



General Assembly

Distr.
GENERAL

A/HRC/WG.6/5/CAF/2
9 March 2009

Original: ENGLISH/FRENCH

HUMAN RIGHTS COUNCIL
Working Group on the Universal Periodic Review
Fifth session
Geneva, 4-15 May 2009

**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF THE ANNEX
TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1 ***

Central African Republic

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

* Late submission.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations¹

<i>Core universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	16 March 1971	None	Individual complaints (art. 14): No
ICESCR	8 May 1981	None	-
ICCPR	8 May 1981	None	Inter-State complaints (art. 41): No
ICCPR-OP 1	8 May 1981	None	-
CEDAW	21 June 1991	None	-
CRC	23 April 1992	None	-

Core treaties to which the Central African Republic is not a party: OP-ICESCR,³ ICCPR-OP 2, OP-CEDAW, CAT, OP-CAT, OP-CRC-AC, OP-CRC-SC, ICRMW, CPD (Signature only, 2007), CPD-OP (Signature only, 2007) and CED.

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	No
Rome Statute of the International Criminal Court	Yes
Palermo Protocol ⁴	Yes
Refugees and stateless persons ⁵	Yes, except Conventions relating to the status of Stateless Persons and on the Reduction of Statelessness
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶	Yes, except Additional Protocol III
ILO fundamental conventions ⁷	Yes
UNESCO Convention against Discrimination in Education	Yes

1. The Committee on the Rights of the Child (CRC) recommended that the Central African Republic consider ratifying OP-CRC-SC.⁸ With the Representative of the Secretary-General on the human rights of internally displaced persons (IDPs), it also recommended ratification of OP-CRC-AC.⁹ The Human Rights Committee (HR Committee) encouraged accession to ICCPR-OP2.¹⁰

2. CRC also recommended ratification of ILO Convention No. 182,¹¹ and of the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption.¹²

B. Constitutional and legislative framework

3. In 2006, the HR Committee regretted that the Covenant had not been fully incorporated into domestic law and that it had not been invoked before courts or administrative authorities. It recommended that domestic legislation give full effect to the rights recognized in ICCPR.¹³

4. CRC expressed concern in 2000 about the lack of an appropriate legal framework, with the judicial system still reliant upon colonial-era legislation, and that certain customary practices violating children's rights were sometimes applied instead of domestic law.¹⁴

C. Institutional and human rights infrastructure

5. Following his 2008 mission, the Special Rapporteur on extrajudicial, summary or arbitrary executions recommended the establishment of an independent national human rights commission in compliance with international standards, including the Paris Principles.¹⁵ In his June 2008 report to the Security Council, the Secretary-General noted that the proposed establishment of a national human rights commission and of the decision to create a free hotline service for victims of human rights violations have been welcomed.¹⁶

6. As of 20 February 2009, the Central African Republic did not have a national human right institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.¹⁷

7. Noting the establishment of the National Commission for the Follow-Up of the Convention,¹⁸ CRC recommended that it be strengthened and made fully independent.¹⁹

D. Policy measures

8. CRC recommended that the State update and reinforce future implementation of the 1993 National Plan of Action for the survival and development of children;²⁰ adopt a single integrated child rights policy;²¹ and implement a long-term campaign to disseminate the Convention.²²

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body²³</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	1985	1986, 1993 and 1999 ²⁴	-	Eighth to nineteenth reports overdue from 1986 to 2008 respectively
CESCR	-	-	-	Initial to fourth reports overdue from 1983 to 2005 respectively
HR Committee	2005	July 2006	overdue since 2007	Third report due in 2010
CEDAW	-	-	-	Initial to fifth reports overdue from 1992 to 2008 respectively
CRC	1998	October 2000	-	Second and third reports overdue since 1999 and 2004 respectively

9. In 2007, CEDAW requested the State to submit its outstanding reports by the end of 2008; otherwise, it will consider the situation in the State in the absence of a report.²⁵

10. In 2006, the HR Committee, while welcoming the second report of the State after an interval of more than 20 years, felt that such delay constituted a breach of the Covenant.²⁶

11. In 1993 and 1999, CERD regretted that no report had been submitted to it since 1985 and urged resumption of the dialogue.²⁷

2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Representative of the Secretary-General on children in armed conflict (May 2008); Special Rapporteur on extrajudicial, summary or arbitrary executions (31 January to 7 February 2008); Special Representative of the Secretary-General on the human rights of internally displaced persons (24 February to 3 March 2007).
<i>Visits agreed upon in principle</i>	Special Rapporteur on the right to food.
<i>Visits requested and not yet agreed upon</i>	Working Group on the use of mercenaries, requested in 2007.
<i>Facilitation/cooperation during missions</i>	Both mandate-holders who visited the State were grateful for the full cooperation extended to them by the Government. ²⁸
<i>Follow-up to visits</i>	-
<i>Responses to letters of allegations and urgent appeals</i>	6 communications were sent during the period under review. In addition to communications sent for particular groups, 10 individuals, including 3 women, were covered. During the period under review, the Government replied to none of the communications sent.
<i>Responses to questionnaires on thematic issues</i> ²⁹	Out of the 12 questionnaires sent by special procedures during the period under review, ³⁰ the Government responded to none of them within the deadlines.

