

Country	Central African Republic
SIGI 2019 Category	High
SIGI Value 2019	43%

Discrimination in the family		56%
	Legal framework on child marriage	50%
	Percentage of girls under 18 married	61%
	Legal framework on household responsibilities	100%
	Proportion of the population declaring that children will suffer if mothers are working outside home for a pay	-
	Female to male ratio of time spent on unpaid care work	-
	Legal framework on inheritance	25%
	Legal framework on divorce	25%

Restricted physical integrity		24%
	Legal framework on violence against women	25%
	Proportion of the female population justifying domestic violence	80%
	Prevalence of domestic violence against women (lifetime)	30%
	Legal framework on female genital mutilation (FGM)	25%
	Share of women who think FGM should continue	11%
	Share of women who have undergone FGM	24%
	Sex ratio at birth (natural =105)	105
	Legal framework on reproductive rights	25%
	Female population with unmet needs for family planning	27%

Restricted access to productive and financial resources		35%
	Legal framework on working rights	100%
	Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay	6%
	Share of managers (male)	86%
	Legal framework on access to non-land assets	25%
	Share of house owners (male)	-
	Legal framework on access to land assets	25%
	Share of agricultural land holders (male)	-
	Legal framework on access to financial services	0%
	Share of account holders (male)	64%

Restricted civil liberties		54%
	Legal framework on civil rights	100%
	Legal framework on freedom of movement	0%
	Percentage of women in the total number of persons not feeling safe walking alone at night	55%
	Legal framework on political participation	50%
	Share of the population that believes men are better political leaders than women	-
	Percentage of male MP's	91%
	Legal framework on access to justice	25%
	Share of women declaring lack of confidence in the justice system	44%

Note: Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorised as 0%, 25%, 50%, 75% or 100%. See data source [here](#).

Source: OECD (2019), Gender, Institutions and Development Database, <https://oe.cd/ds/GIDDB2019>.

Introduction

The past decade in the Central African Republic has been marked by civil unrest, sporadic violence, extreme poverty, insecurity and an absence of formal economy (International Crisis Group, 2015). A recent crisis sparked intercommunal violence and a conflict involving several armed groups throughout the country (International Crisis Group, 2015). The UNHCR (2017) estimated in February 2017 that there are 463 759 refugees from the Central African Republic (mainly present in neighbouring countries – Cameroon, Democratic Republic of Congo, Chad and Republic of Congo) and 402 240 internally displaced persons. Independent expert reports to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) reported 1 278 human rights violations in 2015, including killings, acts of torture and inhumane and degrading treatment, arbitrary arrest, gender-based violence and acts of racketeering and extortion (UN General Assembly, 2016). A new Constitution was adopted by referendum in 2015 and transitional justice mechanisms are being implemented (UN General Assembly, 2016).

1. Discrimination in the family

a) Overarching legal framework for marriage

The law provides women with the same rights as men to enter into marriage and the law is based on consent of both spouses (Family Code, art. 200). Forced marriage is prohibited under the law (Family Code, art. 210 & 238). The law does not provide for official registration of customary/religious marriages or informal or de-facto unions (Family Code, art. 226).

Harmful practices against widows are addressed under the Family Code, which stipulates that a widow is not obliged to marry one of the family member of the deceased (art. 1059). The Law on the Protection of Women against Violence also prohibits mistreatment of widows and levirate and sororate marriages (by which a surviving spouse marries the deceased's sibling) (art. 10).

Experts estimate that only 10% of couples in the Central African Republic are legally married (Norwegian Refugee Council, 2015). Some of the reasons explaining this low rate of legal marriage include a lack of financial means for legal fees and a lack of support from families who may view that a legal marriage means a legal spouse is entitled to inherit the deceased husband's property and possessions (Norwegian Refugee Council, 2015).

b) Child marriage

The legal age of marriage for women and men is 18 years old (Family Code, art. 209). The public prosecutor can allow a marriage under the legal age in extenuating circumstances (Family Code, art. 209). Child marriage is void under the legal framework (Family Code, art. 241 & 242). The Ministry of Social Affairs has launched a zero tolerance campaign on early marriage, which includes activities with local and religious leaders (RJDH, 2016). There are no sanctions in the legal framework for those facilitating a marriage of an individual who is under the minimum of marriage.

The CEDAW Committee (2014) notes the prevalence of early marriage in the Central African Republic. It is notably linked with poverty, lack of education and opportunities and insecurity (Lemmon, 2014).

