

Submission from the Internal Displacement Monitoring Centre (IDMC) of the Norwegian Refugee Council (NRC) to the Universal Periodic Review mechanism established by the Human Rights Council in Resolution 5/1 of 18 June 2007

Internally displaced children in the Central African Republic (CAR)

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I. Summary

1. Since 2005, 197,000 people have been internally displaced in the Central African Republic (CAR) due to the armed conflict between the government of François Bozizé and various rebel groups, and because of serious human rights abuses by road bandits known as *Zaraguina* or *coupeurs de route* who take advantage of instability, lawlessness and insufficient security provided by the state. Although the three main rebel groups have signed ceasefire agreements with the government, and negotiations over an amnesty law are paving the way towards a political dialogue and peace process, the security of most people in northern CAR has hardly improved because widespread banditry has replaced political conflict as the main cause of internal displacement. The UN Office for the Coordination of Humanitarian Affairs (OCHA) estimates that a third of all people displaced in CAR were displaced by banditry¹.

2. In July and August 2008, IDMC conducted a fact-finding mission to CAR to research and report on the protection needs of displaced children. IDMC visited Kambakota, Batangafo, Kabo, and Bocaranga, four towns hosting IDPs and located in the northern provinces of Ouham and Ouham-Pendé, two of the regions most affected by violence. Ouham is home to about twelve percent of the country's IDPs; Ouham-Pendé to about twenty-five percent. According to the US Department of State, ongoing violence and insecurity has had a disproportionate effect on children in CAR, who in 2007 accounted for almost fifty percent of all IDPs.² According to UNHCR, the percentage is even higher in Ouham and Ouham-Pendé, where sixty-one percent of IDPs are children.³

3. IDMC found that displaced children in CAR face severe protection problems from ongoing violence and insecurity. Their nutrition, water and sanitation, health, and shelter needs remain largely unmet. Although generalised poverty and underdevelopment in CAR affect all children, displaced children have specific protection needs that make them more vulnerable than children who are not displaced. These have not been adequately addressed by the government of CAR or by the international community in general.

4. Unlike other children, displaced children have suffered trauma after witnessing unimaginable levels of violence such as the killing of family members when their villages were attacked by *coupeurs de route*. During such attacks, some displaced children have been abducted to work as porters of stolen property; while others have been recruited into armed forces or groups. Displaced children are in urgent need of adequate shelter, having been forced to sleep outdoors during the rainy season, despite the risk of contracting malaria or upper respiratory infections. Displaced children face additional economic exploitation as they are forced to work in fields belonging to host communities in exchange for food or meagre pay. Finally, displaced children from minority groups such as the Peulh face ethnic discrimination because many host communities have the mistaken perception that all Peulh are road bandits.

5. CAR has ratified the Pact on Security, Stability and Development in Africa's Great Lakes Region, which entered into force in June 2008. Article 6 of the Pact's Protocol on Protection and Assistance to IDPs commits member states not only to enact national legislation to implement the Guiding Principles into domestic law, but also to create a practical implementation framework. Under Article 72 of the Central African Constitution (2004), the provisions of any international instrument ratified by CAR become binding and have precedence over national laws. One gap that remains, however, is the lack of a specific legal framework to protect IDPs in general and displaced children in particular. The current laws do not provide a sufficiently detailed basis for addressing and responding to the needs of IDPs.

¹ *Armed Bandits Force Tens of Thousands to Flee Homes*, UN News Service, 23 May 2008.

² *Country Report on Human Rights Practices, Central African Republic*, US Department of State, 11 March 2008.

³ *Analyse de Données sur les Personnes Déplacées Internes, Ouham et Ouham-Pendé, RCA*, UNHCR, January – March 2008, p.11.

II. Main human rights concerns for displaced children

Right to life, liberty and security of person, and prohibition of cruel, inhuman or degrading treatment or punishment

Articles 3 and 5, Universal Declaration of Human Rights

6. In 2008, displaced children in the north of the country witnessed and suffered from different forms of human rights abuses committed by *coupeurs de route*. These are well organised and well armed groups, who travel across the porous borders with Chad and Cameroon, even from as far away as Nigeria and Niger. They are believed to include former Chadian soldiers who helped President Bozizé seize power in 2003.⁴ During attacks on their villages by *coupeurs de route*, children saw family members or neighbours injured or killed, their homes looted and sometimes burned, and their family's property, food stocks and animals stolen. Displaced children and their families were forced to flee their homes and either hide in the forest, where they have had no access to basic services, or seek refuge in larger towns, where they depend on help from host communities.

