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**National report submitted in accordance with  
paragraph 5 of the annex to Human Rights  
Council resolution 16/21\***

**Central African Republic**

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## **General 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. The Human Rights Council has been instructed to undertake a universal periodic review of the fulfilment by the Member States of the United Nations of their human rights obligations and commitments. The Central African Republic will be considered in that regard at the Council's seventeenth session in 2013.
2. Pursuant to the guidelines adopted by the Human Rights Council in its decision 17/119 of 19 July 2011, the Central African Republic reports that the methodology used in the preparation of the report was data collection based on information gathered in the field.
3. 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 a population of 4,216,664 inhabitants. It 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 to the south-west by the Republic of the Congo.
4. 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.
5. The Central African Republic has placed human rights at the heart of its agenda, making the key principles underpinning civil and political rights, namely liberty, inviolability and non-discrimination, cardinal values.
6. The Central African economy is chiefly based on exports of agricultural, mining and forestry products. There is very little industrial activity, and the economy is still suffering from the effects of the global financial recession.
7. The Heads of State have been as follows
  - 1960: David Dacko
  - 1966: Jean Bedel Bokassa
  - 1979: David Dacko II
  - 1981: André Koligba
  - 1993: Ange Félix Patasse
  - 2003: François Bozize

## **I. The human rights situation**

### **A. Institutional framework**

8. At the institutional level, the Constitution of 27 December 2004, promulgated by Act No. 04.392 of 27 December 2005, provides for the separation of powers and certain innovations in human rights matters:
  - (a) The executive 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 legislature 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 High 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 and is attached to the Office of the Prime Minister.

## **B. Legal framework**

### **1. National level**

- The Constitution of 27 December 2004, articles 1 to 17, which establish the promotion and protection of human rights in the Central African Republic
- Act No. 61/232 of 18 July 1961, on the Criminal Code
- Act No. 61/265 of 15 January 1962, on the Code of Criminal Procedure
- Act No. 61/221, on the Labour Code of the Central African Republic, which applies to persons working in the public, parastatal and private sectors
- 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)
- Act No. 06.32 of 27 December 2006, on protection of women against violence in the Central African Republic
- 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
- Order No. 05.002 of 22 February 2005, on freedom of communication and the decriminalization of press offences
- Act No. 02.04 of 21 May 2002, which governs the functioning of associations and NGOs in the Central African Republic
- Act No. 61/233 of 27 May 1961, which governs associations
- Order No. 66.26 of 31 March 1966, on the advancement of girls
- Act No. 97.013 of 11 November 1997, on the Family Code of the Central African Republic
- Act No. 00.007 of 20 December 2000, on the status, protection and advancement of persons with disabilities and the implementation of Decree No. 02.205 of 6 August 2002
- Act No. 64.54, amending Act No. 61.212 of 20 April 1961, on the Nationality Code of the Central African Republic
- Act No. 88/009 of 15 May 1998, on trade union freedom and the protection of union rights
- The National Reconciliation Pact (preamble, arts. 2 and 6)
- Act No. 63.41 of 9 January 1964, which governs public spaces
- The Bangui Agreements of 25 January 1997

- The recommendations of the Committee on Consultation and Dialogue
- The report on the National Dialogue (September 2003)
- The recommendations of the inclusive political dialogue (5–20 December 2008)
- Libreville Agreements I and II, on ending hostilities

## 2. International level

### *International legal instruments ratified*

- The Universal Declaration of Human Rights
- International Convention on the Elimination of All Forms of Racial Discrimination, 16 March 1971
- International Covenant on Economic, Social and Cultural Rights, 8 May 1981
- International Covenant on Civil and Political Rights, 8 May 1981
- African Charter on Human and People's Rights, 26 April 1986
- Convention on the Elimination of All Forms of Discrimination against Women, 21 June 1991
- Convention on the Rights of the Child, 23 April 1992
- Rome Statute of the International Criminal Court, 3 October 2001
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 3 July 2002
- Optional Protocol to the International Covenant on Civil and Political Rights, 8 May 1981
- 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
- United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 5 January 2007
- Agreement on the Privileges and Immunities of the International Criminal Court, 3 July 2008
- 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
- United Nations Convention against Corruption, 3 July 2006
- United Nations Convention against Transnational Organized Crime and the Protocols thereto, 3 July 2006

### *International legal instruments pending ratification*

- ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), ratification process under way
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, ratification process under way
- United Nations Declaration on the Rights of Indigenous Peoples

