

Central African Republic

1. Discriminatory family code

Under article 209 of the Family Code, the **minimum age for marriage** in Central African Republic (CAR) is 18 for women and men.¹ However, an exemption to this provision can be granted by the public prosecutor on serious grounds. The law only recognises marriage entered into by consent of both parties.² However, in 2012, the Committee on the Elimination of Discrimination against Women (CEDAW) reported that the customary practices of forced marriage and **early marriage** were practiced in CAR.³

Although the 1998 Family Code provides equal rights for men and women in marriage, according to the United States Agency for International Development (USAID), customary law and practices continue to govern women's rights within the family, including with regard to **parental authority** and family decision-making.⁴ According to a 2009 survey by the international NGO Mercy Corps, one in three women said they were excluded from decision-making in their households.⁵ Further, single, divorced or widowed women, even those with children, are not considered heads of household.⁶ In its 2012 list of questions to CAR, the Committee on the Elimination of Discrimination against Women (CEDAW) asked whether the government intended to amend legislation to address laws – customary and otherwise – that currently discriminate against women with regard to decision-making in the family, choosing family residence and parental authority.⁷

Although the Constitution grants women equal rights to own property and women and daughters have the right to inherit property under formal law,⁸ in its 2012 list of questions to CAR, CEDAW noted that, in practice, women were discriminated against with regard to **inheritance** rights,⁹ a concern also expressed in the 2009 United Nations Universal Periodic Review of CAR.¹⁰ Further, in 2009, Mercy Corps reported that widows were particularly vulnerable to violations of inheritance

¹ CEDAW (2012a), p. 90

² United Nations Human Rights Committee (2005), p. 37

³ CEDAW (2012b), p. 6

⁴ USAID (2010), p.7

⁵ US Department of State (2011)

⁶ US Department of State (2013)

⁷ CEDAW (2012b), p. 6

⁸ USAID (2010), p.7

⁹ CEDAW (2012b), p. 6

¹⁰ United Nations General Assembly (2009a); United Nations General Assembly (2009b)

rights, citing the common practice of in-laws taking property legally due to the wife and dependents.¹¹

The Family Code provides equal **divorce** rights for men and women. While the specificities of the divorce rights are dependent on the type of marriage, whether it be civil or customary, both spouses have the right to initiate the divorce procedure.¹²

2. Restricted physical integrity

There is also no specific law criminalising **domestic violence**; however there was a plan of action (2007-2011) prohibiting violence against any person with penalties of up to 10 years in prison.¹³

In 2006, the government introduced a law on the protection of women against violence which covers **rape**.¹⁴ Marital rape or spousal rape is not specifically prohibited and yet, article 46 of the Penal Code provides that spousal murder under circumstances of adultery is considered a “forgivable murder”.¹⁵

Gender-based violence in CAR must be considered in the context of the relatively recent armed conflict and its aftermath. A 2004 report by Amnesty International brought attention to the widespread and systematic rapes of women in CAR, perpetrated by combatants of all sides between 2001 and 2003, and nearly 10 years on, recently released another report on the “crisis spiralling out of control” in CAR.¹⁶ The 2004 report found that girls as young as 8 years old and women as old as 60 were raped during the conflict. Women who attempted to resist were in some cases reportedly beaten severely, stabbed or even killed. The report also highlighted the impunity enjoyed by perpetrators. In 2009, the United Nations Human Rights Council also drew attention to reports of sexual, gender-based and other forms of violence against women, including rape, in and outside refugee camps and displaced persons sites and in several villages.¹⁷ In 2013, the United Nations Human Rights Office of the High Commissioner found that violence, including violence against women, continued to be widespread in CAR and, further, that “the rule of law is almost non-existent, and abuses of power and impunity have become the norm,”¹⁸ which is echoed in the Amnesty International 2013 report, where troops were found to have committed human rights violations – including rape – with total impunity.¹⁹

In 2006 law on the protection of women against violence also covers **sexual harassment** in the workplace.²⁰

There is evidence that **female genital mutilation** is practised in CAR with 24% of women having experienced some form of FGM.²¹

¹¹ Mercy Corps (2009)

¹² Articles 295-305 of the Civil Code

¹³ US Department of State (2013)

¹⁴ Global Legal Information Network (2010); CEDAW (2012b)

¹⁵ CEDAW (2012b), p.4

¹⁶ Amnesty International (2004)

¹⁷ United Nations General Assembly (2009b)

¹⁸ United Nations Human Rights (2013)

¹⁹ Amnesty International (2013)

²⁰ Global Legal Information Network (2010); CEDAW (2012b)

²¹ ICASEES (2013)

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Although sexual violence associated with the conflict has been widely acknowledged as a serious problem, there is a scarcity of data available on the prevalence of violence against women. Citing a baseline 2009 study by an international NGO, the US Department of State reported that 25% of women reported experienced violence from a partner.²² The study also found that attitudes normalising violence against women were common with 80% of women aged 15–49 who think that a husband/partner is justified in hitting or beating his wife/partner for at least one of the following reasons: if she burns the food, argues with him, goes out without telling him, neglects the children or refuses sexual relations.²³