The conflict has heightened the vulnerability of girls to child marriage. The UN reports that the Lord Resistance Army (LRA) – an armed group from Uganda with a strong presence in the Central African Republic – committed abductions of children (United Nations Security Council, 2016). Children were used in “support roles” and girls were subjected to sexual violence (United Nations Security Council, 2016). The testimonies of four girls abducted in 2011 by the LRA revealed that during captivity, the girls were used as cooks and as wives by several commanders (United Nations Security Council, 2016).

c) Household responsibilities

The law does not provide women with the same rights as men to be recognised as the head of household as the husband is legally recognised as the head of household (Family Code, art. 254). The law does not provide women with the same rights as men to be the legal guardians of their children during marriage (Family Code, art. 568 & 569). Married women are not provided with the same rights as married men to choose where to live (Family Code, art. 255).

However, the law provides women with the same rights as men to be the legal guardians of their children in informal unions (Constitution, art. 7). Additionally, the law provides women and men with the same rights and responsibilities towards their children (Family Code, art. 263). Unmarried women are provided with the same rights as unmarried men to choose where to live (Constitution, art. 5).

Roles and responsibilities in the household and in the family are unbalanced between men and women (Moga-Kpely & Yang, 2013). In a study on gender-based violence in the country, 33% of female respondents declared being excluded from financial decisions in their household (Moga-Kpely & Yang, 2013). Women remain marginalised within the family and within society and have limited space to voice their needs (Moga-Kpely & Yang, 2013).

d) Divorce

The law provides women with the same rights as men to initiate divorce they have the same requirements as men to finalise a divorce or annulment (Family Code, art. 266, 267 & 269). Additionally, the law provides women with the same rights as men to be the legal guardians of their children after divorce and women are granted the same rights and responsibilities as men with regards to their children after divorce (Family Code, art. 305 - 311).

According to traditional law, in case of divorce or the break-up of a relationship, the woman is expected to leave the home and the children would remain with their father (Woodfork, 2006). However, divorce practices are not uniform throughout the territory and vary according to the religious affiliations of communities (especially for Muslims and Christians). There are reconciliation procedures for civil marriages. If it goes to court, the law establishes for the division of goods and visitation rights, however there is a judicial practice to settle also in accordance with traditional rules (Woodfork, 2006).

The law provides daughters with the same rights as sons to inherit land and non-land assets (Family Code, art. 745). Additionally, the law provides female surviving spouses with the same rights as male surviving spouses to inherit land and non-land assets (Family Code, art. 745). Disinheritance of the surviving spouse is prohibited by law (Penal Code, art. 113). The Law on the Protection of Women against Violence additionally prohibits property dispossession/grabbing (art. 10). The law provides women and men with the same rights to make a will (Family Code, art. 992). The distribution of a deceased family member's estate is decided by the family council (Family Code, art. 747-754).

The law does not recognise non-legal marriages, nor cohabitation, which impedes on women's ability to claim property after the death of their husband/partner (Norwegian Research Council, 2015). A woman who is legally married can go to court, however legal fees for such a procedure are high and access to justice outside of Bangui is limited (Norwegian Research Council, 2015). Within the context of the conflict, the Norwegian Refugee Council (2015) suggests that the practice of evicting widows is a concern, particularly for internally displaced women and returnees.

Discriminatory practices restrict female surviving spouses' inheritance rights (Norwegian Research Council, 2015). Reports show that widows are commonly evicted from the marital/family home (Norwegian Research Council, 2015).

2. Restricted Physical integrity

a) Violence against women

The Law on the Protection of Women against Violence includes specific provisions for investigation, prosecution and punishment of perpetrators and protection and support services for victims (art. 18-31 & art. 11-13). The Law addresses physical, sexual or psychological violence perpetrated against women or the attempt of it, in addition to the arbitrary privation of liberty, whether in public or private life (Law on the Protection of Women against Violence, art. 1). There is no national action plan or policy that specifically addresses violence against women.

The CEDAW Committee (2014) reports the widespread incidence of gender-based violence related to conflict, including murders, enforced disappearances, cases of torture and acts of rape, sexual slavery and ill-treatment. The CEDAW Committee (2014) additionally notes the lack of services (medical, legal and psycho-social) available to women, the stigmatisation of victims of rape, impunity for perpetrators and the collapse of the health and judicial system at large, preventing women victims of violence from getting necessary aid and justice.