7. IDP leaders interviewed in Kambakota and Batangafo told IDMC that *coupeurs de route* sometimes abduct children and force them to carry looted goods after attacking their villages. Abducted children are released only after they have walked long distances and are too exhausted to go on. One village leader told IDMC, "my brother's son was kidnapped from Kagoué 2. He is only 10 years old and the *Zaraguina* made him walk for an entire day carrying heavy sacs. One of the *Zaraguina* beat him with the back of a rifle when he complained of being tired. They let him go during the night. He was so scared of walking in the dark that he sat by a tree waiting for daylight before trying to walk back to our village. He is afraid the *Zaraguina* will take him again if they attack Kambakota."⁵

8. These are traumatic events that are likely to affect the development of displaced children. To date, the army and police have been completely unable to protect civilians from attacks by *coupeurs de route* due to lack of resources, equipment and training. The army numbers around 5,000 troops, only half of who are on duty at any given time.⁶ The Central Office for the Repression of Banditry (OCRB), a special anti-banditry police squad, operates only in and around Bangui, the capital, and is not present in the north of the country.⁷ While Article 212 of the CAR Penal Code (1961) establishes a penalty of imprisonment from five to ten years for any person who abducts or causes the abduction of a child younger than fifteen, there are no functioning national protection mechanisms in the north of the country that would allow the state to apprehend and prosecute *coupeurs de route* and ensure the protection of children.

Prohibition of recruitment into armed forces or groups

Article 38, Convention on the Rights of the Child; Article 3(a) ILO Worst Forms of Child Labour Convention (No. 182); Article 77(2), Protocol Additional to the Geneva Conventions of 12 August 1949 (I); Article 4(3)(c), Protocol Additional to the Geneva Conventions of 12 August 1949 (II); Articles 8(2)(b)(xxvi) and 8(2)(e)(vii), Rome Statute of the International Criminal Court

9. The three main armed opposition groups in CAR have acknowledged recruiting children into their ranks and using them in hostilities. They are the Popular Army for the Restoration of the Republic and Democracy (APRD), the Central African People's Democratic Front (FDPC), and the Union of Democratic Forces for Unity (UFDR). To date, only the UFDR has signed a joint disarmament, demobilisation and reintegration (DDR) agreement with the government and UNICEF. It has released approximately 450 children from its ranks, seventy-five percent of who were boys between the ages of thirteen and seventeen, and who had participated in military operations and combat for sustained

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

⁵ IDMC interview with the leader of Kagoué 2 village in the town of Kambakota, 18 July 2008.

⁶ *Anatomy of a Phantom State*, International Crisis Group (ICG), 13 December 2007.

⁷ US Department of State, above note 2.

periods of nine months to a year. Around ten percent were boys as young as ten.⁸ While these children were released into their families and communities, it is widely believed that neither the government nor UNICEF fulfilled their obligations under of the joint DDR agreement: they did not follow up on the whereabouts of the children and did not develop reintegration programmes, mostly due to insufficient funding and inability to engage NGO partners.

10. In June 2007, APRD requested assistance from the UN county team to demobilise child soldiers and estimated having around 500 children, including girls, in its ranks. In May 2008, the Representative of the Secretary-General for Children and Armed Conflict visited CAR and met with rebel leaders. APRD agreed to prepare a list of all children in its ranks, but said it will only release them after proper arrangements have been made with UNICEF for their protection.⁹ APRD commanders are worried about not making the same mistakes that were made with the children who were released from UFDR ranks.¹⁰ In October 2008, the UN Peacebuilding Fund allocated US\$2 million to UNICEF for demobilization, disarmament and reintegration of child soldiers.¹¹ This is a welcome development as it will allow for engagement with the government and NGOs, proper reintegration programming, and protection guarantees. Finally, according to humanitarian workers present in areas of displacement and to a report by the Coalition to stop the use of Child Soldiers, children are also thought to be present in government armed forces, but are not believed to be actively involved in hostilities.¹² The government, however, has not acknowledged having children in its ranks.

