

REPARATIONS FOR SURVIVORS OF CONFLICT-RELATED SEXUAL VIOLENCE



COUNTRY BRIEFING: CENTRAL AFRICAN REPUBLIC

Official Register of Survivors of conflict-related sexual violence (CRSV): None.

Commonly cited number of CRSV Survivors: [ICC Prosecutor v. Bemba](#) referred to 5,829 victims of the 2002-2003 conflict, nearly half of whom are survivors of sexual violence. The [OHCHR](#) reported 29,801 cases of victims of sexual violence from the 2012 to 2015 conflict. Of them, 27,977 were female and 1,824 were male. The UN Secretary-General reported 988 cases between 2016 and 2020, each of which may have involved several survivors¹.

Estimated Real Number of CRSV Survivors: CRSV has been systematised as a weapon of war in the Central African Republic throughout recent conflicts. This along with stigmatisation and rejection of survivors means that official figures are significantly underestimated.

Domestic Legal Framework for Administrative Reparations Programme: CRSV has been systematised as a weapon of war in the Central African Republic throughout recent conflicts. This along with stigmatisation and rejection of survivors means that official figures are significantly underestimated.

Mechanism to implement Administrative Reparations Framework: Not yet, although the eleven Commissioners of the TJRRC, mandated to propose a reparation programme and establish a national reparation fund, were sworn in July 2021.

Domestic Avenues for Reparations through Courts: Yes, but only some isolated trials involving members of armed groups between 2018-2020 have awarded reparations in the form of compensation to the civil parties and symbolic compensation to human rights NGOs, albeit not for CRSV. The mandate of the [Special Criminal Court](#) also allows it to order individual and collective reparation measures, but the SCC has yet to hold a trial, make a conviction and order any such measures.

Approximate Number of Survivors having received any formal Reparations for CRSV: 0

Survivor Perception regarding state of Implementation of Reparations: Survivors need to see their right to reparation materialise. They are tired of hearing about reparations without seeing any being implemented, and rely mostly on international organisations rather than the State to provide support.

Ongoing CRSV: Yes.

¹[S/2017/249](#) ; [S/2018/250](#) ; [S/2019/280](#) ; [S/2020/487](#)



Nature and Scope of CRSV

CRSV is part of a wider system of discrimination, marginalisation and violence against women and girls across the Central African Republic. In late 2002 and 2003, the *Mouvement de Libération du Congo* used CRSV as a deliberate tactic to humiliate men and demonstrate their inability to protect their wives and families. From 2002 to 2008, all armed groups, whether Government forces or armed rebel groups (notably the *Union des forces démocratiques pour le rassemblement*), committed acts of sexual violence, and from 2010 onwards, when religious denominations were instrumentalised for political purposes, CRSV spread to districts near the border with Chad and was committed by *Forces Armées Centrafricaines* fighters or rebel groups such as the *Armée pour la restauration de la république et de la démocratie*. At the end of 2012, 'Séléka' coalition fighters committed massive or systematic sexual violence in every locality they controlled or aimed to control, particularly among the Gbaya ethnic group. Between 2013 and 2015 with the collapse of state institutions, CRSV became a widespread and systematic way of punishing women, men and children, and creating a climate of terror. By way of example, even international forces of MINUSCA (and the previous MISCA) and French Operation Sangaris are accused of sexual violence against women, girls and boys. Between 2015 and 2020, all Secretary General reports on CRSV referred to 'blatant sexual violence to terrorise civilians' and the 'systematic use of sexual violence for ethnic or ideological reasons'.

Sexual violence, mostly rape, continues to be used by many armed groups, including the Central African Armed Forces, the new *Coalition des Patriotes pour le Changement* (CPC), and *Retour, Réclamation, Réhabilitation* (3R) rebel group, particularly in the regions of Ouham, Ouham-Pendé, Mbomou, Kémo, Ouaka and Nana-Grébizi.