3. Cooperation with the Office of the High Commissioner for Human Rights

12. In 2000, the Security Council welcomed a decision by the Secretary-General to establish a United Nations Peace-building Office in the Central African Republic (BONUCA), and requested the Secretary-General to keep it regularly informed of the activities of the Office and of the situation in the country.³¹ The Human Rights Section of BONUCA, which has three regional offices and is supported by OHCHR, monitors the human rights situation, provides legal assistance to victims of violations, and helps strengthen the capacity of national institutions on human rights.³²

13. In 2007, the Security Council approved the establishment in Chad and the Central African Republic, in concert with the European Union, of a multidimensional presence intended to help create the security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons. This presence includes a United Nations Mission in the Central African Republic and Chad (MINURCAT), with a human rights component. The Council requested the Secretary-General to report regularly on the matter.³³

14. An Inter-Agency Working Group including OHCHR was established in July 2008 to undertake a review of the United Nations presence and operational mandates in the country.³⁴

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

15. In 2006, the HR Committee expressed concern about a persistent pattern of discrimination against women both in the exercise of their political rights and in the areas of education. It was also concerned about discrimination in the marriage relationship.³⁵ The HR Committee regretted that polygamy has not yet been abolished,³⁶ and recommended to speed up

the process of bringing the Family Code in line with international instruments. The State should also step up its efforts to raise women's awareness of their rights and promote their participation in political affairs and their access to education and employment.³⁷ In a 2008 report to the Security Council, the Secretary-General noted that, although commendable efforts have been made to promote gender equality and equity and to curb sexual and gender-based violence, much remains to be done to increase women's participation in the decision-making process and to reduce violence against them.³⁸

16. Concern was expressed in 2000 by CRC about the situation of extensive discrimination against girls, particularly in their access to education and their inheritance rights, and about discrimination against children with disabilities and minority populations, notably Pygmies.³⁹ In 1987, CERD had expressed concern that coercion might be used against Pygmies to incite them to abandon their way of life.⁴⁰

2. Right to life, liberty and security of the person

17. While noting that the death penalty has not been implemented since 1981, the HR Committee recommended that it should not be extended to new crimes and encouraged its abolition.⁴¹

18. According to the Secretary-General, mob justice has become widespread, including the execution of people accused of witchcraft.⁴² The Special Rapporteur on extrajudicial, summary or arbitrary executions added that, in some instances, government forces have accepted payment to carry out these killings. He recommended educational efforts and the decriminalization of witchcraft.⁴³

19. As explained by the Representative of the Secretary-General on the human rights of internally displaced persons, rebellions and internal armed conflicts in the 1990s, and the violence that accompanied President Bozizé's seizing of power in 2003, triggered waves of internal displacement. The western and north-western regions were especially affected. After the 2005 elections, the majority of IDPs reportedly have returned home.⁴⁴ However, since 2005, the security situation has worsened considerably, leading to further displacement. This violence, and clashes between the rebel groups (the Popular Army for the Restoration of Democracy, APRD, which operates in the North and North-West, and the Union of Democratic Forces for Unity, UFDR – in the North-East) and the security forces (Central African Armed Forces, FACA, and the Presidential Guard), are the main reasons for displacement.⁴⁵

20. In 2006, the HR Committee expressed concern about the large number of enforced disappearances, summary and arbitrary executions, as well as allegations of widespread use of torture and cruel, inhuman and degrading treatment.⁴⁶ The Representative of the Secretary-General on the human rights of internally displaced persons stated that according to information received, these violations are mainly committed by security forces and in particular the Presidential Guard.⁴⁷ The HR Committee was also concerned by information that the Central Office for the Prevention of Banditry systematically carries out summary and extrajudicial executions with complete impunity.⁴⁸

21. The Special Rapporteur on extrajudicial, summary or arbitrary executions found that there was a significant decrease in extrajudicial executions carried out by the armed forces in the North since the summer of 2007. He also stressed that extortion from security officials mainly at checkpoints had reached major proportions, producing a significant risk of executions.⁴⁹

22. The actions of bandits and highway robbers also contribute to the climate of insecurity, according to the Secretary-General,⁵⁰ and his Representative on the human rights of IDPs.⁵¹ The Special Rapporteur on extrajudicial, summary or arbitrary executions recommended deploying security forces having the trust of the people and protecting them from bandits, cross-border raids and other threats.⁵² Selon le BONUCA, les auteurs des exécutions des personnes accusées d'être des coupeurs de route devraient être traduits en justice.⁵³

23. The Representative of the Secretary-General on the human rights of internally displaced persons also noted that the proliferation of small arms and incursions by marauders from neighbouring countries contributed to the feeling of insecurity in the North.⁵⁴ The Secretary-General indicated that violent attacks were committed in the South-Eastern region in February - March 2008, reportedly by infiltrators of the Lord's Resistance Army.⁵⁵