*International legal instruments not ratified*

- Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights
- Protocol on the Statute of the African Court of Justice and Human Rights
- African Charter on Democracy, Elections and Governance
- African Union Convention on the Prevention and Combating of Corruption
- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
- Convention for the Elimination of Mercenarism in Africa
- International Convention for the Protection of All Persons from Enforced Disappearance
- Organization of African Union Convention Governing the Specific Aspects of Refugee Problems in Africa (1969)
- Convention on the Political Rights of Women (1954)
- Convention relating to the Status of Stateless Persons (1954)
- Convention on the Nationality of Married Women (1957)
- International Convention on the Suppression and Punishment of the Crime of Apartheid (1973)
- International Convention against Apartheid in Sports (1985)
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

## **II. Progress made in the mechanism for the promotion of human rights**

### **Measures in favour of vulnerable groups**

#### **1. International legal instruments pending ratification**

- ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), ratification process under way
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, ratification process under way
- United Nations Declaration on the Rights of Indigenous Peoples

#### **2. International legal instruments not ratified**

- Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights
- Protocol on the Statute of the African Court of Justice and Human Rights
- African Charter on Democracy, Elections and Governance
- Convention on the Prevention and Combating of Corruption

- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
- Convention for the Elimination of Mercenarism in Africa
- International Convention for the Protection of All Persons from Enforced Disappearance
- Organization of African Union Convention Governing the Specific Aspects of Refugee Problems in Africa (1969)
- Convention on the Political Rights of Women (1954)
- Convention relating to the Status of Stateless Persons (1954)
- Convention on the Nationality of Married Women (1957)
- International Convention on the Suppression and Punishment of the Crime of Apartheid (1973)
- International Convention against Apartheid in Sports (1985)
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- The Bangayassi Act of 2006, which prohibits genital mutilation
- A new Criminal Code and Code of Criminal Procedure, which protect vulnerable persons

### **III. Measures and mechanisms for the promotion and protection of human rights**

#### **Measures on behalf of vulnerable groups**

##### **1. Women**

- 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”
- 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
- Act No. 06.005 of 20 June 2006, on reproductive health
- Act No. 06.32 of 27 December 2006, on protection of women against violence in the Central African Republic
- Order No. 66/16 of 22 February 1966 abolishing the practice of excision throughout Central African territory
- The establishment of a sectoral committee on gender equality and poverty reduction (14 May 2008)
- The establishment of a committee to monitor the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (2007)

## 2. Children

- The Constitution of 27 December 2004 (arts. 6 and 7) gives prominence to children's rights
- 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
- The Criminal Code and Code of Criminal Procedure (currently being amended) contain extensive provisions on the protection of children
- 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
- Recognition of the situation of Central African children in Act No. 97.013 of 11 November 1997
- Ratification of the ILO Worst Forms of Child Labour Convention (No. 182) on 28 June 2000
- 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
- Act No. 64.23 of 5 November 1964 on the legal declaration of paternity

## 3. Institutional and other measures

- Ministry of Education
- Ministry of the Family and Social Affairs
- Ministry of Health and Population
- Ministry of Youth, Sport and Culture
  - The establishment of a juvenile court
  - The adoption of an interministerial decree regulating cinemas
  - The adoption of a health code
  - Prolongation of the Children's Parliament for a third session of the legislature
  - Various seminars to publicize the Convention on the Rights of the Child
  - Observance of Universal Children's Day
  - Establishment of a national committee to monitor the Convention on the Rights of the Child (26 April 1993)
  - Right to apply to the district court to claim maintenance
  - Right to report child abuse to the prosecutor
  - Assistance for children in many forms from the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), the Global Fund, the United Nations Development Programme (UNDP), the World Health Organization (WHO) and the World Bank in various sectors such as education, health, culture and juvenile justice

#### **4. Persons with disabilities**

- The Constitution of 27 December 2004 pays particular attention to individuals in general, including persons with disabilities
- Article 9, paragraph 4, of the Constitution guarantees by law the conditions for the protection for persons with disabilities
- Act No. 60/95 of 20 June 1960 and Decree No. 61/107 of 20 June 1961, on the protection of individuals
- 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
- 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

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

- Establishment by Decree No. 02.237 of 25 September 2002 of 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
- Establishment of a centre for the education and training of the deaf and blind
- Celebration of the National Day for Persons with Disabilities on 20 December each year
- Promotion of sports by persons with disabilities through the National Paralympics Committee
- Subsidies for associations for persons with disabilities
- Establishment of a 10 per cent quota to bring persons with disabilities into the civil service, according to their skills

#### **5. Ethnic minorities**

10. 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, in the preamble to the Constitution

- 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
- Procedure for acceding to the United Nations Declaration on the Rights of Indigenous Peoples
- Indigenous peoples represented in Government
- 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

#### **6. Older persons**

11. 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.