"I want the executioners to bring back my lost dignity. I don't need millions. As long as my torturer's case is not decided in court and as long as we don't meet face to face so that I can tell him what's on my mind, I won't be at peace."

"I just want to get my health back to where I was before the violence."

"I ask the Government and the UN to ensure that peace returns to the Central African Republic completely, to look after the women, the children. We women and girls are raped every time there is instability. We don't want to go through this in ten years' time."

"The executioners burnt my country, people died. We only live with tears. We have no peace. We walk in fear. We want stability in ten years' time."

"It is important to walk the path of truth so that this country is at peace."

"Of course we want to receive help to restart our activities and take care of the children. But we need to find a guarantee because women are suffering a lot, violence is increasing. We don't want to live through this violence any more. That is why I insist on a guarantee of non-repetition."



Harm caused to Survivors, Families and Communities

Harm caused to survivors is primarily physical and psychological. Many report functional problems with their genitalia, pelvis or legs, frequent and painful headaches, discomfort at night, aggressive behaviour, loss of motivation and enjoyment of life, social anxiety, and difficulties in accepting the disappearance of loved ones and not knowing what has happened to them.

Some survivors describe not being able to regain their dignity, a feeling exacerbated by not knowing who their abusers are and not seeing them brought to justice. Retrieving a sense of 'dignity' or 'identity' is often mentioned by survivors, and is made more challenging given their socio-economic status and the fact that they live in poverty. For those displaced by the conflict, housing difficulties also lead to psychosocial unease as they are often belittled or neglected by the people, including relatives, they are forced to live with.

The vast majority of survivors also speak of direct and indirect financial consequences of the sexual violence endured, including an inability to resume the work they used to do or to find a new job. Discrimination and rejection by the community and family also impacts survivors' financial status and, at times, whole families may be isolated from the community as a consequence.

Survivors, including children born of rape, also suffer stigmatisation and mockery, being called nicknames and subjected to derogatory remarks. Some have had to flee their neighbourhood or town because of this. Most survivors we met are now single - either because their husbands have left them (many were raped in front of him) or because the husband was murdered - and have a family to support, including children born of rape, and in some cases nieces, nephews, aunts and uncles, or aging parents.

Some survivors have had to give birth outside of hospital, either because they could not afford it or because they were ashamed of the child to be born, and as such the children born have no registration documents.



Survivors' Perspectives

Needs and Expectations

Survivors focus on immediate needs and find it difficult to project themselves into the medium or long-term future. In the short term, survivors' needs are primarily medical; they require medical treatment, surgery and/or medication for injuries sustained from CRSV that they cannot afford.

Survivors also express an urgent need for psychological support both for themselves and for those who witnessed the sexual violence, at times their children. Psychological support is also needed throughout legal proceedings against perpetrators and administrative processes for reparations, both of which require survivors to recount the violence they were subjected to.

Justice is also expressed as an immediate need by survivors who wish to see those responsible 'pay for their actions' and 'need to know' what happened to their loved ones. All survivors want to move on, and to be able to do so, they need some form of recognition of what was done to them; some want an apology or for perpetrators to ask for forgiveness.

For the majority of displaced survivors, housing is also an absolute priority to provide a point of stability in rebuilding their lives. Survivors are also concerned about the fate of their children, their daily care (food, clothing), school fees and health care.

Survivors also speak of the need for reparation measures that would allow professional training and income-generating activities. They feel that their looted property should be returned, or they should be compensated so that they can start or restart businesses. Some survivors want to own land to farm and have a home. All survivors request financial compensation for the physical harm caused (inability to have children, medical expenses).

When considering the future, survivors speak of not wanting to live in fear of another crisis and further violations of their rights. They do not believe the situation can improve in the Central African Republic if their children do not receive a school education. Some have very clear and specific expectations, including addressing gender inequality, prosecution of CRSV perpetrators, prohibiting responsible members of armed groups from serving in government, rebel group disarmament and free public services.



