuse has increased significantly. UN protection agencies such as UNFPA, UNHCR, and UNICEF continue to provide medical, psychosocial, and livelihoods assistance to survivors, but these services are critically underfunded. Within MINUSCA, efforts to strengthen training, prevention, coordination, monitoring and reporting are challenged by the understaffing of the **Women's Protection Unit**, an issue that should be addressed in the next budget cycle.
13. In spite of continued efforts by international partners, there is **no confirmation that national authorities have been investigating conflict-related sexual violence despite the urging of international actors.** There is no system to protect victims and witnesses from intimidation, making cases, especially high profile ones, very difficult to prosecute. Magistrates working on high profile cases have reported serious security threats to themselves and their families. In January 2015 a presidential decree was issued for the establishment of a **rapid response unit within the police and the gendarmerie to combat sexual violence**, and an *arreté inter-ministeriel* on February 29<sup>th</sup> 2016 spelled out the staffing and organization of this unit. In June 2015, a **Special Criminal Court** was established with jurisdiction over grave human rights violations. The mission, the country team, including UNDP, UN Women, OHCHR, and the Team of Experts on the Rule of Law and Sexual Violence in Conflict, are supporting these initiatives with capacity building, technical support, logistical support, selection of national magistrates, profiles of international magistrates and staff, and cost estimates, with a view to ensuring that sexual and gender-based violence will be prioritized and adequately addressed. Member States should contribute to the international component with magistrates and staff, and ensure that there is sufficient expertise on gender-based crimes. As the most recent development, a circular note of the Minister of Justice issued on March 8<sup>th</sup> 2016 prohibits the treatment of sexual crimes as simple offence, a practice that was in use since 1998.
14. **Based on data collected through the GBV IMS from January to October 2015, there were more than 60,000 cases of sexual and gender-based violence**, of which approximately 30,000 involved victims of sexual violence, including rape, with a significant increase around the wave of violence that occurred in and around Bangui in September and October 2015. Of the survivors, 27,997 were women and girls and 1824 were men and boys. It is not known how many of these were conflict-related, but **a total of 44 percent involved gang rapes, often committed in front of family members.** The rest were over 11,000 cases of psychosocial or emotional violence, nearly 10,000 cases of denial of resources or services, almost 9,000 cases of physical assault, and 630 cases of forced marriage. It is estimated that **24 percent of girls in CAR are married before their 15<sup>th</sup> birthday**, and **24 percent of women and girls have undergone female genital mutilation.**
15. Many single women, widowers, elderly women, and girls are accused of **witchcraft** and detained, tortured, or killed –including buried alive- by mob justice, which are **often carried out by anti-balaka militias.** Instability and displacement has contributed to factors leading to violent targeting based on witchcraft accusations, including older women abandoned by their families and women

earning a living deemed too good for times of crisis. From November 2015 – March 2016, MINUSCA documented 18 incidents of human rights violations related to allegations of witchcraft, affecting mainly women and children. The Independent Expert on the situation of human rights in CAR has also noted that a number of women have been imprisoned because they have been accused of witchcraft, a criminal offense in CAR. There are estimates that a large majority of women in prisons are detained due to witchcraft accusations, which are made, almost without exceptions, always against women and girls.

16. Addressing **sexual exploitation and abuse by MINUSCA personnel and other international forces** will remain a key priority for MINUSCA in the new mandate. In 2016, 34 allegations against military personnel, two against police personnel, and one against a civilian have been reported. The Secretary-General has reiterated his call to troop- and police-contributing countries to take vigorous and enhanced preventive pre-deployment measures and to ensure swift and appropriate disciplinary action and investigations to ensure accountability and justice for victims. In parallel, the United Nations will continue to implement a series of measures in line with Security Council resolution 2272 (2016) and the recommendations of the high-level external independent review panel on sexual exploitation and abuse by international peacekeeping forces in the Central African Republic.
17. CAR has the **highest maternal mortality rate in Africa**, and the situation has worsened since the start of crisis. There is a **much higher prevalence rate of HIV/AIDS among women (7.8%) than men (4.3%)** within the age group of 15 – 49 years. Girls are well behind boys in terms of **school enrolment and completion** of schooling with the Net Enrolment Ratio (NER) in 2009 at **55% for girls against 71% for boys**.
18. **The scale and intensity of food insecurity are unprecedented: an estimated 2.5 million people are affected – more than half of the population, and almost twice as many as in September 2014.** A joint WFP/FAO assessment in March 2016 found last year's overall crop to be 54 percent below the pre-crisis average. Today, barely 8 percent of available land is used for agriculture. **Female-headed households**, which have increased during the crisis, **are ten percent more affected by moderate and severe food insecurity** than households headed by men. Documents showing ownership or right to housing or land are often in the name of the husband or a male relative, and only ten per cent of couples living together are legally married, which results in women often being evicted from their home upon the death of their spouse or partner.