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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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## **Introduction**

1. Pursuant to its second report, considered by the Human Rights Council at its seventeenth session in 2013, the Central African Republic submits the present report under the third universal periodic review cycle, in accordance with United Nations General Assembly resolution 60/251 of 15 March 2006 and the general guidelines of the Human Rights Council.

### **I. Process for the preparation of the report**

2. This report was prepared via a participatory process, coordinated by the Ministry of Justice and Human Rights through the national committee in charge of human rights reports, comprising representatives of ministerial departments.

3. It took place in the following stages:

- Collection of information and drafting of the report by the national committee;
- Consideration of the report and its adoption by the Cabinet of the Ministry of Justice and Human Rights.

### **II. Evaluation of the normative framework and public policies for the promotion and protection of human rights**

4. Since the submission of the second national report, the country has made progress in the area of the promotion and protection of human rights.

#### **A. Normative framework for the protection and promotion of human rights**

5. The analysis and review of the normative framework entails presenting, firstly, the international and regional legal instruments for the protection and promotion of human rights ratified by the Central African Republic from the last report until 2018 and, secondly, the current state of national legislation covering the period indicated.

##### **1. International and regional legal instruments for the promotion and protection of human rights ratified by the Central African Republic**

- The Protocol relating to the Establishment of the Peace and Security Council of the African Union, ratified in 2016;
- The African Charter on the Rights and Welfare of the Child, of 7 July 2016;
- The Convention on the Prevention and Punishment of the Crime of Genocide, ratified in 2018.

##### **2. Current status of national legislation for the promotion and protection of human rights**

6. From 2013 to 2018, the Central African Republic adopted and implemented a number of texts at the national level in the field of the promotion and protection of human rights:

- The Transitional Constitutional Charter of 18 July 2013, in force until the adoption of the Constitution of 30 March 2016;
- Act No. 15.003 of 3 March 2015, on the establishment and operation of the Special Criminal Court;

- The Constitution of 30 March 2016, repealing the Transitional Constitutional Charter of 18 July 2013;
- Act No. 16.004 of 24 November 2016, establishing parity between men and women in public, semi-public and private-sector employment;
- Act No. 17.015 of 20 April 2017, establishing the National Commission on Human Rights and Fundamental Freedoms;
- Act No. 17.012 of 24 March 2017, establishing the Code of Military Justice;
- Act No. 17.017 of 24 April 2017, authorizing the ratification of the African Charter on Democracy, Elections and Governance, ratified in 2017;
- The Nairobi agreements of January 2015, on the cessation of hostilities between the former SELEKA and Anti-BALAKA;
- The Commitment Agreement of 23 April 2015, between the Government and politico-military groups;
- Decree No. 15.007 of 8 January 2015 on the establishment of a joint Unit for Rapid Intervention and Suppression of Sexual Violence against Women and Children (UMIRR);
- Decree No. 16.0087 of 16 February 2016, on the organization and operation of the country's prisons, determining their administration;
- Decree No. 16.0088 of 16 February 2016 on the redefinition of prison administration;
- Decree No. 16.089 of 16 February 2016, defining the uniforms, insignia and stripes of officials and uniformed staff of the prison service;
- Decree No. 16.0090 of 16 February 2016 on the model rules of procedure applicable to the country's prisons;
- Interministerial order No. 16/958 of 9 December 2016, amending and supplementing certain provisions of Order No. 16/003 of 29 February 2016, on the organization and functioning of UMIRR.

## **B. Institutional framework for the promotion and protection of human rights**

7. Following the coup d'état of 24 March 2013, which ended the regime of General Bozizé, the Central African Republic has so far seen three successive regimes.

8. The first period was the first Transition led by Michel Djotodia, following the events of 24 March 2013.

9. Under pressure from all sides and following a Central African leaders' summit held in Djamena, Chad, Michel Djotodia was forced to resign on 10 January 2014.