24. The Representative reminded the authorities that the State has primary responsibility for protecting its citizens and should take all measures to ensure the protection of the civilian population.⁵⁶ He recommended that the authorities respect the fundamental distinction between combatants and civilians and refrain from all acts prohibited by international humanitarian and human rights law, including attacks on civilians and properties, the burning of villages, summary and extrajudicial executions, and acts of torture and ill-treatment. The authorities should at the highest level remind security forces of their obligations under international humanitarian law.⁵⁷ The Special Rapporteur on extrajudicial, summary or arbitrary executions added that the general instructions given by the President to end abuses against civilians should be specifically reflected in internal regulations, orders, training and other practices of the security forces.⁵⁸

25. Selon le BONUCA, la torture et autres traitements cruels, inhumains ou dégradants perdurent car les responsables de l'application des lois et les forces de défense et de sécurité les considèrent comme des moyens légitimes d'obtenir des aveux ou de réprimer des délinquants. De tels actes sont commis de façon routinière dans les centres de détention.⁵⁹ The Secretary-General added that perpetrators are police investigators and elements of the Republican Guard assigned to detention centres as prison wardens.⁶⁰ The Special Rapporteur on extrajudicial, summary or arbitrary executions also received credible reports that torture and extrajudicial executions occurred on a regular basis in police custody or detention facilities. Too often those who are able to afford a bribe are released while those who are not, are killed.⁶¹ En 2007, le Rapporteur spécial sur l'indépendance des juges et des avocats, avec le Groupe de travail sur la détention arbitraire et le Rapporteur spécial sur la question de la torture, s'est enquis de la situation d'un militaire qui aurait été arrêté par des agents de la Sécurité présidentielle, sans mandat d'arrestation et pour des motifs non explicités, et fait l'objet de traitements inhumains et dégradants.⁶²

26. The Special Representative of the Secretary-General on children in armed conflict was encouraged that parties to the conflict had agreed to release children recruited in their ranks. APRD agreed to release all children once proper arrangements were made for their protection and reintegration into communities. UFDR signed an agreement with UNICEF and the Government for the release of children and it is now incumbent on the international community and the Government to find the necessary resources to ensure effective and sustainable reintegration of children into the community.⁶³ In a November 2008 report to the Security Council, the Secretary-General indicated that the recruitment of children by armed groups has continued, and that over 700 children remain associated with them.⁶⁴

27. The Secretary-General stated that sexual violence against women, but also men, seemed to be a lasting legacy of the 2002 and 2003 rebellions, during which it was committed on a large scale by all parties, to an extent that has justified a complaint being filed with the International Criminal Court. There were alarming reports of witnesses being harassed by perpetrators who now wear State uniforms.⁶⁵ The Secretary-General further noted in 2008 reports of sexual, gender-based and other forms of violence against women, including rape, in and outside refugee camps and displaced persons sites and in several villages.⁶⁶

28. Le BONUSA a enregistré des cas de violences faites aux femmes et aux jeunes filles, incluant des mutilations génitales, des viols, des violences domestiques et parfois des homicides. Les plus graves ont été attribuées aux forces de sécurité affectées à la maison d'arrêt de Bouar, Bossangoa et Bangui (Bimbo).⁶⁷ The HR Committee called upon the State to step up its efforts to mobilize public opinion against FMG and to take measures to criminalize it.⁶⁸

29. CRC recommended in 2000 that the State monitor and address incidents involving the sale or prostitution of children,⁶⁹ and implement measures to address abuse, including sexual abuse, and neglect of children.⁷⁰

30. According to the Secretary-General, prison conditions continue to be appalling, with prisons being overcrowded and lacking basic necessities, such as drinking water, food, sanitation and health care for inmates, and training for prison staff.⁷¹ The adverse conditions of detention in prisons and malnutrition of prisoners were also matters of concern for the HR Committee, which called for conditions of detention that are compatible with the Standard Minimum Rules for the Treatment of Prisoners.⁷²

31. In 2007, the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) reiterated its call for the repeal of legislation under which forced or compulsory labour could be exacted. The Government indicated that these texts had become obsolete and were being revised in cooperation with BONUSA.⁷³ The Secretary-General noted in 2006 the reported practice of enslaving Pygmies.⁷⁴

3. Administration of justice, including impunity, and the rule of law

32. The HR Committee recommended that the State suppress corrupt practices in the judiciary, recruit and train a sufficient number of judges, and allocate sufficient budgetary resources for the administration of justice.⁷⁵

33. According to the Secretary-General, the judicial system continues to be undermined by arbitrary arrests, detention and delays in the administration of justice.⁷⁶ The HR Committee, expressing concern that police custody can be extended to 16 days, recommended limits to the legal period of police custody and pretrial detention in the new Code of Criminal Procedure, consistent with the Covenant, and compliance with those limits. The right of persons held in police custody or pretrial detention to access defence counsel, a doctor or their families should also be enshrined in the new Code.⁷⁷

34. Le BONUSA a ajouté que les commissariats et les brigades de gendarmeries ont été transformés en prisons, où séjournent pendant de longs mois des « suspects », en particulier des étrangers.⁷⁸ Des officiers de gendarmerie et de police arrêtent des personnes innocentes à la place de leurs parents pour obliger ces derniers à se présenter.⁷⁹ Le BONUSA a souligné l'importance d'instructions fermes des Procureurs de la République en direction des officiers de

police judiciaire pour qu'ils se conforment aux normes nationales et internationales et des contrôles réguliers des unités de police et de gendarmerie.⁸⁰

