



General Assembly

Distr.: General
24 July 2013

Original: English

Human Rights Council

Working Group on the Universal Periodic Review

Seventeenth session

Geneva, 21 October – 1 November 2013

Summary 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 and paragraph 5 of the annex to Council resolution 16/21

Central African Republic*

The present report is a summary of 4 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. 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), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translations services.

Information provided by other stakeholders

A. Background and framework

1. Scope of international obligations

1. Marist International Solidarity Foundation (FMSI) recommended that the Central African Republic ratify the International Convention on the Rights of Persons with Disabilities.²

B. Cooperation with human rights mechanisms

1. Cooperation with special procedures

2. Joint Submission 1 (JS1) recommended that the Central African Republic extends a standing invitation to Special Procedures; in particular to the Special Rapporteur on the situation of Human Rights Defenders, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on the rights to freedom of peaceful assembly and of association.³

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

1. Equality and non-discrimination

3. FMSI, referring to data produced by the World Bank, indicated that in 2011, the number of girls at primary school age that were out of school was 140,412 while the number of boys was 73,938. In addition, in 2010 only 43.9% of the girls that registered for the first grade of primary school eventually reached the last grade. For boys, this percentage stood at 48.6%.⁴ According to FMSI, education of girls was frequently considered as an unnecessary expense, especially for poor families.⁵ FMSI recommended that the Central African Republic improve equality in the education sector, including by enacting legislation and policies that protect and promote the rights of girls to education.⁶

4. FMSI recommended to take legislative, policy and educational measures, including awareness-raising measures, to overcome the stigmatisation of the poorest children, including girls and children with disabilities, and ensure that those children have equal access to high quality education.⁷

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

5. While recalling that the Central African Republic is a de facto abolitionist country and had not officially executed anyone since 1981,⁸ the Advocates for Human Rights (AFHR) noted with concern that the Central African Republic had not removed the death penalty from the new Penal Code (2010), despite the fact that during its first UPR in 2009, several countries recommended the abolition of the death penalty, and the Central African Republic's earlier statements to the HRC according to which it would consider doing so.⁹ AFHR also noted with concern that the law does not explicitly prohibit the execution of minors between the ages of 14 and 18, in violation of international standards.¹⁰ AFHR recommended that the Central African Republic institute an official moratorium on the death penalty and insist upon such moratorium in any peace negotiations or agreements

with rebel factions going forward. AFHR further recommended to work towards abolition of the death penalty during the next revision of the country's criminal code.¹¹

6. AFHR recommended to ensure that all persons accused of a crime punishable by death are fully informed of their rights and are promptly charged and brought before a magistrate who is empowered to consider the legality of any charges brought against them and to order their release if the charges are legally unsupported. AFHR also recommended to ensure that persons facing the death penalty have full access to trained defense counsel at all stages of criminal proceedings, including during interrogation and detention, in order for them to be protected against torture and forced confessions.¹²

7. Referring to the report of the International Crisis Group, AFHR indicated that the Central African Republic had been described as a phantom state, lacking any meaningful institutional capacity¹³ and, in this environment, illegal and extrajudicial killings and torture by security forces and rebel groups are reportedly common.¹⁴ AFHR regretted the persistence of a culture of impunity of those crimes.¹⁵

8. AFHR noted with concern that no judicial arrest warrant was required in the Central African Republic, and therefore police and security forces allegedly arrest individuals for almost any reason. In addition, persons were often held in detention for prolonged periods without judicial or other official review, despite requirements that authorities must inform detainees of charges against them and bring detainees before a judge within 72-144 hours of arrest. Detainees, in particular persons accused of witchcraft, had reportedly been held for years before any trial proceedings occur.¹⁶

9. According to AFHR, police, investigators and prison officials allegedly torture and abuse detainees and inmates, and torture had allegedly been used to obtain confessions. Some inmates were reportedly chained and deprived of food and water. Deaths in prison were also reported, whether from neglect and lack of medical care, or deliberate abuse or killing.¹⁷ AFHR recommended to take measures in order to end impunity for those who commit acts of torture, abuse or murder against the population, including detainees.¹⁸ AFHR also recommended to take actions to put an end to arbitrary and prolonged detentions, torture, murder, abuses and corruption within the judiciary and security forces.¹⁹ In particular, AFHR recommended providing adequate training to prison staff and ensuring accountability, in order to avoid human rights violations against prisoners.²⁰