11. The establishment of a country Task Force to implement a Monitoring and Reporting Mechanism (MRM), in accordance with UN Security Council Resolution 1612, is being led by UNICEF. While an effective monitoring, reporting and compliance system depends largely on the collaboration of a number of critical stakeholders, including NGOs, those working on the ground with displaced communities and demobilized child soldiers are reluctant to join the task force because of concerns that confidential and sensitive information will be made public. This is particularly important if reporting is to be done on individual cases or on issues that can be easily traced back to original sources and that could potentially jeopardise the safety of NGO staff and beneficiaries.¹³

Right to an adequate standard of living

Article 25(1), Universal Declaration of Human Rights

12. In March 2008, around 1,400 IDPs arrived in Kambakota from Kagoué 2, Kambadji and Kassai, three villages located about 25 kilometres to the north along different roads. They were brutally attacked by *coupeurs de route* who killed 37 civilians. In July 2008, the Mayor of Kambakota told IDMC that these IDPs are more vulnerable than the local population: they have inadequate shelter, insufficient food to feed their children, and no access to potable water. While the municipality lent them a plot of land adjacent to the town to build temporary shelters, it had no construction materials, such as bricks, to give them.¹⁴ IDPs had no choice but to build small huts from natural materials found in the forest, such as leaves and sticks, which do not adequately protect them from the rain. They have been forced to drink backwater as they don't have access to potable water from the town's well because it cannot sustain 1,400 IDPs in addition to the local population estimated at around 1,300 people.

13. In July 2008, the Kambakota health centre received a limited a stock of medicines from Médecins

⁸ Report of the Secretary-General to the UN Security Council on children in armed conflict, 21 December 2007.

⁹ *CHAD-CAR: Hundreds of children to be released from armed groups*, Office of the Special Representative of the Secretary-General for Children and Armed Conflict, 31 May 2008.

¹⁰ Confidential IDMC interview with UNICEF staff, 15 July 2008.

¹¹ *News Bulletin 80*, Humanitarian and Development Partnership Team (HDPT), 6 – 13 October 2008.

¹² *Child Soldiers Global Report 2008*, Coalition to stop the use of Child Soldiers, May 2008.

¹³ IDMC interviews with international NGOs, July and August 2008.

¹⁴ IDMC interview with the Mayor of Kambakota, 18 July 2008.

sans Frontières Espagne (MSF-E), who have been unable to conduct mobile clinics in the area due to ongoing insecurity.¹⁵ The MSF-E donation allowed the centre's attendant to treat the local population as well as IDPs. He told IDMC that the most recurrent illnesses among displaced children under the age of five are diarrhea, malaria and acute respiratory infections, usually in the form of pneumonia. While children who are not displaced are also affected by these diseases, especially due to a higher prevalence during the rainy season, displaced children have been unable to recover because they are also weakened by malnutrition. Ernest, a ten-year old boy from Kagoué 2, told his story: "I came to Kambakota with my parents and my siblings. I have two sisters and five brothers. The Zaraguina attacked our village and we had to walk for two days to get here. We made two small huts from leaves and tree branches and that is where we live. I sleep on leaves and put a sack on top of the leaves to stay dry. During the day, I go into the forest with my brothers to find things for the family to eat. Sometimes we find wild yams. Sometimes the neighbors from Kambakota give us manioc leaves. I don't have any clothes and I'm hungry a lot."¹⁶

14. The Ministry of Social Affairs is the government office charged with coordinating assistance to IDPs. However, despite its mandate, it lacks any real capacity to respond to the needs of IDPs, including displaced children, because of severe under funding and under staffing. To date, the government has provided no assistance to IDPs in Kambakota. This fact is part of a wider and more chronic crisis in CAR: the total lack of social services in health, water and sanitation, and education due to very low levels of government spending in these areas.¹⁷ International assistance to IDPs in Kambakota has also been minimal. UN agencies including WFP, WHO, and UNHCR have conducted several assessment missions but have been slow to respond to urgent needs. By August 2008, only MSF-E and the Norwegian Refugee Council (NRC) had provided assistance to IDPs in Kambakota. MSF-E through donation of medicines to the health centre: NRC through emergency education, by providing school materials such as a blackboard and notebooks for the children, and by training the displaced *maitre-parents*.¹⁸ Displaced parents built benches made of logs for their children, and the classroom itself is an open space among the makeshift shelters where they currently live. Chancela, a nine-year old girl from Kagoué 2, told IDMC: "I go to school everyday but I only have one notebook and it got wet from the rain."

