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**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)  
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1\***

**Central African Republic**

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\* The present document was not edited before being sent to the United Nations translation services.

## Introduction

1. This report has been submitted in accordance with resolution 5/1 of 18 June 2007 of the Human Rights Council established pursuant to United Nations General Assembly resolution 60/251 of 15 March 2006. Under the terms of that instrument, the Human Rights Council is instructed to undertake a universal periodic review of the fulfilment by the Member States of the United Nations Organization of their human rights obligations and commitments.
2. According to the calendar adopted by the Human Rights Council at its sixth session on 21 September 2007, the Central African Republic will be considered at the next session.
3. A national drafting committee was convened from 20 January to 5 February 2009 to prepare the report of the Central African Republic. The committee comprised State structures, unions and human rights associations and NGOs.
4. The Central African Republic is located at the heart of the African continent. It has an area of 623,000 km<sup>2</sup> and is bounded to the north by Chad, to the east by the Sudan, to the west by Cameroon and to the south by the Democratic Republic of the Congo and the Republic of the Congo.
5. The Central African Republic is divided into 16 prefectures, which are further subdivided into 71 subprefectures, 2 administrative control areas, 175 municipalities and around 9,000 villages.
6. According to the most recent general census, conducted in 2004, the estimated population is 4,216,664, unevenly spread throughout the territory. The Central African population is made up of a wide range of ethnic groupings and there are two official languages, one of which is Sango, a language that is spoken all over the country. According to the general population and housing census, the illiteracy rate is still high.
7. The Central African economy is based essentially on the export of agricultural, mining and forestry products. There is very little industrial activity and the economy is suffering the effects of the global financial recession.
8. Formerly the territory of Ubangi-Shari, the Central African Republic attained sovereignty and independence on 13 August 1960. On 20 September 1960 it joined the United Nations Organization.
9. It is helpful to describe the succession of regimes that have governed the country since it attained sovereignty.
10. Very shortly after independence in 1960, a military coup d'état was staged on 1 January 1966. The Government set up a single-party regime that abolished fundamental freedoms and culminated in the consecration of Emperor John Bedel Bokassa.
11. Thanks to strikes by schoolchildren, the Bokassa regime was overthrown on 20 September 1979 and President David Dacko took power following Operation Barracuda. A constitution was adopted in 1981, but regrettably was revoked on 1 September the same year on the overthrow of David Dacko by General André Kolingba. During these periods the country experienced extensive human rights violations and social and political protest movements.

12. The Baule conference in 1990 heralded the advent of democracy and President Ange Félix Patassé came to power following free, democratic elections. His regime was itself to be marred by military and political crises (repeated mutinies) and human rights violations, which led to its downfall on 15 March 2003.

13. This change was followed by a transitional period that saw the organization of a national dialogue in September 2003, the adoption of a constitution by referendum and the holding of parliamentary and presidential elections in March and May 2005, which paved the way for the establishment of legal institutions.

14. With the restoration of constitutional legality, the Government was able to make a statement of overall policy in August 2005, with the main emphasis on the need to consolidate peace and security, strengthen the macroeconomic framework and the reforms, and rebuild the basic social infrastructure and services. These priorities are set forth in the poverty reduction strategy paper (PRSP).

15. In drafting the present report, the National Human Rights Reports Drafting Committee relied on documentary research and exchanges between members of the Committee (cf. Human Rights Committee, concluding observations, 12-13 July 2006, CCPR/C/SR.2373 and 2374).

## **I. INSTITUTIONAL AND LEGAL FRAMEWORK FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS**

### **A. Institutional framework**

16. At the institutional level, the Constitution of 27 December 2004, promulgated by Act No. 04.392 of 27 December 2004, provides for the separation of powers:

(a) The executive branch is represented by the President of the Republic and Head of State, who establishes the broad policy outlines for the country, and by the Prime Minister, the head of the Government, who determines and conducts national policy;

(b) The legislative branch has an important role to play in voting on laws and authorizing ratification of international human rights conventions and treaties;

(c) The judiciary is the guarantor of fundamental freedoms and human rights;

(d) The Higher Council for Communication basically guarantees and ensures the freedom of the press;

(e) The National Mediation Council is mainly responsible for improving relations between individuals, as a means of protecting and promoting citizens' rights;

(f) The Office of the High Commissioner for Human Rights was established under Decree No. 99.054 of 31 March 1999 in place of the defunct Ministry for Human Rights, Democratic Culture and National Reconciliation, and attached to the Office of the Prime Minister. After the patriotic uprising of 15 March 2003 it was attached to the Office of the President under Decree No. 04.013 of 15 January 2004 and Decree No. 04.053 of 20 February 2004. Its task is to conduct government policy on the promotion and protection of human rights throughout the country;

(g) The National Human Rights Commission, established under Act No. 91.009 of 25 September 1991, as amended by Act No. 96.003 of 10 January 1996, is dysfunctional. The Office of the High Commissioner for Human Rights and Good Governance is working to bring it back into operation.