10. AFHR noted with concern the allegedly extremely bad conditions of detention in the Central African Republic.²¹ According to observers, prisons lacked basic sanitation and ventilation, electric lighting, basic and emergency medical care, and sufficient access to potable water. Food and other necessities such as medicine were not provided or were inadequate, often stolen by prison guards and supplemented by families.²² AFHR was particularly concerned that, in 2012, the government cancelled food deliveries to prisons due to financial straits. In addition, AFHR noted that data on prison populations in general was often difficult to obtain or verify due to inadequate records and restricted access to prisons, particularly prisons outside of the capital.²³ AFHR recommended to improve prison administration in order to ensure that it meets basic international standards, including by ensuring access to adequate medical care; access to adequate food, potable water and sanitary conditions for all the prisoners. AFHR also recommended to allocate more resources to the prison system.²⁴

11. FMSI regretted that, although armed groups signed in 2011 an action plan with the UN to stop the recruitment of child soldiers and to release children in its ranks to UN, it had been reported that 2500 boys and girls were still associated with these armed groups, and continued to be used as combatants, lookouts and porters by the rebels. FMSI also noted that, as part of its counter-insurgency, the government had also been reportedly calling on youths to arm themselves to fight alongside the pro-government militias.²⁵ FMSI

recommended that the Central African Republic protect children from being recruited into armed forces and ensure that adequate legislation on the matter is adopted. It also recommended that the Inter-ministerial National Council on Child Protection sets in place adequate policies and strategies on child protection and establishes monitoring mechanisms to ensure their effective implementation.²⁶ FMSI finally recommended to ensure that all child victims of armed conflict have access to adequate care, counselling and assistance with recovery and reintegration into their communities.²⁷

12. Global Initiative to End All Corporal Punishment of Children expressed concern at the fact that corporal punishment of children is lawful in the Central African Republic, despite the Government's acceptance of recommendations on the issue, made during the first UPR in 2009. It recommended that the Central African Republic enact legislation to explicitly prohibit corporal punishment of children in all settings, including in the home, as a matter of priority.²⁸

13. According to FMSI, children were engaged as domestic workers, fisherman and hunting, and many children were deprived from their right to education.²⁹ FMSI recommended that the Central African Republic formulate and implement effective legislation that complies with the ILO's Convention 138 on the minimum age of employment, and ILO's Convention on worst forms of child labour.³⁰

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

14. AFHR noted with concern allegations according to which the Judiciary was not independent, and was subject to influence and intimidation by the executive branch. In addition, threats against judges and members of the bar had been reported, including by government security forces, and judges had fled their posts as a result of the conflict in the North of the Central African Republic.³¹ AFHR also noted with concern that, under the circumstances in the Central African Republic, the right to a fair trial was not guaranteed due to a lack of infrastructure, capacity, including qualified staff, and resources of the Judiciary.³²

15. AFHR indicated that there were 124 magistrates and 38 courthouses servicing a country of around five million people.³³ According to AFHR, the lack of sufficient judicial staff had resulted in many persons pursuing traditional or tribal remedies, or in the case of witchcraft, so-called "mob" justice that frequently resulted in killing or other violence against the accused, often women, children, elderly or person with disabilities.³⁴

16. AFHR brought to the attention the risks of death faced by potentially innocent persons, due to deficiencies in the criminal justice system, which lacked essential safeguards for persons facing the death penalty and was characterized by inadequate resources, long pre-trial delays and corruption, in violation of international human rights standards.³⁵ AFHR stated that, even if a person is arrested and promptly and officially charged with a death eligible crime, there are no guarantees that under the criminal justice system this person would promptly be brought before a judge to determine whether such charges are legally supported, or if such person would be protected from torture, or tried within a reasonable amount of time with adequate assistance of counsel.³⁶ AFHR noted with concern that the presumption of innocence was very often not observed in the Central African Republic.³⁷

17. AFHR recommended to allocate more national and international resources to improve the administration of justice in line with international law; to protect the rights of persons facing death penalty,³⁸ and to combat judicial and police corruption through greater judicial independence, training, resources and coordination of police, prosecutors and the Judiciary.³⁹ JS1 highlighted the necessity to respect the rule of law, strengthen the judiciary and eliminate the state of impunity.⁴⁰

4. Freedom of expression, association and peaceful assembly

18. JS1 indicated that freedom of expression had been further restricted in the context of the persistent conflict in the Central African Republic.⁴¹ JS1 noted with concern the persistent harassment, intimidation, torture and killings of human rights defenders, lawyers and family members of victims of war crimes that had taken place in the Central African Republic, including with the complicity of State agencies,⁴² and regretted the failure of the authorities to protect members of civil society in the exercise their freedom of expression, association and peaceful assembly.⁴³ JS1 recommended to conduct impartial and effective investigations into all cases of attack, harassment and intimidation of human rights defenders and bring the perpetrators to justice.⁴⁴