12. With the support of the Ministry of the Family, Social Affairs and National Solidarity, a special day in commemoration of older persons is celebrated each year.

13. 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.

## **IV. Economic, social and cultural rights**

### **A. Economic and social rights**

#### **1. Right to work and to safety at work**

14. The Constitution of 27 December 2004, article 9, provides that: “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.”

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

- Act No. 61/221, on the Labour Code, as amended in 2009
- The collective agreement of 18 March 1959
- 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
- Act No. 99.008 of 19 May 1999, on the establishment of the Central African Agency for Vocational Training and Employment (ACFPE)

#### **2. Right to education**

16. Legislative and other measures

- Act No. 97 of 17 December 1997, on the national education policy, was a step forward in the area of education
- 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
- Construction of schools, accelerated training and retraining of teachers, recruitment of primary schoolteachers 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

#### **3. Right to health**

17. 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.”

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

- Preparation of a new National Health Development Plan (PNDS) (2006–2015)
- Preparation and implementation of a plan to speed up the reduction of maternal and neonatal mortality (2004–2015)

- Preparation and implementation of a programme to prevent parent-to-child transmission of HIV/AIDS
- Preparation of a national policy document on reproductive health and an implementation plan
- Information, education and communication (IEC) on sexually transmitted diseases, chiefly HIV/AIDS, and malaria
- Vaccination campaigns and distribution of insecticide-treated mosquito nets
- Strengthening of institutions and skills training for health workers
- Comprehensive care for orphans and other vulnerable children
- Combating tuberculosis and other endemic diseases
- Adoption of Act No. 06.005 of 20 June 2006, on reproductive health (arts. 27–29)
- Act No. 06.030 of 12 September 2006, establishing the rights and obligations of persons living with HIV/AIDS
- In addition, the poverty reduction strategy paper (PRSP) 2008–2010 addresses the issue of health and makes relevant provision

#### **4. Combating poverty**

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**

19. 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.”

20. 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.

21. In addition, mention should be made of the recommendations of the inclusive political dialogue, which also establish the effective realization of all human rights.

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

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

### **C. Civil and political rights**

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

## 1. Principle of non-discrimination

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

- The Constitution of 27 December 2004 does not establish or encourage a policy of discrimination in any of its provisions
- 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 forms of discrimination in the Central African Republic

## 2. Right to life and protection of the human person

26. 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."

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

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

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

## 3. Right not to be subjected to torture

30. 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 punished as set forth in the law."

31. 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.

## 4. Freedom of association

32. 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."

33. 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.

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

## 5. Freedom of assembly

35. The Constitution of 27 December 2004, article 8, provides that: "The freedoms of conscience, of assembly and of worship are guaranteed to all under the conditions established by law."

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

#### **6. Freedom of the press**

37. Article 13 of the Convention of 27 December 2004 states that: “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.”

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

39. The establishment of the High 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.

#### **7. Freedom of movement**

40. 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”.

#### **8. Union rights**

41. Union rights are guaranteed under article 10 of the Constitution of 27 December 2004.

42. 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.

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

44. The legal recognition of six trade union federations that defend Central African workers’ rights and interests.

#### **9. Rights of displaced persons**

45. 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.

### **V. Best practices in human rights**

#### **A. With reference to the draft revised Criminal Code, Code of Criminal Procedure and Code of Military Justice**

- In respect of the length of police custody, the Code of Criminal Procedure, currently being amended, provides for assistance to detainees from the very outset
- Construction and renovation of prison facilities in large towns such as Sibut, Kaga-Bandoro, Bossangoa, Batangafo, Berbérati, Bossembélé and Bozoum

- Training for prison warders and directors (PRASEJ programme to support legal security for development, the judicial system and human rights)
  - Demilitarization of prisons
  - Separation of the sexes in Bangui and Bimbo prisons
46. The 1997 Family Code, amended in 2010, provides for
- The same rights to be granted to children born in and outside of wedlock
  - Women's involvement in political life
  - The promotion of equality between men and women
  - The criminalization and prohibition of genital mutilation
  - The adoption of a plan of action to combat violence against women
  - The indemnification of victims

## **B. Forced disappearances and summary or arbitrary executions**

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

### **1. Death penalty**

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

### **2. Independence of the judiciary**

49. The Constitution of 27 December 2004 guarantees the independence of the judiciary from the executive and the legislature, and various rulings handed down by the Constitutional Court, the Council of State and the Court of Cassation attest to that independence.