The lack of enforcement of laws prohibiting violence against women and under-reporting of incidents due to social stigma are key challenges in the response to violence against women.²⁴ In 2009, the Universal Periodic Review Working Group commended the government's 2007-2011 national action plan to tackle gender-based violence, however the need to increase efforts to combat sexual violence was consistently reiterated.²⁵ CEDAW's 2012 list of questions to CAR, in preparation for their July 2014 session in front of the Committee, included specific questions about plans to address violence against women, both at the legislative and implementation levels.²⁶

Limitations on women's reproductive rights also infringe upon the physical integrity of women in CAR. **Abortion** is not permitted in CAR, with the exception of saving a woman's life. It is not permitted in the case of pregnancy after rape, or to preserve a woman's physical or mental health.²⁷

3. Son bias

The male/female **sex ratio** for the working age population (15-64) in 2013 is 0.98 while the sex ratio at birth is 1.03.²⁸ There is no evidence to suggest that the Central Africa Republic is a country of concern in relation to **missing women**.

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In 2012, there were 65,962 male children out of **school**, compared to 127,690 female children. In addition, the ratio of female to male primary school enrolment was 74% in 2012 and 51% for secondary education.²⁹ Data from 2008-2012 provided by UNICEF also indicates a significant gender gap in primary and secondary education.³⁰

Based on 2002-2012 data from UNICEF, **child labour** slightly affected females more than male children.³¹

²² US Department of State (2011, 2013)

²³ *OECD (2014), Gender, Institutions and Development Database*, <http://stats.oecd.org>

²⁴ US Department of State (2011)

²⁵ United Nations General Assembly (2009c)

²⁶ CEDAW (2012b), p.4

²⁷ United Nations Department of Economic and Social Affairs (2013)

²⁸ CIA, <https://www.cia.gov/library/publications/the-world-factbook/fields/2018.html> (accessed 25/04/2014)

²⁹ World Bank (n.d.)

³⁰ UNICEF. http://www.unicef.org/infobycountry/car_statistics.html (accessed 25/04/2014)

³¹ UNICEF. http://www.unicef.org/infobycountry/car_statistics.html (accessed 25/04/2014)

4. Restricted resources and assets

There is limited information available on the women's legal position in relation to **land, non-land assets and financial services**. The 2004 Constitution provides for equality of men and women in all areas, which should extend to land, property and credit. However, in 2010, the US Agency for International Development reported that, although the law did not discriminate against women in property rights, discriminatory customary laws often infringed women's rights in these areas.³²

Further, the 2008-2010 Poverty Reduction Strategy Paper for CAR noted that women are rarely involved in the management and control of resources due to discriminatory social and legal practices. In particular, women experienced barriers in accessing bank loans due to the need for securities and guarantees.³³ According to the latest data from the World Bank, however, in 2011, a slightly higher percentage of women – 3.4 – than men – 3.2 had accounts at formal financial institutions. The same percentage of men and women – 0.9 – had received loans from a financial institution in 2011.³⁴

5. Restricted civil liberties

While there are no blanket legal restrictions on women's freedom of movement in CAR, women's **access to public space** has been severely affected by the ongoing conflict and civil unrest. In addition to sexual violence, the US Department of State reports in 2011 and 2013 indicate that women were particularly targeted and detained by authorities (sometimes for their own safety from public mobs) for the practice of witchcraft, which is a crime under the Criminal Code punishable by imprisonment and sometimes execution.³⁵ In one region, in 2010, a reported 18% of women in prison were being detained for accusations of witchcraft.³⁶ A 2009 report by UNICEF found that children and elderly people were also at risk of witch accusation in CAR, though exact numbers of the accused victims was unknown.³⁷

Further, women's freedom of movement is also restricted by the husband's right to choose the family's place of residence (as noted in the Family Code section). The UN Human Rights Committee and the Committee on the Elimination of Discrimination against Women have asked the Central African Republic to adapt the Family Code to reflect international standards, particularly with regard to the choice of residence.³⁸

With respect to **political voice**, the US Department of State reports that a 2003 government-sponsored national dialogue agreed that women were to occupy 35% of political positions.³⁹ The Central African Republic appears as a country with no gender **quotas**, according to the Quota Project.⁴⁰

³² USAID (2010)

³³ Central African Republic (2007), p. 32

³⁴ World Bank (2013)

³⁵ US Department of State (2011, 2013)

³⁶ US Department of State (2011)

³⁷ UNICEF (2009)

³⁸ United Nations Human Rights Committee (2006); CEDAW (2012b)

³⁹ US Department of State (2011)

⁴⁰ The Quota Project (n.d.)

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The constitution guarantees equal **employment** opportunities on the grounds of sex,⁴¹ and equal remuneration is guaranteed under Section 10 of the Labour Code.⁴² Further, the International Labour Organization reports that, under the Labour Code (Section 255) and Social Security Code (Section 57), CAR provides women a 14-week **maternity leave** payment at a rate of 50% of earnings. However, a condition of the payment is that the woman has to terminate any remunerated employment.⁴³

⁴¹ United Nations Human Rights Committee (2005), p. 17

⁴² ILO (2011)

⁴³ ILO (2011)

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