Survivors' Initiatives

In addition to many small structures throughout the country, there are two larger survivors' networks in the Central African Republic. The first is the Platform of Victims' Associations, which brings together approximately ten victims' associations, including victims of sexual violence. The second is the Movement of Survivors of the Central African Republic, which was set up with support from the [Mukwege Foundation](#) and partners of the [Nengo project](#) in Bangui.

These associations and movements play a major role in mobilising victims to participate in transitional justice, including in national and/or international legal proceedings. They have made and continue to make an important plea for the creation of the TJRRC. With the support of external partners, they have initiated numerous training courses to create income-generating activities and have also been able to alert humanitarian organisations to specific situations where survivors face urgent needs.

"We who are affected must be involved in all decisions and we must also speak out together. Our slogan is 'Nothing without us', nothing without the victims, you cannot speak for us anymore."





Reparations

IN THEORY

Judicial Remedies

Domestic Courts

From 2018 to 2020, Bangui Criminal Court convicted 47 members and leaders of rebels group Anti-Balaka and Séléka. Most of them were convicted for murder, conspiracy, illegal detention of weapon and ammunition of war, and ordered to pay financial compensation. For example, in 2018, Rodrigue Ngaibona aka "Andjilo" was ordered to pay 118 million CFA (approx. USD 210,040) to victims and a symbolic amount of 1 CFA to the human rights NGOs that were civil parties to the proceedings. The most emblematic case was in 2020, where Kevin Bere Bere, Romaric Mandago, Crépin Wakanam (aka "Pino Pino"), Patrick Gbiako, Yembeline Mbenguia Alpha and 23 others under their command were convicted of war crimes and crimes against humanity and ordered to pay between 2,5 and 200 million CFA (approx. 4,450 – 356,000 USD) to each of the civil parties.

Special Criminal Court

The Special Criminal Court established by the [Organic Law n°15.003](#) on 3rd June of 2015, adopted its Rules of procedure and evidence in the Law n° 18.010 on 2nd July of 2018, which provides that after a conviction, the Court takes individual and collective reparation measures that are *"appropriate to the nature and extent of the damages suffered by the civil parties. In particular, (...) financial compensation, training socio-professional training and socio-professional integration, medical and psychological care or measures for the establishment of an agrarian or industrial development fund or the establishment of educational programmes"* (article 129).

Administrative Remedies

Through the Joint Communiqué between the Central African Republic and the United Nations on Prevention and Response to Conflict-Related Sexual Violence signed on May 2019, the State undertakes specific responsibility to recognise survivors' specific needs, to implement reparations for CRSV survivors and guarantee they won't suffer new violations. To concretise those commitments, the Central African Republic authorities adopted [Law n° 20.009](#) on 7th 2020, establishing the Truth, Justice, Reparation and Reconciliation Commission, responsible to implement a national reparation fund.

"Our torturers and us still live in the same neighbourhood. So we don't have the power to speak freely, to claim our rights. We are withdrawn into ourselves."

"Humanitarian aid has come to relieve your pain but it is not to solve your problems."

IN PRACTICE

Judicial Remedies

Domestic Courts

Reparations ordered by domestic courts have never been enforced as perpetrators are insolvent and victims have no means of recourse to obtain the reparations they are entitled to under the award.

Special Criminal Court

The Special Criminal Court has not yet held any trial. There are ongoing proceedings before the International Criminal Court (ICC) related to crimes committed in the Central African Republic, including the trial of the [Prosecutor v. Alfred Yekatom and Patrice Edouard Ngaïssona](#), two anti-Balaka leaders and [Said Abdel Kani, a Seleka member](#). These proceedings, except Abdel Kani case, include rape charges, and in the event of a conviction, the ICC will order reparation measures.

Administrative Remedies

The Truth, Justice, Reparation and Reconciliation Commission has been set up, but has yet to start its activities.