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

50. 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.

### **A. National State mechanisms**

- Office of the High Commissioner for Human Rights and Good Governance
- Ministry of Justice
- Ministry of Health
- National Mediation Council
- National Human Rights Commission (being reactivated)
- High 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

## **B. Non-State mechanisms**

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

### **1. Human rights NGOs**

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

52. Other organizations not specializing in human rights, such as the Organisation des Femmes de Centrafrique (Organization of Central African Women) (OFCFA), 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.

### **2. Labour organizations**

(a) Confédération Chrétienne des Travailleurs de Centrafrique (Christian Confederation of Central African Workers) (CCTC);

(b) Confédération Nationale des Travailleurs de Centrafrique (National Confederation of Central African Workers) (CNTC);

(c) Confédération Syndicale des Travailleurs de Centrafrique (Central African Workers' Confederation) (CSTC);

(d) Organisation des Syndicats Libres des Secteurs Publics, Parapublics et Privés (Organization of Free Unions of Public, Parastatal and Private Sector Workers) (OSLP);

(e) Union Générale des Travailleurs de Centrafrique (General Union of Central African Workers) (UGTC);

(f) Union Syndicale des Travailleurs de Centrafrique (Union of Central African Workers) (USTC).

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

### **1. Judicial mechanisms**

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

#### *Constitutional Court*

54. 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.

#### *Court of Cassation*

55. 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.

### **2. Council of State**

56. 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.

### **3. Court of Audit**

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

### **4. Jurisdiction Court**

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

### **5. Parliamentary Court of Justice**

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

- Betrayal of oath of office
- Political assassination
- Racketeering
- Any act against the interests of the nation

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

## **6. Non-judicial mechanisms**

61. 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 was not functioning correctly and is currently being reactivated. While the services of this body are unavailable, however, it should be noted that the victims of human rights violations may present their case 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).

# **VII. Challenges and constraints encountered in promoting and protecting human rights in the Central African Republic**

## **A. Challenges**

62. The challenges are of three kinds.

### **1. Political challenges**

63. 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:

- Poor governance
- Rebellion
- The unenforceability of legal instruments

### **2. Economic challenges**

64. 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.

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

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

67. 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.

### **3. Social challenges**

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

- A wage freeze dating from 1985
- The backlog in pay, scholarships and pensions



- The limiting of family allowance coverage to five children
- The lack of emergency care in health centres
- Low purchasing power
- The failure to compensate victims of the military and political crises
- A dysfunctional education system
- The lack of low-cost housing
- Falling wages for some
- The lack of juvenile detention facilities

## B. Constraints

69. 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
  - More than 20 years of political instability
  - Proliferation of small arms
  - Flare-ups of rebellion
  - Hold-ups
  - Highway robberies
- (b) Economic constraints
  - The world economic recession and the financial and food crisis
- (c) Social constraints
  - Frequent strikes by public-sector workers.

70. Rights of persons deprived of their liberty:

- Constitution of 27 December 2004
- The existing Criminal Code, Code of Criminal Procedure and Code of Military Justice are being amended
- In terms of police custody:
  - Assistance from the outset of proceedings (being amended)
  - Construction and renovation of prison facilities in Sibut, Kaga-Bandoro, Bossangoa, Batangafo, Berbérati, Bossembélé and Bozoum
  - Training for prison warders and directors
  - Demilitarization of prisons
  - Separation of the sexes in Bangui and Bimbo prisons

## **VIII. Administration of the judiciary and judicial guarantees**

- Constitution of 27 December 2004
- Recommendations of the General Conference on Justice
- Amendment of the Higher Council of the Judiciary Organization Act
- Reform of the prosecution service
- Compliance with constitutional provisions in accordance with the recommendations of the inclusive political dialogue
- Establishment of an anti-corruption committee in the Office of the Prime Minister
- Government referrals to the International Criminal Court

## **IX. Conclusion**

71. **Since the restoration of the constitutional order, the Central African Republic, as a party to international human rights instruments, has taken steps to promote and protect human rights. 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. That is why the support of the international community for the efforts made is requested.**

72. **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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