Additionally, reports highlight cases of violence against persons accused of witchcraft (63 cases were reported since January 2016) (UN General Assembly, 2016). These violent acts target primarily women (and sometimes children) and include grave acts of torture and burying alive (UN General Assembly, 2016). The CEDAW Committee (2014) reports on the existence of "popular justice" against women accused of witchcraft. The Penal Code includes provisions criminalising witchcraft, which is punishable of five to ten years of imprisonment and a fine (art. 149).

b) Domestic violence

Domestic violence is considered a criminal offence under article 27 of the Law on the Protection of Women against Violence. The Law recognises violence perpetrated within the family and covers physical, sexual and psychological violence. If the perpetrator is a spouse, an ascendant, or a guardian, violence entitles criminal penalties of imprisonment of three to five years and a fine (Law on the Protection of Women against Violence, art. 27). No provision addresses economic violence. The law does not include specific provisions for the prevention of domestic violence or integrated services for women and girls who have survived domestic violence, including emergency shelters or free of charge hotlines. The Law mandates that public and private medical institutions must receive and care for women victims of violence (Law on the Protection of Women against Violence, art. 32).

Domestic violence is reportedly prevalent in the Central African Republic and there is a lack of governmental response (US Department of State, 2016). According to a 2010 survey, the main reasons for spousal violence are disobeying (42%), arguing (30%), jealousy (12%), serving dinner late (8%) and alcohol consumption (8%) (Vinck and Pham, 2010).

Furthermore, victims of domestic violence seldom report incidents of domestic violence (US Department of State, 2016). The CEDAW Committee (2014) notes a lack of appropriate services available to women trying to escape domestic violence, such as shelters, counselling and rehabilitation services.

c) Rape

The Law on the Protection of Women against Violence includes provisions related to sexual violence, which is punishable of six months to three years of imprisonment and a fine (art. 24). Rape is a criminal offense under the Penal Code (art. 87). The law is based on lack of consent and does not require proof of physical force, resistance or penetration (Penal Code, art. 87). Marital rape is punished under the Law on the Protection of Women against Violence (art. 2). Increased penalties for aggravated forms of rape and sexual violence include the maximum penal servitude if the victim is younger than 18 years old, or if the perpetrator is an ascendant, a figure of authority, work in an educational institution or if the perpetrator has been helped by others (Penal Code, art. 87). The Law on the Protection of Women against Violence provide for medical support to survivors of sexual violence (art. 32).

Human Rights Watch (2017) asserts widespread sexual violence by all armed groups since the beginning of the conflict in 2013. Rape or sexual assault are often committed as retaliation against women and girls who are thought to be in contact with an enemy armed group (Human Rights Watch, 2017). Victims of sexual violence often face stigma and intimidation (UN General Assembly, 2016).

A special unit within the national police has been created by the government to investigate violence against women and children (UN Security Council, 2017). The unit is composed of 29 national police officers, two medical and two social affairs officers (UN Security Council, 2017). In response to a lack of judicial services available in the country, a UNDP and MINUSCA initiative was launched whereby a criminal session in the Bangui court was organised in 2015 (UN Security Council, 2017). 52 cases were adjudicated, of which three were related to sexual violence and perpetrators were convicted (UN Security Council, 2017). Cases of sexual abuse and exploitation by international forces were also reported (Human Rights Watch, 2017; UN General Assembly, 2016). In response, a new abuse action

plan is being implemented by MINUSCA, in addition to measures including the confinement of contingents and repatriation of troops (UN Security Council, 2017; UN General Assembly, 2016).

d) Sexual harassment

The legislation provides legal protection from sexual harassment (Law on the Protection of Women against Violence, art. 5 & 25). The law includes criminal penalties of imprisonment of six months to one year and a fine (Law on the Protection of Women against Violence, art. 25). The definition of sexual harassment covers the workplace (Law on the Protection of Women against Violence, art. 25). The legal framework does not cover sexual harassment in educational establishments, sporting establishments, public places or cyber harassment or cyber stalking.