## **B. Legal framework**

### **1. National level**

17. In line with its commitment to basic human rights principles, the Central African Republic has adopted various legal instruments on the promotion and protection of human rights, including:

(a) The Constitution of 27 December 2004, articles 1 to 17, which establish the promotion and protection of human rights in the Central African Republic;

(b) Act No. 61.232 of 18 July 1961, on the Criminal Code;

(c) Act No. 61.265 of 15 January 1962, on the Code of Criminal Procedure;

(d) Act No. 61/221, on the Labour Code of the Central African Republic, as amended by Act No. 09.004 of 29 January 2004. The Code applies to persons working in the public, parastatal and private sectors;

(e) Order No. 99/016 of 10 June 2000, amending and supplementing certain provisions of Order No. 93/008 of 14 June 1993, on the Civil Service Regulation (arts. 21-26);

(f) Act No. 06.32 of 27 December 2006, on protection of women against violence in the Central African Republic;

(g) Act No. 91.009 of 25 September 1991, as amended by Act No. 96.003 of 10 January 1996, on the establishment of the National Human Rights Commission;

(h) Order No. 05.002 of 22 February 2005, on freedom of communication and providing for the decriminalization of press offences;

(i) Act No. 02.04 of 21 May 2002, regulating the functioning of associations and NGOs in the Central African Republic;

(j) Act No. 61/233 of 27 May 1961, regulating associations;

(k) Order No. 66.26 of 31 March 1966, on the advancement of girls;

(l) Act No. 97.013 of 11 November 1997, on the Family Code of the Central African Republic;

(m) Act No. 00.007 of 20 December 2000, on the status, protection and advancement of persons with disabilities, and implementing Decree No. 02.205 of 6 August 2002;

(n) Act No. 64.54, amending Act No. 61.212 of 20 April 1961, on the Nationality Code of the Central African Republic;

(o) Act No. 88/009 of 15 May 1998, on trade union freedom and the protection of union rights;

- (p) The National Reconciliation Pact (preamble, articles 2 and 6);
- (q) Act No. 63.41 of 9 January 1964, regulating public spaces;
- (r) The Bangui Agreements of 25 January 1997;
- (s) The recommendations of the Committee on Consultation and Dialogue;
- (t) The report on the National Dialogue (September 2003);
- (u) The recommendations of the inclusive political dialogue (5-20 December 2008).

## **2. International level**

18. The Central African Republic has ratified several international legal instruments on human rights. Some of these have not yet been ratified, however:

- (a) International instruments ratified:
  - (i) Universal Declaration of Human Rights;
  - (ii) International Convention on the Elimination of All Forms of Racial Discrimination, 16 March 1971;
  - (iii) International Covenant on Economic, Social and Cultural Rights, 8 May 1981;
  - (iv) International Covenant on Civil and Political Rights, 8 May 1981;
  - (v) African Charter on Human and People's Rights, 26 April 1986;
  - (vi) Convention on the Elimination of All Forms of Discrimination against Women, 21 June 1991;
  - (vii) Convention on the Rights of the Child, 23 April 1992;
  - (viii) Rome Statute of the International Criminal Court, 3 October 2001;
  - (ix) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 3 July 2002;
  - (x) Optional Protocol to the International Covenant on Civil and Political Rights, 8 May 1981;
  - (xi) International Labour Organization (ILO) Conventions Nos. 2, 3, 4, 6, 13, 14, 17, 18, 19, 26, 29, 41, 52, 62, 67, 81, 87, 88, 94, 95, 98, 99, 100, 101, 104, 105, 111, 116, 117, 118, 119, 120, 122, 131, 138, 142, 144, 150, 155, 158, 182;
  - (xii) United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 5 January 2007;
  - (xiii) Agreement on the Privileges and Immunities of the International Criminal Court, 3 July 2008;

- (xiv) Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, 20 June 2006;
  - (xv) United Nations Convention against Corruption, 3 July 2006;
  - (xvi) United Nations Convention against Transnational Organized Crime and the Protocols thereto, 3 July 2006.
- (b) International instruments pending ratification:
- (i) ILO Indigenous and Tribal Peoples Convention (No. 169), ratification process under way;
  - (ii) Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, ratification process under way;
  - (iii) United Nations Declaration on the Rights of Indigenous Peoples.
- (c) International instruments not ratified:
- (i) Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights;
  - (ii) Protocol on the Statute of the African Court of Justice and Human Rights;
  - (iii) African Charter on Democracy, Elections and Governance;
  - (iv) Convention on the Prevention and Combating of Corruption;
  - (v) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
  - (vi) Convention for the Elimination of Mercenarism in Africa;
  - (vii) International Convention for the Protection of All Persons from Enforced Disappearance;
  - (viii) OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969);
  - (ix) Convention on the Political Rights of Women (1954);
  - (x) Convention relating to the Status of Stateless Persons (1954);
  - (xi) Convention on the Nationality of Married Women (1957);
  - (xii) International Convention on the Suppression and Punishment of the Crime of Apartheid (1973);
  - (xiii) International Convention against Apartheid in Sports (1985);
  - (xiv) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

## II. MEASURES AND MECHANISMS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

### A. Measures

#### 1. Vulnerable groups

19. The following are considered vulnerable persons in the Central African Republic.

##### (a) Women

20. The Central African Republic became a State party to the Convention on the Elimination of All Forms of Discrimination against Women in 1991 and organized a seminar to publicize the Convention in August 1996.