Prohibition of economic exploitation

Article 32(1), Convention on the Rights of the Child; Article 3, ILO Minimum Age Convention (No. 138)

15. While Article 125 of the CAR Labour Code (1961) sets the minimum age of employment at fourteen, displaced children as young as seven are working as field hands, in plots belonging to host communities, in exchange for food or meagre pay. In July 2008, IDMC interviewed the Mayor of Croissement Moissala, who is displaced in Batangafo and represents the six villages that make up Croissement Moissala. He explained that displaced families in Batangafo are facing enormous difficulties because they are unable to provide food for themselves and for their children. They lost their food stocks when their villages of origin were attacked by *coupeurs de route*, and are now surviving thanks to small food contributions from the local community in Batangafo. Displaced children are bearing the brunt of this problem: local families hire them to harvest peanuts and manioc, which is gruelling work done for long hours under extreme heat and humidity. Most children get paid with a small portion of the peanuts or manioc leaves they have harvested. Others can earn up to 300 francs per day (less than 40 cents in USD). The Mayor of Moissala confirmed that most displaced children hired to work as field hands are between the ages of seven and ten, and are both girls and boys.¹⁹ Displaced children are also working in the Batangafo market. They go to the forest in small

¹⁵ IDMC interview with MSF-E staff, 19 July 2008.

¹⁶ IDMC interview with IDP girl in Kambakota, 18 July 2008.

¹⁷ *Poverty Reduction Strategy Paper 2008-2010*, Ministry of Economy, Planning and International Cooperation, Central African Republic, September 2007.

¹⁸ These are parents who have functional literacy and who volunteer to teach because of lack of teachers in their children's schools. The French term *maitre-parents* literally means 'teacher-parents'.

¹⁹ IDMC interviews with the Mayor of Croissement Moissala, 18 and 19 July 2008.

groups to collect firewood, hay, mushrooms, and caterpillars, which then get sold in market by their mothers; or they are hired by local merchants to help unload trucks transporting goods from Chad.

16. In Batangafo, NRC is providing emergency education for local and displaced children free of charge. But displaced children who work as field hands and in market are unable to attend. They are living in a situation where food and other needs have to be met as a matter of urgency, obtainable by any means. The result is that their education is being interrupted and their long-term development jeopardised. To date, there is no government agency, including the Ministry of Labour, monitoring the economic exploitation of displaced children in the north of the country. The existing National Human Rights Commission is not an independent institution and has not included the monitoring of the human rights of displaced children in its work.

Prohibition of racial or ethnic discrimination

Articles 5(b) and 5(e), International Convention on the Elimination of All Forms of Racial Discrimination

17. Displaced children from Peulh minority groups are being specifically targeted by *coupeurs de route* in the north of the country. The Peulh are traditionally nomadic herders and constitute a minority group in CAR. *Coupeurs de route* have adopted the practice of kidnapping Peulh children, and then demanding that Peulh herders sell their cattle and use the money to buy their release. The Peulh are specifically targeted because they can sell their cattle to pay ransoms that subsistence farmers would be unable to pay.²⁰ The sums are exorbitant, sometimes as high as twelve thousand USD per child. Kidnapped children are kept hostage for long periods of time, sometimes for up to a year, until families can come up with the ransom. Some children have been killed when families have been unable to produce the total amount.²¹ These attacks have become so frequent that many Peulh have been forced to flee to Cameroon. UNHCR puts the number at 45,000.²² Others have been forced to settle among subsistence farmers, in towns like Bocaranga, and are struggling to adapt to a new way of life. To date, the army and police have been completely unable to protect Peulh children from violence and bodily harm perpetrated by *coupeurs de route*.

