



General Assembly

Distr.: General
26 February 2019

English only

Human Rights Council

Fortieth session

25 February–22 March 2019

Agenda item 10

Technical assistance and capacity-building

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), International-Lawyers.Org, United Towns Agency for North-South Cooperation, non-governmental organizations in special consultative status, International Educational Development, Inc., World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2019]

* Issued as received, in the language(s) of submission only.



Attacks on Aid Workers and Situation of Children in the Central African Republic

Focus

This statement focuses on violations of international humanitarian law in the Central African Republic, and in particular on crimes against humanitarian efforts amidst the current conflict. Furthermore, the situation of children is only getting worse as malnutrition and other ailments consume the population. Measures of accountability appear to be in place, however, the necessary resources to ensure functionality of these measures is definitely lacking.

Background

Central African Republic (CAR) is a resourcefully rich country but poor in economic and development standards. It should also be noted that there are more people living in extreme poverty in CAR now than a decade ago. The country is ranked second to last (188 out of 189 countries) in the United Nations Human Development Index (HDI) ranking of 2018; the HDI is a composite indicator that measures life expectancy, income, and education. Half of the population does not have access to clean water and three quarters are without basic sanitation. Furthermore, CAR has a school drop out rate of 70 percent.

Despite these statistics, CAR has made notable progress in the field of human rights in recent years. These achievements have been well acknowledged by member states of the UN Human Rights Council especially during the 39th Regular Session of the Human Rights Council and during CAR's Third Review of the Universal Periodic Review (UPR) Process.

In December 2013 the country descended into violent conflict that destroyed people's homes, communities, and displaced over 1 million people. Most of the fighting is orchestrated by armed groups and factions, especially by ex-Séléka groups and the anti-Balaka groups. In recent years humanitarian workers and Internally Displaced Persons (IDP) sites have been targeted by the armed perpetrators. Attacks against aid-workers in CAR have more than quadrupled, from 67 incidents in 2017 to 294 in only the first eight and a half months of 2018¹. It has become one of the most dangerous places for humanitarian workers.

Armed groups in CAR are fighting for resource-rich lands, however, they mostly target innocent civilians and basic facilities including sites where displaced people take shelter rather than fighting against each other². Approximately, 643,000 people, most of whom were children, were displaced across CAR and another 573,000 fled to neighbouring countries to seek refuge.

Human Rights Violations against Humanitarian Workers

In 2017, armed groups attacked the United Nations Multidimensional Integrated Mission in CAR (MINUSCA). In early 2018 there were recurrent attacks on MINUSCA by members of anti-Balaka groups as well as splinters from ex-Séléka members in different parts of the country. Additionally, in March anti-Balaka members attacked MINUSCA once again at a checkpoint of an Internally Displaced Persons (IDP) Camp in Bria and a MINUSCA temporary base in Tagbara the following month.

On October 31 and November 1, 2018, armed groups attacked and set ablaze the IDP site in the town of Batangafo (Ouham, Northwest CAR) killing four IDPs and displacing 27,000 IDPs from the sheltered site. Crucial areas and infrastructure were also destroyed. A couple of weeks later on 15 November another attack was made on a Catholic Mission IDP site in Alindao where several dozen people were killed and the site's crucial infrastructure was also destroyed. The armed-groups killed civilians and destroyed and looted homes further

¹ <https://reliefweb.int/report/central-african-republic/crisis-central-african-republic-neglected-emergency-children-need>

² <https://reliefweb.int/report/central-african-republic/crisis-central-african-republic-neglected-emergency-children-need>

deteriorating the serious human rights situation in the country. 40,000 people were re-displaced and tensions were heightened as a result³.

For the year of 2018, 396 incidents involving humanitarian workers were recorded and it is a 17.5% increase from the previous year. In addition, warehouses were looted and humanitarian vehicles were stolen among other incidents, which in turn caused 25 humanitarian organisations to temporarily suspend their activities⁴.

In early January 2019 violence broke out in Bambari and violence and insecurity in Bakouma (Mboumou prefecture) caused 6,183 displacements; the security situation has also worsened in Alindao and other parts of the country. At the end of January, a rebel group killed a guard working for a non-governmental organisation (NGO) in Batangafo town. These continuous attacks and violence on innocent civilians and humanitarian workers threaten the livelihood of people in CAR and poses a tremendous threat to its future generations.

Children in CAR severely affected by armed conflict

The situation of children in CAR is extremely alarming and needs to be seriously addressed. One in four children are either displaced or a refugee. Worse still, the armed conflict has deteriorated the health and nutrition situation for children. As previously mentioned, the attacks on humanitarian and aid workers adversely impacts their efforts toward attending to the needs of children.