35. The Secretary-General stressed that impunity of serious human rights violations remains a major challenge.⁸¹ This concern was echoed by his Representative on the human rights of IDPs⁸² and the HR Committee.⁸³ The Representative on the human rights of IDPs welcomed the initiatives of the armed forces aimed at removing officers responsible for human rights violations from the regions concerned, but stressed their insufficient character.⁸⁴ The HR Committee noted that sanctions tend to be administrative and disciplinary in nature, rather than judicial,⁸⁵ and the Secretary-General that administrative sanctions such as dismissals should be accompanied by penal sanctions.⁸⁶

36. The Secretary-General also indicated that the Prosecutor of the International Criminal Court visited Bangui in February 2008 within the context of ongoing investigations into alleged human rights crimes committed from 2002 to 2003, and that Jean-Pierre Bemba was charged in connection with those crimes.⁸⁷

37. The Representative of the Secretary-General on the human rights of internally displaced persons recommended that the authorities effectively combat impunity for the main perpetrators of human rights violations.⁸⁸ As recommended by the HR Committee, all human rights violations should be investigated, and those responsible for such violations, including civil servants, army personnel and police officials, prosecuted and punished.⁸⁹ Such recommendation was echoed by BONUCA,⁹⁰ and the Special Rapporteur on extrajudicial, summary or arbitrary executions, who added that the Government should publicly acknowledge the State's responsibility for past abuses,⁹¹ and that security forces implicated in violations must be suspended from duty.⁹² According to the HR Committee, victims should be guaranteed an effective remedy, and recommendations of the "national dialogue" on the establishment of a truth and reconciliation commission should be implemented.⁹³

38. The Representative of the Secretary-General on the human rights of IDPs stated that a proactive training and awareness programme in international humanitarian law and human rights for members of the security forces should be started without delay.⁹⁴

39. According to the Special Rapporteur on extrajudicial, summary or arbitrary executions, soldiers should be instructed that they have the obligation to disobey manifestly illegal orders and that they will be prosecuted otherwise. Commanders should be instructed that they are criminally responsible when they know or have reason to know that their subordinates are going to commit crimes and do not take all reasonable and necessary measures to prevent and punish those crimes.⁹⁵

4. Right to privacy, marriage and family life

40. In 2000, CRC recommended that all children be registered at birth, particularly in rural areas, and that birth registration services be free;⁹⁶ that efforts be strengthened to end practices of early and forced marriage;⁹⁷ and that a programme to strengthen and increase alternative care opportunities for children be urgently adopted.⁹⁸

5. Freedom of movement

41. Le BONUCA a reçu des informations relatives à des violations de la liberté de mouvement attribuées aux rebelles de l'APRD. Les forces de défense et de sécurité quant à elles exigent des taxes des voyageurs à des barrières illégales érigées sur certaines routes.⁹⁹

42. According to the Representative of the Secretary-General on human rights of internally displaced persons, the freedom of movement of IDPs is infringed on a daily basis. They are very often confined to the place where they have found refuge.¹⁰⁰

6. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

43. The HR Committee welcomed the 2005 Freedom of the Press and Communication (Organization) Act decriminalizing press offences.¹⁰¹ Nevertheless, it was concerned that many journalists have been subjected to pressure, intimidation, acts of aggression, and imprisonment or ill-treatment by the authorities.¹⁰² Selon le Bilan Commun des Pays pour la République Centrafricaine (CCA) de 2001, la couverture du territoire par les médias n'offre pas aux citoyens la possibilité d'accéder à l'information. La presse écrite est quasiment inexistante en province.¹⁰³

44. The HR Committee was concerned that many human rights defenders are unable to carry out freely their work and are subjected to harassment and intimidation by the security forces.¹⁰⁴ In 2006 and 2007, three urgent appeals were sent by the Special Representative of the Secretary-General on the situation of human rights defenders on such matter.¹⁰⁵

7. Right to work and to just and favourable conditions of work

45. The ILO Committee of Experts has requested for several years that legislation restricting freedom of association be amended or repealed. It noted the Government's reply that a preliminary draft of the reform of the Labour Code has been validated by social partners.¹⁰⁶

46. The ILO Committee recalled that the Labour Code does not fully reflect the principle of equal remuneration for men and women for work of equal value.¹⁰⁷

47. In 2000, CRC was concerned that child labour was widespread and that children might be working long hours at young ages.¹⁰⁸

8. Right to social security and to an adequate standard of living

48. Un rapport de l'OMS a indiqué que 67 pourcent de la population vit avec moins de un dollar par jour.¹⁰⁹ Cette pauvreté compromettrait de façon durable l'accès de la population aux soins de santé.¹¹⁰ UNFPA noted in a 2006 report that three quarters of the health infrastructure have been destroyed and that the water and sanitation sector was functioning badly, if at all.¹¹¹

49. In 2000, CRC, noting the very low standard of living of the population, had recommended urgent efforts to address this issue, in particular for the rural population, by improving inter alia access to drinking water and sanitation.¹¹² CRC was also concerned at the limited access of the population to social security.¹¹³ A 2008 United Nations Statistics Division source noted that the total proportion of the population not having access to improved water source decreased from 37 per cent in 2000 to 34 per cent in 2006. Furthermore, as indicated by the same source, 94.1 per cent of the urban population lived in slums in 2005.¹¹⁴