10. The second Transition was headed by Catherine Samba Panza, elected Chairperson of the Transition on 20 January 2014. Her Government was mandated to stabilize the country and to organize elections, which led to Professor Faustin Archange Touadera taking office in March 2016; this marked the return to constitutional legality.

### **National institutions**

11. The Constitution of 30 March 2016 established numerous institutions for the protection and promotion of human rights.

#### *(a) Institutions established by the Constitution*

- The Court of Cassation;
- The Council of State;

- The Court of Auditors;
- The Jurisdiction Disputes Court;
- The High Court;
- The Constitutional Court;
- The Economic and Social Council;
- The National Mediation Council;
- The High Communication Council;
- The National Elections Authority;
- The High Authority for Good Governance.

(b) *Other institutions established by the Legislature*

- The Special Criminal Court, which has been operational since 2013;
- The National Commission on Human Rights and Fundamental Freedoms, established in 2017.

(c) *Human Rights NGOs*

- Action des Chrétiens pour l'Abolition de la Torture (ACAT) (Action by Christians for the Abolition of Torture);
- Mouvement pour la Défense des Droits de l'Homme (MDDH) (Movement for the Defence of Human Rights);
- Ligue Centrafricaine des Droits de l'Homme (LCDH) (Central African Human Rights League);
- Organisation pour la Compassion et le Développement des Familles en Détresse (OCODEFAD) (Organization for Compassion and the Development of Families in Distress);
- Central African Human Rights Observatory (OCDH);
- Association des Femmes Juristes de Centrafrique (AFJC) (Association of Women Jurists of Central Africa);
- Association Centrafricaine de Lutte Contre la Violence (ACLV) (Central African Association against Violence);
- Commission Épiscopale Justice et Paix (CEJP) (Episcopal Commission for Justice and Peace);
- Observatoire pour la Promotion de l'Etat de Droit (OPED) (Observatory of the Promotion of the Rule of Law);
- Organisation des Femmes de Centrafrique (OFCA) (Central African Republic Women's Organization);
- Conseil National de la Jeunesse (CNJ) (National Youth Council);
- L'Observatoire Centrafricain des Élections et de la Démocratie (OCED) (Central African Observatory on Elections and Democracy).

(d) *Trade unions*

- Confédération Chrétienne des Travailleurs de Centrafrique (CCTC) (Christian Confederation of Central African Workers);
- Confédération Nationale des Travailleurs de Centrafrique (CNTC) (National Confederation of Central African Workers);
- Confédération Syndicale des Travailleurs de Centrafrique (CSTC) (Trade Union Confederation of Central African Workers);

- Organisation des Syndicats Libres des Secteurs Publics, Parapublics et Privés (OSLP) Organization of free trade unions of the public, semi-public and private sectors;
- Union Générale des Travailleurs de Centrafrique (UGTC) (General Union of Central African Workers);
- Union Syndicale des Travailleurs de Centrafrique (USTC) (Trade Union Federation of Central African Workers).

(e) *Partners*

- United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA);
- UNDP;
- UN Women;
- UNICEF;
- UNFPA;
- WHO;
- UNHCR;
- IOM.

### **C. Public policy for the promotion and protection of human rights**

12. As part of the implementation of human rights policies, the Constitution of 30 March 2016 reaffirms its commitment to the protection and promotion of human rights.

13. The Government has adopted various policy measures and conducted a number of general and sectoral actions.

14. With regard to policy measures covering the period specified, the following should be recalled, *inter alia*:

- The Poverty Reduction Strategy Paper II (2011–2015);
- The National Pact for Justice Reform;
- National defence policy;
- The United Nations Development Assistance Framework, in partnership with the Central African Government (UNDAF+ 2021–2016);
- The Emergency Programme for Sustainable Recovery 2014–2016;
- The Bangui National Forum (2015);
- The National Recovery and Peacebuilding Plan 2017–2021;
- The National Education Sector Strategy for the period 2008–2020;
- The Transition Plan 2014–2017;
- The Country Programme for the Promotion of Decent Work (PPTD) for the period 2013–2016;
- National social protection policy;
- The National Policy for the Protection of Children, at the validation stage;
- The National Strategic Plan for Housing, at the validation stage.