18. In July 2008, IDMC interviewed a group of displaced Peulh women and children in Bocaranga. The leader of the Association of Peulh women spoke about their plight and the difficulties facing their children. The fact of having had to settle among subsistence farmers is taking a specific toll on Peulh children, because parents have been unable to provide for their nutrition needs. They are in the process of learning how to farm in order to decrease their dependency on cattle for milk and meat, but they are still waiting to be assigned plots of land by local authorities. The Sous-Préfet of Bocaranga told IDMC that he has been trying to negotiate a type of land leasing arrangement with the local communities, but has been unsuccessful to date. Local communities are reluctant to rent plots of land to displaced Peulh families, and would rather hire them as field hands or day labourers.²³ According to Médecins sans Frontières France (MSF-F), displaced children from Peulh families are the biggest referral group to the Therapeutic Feeding Centre they are currently running in Bocaranga.²⁴ In addition, discrimination has only worsened the situation: Peulh families, for example, are unable to sell milk in market because locals are unwilling to drink “Peulh milk”.²⁵ Furthermore, the local population is fearful of the Peulh. Because they are nomadic, they are often mistakenly linked to *coupeurs de route* and are perceived as potential aggressors. *Coupeurs de route* are regularly referred to by the local population, including local authorities, as Peulh. The Mayor of Bocaranga told IDMC that most displaced Peulh children do not go to school because their families cannot afford to pay school fees.²⁶ While Article 5 of the CAR Constitution (2004) prohibits racial or ethnic

²⁰ *War against children in the wild north*, Amnesty International (AI), November 2007.

²¹ *Ibid.*

²² *Fact Sheet, Central African Republic*, UNHCR, October 2008.

²³ IDMC interview with the Sous-Préfet of Bocaranga, 24 July 2008.

²⁴ IDMC interview with MSF-F staff, 27 July 2008.

²⁵ IDMC interview with several Peulh women in Bocaranga, 25 July 2008.

²⁶ IDMC interview with the Mayor of Bocaranga, 24 July 2008.

discrimination, displaced Peulh children in CAR face discrimination on a daily basis.

III. Recommendations to the Government of CAR

19. Implement the Guiding Principles as a framework for providing protection and assistance to IDPs, including through the enactment of national legislation, in accordance with state obligations under the Pact on Security, Stability and Development in Africa's Great Lakes Region (see Article 6 of the Pact's Protocol on Protection and Assistance to IDPs).²⁷

20. Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

21. Encourage the APRD, FDPC and UFDR rebel groups to release all children under the age of 18 currently serving in their ranks, and to end further recruitment and use of children in accordance with international obligations under UN Security Council Resolution 1612, and with discussions held with the Special Representative of the Secretary-General for Children and Armed Conflict in May 2008.

22. Work closely with UNICEF to determine if there are children under the age of 18 in the Central African armed forces, and if so, release them in accordance with international obligations.

23. Re-establish and strengthen the presence of the state in the north of the country by (1) restoring social services in health care, water and sanitation, and primary education, and (2) providing security through training, outfitting and deploying security forces to protect displaced communities from further attacks by *coupeurs de route*, and by appealing for cooperation and funds from the UN Peacebuilding Commission's programmes to rebuild communities affected by conflict, and promote good governance, rule of law, and security sector reform.

24. As part of security sector reform, revise training materials used by security forces to include comprehensive child protection training as a preventative measure against the recruitment of children into armed forces.

25. Strengthen the existing National Human Rights Commission by making the necessary changes to its statute and mandate to bring it into line with the Principles Relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles), and by allocating adequate funding. The commission should include the human rights of IDPs, and in particular of displaced children, in its work.

The information in the present submission is fully referenced and developed in more detail in the IDMC report on the situation of displaced children in CAR. The report and IDMC's CAR country profile can be accessed at <http://www.internal-displacement.org>.

²⁷ See *The Great Lakes Pact and the Rights of Displaced People: A Guide for Civil Society*, Internal Displacement Monitoring Centre, September 2008. For guidance to national authorities seeking to prepare and enact domestic legislation and policies addressing internal displacement in their country, see *Protecting Internally Displaced Persons: A Manual for Law and Policymakers*, Brookings-Bern Project, October 2008.