50. Comme indiqué dans le rapport de l’OMS précité, l’espérance de vie a baissé du fait du VIH/SIDA.¹¹⁵ According to UNDP, it was 42.8 years in 2005.¹¹⁶ Selon l’OMS, la prévalence élevée des maladies comme le VIH/SIDA, le paludisme et la tuberculose, la fréquence élevée des pratiques néfastes à la santé et le taux élevé d’analphabétisme sur fonds de pauvreté constituent le lit des taux élevés de mortalité materno-néonatale et infanto-juvénile.¹¹⁷

51. A UNICEF report indicated that the under-five and maternal mortality rates were unacceptably high.¹¹⁸ The maternal mortality rate is one of the highest in the world, as noted by UNFPA, and emergency obstetric care is nearly non-existent, making women in reproductive age one of the most vulnerable population groups.¹¹⁹ A United Nations Statistics Division report indicated that under-five mortality was 175 per 1,000 live births in 2006.¹²⁰ In 2000, CRC had expressed concern on these issues, and recommended that the State make free medical assistance available to pregnant women, including the assistance of trained professionals during childbirth.¹²¹

52. The adult national HIV prevalence is the tenth highest in the world, according to a 2007 UNDP report.¹²² Prevalence among women is almost twice as high as among men and there are considerable regional variations, as indicated in a UNAIDS report.¹²³ A 2008 UNICEF report noted that a substantial increase in access to and use of prevention of mother-to child transmission services has occurred.¹²⁴ In 2000, deeply concerned about the high level of HIV/AIDS infection, CRC urged the State to strengthen efforts to combat HIV/AIDS and tuberculosis, as well as to minimize the impact upon children of HIV/AIDS-related deaths of parents, teachers and others.¹²⁵

53. According to the United Nations Department of Economic and Social Affairs, the Penal Code contains no explicit exceptions to the general prohibition of abortion. However, under the criminal law principle of necessity, an abortion can be performed to save the life of the woman. Anyone performing, or attempting to perform, an illegal abortion is subject to fines or imprisonment.¹²⁶

54. CRC was concerned at the lack of mental health assistance for children, noting in particular the context of widespread family instability and the impact on them of armed mutinies;¹²⁷ and about the very limited extent to which rights of children with disabilities are respected.¹²⁸

55. The right to housing was considered by the Representative of the Secretary-General on the human rights of internally displaced persons as one of the most urgent needs facing IDPs in the North, given the particularly high number of villages that have been burned.¹²⁹ Unless IDPs are provided with emergency aid to revive their farming, their standard of living will deteriorate further, with repercussions on their health and possibly their survival.¹³⁰ The Representative was further concerned at the reduced capacity of the health facilities. Because of insecurity, displaced persons dare not seek medical care. The authorities should ensure that IDPs have access to health-care services and education in areas under government control, for example by organizing protected convoys and promoting the use of mobile clinics¹³¹

9. Right to education and to participate in the cultural life of the community

56. In 2000, CRC was deeply concerned at the low education levels among children, the number of children who are several years behind in their primary education, the high drop-out rate of children and the closing of many schools and classes because of a lack of teachers.¹³² The

Statistics Division source indicated that the net enrolment ratio in primary education was 45.7 in 2006.¹³³ According to a 2007 UNESCO report, the number of girls starting school is 80 per cent of that of boys, or less.¹³⁴ As indicated in a 2004 UNESCO report, about 10 per cent of young women are literate.¹³⁵ A 2006 UNESCO report further noted that adult literacy rate is below 60 per cent.¹³⁶

57. According to the Representative of the Secretary-General on the human rights of IDPs, the education sector has been greatly affected by events in the country. Many schools have been destroyed. Many teachers have left the regions concerned to escape the violence, and parents dare not send their children to school owing to the lack of security. The Representative encouraged the emergency education system using parents as teachers, organized with the assistance of UNICEF, but underlined that this cannot replace teaching by professionals.¹³⁷

58. Concerned at the difficulties linked to the introduction of the national language into schools, CRC recommended standardizing the use of the Sango language in schools.¹³⁸

10. Internally displaced persons and refugees

59. According to the Representative of the Secretary-General on the human rights of IDPs, since 2005 nearly 300,000 people have reportedly been displaced, including 70,000 refugees in neighbouring countries. In the North, this represents approximately 25 per cent of the population.¹³⁹ According to United Nations estimates, in 2008, 197,000 persons were still displaced.¹⁴⁰

60. According to the Representative, the authorities should make clear and complete information available to IDPs so that they can take informed decisions on their future, and, if they so wish, facilitate their return to their localities of origin in security and dignity.¹⁴¹ The Government should address the root causes of the crisis, such as the marginalization of or discrimination against certain regions, which is evidenced in underinvestment and a concentration of wealth around the capital and in the South.¹⁴²

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

61. In 2000, CRC noted positive aspects, including introduction of a programme of schools managed by local communities and efforts made to receive refugee children from neighbouring countries.¹⁴³