### **III. Promotion and protection of human rights**

#### **A. Fulfilment of international obligations**

15. In paragraph 17 of the preamble to the Constitution of 30 March 2016, the Central African Republic reaffirms its commitment to all international Conventions duly ratified or approved, which have higher authority than national laws. The human rights treaties and agreements that the country has ratified form part of its domestic legal system and are invoked by citizens and applied by national courts or institutions (art.94). Laws and regulations are also adopted in order to bring national legislation into conformity with international standards. The Central African Republic also implements the decisions of international human rights mechanisms.

#### **B. Human rights education and awareness-raising**

16. The Government has encouraged human rights NGOs to establish themselves and develop a human rights culture. On 10 December of every year since 2013, those NGOs have conducted awareness-raising activities for young people in their schools and have organized radio and television debates and even communiqués in the press.

17. The Bangui Forum in April 2015 made a strong recommendation that human rights education should be included in curricula of secondary and tertiary education. The purpose of this is to instil values of citizenship, peace and tolerance in pupils and students, as well as the population as a whole.

18. In addition, the network of private journalists is encouraged to develop the same values in their columns.

#### **C. Efforts to protect and defend human rights**

19. The Government has taken steps to ensure the effective enjoyment of rights by members of the population.

20. Persons who claim that their human rights have been infringed receive counselling and guidance. Several ministerial departments have counselling and guidance centres that provide people with quality advice and information regarding their rights, to remedy the information deficit on citizens' rights and the procedures for availing themselves of them. These services are provided free of charge.

21. In order to inform those concerned of how to exercise their rights and the procedures for doing so before the courts, there are plans to organize annual open days on the justice system. During these open days, legal consultations will be offered by the various actors involved in the justice chain to defendants, for assigning responsibility and assisting the victims of armed conflicts and of rights violations of various types. In this context, the Government has established the Special Criminal Court (CPS), whose hearings will begin in the coming months.

22. Similarly, the Association des Femmes Juristes de Centrafrique (Association of Women Jurists of Central Africa), an NGO which promotes and protects human rights, has established an outreach clinic to counsel victims of sexual violence and refer them to appropriate courts.

#### **D. Cooperation with human rights mechanisms**

23. Cooperation with human rights mechanisms takes the form of responses to requests for information on special procedures. Following the initial and cumulative report of 2013, the Central African Republic has undertaken to submit its reports to treaty bodies regularly and to implement the recommendations of the Human Rights Council. It intends to

participate fully and periodically in the sessions of the Council and other international, regional and subregional forums.

## VI. Implementation of recommendations and challenges faced

### A. Implementation of accepted recommendations

#### Response to recommendations on the right to life (104.32)

24. Article 1 of the Constitution of 30 March 2016 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 it.**”

25. Article 3 of the Constitution clearly states that “everyone has the right to life and bodily integrity ...”

26. The Central African Republic, considering life and the security of the human person to be sacred, criminalizes and penalizes any act aimed at violating them, through the provisions of the new Criminal Code, adopted in 2010.

27. The establishment of the Ministry of Justice and Human Rights and the related courts and tribunals is the means of protecting the right to life and the security of the person.

28. A very significant step forward is the creation of the Special Criminal Court, which is already operational.

29. In addition to the efforts made by the Government, several organizations for the defence and protection of human rights are working to protect the right to life and the human person. Some victims have also formed an association to obtain justice and redress for the harm suffered.

#### Response to the recommendation on the abolition of the death penalty (104.8, 104.10)

30. The death penalty has not yet been abolished in the Central African Republic. The first step towards its abolition is already in effect, with the adoption in 2017 of the Code of Military Justice, the terms of which do not provide for the death penalty. For several years, judges have no longer imposed the death penalty in criminal trials.

31. The fact remains that, with the return to constitutional legality, the new authorities have committed to restart the process to abolish the death penalty through the revision of the provisions of the Criminal Code.