The day of May 11th is celebrated every year as a day of commemoration for victims. This is generally well-received by victims' associations, although in 2021 no speeches were made during the ceremony and the authorities only gave interviews to the press. This commemoration day also seems to be instrumentalised for political purposes beyond reparation, as banners with political messages such as: 'no inclusive dialogue with the enemies of peace' or 'the victims demand the lifting of the embargo' can be seen during commemoration events.

"We are not healthy. We don't sleep in good conditions. We are constantly sick. The children are scattered. Everyone goes their own way because there is no house to gather us together. No money to feed us. When the children go to uncles, aunts, cousins, they listen to nonsense and become confused."



Opportunities

By providing for health, justice and education rehabilitation measures, the Political Agreement for Peace and Reconciliation is an opportunity to implement reparations for victims of serious human rights violations. Despite the discrepancy between political rhetoric - which speaks of the fight against impunity being at the heart of government action - and actual political will, the creation of the TJRRC is the most significant step forward for administrative reparations. The high number of victims, weakened judicial system and requirement of evidence in the form of a medical certificate, make it difficult to envisage all victims getting access to judicial reparations despite CRSV being qualified as a war crime, crime against humanity or genocide, and therefore not being subject to any statute of limitations.

The law establishing the TJRRC gives it technical and legal autonomy, which allows for extensive survivor participation in its work, be it in the search for truth, the recognition of victim suffering or the development of a reparations programme suited to survivors' expectations and needs. Civil society was consulted in the appointment of the 11 Commissioners who were sworn in on 2 July 2021, thus strengthening their legitimacy among victims.

In the absence of reparation measures and given the urgency of needs, survivors will be setting up an interim reparation measures project with the support of [Global Survivors Fund](#) and local partners, which will encourage – but not replace – the implementation of reparative measures due by the State.



Key Challenges

- Insecurity and ongoing conflict pose a continued risk of CRSV, retaliation against survivors, and a risk related to accessing reparations due to jealousy and mistrust from other family members, communities or even other victims.
- Gender inequalities that place women, and especially CRSV survivors, in positions of extreme vulnerability and socio-economic insecurity. Ancestral beliefs in witchcraft, charlatanism or *maraboutage* exacerbated by conflict contribute to discrimination against women and can hinder access to reparations.
- Stigmatisation of survivors prevents them from coming forward to claim their rights, including their right to reparations.
- Lack of basic services (health, justice, education) throughout the country and lack of training of service providers to deal with the specific needs of sexual violence victims.
- Low level understanding of reparations which assumes they are limited to judicial remedies and financial compensation.



Participative Workshops, Central African Republic, June 2021.
© Global Survivors Fund