62. The HR Committee acknowledged positive developments, such as the introduction of juvenile courts in 2001.¹⁴⁴

63. CRC noted the very serious economic problems faced by the State, the failure of economic reforms, the pressures exerted by structural adjustment programmes and the landlocked situation of the country.¹⁴⁵

64. According to the Secretary-General, increased international financial support is critical for the State to attain its Millennium Development Goals.¹⁴⁶

65. Selon le CCA de 2001, l'analphabétisme, le manque de formation en droits de l'homme, d'information et parfois l'absence de volonté politique ont longtemps contribué à la multiplication des violations des droits de l'homme. La disparition des programmes d'éducation civique a été un facteur négatif.¹⁴⁷

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

Specific recommendations for follow-up

66. In 2005, the HR Committee required the State to submit information within one year on the follow-up given to its recommendations on female genital mutilation; on investigation, prosecution and punishment of perpetrators of enforced disappearances and summary and arbitrary executions and compensation for victims; and on the death penalty.¹⁴⁸ Despite two reminders sent in 2007 and a consultation between its Special Rapporteur on follow-up and a State's delegation in 2008, no response has been received.¹⁴⁹

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

67. According to the Special Rapporteur on extrajudicial, summary or arbitrary executions, donors should continue to provide assistance to increase the effectiveness of the security sector, accompanied by efforts to ensure human rights training, effective monitoring, respect for human rights and to respond to violations. Security sector reform also needs to be premised on democratic accountability and regularized command and control.¹⁵⁰

68. CERD suggested that the State avail itself of technical assistance by OHCHR to submit its overdue reports.¹⁵¹

69. CRC recommended that the State seek assistance from United Nations agencies and programmes regarding the issues of, inter alia, child labour,¹⁵² support to families and to communities in combating the effects of poverty and HIV/AIDS;¹⁵³ education;¹⁵⁴ leisure and cultural activities;¹⁵⁵ and juvenile justice.¹⁵⁶

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography

ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008, in which the General Assembly recommended that a signing ceremony be organized in 2009. Article 17, para. 1 of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.

⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No.105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁸ CRC/C/15/Add.138, para. 85.

⁹ CRC/C/15/Add.138, para. 83; A/HRC/8/6/Add.1, para. 85 (g).

¹⁰ CCPR/C/CAF/CO/2, para. 13.

¹¹ CRC/C/15/Add.138, para. 79.

¹² Ibid., para. 51.

¹³ CCPR/C/CAF/CO/2, para. 6.

¹⁴ CRC/C/15/Add.138, para. 12.

¹⁵ Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights; see General Assembly resolution 48/184, annex.

¹⁶ S/2008/410, para. 42

¹⁷ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex.

¹⁸ CRC/C/15/Add.138, para. 7.

¹⁹ Ibid., para. 21.

²⁰ Ibid., para. 15.

²¹ Ibid., para. 17.

²² Ibid., paras. 24-25.

²³ The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CRC	Committee on the Rights of the Child

²⁴ Concluding observations of CERD in 1993 and 1999 adopted under the review procedure (consideration in the absence of a report). The latest substantial concluding observations of the Committee are dated 1986.

²⁵ A/62/38, part 2, chap. VII, para. 408.

²⁶ CCPR/C/CAF/CO/2, para. 2.

²⁷ A/54/18, para. 363.

²⁸ A/HRC/8/3/Add.5, para. 2 and A/HRC/8/6/Add.1, para. 2

²⁹ The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate-holder.

³⁰ See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (b) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (e) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (f) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (h) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent on July 2006; (j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004; (k) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2004/9), questionnaire on the prevention of child sexual exploitation sent in July 2003; (l) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices.

³¹ See Security Council Presidential Statement S/PRST/2000/5 of 10 February 2000.

³² OHCHR 2007 Report, p. 75.

³³ Security Council Resolution 1778 (2007) of 25 September 2007.

³⁴ Report of the Secretary-General on the Situation in the Central African Republic and the activities of the United Nations Peacebuilding Support Office in that country (S/2008/733), para. 47.

³⁵ CCPR/C/CAF/CO/2, para. 9.

³⁶ Ibid., para. 10.

³⁷ Ibid., para. 9.

³⁸ S/2008/410, para. 44.

³⁹ CRC/C/15/Add.138, para. 28.

⁴⁰ A/42/18, para. 65.