21. In 1997 the Central African Republic adopted a Family Code which is currently being reviewed:

(a) In order to take better account of gender in its policies, the Government adopted a new national policy to promote equality and equity between men and women in November 2005, and a national action plan 2007-2011 in which combating violence is one of the main priorities;

(b) Adoption of an action plan for 2007-2011, with financial support from the World Health Organization (WHO) to combat harmful practices, gender-based violence and sexual violence including genital mutilation;

(c) The Central African Republic is also a signatory to the Beijing Platform for Action adopted in 1995 and to the recommendations of the 1994 International Conference on Population and Development (ICPD), held in Cairo, which recommends that the Government should combat trafficking in women and children.

22. The following are some of the domestic legal provisions on the promotion and protection of women's rights:

(a) The Constitution of 27 December 2004, article 3, paragraph 2, provides that "no one shall be subjected to torture, rape, ill-treatment or cruel, inhuman, degrading or humiliating treatment";

(b) Act No. 97.014 of 10 December 1997, on vocational guidance and training, establishes free compulsory education for all and supplements the 1966 Order protecting girls' schooling;

(c) Act No. 06.005 of 20 June 2006, on reproductive health;

(d) Act No. 06.032 of 27 December 2006, on the protection of women against violence in the Central African Republic;

(e) Order No. 66/16 of 22 February 1966 abolishing the practice of excision throughout Central African territory;

(f) The establishment of a sectoral committee on gender equality and poverty reduction (14 May 2008);

(g) The establishment of a committee to monitor the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (2007).

23. Various information and awareness-raising seminars and workshops have been held to inform, sensitize and educate the public at large on women's rights.

24. The Central African State also receives support from development partners such as the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF), the European Union and the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA) in skills training for women.

25. Mention should also be made of the important work of civil society organizations in the advancement and protection of women.

#### **(b) Children**

26. Children in the Central African Republic are given priority through various measures taken by the Government.

27. With regard to legislative measures, there are a pleasing number of legal instruments on the promotion and protection of children's rights:

(a) The Constitution of 27 December 2004 (articles 6 and 7) gives prominence to children's rights;

(b) The Labour Code contains various provisions to protect children from abuses likely to jeopardize their normal development and from the worst forms of child labour;

(c) The Criminal Code and Code of Criminal Procedure (currently being amended) contain extensive provisions on the protection of children;

(d) Ratification of the Convention on the Rights of the Child on 23 May 1992. Under article 4 of the Convention, the Central African Republic is committed to undertaking all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the Convention;

(e) Recognition of the situation of Central African children in Act No. 97.013 of 11 November 1997;

(f) Ratification of the ILO Worst Forms of Child Labour Convention (No. 182) on 28 June 2000;

(g) Act No. 63.406 of 6 May 1963, establishing the nationality of children born to a Central African mother where the parents have not contracted a lawful civil marriage;

(h) Act No. 64.23 of 5 November 1964 on the legal declaration of paternity.

28. As to institutional and other measures, the following institutions are responsible for children:

- (a) Ministry of Education;
- (b) Ministry of the Family and Social Affairs;
- (c) Ministry of Health and Population;
- (d) Ministry of Youth, Sport and Culture.

29. Other measures include:

- (a) The establishment of a juvenile court;
- (b) The adoption of an inter-ministerial decree regulating cinemas, and adoption of a health code;
- (c) Prolongation of the Children's Parliament for a third session of the legislature;
- (d) Various seminars to publicize the Convention on the Rights of the Child;
- (e) Observance of Universal Children's Day;
- (f) Establishment of a national committee to monitor the Convention on the Rights of the Child (26 April 1993);
- (g) Right to apply to the district court to claim maintenance;
- (h) Right to report child abuse to the prosecutor;
- (i) Assistance for children in many forms from UNICEF, UNFPA, the Global Fund, the United Nations Development Programme (UNDP), WHO and the World Bank in various sectors such as education, health, culture and juvenile justice.