Sexual harassment is reportedly prevalent (CEDAW, 2014). There is little information on the forms and the rates of reporting of sexual harassment.

e) Female genital mutilation

Female genital mutilation (FGM) is criminalised under article 114 of the Penal Code and is punishable of imprisonment of two to five years and a fine. Anyone who has knowledge of FGM being practiced or planned is punishable of imprisonment of six months to a year and a fine (Penal Code, art. 115). Victims can seek legal redress and compensation (Penal Code, art. 115). The Law on the Protection of Women against Violence contains additional provisions regarding FGM and includes provisions on regular evaluation of FGM (art. 12 & 13).

Previous governments have put in place measures to combat FGM, notably the National Committee to combat traditional practices harmful to the health of women and girls and violence against them by Decree N° 010 and a national action plan addressing traditional practice harmful to women's health and gender-based violence (CEDAW, 2014). It establishes under article 19 that anyone who by modern or traditional methods practices or attempts to practice or encourages the practice of FGM is punishable by 2 to 5 years of imprisonment and a fine XAF 100 000 to 1 000 000. If someone repeats the offence, the sentence is doubled. There is a sentence of hard labour for life if the victim dies (art. 20).

FGM is generally performed by traditional practitioners (UNICEF, 2013). Even though the practice of FGM persists, its prevalence is decreasing (CEDAW, 2014; UNICEF, 2013). UNICEF (2013) notes a sharp decrease in female support of the practice, particularly amongst the Banda, Sara, Mandjia and Haoussa ethnic groups.

f) Abortion

Abortion on request is illegal and a woman who seeks an abortion for herself is punishable of imprisonment of six months to two years and/or a fine (Penal Code, art. 78). A legal abortion can be performed only upon the approval of doctors and in case of the pregnancy being the result of rape or incest, foetal unviability or to preserve the physical health of the woman (Penal Code, art. 79). In these cases, a legal abortion can be performed up until eight weeks of pregnancy (Penal Code, art. 80).

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

The Central African Republic has ratified the International Labour Organisation's Indigenous and Tribal Peoples Convention (No. 169).

Regarding land, property and other non-land assets, the law provides married/unmarried women with the same rights as married/unmarried men to own, use, make decisions and use as collateral (Family Code, art. 383; Constitution, art. 18). Regarding land, property and other non-land assets, the law provides women and men with the same rights after divorce or separation to own, use, make decisions and use as collateral (Family Code, art. 434). A married woman has the same rights as a married man to administer marital property (Family Code, art. 382).

No restrictions could be located in the legal framework that would prevent joint land titling for land used or acquired by married couples or informal unions.

Regarding land management, reports show that few land titles are issued, presumably because of poor land management regulations and costly procedures to obtain land titles (Norwegian Refugee Council, 2014).

According to customary law, divorced, single or widowed women cannot be considered land owners but land users, and can be allocated land for residential or agriculture purposes (Norwegian Refugee Council, 2015). Traditional and customary marriages as well as cohabitation are neither regulated nor recognised by law. This factor limits women's ability to claim property or possessions acquired during the marriage which is generally considered to be the husband's (Norwegian Refugee Council, 2014). Husbands possess rights over their wives' property or economic activities, according to customary law (Klugman and Twigg, 2015).

The recent conflict has seen many pillages and destruction of goods, lands and properties (including pillaging of housing and fields, burning of houses, partial or complete destruction of housing and dilapidated housing) by several armed groups, forcing many to flee (United Nations General Assembly, 2016).

b) Secure access to formal financial resources

The law provides married/unmarried women with the same rights as married/unmarried men to open a bank account at a formal institution (Family Code, art. 258) and to obtain credit (Family Code, art. 257 & 258). It may be noted that more than 95% of adults do not have an account at a formal financial institution, which may be explained by poor infrastructure and security threats as well as a lack of identification (African Development Bank, 2013).

c) Workplace rights

The Central African Republic has ratified the ILO Equal Remuneration Convention (No. 100) and the ILO Discrimination (Employment and Occupation) Convention (No. 111).

The law mandates non-discrimination on the basis of sex in employment and specifically covers training and termination (Constitution, art. 11; Labour Code, art. 10, 14). The law does not specifically

cover non-discrimination on the basis of sex in job advertisements, selection criteria, recruitment, hiring, terms and conditions, promotions and assignments. The law mandates equal remuneration for work of equal value (Labour Code, art. 10 & 11). The law allows women to work the same night hours as men (Labour Code, art. 250). However, the law prohibits women from entering certain professions which are deemed beyond their physical strength (Labour Code, art. 252). The law does not require women to have permission from their husband or legal guardian to choose a profession/occupation or work or to register a business (Family Code, art. 257).