19. Providing some examples,⁴⁵ JS1 indicated that media also faced various forms of harassment for having investigated and written about corruption in the public service, and for criticizing government officials.⁴⁶ JS1 added that some journalists had a tendency to resort to self-censorship to avoid reprisals.⁴⁷ According to JS1, radio stations are often targeted by armed factions who threaten and torture staff and seize their equipment.⁴⁸ JS1 called on the Central African Republic to create an enabling environment for civil society to operate in accordance with the rights enshrined in the International Covenant on Civil and Political Rights, the UN Declaration on Human Rights Defenders and the African Charter on Human and People's Rights.⁴⁹ JS1 further recommended to ensure that civil society organisations enjoy their freedom of expression, association and peaceful assembly without fear of reprisals.⁵⁰ It further recommended that attacks on and threats to journalists be publicly condemned by senior government officials in order to ensure protection by law enforcement agencies.⁵¹

20. JS1 noted with concern that criminal penalties still existed for charges such as publication or broadcast of false information that could “disturb the peace”, despite Press Law 2004, which abolished imprisonment for several press offences including defamation, libel and slander. JS1 indicated that fines of up to one million Francs CFA (approximately US\$2000) could be imposed on journalists who are found guilty of “inciting persons to violence” or “disobedience among security forces” and on occasion the authorities violated provisions of the Press Law. Journalists who were found guilty of libel or slander were liable to fines of between one hundred thousand (approximately US\$200) to eight million Francs CFA (approximately US\$ 16000). Similar fines and imprisonment of six months to 2 years could be imposed for the publication of false or fabricated information that would disturb the peace. Journalists and media outlet especially community radio stations had been targeted by armed groups that operate in the country.⁵²

21. According to JS1, staff of humanitarian aid agencies had been also physically attacked by armed groups while providing assistance to victims of conflict.⁵³ JS1 recommended to take measures to protect humanitarian aid workers in order for them to safely transport supplies to victims of war in all affected regions in the country.⁵⁴

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

22. FMSI indicated that, as a result of low salaries, many trained teachers preferred to work in private schools where salaries were higher. According to FMSI, low salaries deterred teacher from being fully committed to their job which had detrimental effects on student achievement.⁵⁵ FMSI recommended that the Central African Republic ensure that teachers are well paid in order to improve quality of education.⁵⁶ FMSI also recommended that there are sufficient professionally trained teachers.⁵⁷

6. Right to an adequate standard of living

23. AFHR noted with concern that widespread insecurity and unrest had resulted in difficult access for the population to basic needs such as food, shelter and health-care.⁵⁸

24. FMSI stated that legislation in the Central African Republic provided that children under the age of 14 cannot be employed unless authorised by the Ministry of Labour and Civil Service. However, the law allowed the employment of children below the age of 14 for certain kinds of work in traditional agricultural activities or home services, which, according to FMSI, had led to a number of abuses. Children often worked in the gold mines alongside their parents, helping them to dig holes and transport heavy loads; conditions which were often hazardous. Such practices remained widespread despite legislation that explicitly prohibited a company or parent from employing children in the mining industry.⁵⁹ FMSI recommended to strictly enforcing the laws protecting children from hazardous work, and increasing the annual expenditure towards social welfare and education in order to alleviate the necessity of children who need to work, and to have easy access to free education.⁶⁰

7. Right to education

25. FMSI noted with concern the low quality of education and difficult access for many children to schools, despite the fact that, during its 1st UPR, the Central African Republic received recommendations related to the right to education.⁶¹ In particular, FMSI was concerned about crowding in classes and the shortages of textbooks and teaching materials.⁶² In contravention to their right to a free education, students were required to pay for books, uniforms, supplies and furniture, which had resulted in a financial burden in particular on poor families. According to FMSI, some children tried to find work in their local village in order to pay for these fees themselves.⁶³

26. Using data produced by the World Bank, FMSI indicated that the net percentage of primary school enrolment had increased from 49% in 2005 to 68.5% in 2011. However, despite the significant increase in enrolment rates in the past few years, many children dropped out of school early. Moreover, the enrolment rate for secondary schools was only 14.1%.⁶⁴ According to FMSI, dropout rates were closely related to the poor quality of education and insufficient number of schools to cater adequately for the number of children in the country.⁶⁵ FMSI regretted the serious shortage of fully qualified teachers in the Central African Republic.⁶⁶

27. FMSI brought to the attention that schools in the rural areas were sparse. It indicated that many children had to walk more than five kilometres to go to school. Furthermore, violence in schools, including corporal punishment, along with a lack of transportation and school canteens, contribute to poor attendance records, in particular regarding marginalized children, including girls, children living in poverty, and children with disabilities.⁶⁷