**(c) Persons with disabilities**

30. At the institutional level, the Central African Republic has made the following progress:

- (a) The Constitution of 27 December 2004 pays particular attention to individuals in general, including persons with disabilities;
- (b) Article 9, paragraph 4, of the Constitution guarantees by law the conditions for the protection for persons with disabilities;
- (c) Act No. 60/95 of 20 June 1960 and Decree No. 61/107 of 20 June 1961, on the protection of individuals;
- (d) Act No. 61/233 of 27 May 1961, regulating associations, and Act No. 02.004 of 21 May 2002, regulating NGOs and allowing persons with disabilities to form associations;
- (e) Act No. 00.007 of 20 December 2000, on the status, protection and advancement of persons with disabilities, and implementing Decree No. 02.205 of 6 August 2002;

(f) Decree No. 02.237 of 25 September 2002, establishing a department of social reintegration and a service for the advancement of persons with disabilities within the Ministry of the Family, Social Affairs and National Solidarity;

(g) Establishment of a centre for the education and training of the deaf and blind;

(h) Celebration of the National Day for Persons with Disabilities on 20 December each year;

(i) Promotion of sports by persons with disabilities through the National Paralympics Committee;

(j) Subsidies for associations for persons with disabilities;

(k) Establishment of a 10 per cent quota to bring persons with disabilities into the civil service, according to their skills.

**(d) Ethnic minorities**

31. As part of its implementation of human rights, the Central African Republic provides for protection of the weakest members of society, notably vulnerable persons and minorities:

(a) In order to strengthen protection for minorities, the Government has embarked on the process of ratifying ILO Convention No. 169 and has begun work on a bill to protect and promote the indigenous peoples of the Central African Republic;

(b) Procedure for acceding to the United Nations Declaration on the Rights of Indigenous Peoples;

(c) Indigenous peoples represented in Government;

(d) Adoption of the Forestry Code under Act No. 08.022 of 17 October 2008, involving the indigenous peoples in forest management in the Central African Republic.

32. Adoption of an order prohibiting the exploitation or export of cultural minorities' oral traditions for commercial purposes (1 August 2003).

**(e) Older persons**

33. Older persons are recognized as a vulnerable group and have formed associations under Act No. 61/233 of 27 May 1961 and Act No. 02.04 of 21 May 2002, regulating associations and NGOs, and these associations have formed a Federation of Older Persons.

34. With the support of the Ministry of the Family, Social Affairs and National Solidarity, older persons celebrate their own day on 25 October each year.

35. The Government is also working on a bill to protect older persons and on a national action plan for the advancement and protection of older persons.

## 2. Economic, social and cultural rights

### (a) Economic and social rights

#### (i) *Right to work and to safety at work*

36. Under the Constitution of 27 December 2004, article 9, “the Central African Republic guarantees all citizens the right to work, a healthy environment, rest and the satisfaction of their needs, subject to the requirements of national development. It guarantees citizens conditions favourable to their personal development, through an efficient employment policy”.

37. In addition, the Central African Republic has important legislation including:

(a) Act No. 61/221, on the Labour Code, as amended by Act No. 09.004 of 29 January 2009;

(b) The collective agreement of 18 March 1959;

(c) Act No. 99.016 amending and supplementing certain provisions of Order No. 93.008 of 14 June 1993, on the Civil Service Regulations, and its implementing Decree No. 00.172 of 10 June 2000;

(d) Act No. 99.008 of 19 May 1999, on the establishment of the Central African Agency for Vocational Training and Employment (ACFPE).

38. The following institutions are responsible for work and safety at work:

(a) The Ministry of the Civil Service, Labour, Social Security and Youth Employment;

(b) The Labour Inspectorate, which monitors the application of laws and regulations on workplace health and safety;

(c) The establishment of an occupational health service to oversee the working environment and working conditions and protect workers from occupational health risks;

(d) The establishment of the Occupational Health Inspectorate to coordinate the work of company workplace health and safety committees, company physicians and occupational health services;

(e) The Social Security Fund, which protects against workplace accidents and occupational disease and compensates victims and those covered by Social Security; and trade unions, which are actively involved in promoting and protecting the right to safety at work in the Central African Republic.

#### (ii) *Right to education*

39. Article 7 of the Central African Constitution guarantees the right to education and free tuition in State schools.

40. The Central African Government is a signatory to the Jomtien, Thailand, World Declaration on Education for All and has made education one of its priorities. It organized a General Conference on Education and Training in 1994, which led to the drafting of a national programme on developing education and training.

41. Legislative and other measures:

(a) Act No. 97 of 17 December 1997, on the national education policy, was a step forward in the area of education;

(b) A plan of action on education for all (2003-2015) was prepared in line with the recommendations of the General Conference on Education and Training and takes account of the specific needs of girls and women;

(c) Construction of schools, accelerated training and retraining of teachers, recruitment of primary school teachers and the establishment of community schools are some of the initiatives taken by the Government in the area of education in the Central African Republic.

(iii) *Right to health*

42. The Constitution of the Central African Republic, article 6, provides that “the State has a duty to ensure the physical and mental health of the family”.