The law mandates paid maternity leave of 14 weeks with 50% of wages paid by the Government (Labour Code, art. 255). The law protects women's employment security when they are on maternity leave (Labour Code, art. 132). Workers are allowed 10 days off in cases of exceptional family event with full wages paid by the employer (Labour Code, art. 288). The law does not mandate parental leave.

Beyond the legal framework, reports suggest that discriminatory practices affect women's rights to work, in particular in certain sectors and in rural areas (US Department of State, 2016). The CEDAW Committee (2014) additionally notes that "the economic situation, which continues to deteriorate owing to the conflict, has a negative impact on the employment opportunities of women and, consequently, on their enjoyment of their economic and social rights".

4. Restricted Civil liberties

a) Citizenship rights

Married women are not provided with the same rights as married men to acquire, change or retain their nationality (Nationality Code, art. 13 & 14). Additionally, the law does not provide married women with the same rights as married men to confer nationality to their spouse (Nationality Code, art. 13 & 14). A foreign man who married a Central African woman has to apply for naturalisation (Nationality Code, art. 26). However, a foreign woman who marries a Central African man automatically acquires citizenship (Nationality Code, art. 13). She may declare before the marriage that she refuses the Central African citizenship (Nationality Code, art. 14).

Unmarried women have the same rights as unmarried men to acquire, change and retain their nationality (Nationality Code, art. 26, 46 & 33). Additionally, women have the same rights as men to confer nationality to their children (Nationality Code, art. 6 & 8).

Women and men have the same rights to register the birth of their children (Family Code, art. 137). Birth must be registered within the month following the birth; a court judgment can authorise delayed registration (Family Code, art. 134).

The Constitution does not recognise multiple or intersectional discrimination. Nonetheless, the Constitution stipulates that all are equal before the law without distinction of race, ethnic origin, region, sex, religion, political opinion or social position (art. 6). Additionally, the Constitution guarantees equal rights to women and men (art. 6).

No restrictions could be located in the legal framework which would restrict unmarried/married women's rights to apply for identity cards, passports and passports and other travel documents for

their minor children. Women and men are granted the same rights to travel outside the country (Constitution, art. 5).

b) Voting

The law provides women and men with the same rights to vote (Electoral Code, art. 4 & 241). There is no legal discrimination regarding voting rights and there is no information on voting practices.

c) Political voice

The law provides women with the same rights as men to hold public and political office, including within the legislature, the executive and the judiciary (Constitution, art. 68, 73, 108; Electoral Code, art. 153). There are no legal quotas to promote women's political participation at the national and local level and there are no special measures.

However, the CEDAW Committee (2014) notes the "persistent traditional and patriarchal attitudes regarding the role of women in the family and society that limit women's participation" in political and public life. Women are largely underrepresented in local governance and decision-making bodies (UN Economic Commission for Africa, 2016). They are disadvantaged in the political sphere, in Parliament and Government (UN Economic Commission for Africa, 2016).

d) Access to justice

The law provides married/unmarried women with the same capacity as married/unmarried men to sue and to be sued (Constitution, art. 6). Additionally, a married/unmarried woman's testimony carries the same evidentiary weight in court as a married/unmarried man's in all types of court cases such as civil, criminal, family court and tribunal (Constitution, art. 6).

Within the Ministry of Social Affairs, National Solidarity and the Family, the specialized body tasked with monitoring gender equality comprises a directorate general for the advancement of women, a directorate for women's programmes and projects, a directorate for women's information and education and seven directorates of social affairs covering the entire country (CEDAW, 2014). The directorate for women's information and education conducts education and public awareness on gender equality and women's human rights (CEDAW, 2014).

Following the conflict, the Central African Republic is implementing transitional justice mechanisms, notably a Special Criminal Court and a Truth and Reconciliation Commission (UN General Assembly, 2016). The National Recovery and Peacebuilding Plan includes targets for improving the situation of women, addressing gender-based violence and enhancing gender equality (Central African Republic, 2016).

The CEDAW Committee (2014) stresses that the justice system has been largely altered by the conflict and highlights the prevalence of impunity as well as the lack of security in courts for judges, victims and witnesses. Additionally, the CEDAW Committee (2014) notes the existence of "popular justice" systems, notably related to cases of women accused of witchcraft, which often lead to violent resolution.

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