#### Response to the recommendations relating to combating impunity (104.30, 104.31, 104.48, 104.49, 104.50, 104.51, 104.52, 104.53, 104.54, 104.55, 104.56, 104.57, 104.58)

32. Punishing serious crimes is vital for lasting peace and true reconciliation in the Central African Republic.

33. The Government’s commitment in this regard means that those responsible for war crimes and crimes against humanity, committed for years in the country’s territory, must be brought to justice.

34. The perpetrators of these crimes must be subject to fair and just trials in order not only to bring justice to the victims of all these atrocities, but also to prevent new crimes and, above all, to allow the country’s people to look forward confidently to the national reconciliation that they wish for so strongly.

35. A number of tools have been developed and implemented by the Government in this respect:

- The establishment of the Special Criminal Court by Act No. 15.003 of 30 June 2015;
- The adoption of Act No. 17.012 of 24 March 2017 establishing the Code of Military Justice;

- The creation of the National Commission on Human Rights and Fundamental Freedoms by Act No. 17.015 of 20 April 2017.

36. The establishment of the joint rapid response unit to combat violence against women and children by Decree No. 15.007 of 8 January 2015.

#### **Response to the recommendations on human rights defenders (104.73)**

37. Having adhered to the United Nations Declaration on Human Rights Defenders, the Central African Republic guarantees, in the Constitution of 30 March 2016, the right and freedom of association for all citizens without distinction, including organizations for the defence and protection of human rights. To further strengthen the rights of human rights defenders, the Government is working on a draft law on their protection throughout the country.

#### **Response to recommendations on elections and the restoration of constitutional order (104.7, 105.45, 105.20)**

38. To clearly mark the end the Transition (24 March 2013 to 30 March 2016), the Central African Republic, with the support and cooperation of the international community, held free and democratic elections in 2016, in which new authorities were elected.

39. The adoption of the basic law, including the Constitution of 30 March 2016, definitively marked the return to constitutional legality in the country.

#### **Response to recommendations on the right to education in general and the education of children with disabilities (104.83, 104.84, 104.85, 104.90, 104.86, 104.8, 104.88 104.89, 104.91, 104.89, 104.91)**

40. The Central African Republic has ratified a number of international instruments on the right to education. This right has always been at the heart of the concerns of the various successive authorities at the head of the State.

- The current Constitution enshrines the right to education on the same basis as all previous basic laws. Article 9 of the Constitution states that “everyone has the right to access sources of knowledge. The State guarantees access to education, culture and vocational training for every citizen.”

The various laws and policy measures implemented earlier in the field of education are still valid.

- The new authorities are working tirelessly to implement the Sustainable Development Goals, particularly Goal 4, relating to the right to education: “**Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all**”;

The Central African Republic fully endorses the concerns expressed in the Sustainable Development Goals.

- The poverty reduction strategy document (PRSP I and II) 2010–2015 is one of the policy measures taken in the framework of the implementation of the right to education, through which the Government is committed to ensuring comprehensive education coverage and quality education for all children, regardless of their gender or place of residence;
- The Emergency Programme for Sustainable Recovery 2014–2016, adopted in July 2014 by the Transitional Government, placed special emphasis on education, in particular through: early childhood development; the consolidation of universal primary schooling; increased availability and quality at other levels of education; the development of literacy programmes; the development of short vocational training courses; the professionalization of the various streams of higher education and the effective implementation of the bachelor’s, master’s and doctorate reform;
- The adoption in 2014 by the Ministry of Education and Technical Training of the Roadmap for Transition led to the development for 2015–2017 of the opportunity

for all school-age children to attend school, actions to encourage school enrolment for girls and to reduce dropout rates, support for vocational training schools in a spirit of entrepreneurship and a commitment to train 500 teachers (250 for each regional teacher-training college) for at least three years through the GPE fund;

- The UNDAF Plan of Action 2012–2016, the United Nations Development Assistance Framework to consolidate peace in the Central African Republic, aimed to support and assist the Government in the areas of education and literacy, particularly for girls and the most vulnerable levels of society, to achieve quality basic education;
- The Ministry of Education and Technical Training has a transition plan for 2014–2017;
- In 2016, through the National Plan for Recovery and Peace-building 2017–2021, the Government committed to deliver basic services to the population throughout the country, particularly in educational areas;
- For the year 2016–2017, the country has created a statistical yearbook, compiled by the Ministry of Primary, Secondary and Technical Education and Literacy.