43. Action taken by the Government in the area of health include the following:

(a) Preparation of a new National Health Development Plan (PNDS) (2006-2015);

(b) Preparation and implementation of a plan to speed up the reduction of maternal and neonatal mortality (2004-2015);

(c) Preparation and implementation of a programme to prevent parent-to-child transmission of HIV/AIDS;

(d) Preparation of a national policy document on reproductive health and an implementation plan;

(e) Information, education and communication (IEC) on sexually transmitted diseases, chiefly HIV/AIDS, and malaria;

(f) Vaccination campaigns and distribution of insecticide-treated mosquito nets;

(g) Strengthening of institutions and skills training for health workers;

(h) Comprehensive care for orphans and other vulnerable children;

(i) Combating tuberculosis and other endemic diseases;

(j) Adoption of Act No. 06.005 of 20 June 2006, on reproductive health (arts. 27-29);

(k) Act No. 06.030 of 12 September 2006, establishing the rights and obligations of persons living with HIV/AIDS.

44. In addition, the poverty reduction strategy paper (PRSP) 2008-2010 addresses the issue of health and makes relevant provision.

*(iv) Combating poverty*

45. The military and political crises that shook the country throughout the 1990s were in large part responsible for the descent into poverty of a significant section of the population and its increased vulnerability.

46. As the PRSP states, the diagnosis of poverty is mainly based on a monetary approach. It is the result of two surveys on household living conditions in urban and rural areas, which were carried out in 2003, supplemented by a participative survey carried out in 2006.

47. The demographic analysis of poverty shows that no area in the Central African Republic is spared and that poverty is a massive phenomenon. More than two thirds of the population (67.2 per cent or 2,618,000 people) live below the poverty line (62 per cent in rural areas and 59 per cent in urban areas).

48. Certain regions should be target areas for policies as part of a regional development approach, notably regions 2, 3, 4 and 6, without ignoring the other regions and Bangui, which are also affected, albeit to a lesser extent. In order to reduce the extremely high poverty rates in the Central African Republic, the Government has produced the poverty reduction strategy paper (PRSP) as the sole dialogue and reference framework for all issues relating to national development policies.

49. In order to combat poverty, the PRSP proposes the following four pillars as the basis for the national reconstruction and poverty-reduction strategy:

Pillar 1: Restore security, consolidate peace and prevent conflict

Pillar 2: Promote good governance and the rule of law

Pillar 3: Rebuild and diversify the economy

Pillar 4: Develop human capital

**(b) Cultural rights**

50. The Constitution of 27 December 2004, article 7, provides that “everyone has the right to access sources of knowledge. The Republic guarantees children and adults access to instruction and culture”.

51. The adoption and promulgation of Act No. 06.002 of 10 May 2006, on the Cultural Charter of the Central African Republic, provides a legal framework for the enjoyment of culture in the Central African Republic. In addition, mention should be made of the recommendations of the inclusive political dialogue, which also establish the effective realization of all human rights.

52. Ratification by the Central African Republic of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions on 5 January 2007.

53. The Ministry of Youth, Sport, Arts and Culture is responsible for the implementation of cultural policy throughout the country.

### **3. Civil and political rights**

54. The Central African Republic has taken important steps to implement civil and political rights.

#### **(a) Principle of non-discrimination**

55. The principle of non-discrimination is applied through legislative and regulatory measures:

(a) The Constitution of 27 December 2004 does not establish or encourage a policy of discrimination in any of its provisions;

(b) The ratification of the International Convention on the Elimination of All Forms of Racial Discrimination on 16 March 1971 and the Convention on the Elimination of All Forms of Discrimination against Women on 21 June 1991 are further evidence of the Government's desire to combat all discriminatory practices in the Central African Republic.

#### **(b) Right to life and protection of the person**

56. Article 1 of the Constitution of 27 December 2004 focuses closely on respect for life and protection of the human person: "The human person is sacred and inviolable. All public officials and all organizations have an absolute obligation to respect and protect it."

57. Article 3 of the Constitution clearly states that "everyone has the right to life and physical integrity".

58. Act No. 62.239 of 18 July 1961, on the Criminal Code of the Central African Republic, and Act No. 61/265 of 15 January 1961, on the Code of Criminal Procedure, as subsequently amended (ongoing), effectively safeguard the right to life and to protection of the person.

59. The establishment of the Ministry of Justice and the courts is a means of protecting the right to life and security of the person.

#### **(c) Right not to be subjected to torture**

60. The Constitution of 27 December 2004, article 3, paragraph 2, clearly states that "no one shall be subjected to torture, rape, ill-treatment or cruel, inhuman, degrading or humiliating treatment. Any person, public official or organization found guilty of such acts shall be duly punished".

61. The ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by the Central African Republic on 3 July 2002 will help in combating torture.

#### **(d) Freedom of association**

62. Freedom of association is guaranteed under the Constitution of 27 December 2004, article 12: "All citizens have the right freely to form associations, groups, societies and public service institutions, provided that they conform to the laws and regulations."

63. Act No. 61/233 of 27 May 1961, regulating associations, and Act No. 02.004 of 21 May 2002, regulating NGOs, have paved the way for the formation of numerous associations and NGOs throughout the country.