28. FMSI recommended to increase significantly budget allocation to education, in order to ensure free and compulsory primary education for all children without discrimination; in particular for girls, children from poor families, and those with disabilities. FMSI also recommended to provide adequate school infrastructure, including adequate sanitation facilities and water supplies.⁶⁸

8. Persons with disabilities

29. FMSI noted with concern the lack of attention paid to children with disabilities in the Central African Republic, in particular regarding their right to education. FMSI indicated that, according to the report 'Educating Children with Disabilities: the Central African Republic', of the African Child Policy Forum, the majority of children with disabilities had never attended any form of schooling. 67% of children aged 6-14 years did

not go to school while 85% of children with speech impairment had never attended school. Children with disabilities were especially disadvantaged when it comes to accessing education due, in particular, to the very few specialised schools adapted to the specific needs of these children. FMSI regretted that those specialized schools which were operational were run by non-governmental organisations and relied mainly on donations to stay open. In addition, many poor families preferred to prioritise the education of their non-disabled children over their children with disabilities. FMSI recommended to put in place adequate infrastructures adapted to the needs of the children with disabilities and implement policies and programmes to change the negative attitudes of the population towards children with disabilities.⁶⁹

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with “A” status)

Civil society

JS1	World Alliance for Citizen Participation (CIVICUS) and Réseau de Défenseurs des Droits Humains de l’Afrique Centrale (REDHAC);
AFHR	The Advocates for Human Rights;
GIEACPC	Global Initiative to End All Corporal Punishment of Children;
FMSI	Marist International Solidarity Foundation (FMSI).

² FMSI, para 19 (c).

³ Joint Submission 1, para. 5.5.

⁴ FMSI, Para.16.

⁵ FMSI, para.10.

⁶ FMSI, para.11.

⁷ FMSI, para.19 (c).

⁸ AFHR, para.8.

⁹ AFHR, II (A), page 1.

¹⁰ AFHR, para.4.

¹¹ AFHR, para.2.

¹² AFHR, para.18.

¹³ AFHR, para.9.

¹⁴ AFHR, para.9.

¹⁵ AFHR, para.10.

¹⁶ AFHR, para.6.

¹⁷ AFHR, para.13 and 17.

¹⁸ AFHR, para.2.

¹⁹ AFHR, para.2.

²⁰ AFHR, para.18.

²¹ AFHR, para.17.

²² AFHR, para.17.

²³ AFHR, para.16.

²⁴ AFHR, para.2.

²⁵ FMSI, para.20.

²⁶ FMSI, para.22 (a).

²⁷ FMSI, para.22 (b).

²⁸ Global Initiative to End All Corporal Punishment of Children, page 1.

²⁹ FMSI, para.23.

³⁰ FMSI; para.25 (a).

³¹ AFHR, para.5.

³² AFHR, para. 7 and 12.

³³ AFHR, para.7.

³⁴ AFHR, para.7.

- 35 AFHR, (B.).
 - 36 AFHR, para. 7 and 12.
 - 37 AFHR, para.13.
 - 38 AFHR, para.2.
 - 39 AFHR, para.18.
 - 40 JSI submission , 1.4.
 - 41 Joint Submission 1, para.1.4.
 - 42 Joint Submission 1, para. 3.1 to 3.5.
 - 43 Joint Submission, para. 1, 1.6.
 - 44 Joint Submission, para.5.3.
 - 45 Joint Submission, para.2.2. to 2.5.
 - 46 Joint Submission, para. 1.5.
 - 47 Joint Submission, para. 2.6.
 - 48 Joint Submission, para. 2.2.
 - 49 Joint Submission, para.5.
 - 50 Joint Submission, para.5.4.
 - 51 Joint Submission, para. 5.3.
 - 52 Joint Submission, para. 2.1.
 - 53 Joint Submission, para. 3.1.
 - 54 Joint Submission, para.5.3.
 - 55 FMSI, para.17.
 - 56 FMSI, para.17.
 - 57 FMSI, para.19 (d).
 - 58 AFHR, para.9.
 - 59 FMSI, para.23.
 - 60 FMSI, para.25 (b).
 - 61 FMSI, para.5.
 - 62 FMSI, para.13.
 - 63 FMSI, para.7.
 - 64 FMSI, para.8.
 - 65 FMSI, para.15.
 - 66 FMSI. Para.16.
 - 67 FMSI, para.14.
 - 68 FMSI, para.19 (a).
 - 69 FMSI, para.12.
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