- ⁴¹ CCPR/C/CAF/CO/2, para. 13.
- ⁴² S/2008/733, para. 42.
- ⁴³ A/HRC/8/3/Add.5, paras. 9 and 29.
- ⁴⁴ A/HRC/8/6/Add.1, paras. 17-18.
- ⁴⁵ Ibid., para. 19.
- ⁴⁶ CCPR/C/CAF/CO/2, para. 12. See also A/HRC/8/6/Add.1, para. 11.
- ⁴⁷ A/HRC/8/6/Add.1, para. 79
- ⁴⁸ CCPR/C/CAF/CO/2, para. 12.
- ⁴⁹ A/HRC/8/3/Add.5, paras. 5 and 7.
- ⁵⁰ S/2008/410, para. 26.
- ⁵¹ A/HRC/8/6/Add.1, para. 79
- ⁵² A/HRC/8/3/Add.5, para. 26.
- ⁵³ BONUCA, Section droits de l'homme, rapport public de janvier à avril 2008, p. 13.
- ⁵⁴ A/HRC/8/6/Add.1, para. 20.
- ⁵⁵ S/2008/410, paras. 30-31.
- ⁵⁶ A/HRC/8/6/Add.1, para 79
- ⁵⁷ Ibid., para. 85 (a) and (b).
- ⁵⁸ A/HRC/8/3/Add.5, para. 20.
- ⁵⁹ BONUCA, Section Droits de l'homme, Rapport public de Janvier à Avril 2008, paras. 20 and 45.
- ⁶⁰ S/2008/733, para. 42.
- ⁶¹ A/HRC/8/3/Add.5, para. 8.
- ⁶² A/HRC/8/4/Add.1 para 67
- ⁶³ Press release, Office of the Special Representative of the Secretary-General on children in armed conflicts, "CHAD-CAR: Hundreds of children to be released from armed groups", Bangui/New York, 31 May 2008; see www.un.org/children/conflict/pr/2008-05-31184.html.
- ⁶⁴ S/2008/733, para. 35.
- ⁶⁵ S/2006/1019, para. 49.
- ⁶⁶ S/2008/444, para. 35.
- ⁶⁷ BONUCA, Section droits de l'homme, rapport public de janvier à avril 2008, para. 36.
- ⁶⁸ CCPR/C/CAF/CO/2, para. 11.
- ⁶⁹ CRC/C/15/Add.138, paras. 84-85.
- ⁷⁰ Ibid., para. 53.
- ⁷¹ S/2008/733, para. 42. See also BONUCA, Section droits de l'homme, rapport public de janvier à avril 2008, para. 20b.
- ⁷² CCPR/C/CAF/CO/2, para. 15.
- ⁷³ ILO Committee of Experts on the Application of Conventions and Recommendations, 2007, Geneva, doc. No. 062007CAF029, paras. 1-4.
- ⁷⁴ S/2006/1019, para. 50.
- ⁷⁵ CCPR/C/CAF/CO/2, para. 16.
- ⁷⁶ S/2008/733, para. 43.

⁷⁷ CCPR/C/CAF/CO/2, para. 14.

⁷⁸ BONUCA, Section droits de l'homme, rapport public de janvier à avril 2008, para. 27.

⁷⁹ Ibid., para. 29.

⁸⁰ Ibid., para. 46.

⁸¹ S/2008/733, para. 42.

⁸² A/HRC/8/6/Add.1, para. 40.

⁸³ CCPR/C/CAF/CO/2, para. 7.

⁸⁴ A/HRC/8/6/Add.1, para. 85 (c)

⁸⁵ CCPR/C/CAF/CO/2, para. 7.

⁸⁶ S/2007/697, para. 41.

⁸⁷ S/2008/410, para. 43.

⁸⁸ A/HRC/8/6/Add.1, para. 85 (c)

⁸⁹ CCPR/C/CAF/CO/2, para. 7.

⁹⁰ BONUCA, Section droits de l'homme, rapport public de janvier à avril 2008, para. 44.

⁹¹ A/HRC/8/3/Add.5, para. 12.

⁹² Ibid., paras. 22-24.

⁹³ CCPR/C/CAF/CO/2, para. 8.

⁹⁴ A/HRC/8/6/Add.1, para. 85 (a) and (b).

⁹⁵ A/HRC/8/3/Add.5, para. 21.

⁹⁶ CRC/C/15/Add.138, paras. 36-37.

⁹⁷ Ibid., paras. 46-47.

⁹⁸ Ibid., para. 49.

⁹⁹ BONUCA, Section droits de l'homme, rapport public de janvier à avril 2008, para. 31.

¹⁰⁰ A/HRC/8/6/Add.1, paras. 63-64

¹⁰¹ CCPR/C/CAF/CO/2, para. 4.

¹⁰² Ibid., para. 17.

¹⁰³ See Bilan commun de pays pour la République centrafricaine, Bangui, 2001, p. 36, available at http://www.undg.org/archive_docs/1037-Central_African_Republic_CCA__French_-_Central_African_Republic.pdf.

¹⁰⁴ CCPR/C/CAF/CO/2, para. 18.

¹⁰⁵ A/HRC/4/27/Add.1, para. 105, submitted together with the Special Rapporteur on freedom of opinion and expression and the Special Rapporteur on the independence of judges and lawyers ; A/HRC/4/37/Add.1 paras. 119-121, A/HRC/7/28/Add.1, para. 221.

¹⁰⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, 2008, Geneva, doc. No. 062008CAF087, paras. 1-3.

¹⁰⁷ ILO Committee of Experts on the Application of Conventions and Recommendations, 2008, Geneva, doc. No. 062008CAF100, para. 1.

¹⁰⁸ CRC/C/15/Add.138, paras. 26-27 and 78.

¹⁰⁹ WHO, Stratégie de coopération de l'OMS avec les pays : République Centrafricaine 2004-2007, p. 8 ; see http://www.who.int/countryfocus/cooperation_strategy/ccs_caf_fr.pdf.