64. At the institutional level, the Ministry of the Interior takes effective measures to guarantee the freedom of association.

**(e) Freedom of assembly**

65. The Constitution of 27 December 2004, article 8, provides that “the freedom of conscience, of assembly and worship are guaranteed to all under the conditions established by law”.

66. At the institutional level, the Ministry of the Interior and Public Security is responsible for the proper implementation and enjoyment of this right.

**(f) Freedom of the press**

67. Under article 13 of the Constitution of 27 December 2004, “the freedom to inform and to express and impart opinions orally, in writing and in pictures is guaranteed, subject to respect for the rights of others”.

68. In practical terms press freedom is manifested in the existence of the printed press and the public and private media, which operate without hindrance.

69. The establishment of the Higher Council for Communication as the regulatory body for freedom of the press (Order No. 04.020 of 31 December 2004) further attests to the Government’s desire for freedom of the press.

70. Order No. 05.002 of 22 February 2005 on the freedom of communication in the Central African Republic illustrates the Government’s willingness to fight for freedom of the press in this country.

**(g) Freedom of movement**

71. The principle of freedom of movement is established and guaranteed by the Constitution of 27 December 2004, article 4, paragraph 2, whereby “the freedom to come and go ... is guaranteed to all under the conditions established by law”.

72. In order to eliminate the obstacles to the free movement of persons and goods, the Government is determined to do away with all illegal roadblocks, extortion on the public highway and similar activities.

**(h) Union rights**

73. Union rights are guaranteed under article 10 of the Constitution of 27 December 2004, which provides that “the right to form and join trade unions is guaranteed and shall be exercised freely under the laws governing this right. All workers may join the trade union of their choosing and defend their rights and interests through union action”.

74. The exercise of the right of civil servants to form and join trade unions is recognized under Act No. 99.016, amending and supplementing certain provisions of Order No. 93.008 of 14 June 1993, on the Civil Service Regulations, and its implementing Decree No. 00.172 of 10 June 2000.

75. The fact that the Central African Republic has ratified 45 ILO Conventions is a mark of its observance of trade union law.

76. The fact that six trade union federations defending Central African workers' rights and interests are legally recognized is further testimony of the Government's commitment to labour rights.

**(i) Human rights of displaced persons**

77. The Government is currently working to fill the legal void in this area, having ratified the Pact on Security, Stability and Development in the Great Lakes Region and its protocols, including the Protocol on Protection and Assistance to Internally Displaced Persons, in November 2007.

78. In this context the national body for coordination and follow-up to the International Conference on the Great Lakes Region is currently preparing domestic legislation on internally displaced persons.

**(j) Other human rights**

79. Further to the comments of the Human Rights Committee following its consideration of the periodic report of the Central African Republic on 12 and 13 July 2006 (CCPR/C/SR.2373 and 2374), the following progress in the area of civil and political rights may be noted.

*(i) Length of police custody and prison conditions*

80. With reference to the draft revised Criminal Code, Code of Criminal Procedure and Code of Military Justice:

(a) In respect of the length of police custody, the Code of Criminal Procedure, currently being amended, provides for assistance to detainees from the outset;

(b) Construction and renovation of prison facilities in large towns such as Sibut, Kaga-Bandoro, Bossangoa, Batangafo, Berbérati, Bossembélé et Bozoum;

(c) Training for prison warders and directors (PRASEJ programme to support legal security for development, the judicial system and human rights);

(d) Demilitarization of prison facilities;

(e) Separation of the sexes in Bangui and Bimbo prisons.

*(ii) Polygamy*

81. The 1997 Family Code, currently under review, addresses this question.

*(iii) Women's involvement in political life*

82. The recommendations of the inclusive political dialogue gave extensive coverage to this issue.

83. Adoption of a national policy to promote equality and equity between men and women.

*(iv) Female genital mutilation*

84. Legislation has been recently adopted to criminalize and prohibit genital mutilation as part of the Government's efforts to eradicate the practice.

85. The adoption of a plan of action for 2007 to 2011 to combat violence against women (gender-based violence, sexual violence) is clear evidence of the Government's determination.

(v) *Victims' rights*

86. Victims' rights are now guaranteed and assured and this has made it possible for the Central African Republic to initiate proceedings in the International Criminal Court for the crimes committed in the Central African Republic by the troops of Jean-Pierre Bemba under the previous regime.

(vi) *Forced disappearances and summary or arbitrary executions*

87. With the exception of isolated cases, these practices have been eliminated.

(vii) *Death penalty*

88. The Code of Criminal Procedure, currently being amended, retains provision for the death penalty as a criminal sanction (draft revised criminal code, article 17).

(viii) *Independence of the judiciary*

89. The Constitution of 27 December 2004 guarantees the independence of the judiciary from the executive and the legislature. Various rulings handed down by the Constitutional Court, the Council of State and the Court of Cassation give an indication of the degree of independence of the judiciary.