Preliminary Recommendations

- **All Parties to the conflict** including international security forces should immediately cease all violations and abuses of international human rights law and international humanitarian law, including CRSV.
- **The Government of Central African Republic** should take meaningful steps to address impunity for CRSV, including by ensuring an effective independence of the judiciary and non-judiciary mechanisms. In particular, the Government should put in place a vetting mechanism to ensure that perpetrators of human rights violations cannot be appointed or elected in the Central African Republic institutions, and allow independent administrative investigation or judicial prosecution.
- **The Government of Central African Republic** should intensify awareness-raising around sexual violence and the right to reparations to create an environment allowing all survivors to feel safe and supported to speak out about the violence they have suffered.
- **The Government and legislative assembly should:**
 - Prioritise structural reforms to [Political Agreement for Peace and Reconciliation](#) for reparations to be provided to survivors, and also serve the general population. This includes rehabilitation of health centres providing medical and psychological care, renovation of schools, and training medical and legal personnel in the specifics of sexual violence.
 - Take all necessary legislative and regulatory measures to facilitate the work of the Truth, Justice, Reparation and Reconciliation Commission and the creation of a special fund for reparations. Provide appropriate yearly funding to operate the Commission under the provisions of the finance law.
 - Further develop and implement plans for the running of the special fund for reparations. This would complement existing judicial pathways to reparations and enable the country to approach reparations in an inclusive, comprehensive, efficient and, most importantly, survivor-centric manner.
 - Support survivor organisations across the country and systematise their involvement in reparations and the broader transitional justice processes.
 - Ensure that any reparations mechanism is established on the basis of a comprehensive reparations policy based on the needs and expectations of survivors, state capacity, and input from civil society and experts. Such policy should include CRSV and clearly define the violations that will be subject to reparations, the eligibility criteria (factual, geographic, and temporal), and the forms and modalities of reparations.
- **The Ministry of Humanitarian Assistance and Reconciliation** should allocate an appropriate budget to the TJRRC to ensure it can pursue its mandate independently and allow it to manage its expenses according to the Constitution. Further allow the TJRRC to access administrative documents and archives as necessary for the fulfilment of its mandate, in particular in its search for truth about the practices and use of CRSV as a weapon of war.
- **The Ministry of Territory and Civil Administrations** should remove any features of national law, policy or practice to ensure that all public services are free of charge, especially for CRSV survivors and victims seeking identity documentation or administrative papers to be able to access reparations.
- **The Ministry of Justice** should ensure that all victims of serious human rights violations have access to effective remedies, including reparations, by implementing orders for reparations following trial that include a simple and rapid administrative process in cases where the perpetrator is not financially viable.
- **Ensure that the Truth, Justice, Reparation and Reconciliation Commission:**
 - addresses gender issues from the start, not least by addressing the social and structural inequalities between genders in the Central African Republic;
 - trains Commission members in interviewing techniques and managing cases of CRSV, particularly those involving children or adults who were children at the time of the events;
 - prioritises victims of serious human rights violations, including sexual violence, in the ongoing context of conflict and insecurity by identifying, listening to and providing reparations for such victims rather than focussing on perpetrators;
 - conducts broad, inclusive, survivor-centric and gender-sensitive consultations across the country ensuring that victims can inform effectively transitional justice and reparation policies and mechanism;
 - interprets its mandate broadly to develop emergency interim reparation projects to meet the immediate needs of CRSV survivors and secure technical and financial support needed from multiple partners; and
 - develops formal frameworks to ensure meaningful survivor participation in transitional justice mechanisms, including the Special Criminal Court and the TJRRC, so that the reparations programmes developed meet their needs and expectations.



Participative Workshops, Central African Republic, June 2021.
© Global Survivors Fund



Next Steps

Urgent action by the international community, Central African Republic civil society organisations and State authorities is needed to assist, support and sustain survivors' efforts to obtain the implementation of the above recommendations and achieve recognition and effective reparation. This includes the following:

- Strengthen the technical capacity of associations and survivor movements regarding the right to reparations and other aspects of transitional justice that are relevant to the mandate of the TJRRC and what should be expected from it. In parallel, strengthen the TJRRC's technical and financial capacity in respect of:
 - a. investigation and interviewing techniques with survivors of CRSV, including child survivors;
 - b. the right to reparations and its transformative potential through the creation of tools to better capture the needs and expectations of survivors;
 - c. the nature, scope and extent of gender inequalities.
- Raise awareness about the rights of victims and the mandate of the TJRRC among survivors and within the general population.
- Conduct meaningful consultations with survivors to establish a reparations framework that is consistent with their needs and expectations and that they see as legitimate.
- Communicate extensively across different media (social networks, radio, newspapers, etc.) about the work of the TJRRC and survivors' initiatives for access to and implementation of reparations.
- Ensure that associations and victim movements monitor the work of the TJRRC and other reparations initiatives, doing so with the participation of, and reporting back to, survivors.
- Foresee mechanisms to prevent or sanction any misappropriation of funds or corruption that would undermine the implementation of reparations.
- Identify other institutions or organisations that could participate in implementing reparations, identify obstacles to such participation, develop key advocacy messages, and identify the appropriate recipients for such advocacy.