¹¹⁰ Ibid., p. 8 .

-
- ¹¹¹ UNFPA In the Consolidated Appeal Process, CAP 2006, 2006, p. 4; see http://www.unfpa.org/emergencies/docs/cap2006_brochure.doc.
- ¹¹² CRC/C/15/Add.138, paras. 68-69.
- ¹¹³ Ibid., para. 66.
- ¹¹⁴ United Nations Statistics Division coordinated data and analyses, available at: <http://mdgs.un.org/unsd/mdg>.
- ¹¹⁵ WHO, Stratégie de coopération de l’OMS avec les pays, République Africaine 2004-2007, p. 13, available at http://www.who.int/countryfocus/cooperation_strategy/ccs_caf_fr.pdf.
- ¹¹⁶ UNDP, Human Development Report 2007/2008, New York, 2007, p.232, available at: http://hdr.undp.org/en/media/HDR_20072008_EN_Complete.pdf.
- ¹¹⁷ WHO, Strategie de coopération de l’OMS avec les Pays : République Centrafricaine 2004-2007, p. 15 ; see http://www.who.int/countryfocus/cooperation_strategy/ccs_caf_fr.pdf.
- ¹¹⁸ UNICEF, Annual Report 2006, New York, 2007, p. 6, available at: http://www.unicef.pt/18/Annual_Report_2006.pdf.
- ¹¹⁹ UNFPA In the Consolidated Appeal Process, CAP 2006, 2006, p. 4; see http://www.unfpa.org/emergencies/docs/cap2006_brochure.doc.
- ¹²⁰ United Nations Statistics Division coordinated data and analyses, available at: <http://mdgs.un.org/unsd/mdg>.
- ¹²¹ CRC/C/15/Add.138, paras. 54-55.
- ¹²² UNDP, Annual Report 2007, Bangui, 2007, p. 16, available at http://www.cf.undp.org/Do%20en%20pdf/rap%202007/UNDP_Annual_Report_2007_Web.pdf.
- ¹²³ UNAIDS, AIDS Epidemic Update 2007, Geneva, 2007, p. 20, available at: http://data.unaids.org/pub/EPISlides/2007/2007_epiupdate_en.pdf.
- ¹²⁴ UNICEF, Annual Report 2007, New York, 2008, p. 17, available at: http://www.unicef.org/publications/files/Annual_Report_2007.pdf.
- ¹²⁵ CRC/C/15/Add.138, paras. 56-57.
- ¹²⁶ See www.un.org/esa/population/publications/abortion/profiles.htm.
- ¹²⁷ CRC/C/15/Add.138, para. 62.
- ¹²⁸ Ibid., para. 64.
- ¹²⁹ A/HRC/8/6/Add.1, para. 51
- ¹³⁰ Ibid., para. 51
- ¹³¹ Ibid., paras. 46, 56-58, and 85 (d). See also paras. 51-62.
- ¹³² CRC/C/15/Add.138, paras. 70-71.
- ¹³³ United Nations Statistics Division coordinated data and analyses, available at: <http://mdgs.un.org/unsd/mdg>.
- ¹³⁴ See UNESCO, Education For All Global Monitoring Report 2008 - Summary, Paris, 2007, <http://unesdoc.unesco.org/images/0015/001547/154743e.pdf>.
- ¹³⁵ UNESCO, Education For All Global Monitoring Report 2005, Paris, 2004, p. 132, available at: <http://unesdoc.unesco.org/images/0013/001373/137333e.pdf>.
- ¹³⁶ UNESCO, Education For All Global Monitoring Report 2007, Paris, 2006, p. 60, available at: http://www.unesco.org/education/GMR/2007/Full_report.pdf.
- ¹³⁷ A/HRC/8/6/Add.1, paras. 60-62.
- ¹³⁸ CRC/C/15/Add.138, paras. 70-71.
- ¹³⁹ A/HRC/8/6/Add.1, para. 21.
- ¹⁴⁰ United Nations, Central African Republic, Consolidated Appeal mid-year-review document (2008), p. 2.

¹⁴¹ A/HRC/8/6/Add.1, para. 85 (i).

¹⁴² Ibid., para 85 (j).

¹⁴³ CRC/C/15/Add.138, paras. 5-6.

¹⁴⁴ CCPR/C/CAF/CO/2, para. 5.

¹⁴⁵ CRC/C/15/Add.138, para. 10.

¹⁴⁶ S/2007/697, para. 28.

¹⁴⁷ See Bilan commun de pays pour la République Centrafricaine, Bangui, 2001, pp. 36-37, available at http://www.undg.org/archive_docs/1037-Central_African_Republic_CCA__French_-_Central_African_Republic.pdf.

¹⁴⁸ CCPR/C/CAF/CO/2, para. 20.

¹⁴⁹ A/63/40, p. 177.

¹⁵⁰ A/HRC/8/3/Add.5, para. 25.

¹⁵¹ A/54/18, para. 364.

¹⁵² CRC/C/15/Add.138, para. 79.

¹⁵³ Ibid., para. 47.

¹⁵⁴ Ibid., para. 71.

¹⁵⁵ Ibid., para. 73.

¹⁵⁶ Ibid., para. 77.