## **B. National mechanisms for the promotion and protection of human rights**

90. Like other countries, the Central African Republic has put in place a number of measures and mechanisms with responsibility for protected rights - civil and political rights, economic, social and cultural rights and other human rights.

### **1. National State mechanisms**

- Office of the High Commissioner for Human Rights and Good Governance
- Ministry of Justice
- National Mediation Council
- National Human Rights Commission (being reactivated)
- Higher Council for Communication
- Ministry of the Family, Social Affairs and National Solidarity
- Ministry of Health and Population
- Ministry of Education
- Ministry of Sport, Arts and Culture

## 2. Non-State mechanisms

91. Various civil society organizations work to promote and protect human rights in the Central African Republic:

- (a) Human rights NGOs:
  - (i) Action by Christians for the Abolition of Torture (ACAT);
  - (ii) Mouvement pour la défense des droits de l'homme (Movement for the Defence of Human Rights) (MDDH);
  - (iii) Ligue centrafricaine des droits de l'homme (Central African Human Rights League) (LCDH), member of the International Federation of Human Rights Leagues (FIDH);
  - (iv) Organisation pour la Compassion et le Développement de Familles en Détresse (Organization for the Support and Development of Families in Distress) member of FIDH;
  - (v) Observatoire centrafricain des droits de l'homme (Central African Human Rights Observatory) (OCDH);
  - (vi) Association des femmes juristes de Centrafrique (Association of Central African Women Jurists) (AFJC);
  - (vii) Association Centrafricaine de Lutte Contre la Violence (Central African Association against Violence) (ACLV);
  - (viii) Commission Episcopale Justice et Paix (Episcopal Justice and Peace Commission);
  - (ix) Observatoire pour la Promotion de l'Etat de Droit (Observatory for the Promotion of the Rule of Law) (OPED).

92. Other organizations not specializing in human rights, such as the Organisation des Femmes de Centrafrique (Organization of Central African Women) (OFCA), the Organisation des Jeunes (Youth Organization) (OJ) and the Observatoire Centrafricain des Elections et de la Démocratie (Central African Observatory on Elections and Democracy) (OCED), work with the NGO human rights defence network:

- (b) Labour organizations:
  - (i) Confédération Chrétienne des Travailleurs de Centrafrique (Christian Confederation of Central African Workers) (CCTC);
  - (ii) Confédération Nationale des Travailleurs de Centrafrique (National Confederation of Central African Workers) (CNTC);

- (iii) Confédération Syndicale des Travailleurs de Centrafrique (Central African Workers' Confederation) (CSTC);
- (iv) Organisation des Syndicats Libres des Secteurs Publics, Parapublics et Privés (Organization of Free Unions of Public, Parastatal and Private Sector Workers) (OSLP);
- (v) Union Générale des Travailleurs de Centrafrique (General Union of Central African Workers) (UGTC);
- (vi) Union Syndicale des Travailleurs de Centrafrique (Union of Central African Workers) (USTC).

### **3. Judicial and non-judicial mechanisms**

#### **(a) Judicial mechanisms**

93. The Central African Republic has several legal provisions establishing institutions to monitor and safeguard human rights.

##### *(i) Constitutional Court*

94. Under article 73, paragraph 3, of the Constitution of 27 December 2004, anyone believing they are the victim of a violation may challenge the constitutionality of a legal provision in the Constitutional Court.

##### *(ii) Court of Cassation*

95. The Court of Cassation gives an opinion on judicial issues put to it by the President of the Republic or the President of the National Assembly. It may also, on its own initiative, alert the President of the Republic to any legislative or regulatory amendments it may consider to be in the public interest. The structure and functioning of the Court of Cassation is established in an Organization Act, and it should be noted that this Court is not a third level of jurisdiction. It adjudicates points of law and of fact. The rulings handed down by the Court of Cassation are deemed *res judicatae* and are consequently not subject to appeal.

96. Mention should nevertheless be made of an instance where the Court of Cassation, after having handed down a ruling, relinquished jurisdiction over the crimes committed by the troops of the former Vice-President of the Democratic Republic of the Congo, Jean-Pierre Bemba Gombo, referring them to the International Criminal Court on 2 December 2004, pursuant to the Central African Republic's accession to the Rome Statute.

##### *(iii) Council of State*

97. Under articles 87 and 88 of the Constitution of 27 December 2004, a Council of State is established as a court of appeal and cassation for the administrative tribunals, administrative bodies with judicial status and the Court of Audit.

##### *(iv) Court of Audit*

98. The Court of Audit is competent to try public accounting officers of local authorities or State enterprises.

(v) *Jurisdiction Court*

99. The Jurisdiction Court is an ad hoc tribunal competent to adjudicate on conflicts over judicial or administrative jurisdiction.