Children's nutrition and health is one of the most concerning issues and it is deeply worrying that reports of malaria and other serious ailments have surfaced. According to UNICEF, 1.5 million children require humanitarian assistance (November 2018). UNICEF and partners are also planning to admit 30,570 children between 6 to 59 months of age for therapeutic care; 82,068 people and children under 5 years of age in IDP sites and enclaves with access to essential health services and medicines; and also, the release of 3,000 children from armed forces or groups. In light of this, UNICEF estimates the cost of requirements for 2019 is US\$59,000,000⁵. In addition, the security for health personnel is in jeopardy and they have to work under extremely difficult security conditions such as gunfire near hospitals, meaning that additional costs to upgrade security will have to be considered.

Children, some of the most vulnerable of society, have been recruited by armed forces and forced to work as child soldiers. Along with the serious health and nutrition concerns, children in CAR face additional dangers. The armed conflict has trapped thousands of children within armed groups. The recruitment and use of children during conflict is identified and condemned by the UN Security Council as one of the 'six grave violations'. It is a serious violation under human rights law, international humanitarian law, and other international instruments and is defined as a war crime by the International Criminal Court (ICC).

Accountability

According to Jean Pierre Waboe, Vice-president of CAR's Constitutional Court, the problem with justice in the country is that it is perceived as too formal, too complex, too distant, and too slow to respond. He added that the country needed a legitimate, functioning, and credible judiciary system that can deliver justice that is immediate, operative, and that helps populations.

The newly established Special Criminal Court in CAR is meant to complement the ICC with ongoing investigations into war crimes and crimes against humanity committed in CAR since 2003; including widespread crimes, material destruction, and rape and sexual violence. To date there have been no prosecutions and no justice to the victims.⁶

³ <https://reliefweb.int/report/central-african-republic/unicef-central-african-republic-humanitarian-situation-report-15>

⁴ <https://reliefweb.int/report/central-african-republic/central-african-republic-humanitarian-coordinator-condemns-killing>

⁵ <https://www.unicef.org/appeals/car.html>

⁶ <https://reliefweb.int/report/central-african-republic/car-provides-hard-lessons-what-it-means-deliver-real-justice>

Moreover, on the 9th of January 2019 Prime Minister Simplicie Sarandji approved policy documents that would help reform the judiciary sector. The first document is aimed at bringing a holistic reform strategy for the judiciary, the second focuses on health issues in the penitentiary system, and the third document addresses demilitarisation of the court's penitentiary system⁷. However, in order to fully and successfully implement these strategies the technical and financial capacity would first have to be met.

As a consequence of the crisis and armed conflict in CAR the budget for the Ministry of Justice is just over one percent. Moreover, jurisdictions, judiciary institutions, and the penitentiary administrations are hard hit, suffer greatly, and some are no longer functional. These side issues must be addressed as well as the issue of overcrowding in detention facilities.

Conclusion

The poor economic condition for the people of CAR is now coupled with an armed conflict, which directly targets innocent civilians and humanitarian efforts that attempt to provide security and improve health conditions for affected persons and vulnerable groups. The places where children would normally seek refuge, such as schools, hospitals, and places of worship are increasingly being attacked and worse still, reaching children who need basic assistance has become more dangerous and even deadly.

The warring parties in Central African Republic must take all measures to immediately cease attacks on humanitarian and aid workers. Furthermore, CAR must urgently strengthen its judicial system to ensure perpetrators are held to account, especially in consideration of aggressors who attack health personnel and humanitarian workers and sites. To this end the Human Rights Council and the international community at large must provide all necessary technical and assistance and capacity-building to achieve adequate security for health personnel and aid workers.

If progress on accountability is not immediately made, the rights of civilians and the lives of the innocent, including women and children will drastically be threatened. Human rights violations including sexual violence, torture, abduction, deprivation of liberty, arbitrary arrests, inhuman and degrading treatment, attacks on aid workers, and recruitment and use of children by armed groups to the conflict will persist with impunity. Parties to the conflict must abide by the duty to respect civilian populations including medical staff and humanitarian operations. Transitional justice must also include the right to access of justice and right to a fair trial. Without the help and assistance from the international community an entire generation in CAR is deemed to be lost.

We recommend the Human Rights Council to:

- Create a fund to support technical assistance and capacity building of the judiciary systems and schools.
- Provide the necessary human rights training and education to authorities and security forces.

Geneva International Centre for Justice (GICJ), Association Maonah for Human Rights and Immigration, The Arab Lawyers Association-UK, Human Rights Defenders (HRD), The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), Organisation for Justice & Democracy in Iraq (OJDI), NGO(s) without consultative status, also share the views expressed in this statement.

⁷ <https://www.penalreform.org/news/reconstructing-the-central-african-republic-will-require-a/>