



## UNHCR POSITION ON RETURNS TO THE CENTRAL AFRICAN REPUBLIC

1. Violence, serious human rights violations and a grave and rapidly deteriorating humanitarian situation<sup>1</sup> have prevailed in the Central African Republic (CAR) since the “Séléka” coalition of armed groups overran the capital city of Bangui on 24 March 2013, forcing President François Bozizé to flee. This is the latest wave of fighting since December 2012 when the rebel coalition launched a series of attacks, taking control of major towns.<sup>2</sup> Peace talks were initiated under the auspices of the regional group known as the Economic Community of Central African States (ECCAS), resulting in a peace agreement on 11 January in Libreville, Gabon. A ceasefire agreement followed, and a government of national unity was created in which opposition leaders were given key posts.<sup>3</sup> However, fighting resumed in March, reportedly as a result of disagreement between the parties on whether each side was living up to its commitments under the agreements reached.<sup>4</sup>
2. The fighting and consequent insecurity have had a grave impact on the civilian population in CAR and humanitarian access is extremely limited. Targeted killings, arbitrary arrest and detention, torture, recruitment of children, rape and other forms of sexual violence, disappearances and kidnappings, as well as extortion and looting in Bangui and other parts of the country have been reported.<sup>5</sup> These abuses, taking place in an atmosphere of general lawlessness and insecurity, with basic services having been disrupted throughout the country, have forced populations into displacement.<sup>6</sup> Residents have fled the capital Bangui, as well as cities and villages throughout the country and in

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<sup>1</sup> UN Office of the High Commissioner for Human Rights, *Pillay urges action to halt violations and lawlessness in Central African Republic*, 16 April 2013, <http://www.refworld.org/docid/516e63874.html>; AFP, *Clashes in C.Africa leave over a dozen dead: officials*, 15 April 2013, <http://reliefweb.int/report/central-african-republic/clashes-cafrica-leave-over-dozen-dead-officials>.

<sup>2</sup> UN News Service, *Central African Republic's capital calm but security and aid at risk in north, UN says*, 28 March 2013, <http://www.refworld.org/docid/516bdad94.html>.

<sup>3</sup> UN News Service, *Central African Republic: after power grab, Security Council calls for protecting civilians*, 26 March 2013, <http://www.refworld.org/docid/516bdfd74.html>.

<sup>4</sup> UN News Service, *Central African Republic: after power grab, Security Council calls for protecting civilians*, 26 March 2013, <http://www.refworld.org/docid/516bdfd74.html>.

<sup>5</sup> UN Office of the High Commissioner for Human Rights, *Pillay urges action to halt violations and lawlessness in Central African Republic*, 16 April 2013, <http://www.refworld.org/docid/516e63874.html>; AFP, *Poursuite du recrutement d'enfants soldats en Centrafrique (UNICEF)*, 14 April 2013, <http://reliefweb.int/report/central-african-republic/clashes-cafrica-leave-over-dozen-dead-officials>.

<sup>6</sup> Médecins Sans Frontières (MSF), *Central African Republic: Government Must Ensure Security*, 10 April 2013, <http://www.doctorswithoutborders.org/press/release.cfm?id=6718&cat=press-release>; UN News Service, *UN warns 2 million children without basic services in Central African Republic*, 29 March 2013, <http://www.refworld.org/docid/517135284.html>.

particular in the north, centre and south-east. In addition, CAR hosts some 21,000 refugees, mostly Congolese and Sudanese, including some 4,000 new Darfur refugees who crossed into northern CAR in April 2013.<sup>7</sup> These refugees are also affected by the crisis, as humanitarian access has been severely restricted as a result of the recent events.

3. Since the start of the Séléka offensive in December 2012, an estimated 173,000 persons have been newly displaced internally, bringing the total number of internally displaced persons in CAR to an estimated 206,000 persons. In addition, over 46,000 refugees from CAR have been registered in neighbouring countries, primarily in the Democratic Republic of Congo, Chad, Cameroon and the Republic of Congo. Substantial numbers of refugees continue to arrive in these countries, following continued human rights abuses and instability.<sup>8</sup> UNHCR welcomes the decision of some Governments in the region to recognize these refugees on a *prima facie* basis, their generous response as well as their cooperation with UNHCR and other humanitarian actors.
4. As the situation in CAR is fluid and remains uncertain, UNHCR recommends that States suspend forcible returns of nationals or habitual residents of CAR to the country. Furthermore, UNHCR considers that it is likely that persons fleeing CAR and those who were already in the country of asylum before the recent events are in need of international refugee protection in accordance with Article 1(2) of the 1969 OAU Convention.<sup>9</sup> In addition, many persons fleeing CAR are likely to meet the 1951 Convention<sup>10</sup> criteria for refugee status. Depending on the profile of the individual case, exclusion considerations may need to be looked into.<sup>11</sup> In addition, to preserve the civilian character of asylum, States would need to exert caution so as to identify combatants and separate them from the refugee population.<sup>12</sup> The bar on forcible return serves as a minimum standard and needs to remain in place until such time as the security and human rights situation in CAR has improved sufficiently to permit a safe and dignified return of those determined not to be in need of international protection.

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Geneva  
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<sup>7</sup> UN High Commissioner for Refugees, *New refugee outflows follow new violence in Central African Republic*, 16 April 2013, <http://www.refworld.org/docid/516e64184.html>.

<sup>8</sup> UN High Commissioner for Refugees, *New refugee outflows follow new violence in Central African Republic*, 16 April 2013, <http://www.refworld.org/docid/516e64184.html>.

<sup>9</sup> Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa*, 10 September 1969, 1001 U.N.T.S. 45, <http://www.unhcr.org/refworld/docid/3ae6b36018.html>.

<sup>10</sup> UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, <http://www.unhcr.org/refworld/docid/3be01b964.html>, UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267, <http://www.unhcr.org/refworld/docid/3ae6b3ae4.html>.

<sup>11</sup> UN High Commissioner for Refugees, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees*, 4 September 2003, HCR/GIP/03/05, <http://www.unhcr.org/refworld/docid/3f5857684.html>.

<sup>12</sup> UN High Commissioner for Refugees, *Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum*, September 2006, <http://www.refworld.org/docid/452b9bca2.html>.