(vi) *Parliamentary Court of Justice*

100. The Parliamentary Court of Justice is competent to try the President of the Republic and members of the Government for crimes constituting high treason:

- (a) Betrayal of oath of office;
- (b) Political assassination;
- (c) Racketeering;
- (d) Any act against the interests of the nation.

101. The judgements of the Parliamentary Court of Justice are not subject to appeal.

**(b) Non-judicial mechanisms**

102. Non-judicial mechanisms are independent institutions and bodies to which complaints of human rights violations or of failure to respect human rights can be addressed. Legally the National Human Rights Commission is the principal body but it is not functioning correctly and is currently being reactivated in accordance with the Paris Principles.

103. While this body is unavailable, however, the victims of human rights violations may apply either to the Office of the High Commissioner of Human Rights and Good Governance or the Human Rights Section of the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA).

### **III. CHALLENGES AND CONSTRAINTS ENCOUNTERED IN PROMOTING AND PROTECTING HUMAN RIGHTS IN THE CENTRAL AFRICAN REPUBLIC**

#### **A. Challenges**

104. The challenges are of three kinds.

**(a) Political challenges**

105. After 20 years of political and military upheavals in the Central African Republic, the latest of which culminated in the patriotic uprising of 15 March 2003, the institutions of the Republic were restored with the 2004 Constitution. While the Constitution contains several provisions on the promotion and protection of human rights, the Central African Republic still faces enormous challenges, including:

- (a) Bad governance;
- (b) Continuing rebellion;
- (c) The problem of “highwaymen”.

**(b) Economic challenges**

106. The economic difficulties arise in part out of the country's geographical situation, notably as a landlocked country. This is compounded by a lack of exploitation of the country's natural resources, the high illiteracy rate, the very low incomes of civil servants and State officials and the essentially fiscal nature of the State budget.

107. Misappropriation of public funds and corruption make it difficult for the State to comply with its sovereign obligations.

108. The successive military and political crises have seriously weakened the economic fabric of the country.

109. These problems adversely affect human rights in the Central African Republic. One example is the budget allocation for prisons, which is not sufficient to provide prisoners with decent conditions of detention.

110. The same applies to the meagre budget granted to the Office of the High Commissioner of Human Rights and Good Governance, which does not permit it to effectively discharge its task.

**(c) Social challenges**

111. On the social front there are a number of difficulties that hamper the promotion and protection of human rights, including:

(a) A wage freeze dating from 1985. In fact the Government has recently unfrozen a part of these wages (1985-1996) under the 2009 Finance Act;

(b) The backlog in pay, scholarships and pensions;

(c) The limiting of family allowance coverage to five children;

(d) The lack of emergency care in health centres;

(e) Low purchasing power;

(f) The failure to compensate victims of the military and political crises;

(g) A dysfunctional education system;

(h) The lack of low-cost housing;

(i) Falling wages for some;

(j) The lack of juvenile detention facilities.

**B. Constraints**

112. In addition to the challenges encountered by the Central African Republic in implementing its policy of promotion and protection of human rights, a certain number of political, economic and social constraints should also be mentioned:

- (a) Political and security constraints:
  - (i) More than 20 years of political instability;
  - (ii) Proliferation of small arms;
  - (iii) Flare-ups of rebellion;
  - (iv) Holdups;
  - (v) Highwaymen.
- (b) Economic constraints: the world economic recession and the financial and food crisis;
- (c) Social constraints:
  - (i) Frequent strikes by public-sector workers;
  - (ii) Rights of persons deprived of their liberty;
  - (iii) Constitution of 27 December 2004;
  - (iv) The existing Criminal Code, Code of Criminal Procedure and Code of Military Justice are being amended to take account of new offences;
  - (v) Police custody;
  - (vi) Assistance from the outset of proceedings (being amended);
  - (vii) Prison construction or rehabilitation in Sibut, Kaga-Bandoro, Bossangoa, Batangafo, Berbérati, Bossembélé and Bozoum;
  - (viii) Training for prison warders and directors;
  - (ix) Demilitarization of prisons;
  - (x) Separation of the sexes in Bangui and Bimbo prisons;
  - (xi) Recommendations of the General Conference on Justice;
  - (xii) Amendment of the Higher Council of the Judiciary Organization Act;
  - (xiii) Reform of the prosecution service;
  - (xiv) Compliance with constitutional provisions in accordance with the recommendations of the inclusive political dialogue;
  - (xv) Establishment of an anti-corruption committee in the Office of the Prime Minister;
  - (xvi) Government referrals to the International Criminal Court.

#### **IV. CONCLUSION**

113. Since the restoration of constitutional legality, the Central African Republic, as a party to international human rights instruments, has taken steps to promote and protect human rights.

114. However, in a post-conflict country such as the Central African Republic, measures to effectively promote and protect human rights will always run up against challenges and constraints. Without the support of the international community, therefore, only limited efforts can be made.

115. In light of the foregoing, the Central African Republic calls on the international community to help strengthen its national institutions for the promotion and protection of human rights.

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