41. Regarding the situation of persons with disabilities:

- Pupils and students with disabilities attend primary, secondary and university institutions without discrimination;
- There is only one public centre for education and vocational training for students with sensory disabilities (deaf-mute or blind). This centre provides general education and vocational training but for the moment, its graduates have no opportunity to continue their studies beyond basic-2, owing to a lack of specialized teachers;
- There is no specialized centre for children with mental disabilities. The few rehabilitation centres for persons with motor disabilities, which exist in some of the country's towns and in Bangui, are mainly run by charitable organizations;
- In the area of vocational training, there is unfortunately no institution that could provide technical and vocational rehabilitation programmes for pupils and students with disabilities.

**Response to the recommendation on the right to health (104.78, 104.79, 104.80, 104.81, 104.82, 105.42)**

42. Since the submission of the previous report, the Central African Republic has taken various steps to operationalize the implementation of the right to health.

43. **The Constitution of 30 March 2016, article 8, provides that “the State has a duty to ensure the physical and mental health of the family”.**

44. A variety of actions have been undertaken by the new authorities in the area of health, including the following:

- The continued implementation of the National Health Development Plan (2006–2015);
- The continued implementation of an operational plan to accelerate the reduction in maternal and neonatal mortality;
- The design and implementation of a programme to prevent parent-to-child transmission of HIV/AIDS;
- The drafting of a national policy document on health and reproduction and a plan of action for its implementation;
- The development of the Health Sector Transition Plan (2015–2017) as an interim policy document pending the preparation of the National Health Development Plan III;

- The design of “HERAMS 2014–2016” (Health Resource Availability Mapping System), a document presenting the mapping and availability of the supply of care and of health services and the resources involved;
- The design of the Strategic Human Resources Development Plan for Health 2017–2021;
- The design of the plan for construction, rehabilitation and equipment of health structures 2017–2027;
- The development of the strategy document of the Health Information System (SIS).

**Reply to the recommendations on the protection of women against all forms of violence (104.36, 104.37, 104.38, 104.39, 104.40, 105.12, 105.13, 105.14, 105.15, 105.16, 105.17, 105.19)**

45. Since the previous report, the protection of women has become a priority and a matter of concern for the new authorities. The provisions of the new Constitution and of the Criminal Code guarantee protection to this vulnerable category against all forms of violence to which they may be subjected.

46. As a result of that commitment, the Government has made a number of efforts:

47. With regard to legal instruments:

- The establishment of the Special Criminal Court by Act No. 15.003 of 30 June 2015;
- The adoption of Act No. 17.012 of 24 March 2017 establishing the Code of Military Justice;
- The creation of the National Commission on Human Rights and Fundamental Freedoms by Act No. 17.015 of 20 April 2017;
- The establishment of the Unit for Rapid Intervention and Suppression of Sexual Violence against Women and Children (UMIRR), by Decree No. 15.007 of 8 January 2015;
- The adoption of Act No. 16.004 of 24 November 2016, establishing parity between men and women in public, semi-public and private-sector employment;
- Beginning of the process of revision of the Civil Code.

48. Regarding health care for women and adolescent girls, a plan has been created to accelerate the reduction of neonatal mortality, covering the period from 2004 to 2015.

49. Over that same period, awareness-raising campaigns on gender-based violence, combating impunity and respect for human rights have been organized in a number of provincial towns.

50. The observance of commemorative days in honour of women also demonstrates the Government’s determination to protect and promote the rights of women throughout the country:

- Celebration of International Women’s Day (8 March);
- World Rural Women’s Day, celebrated on 15 October every year;
- International Widows’ Day, on 23 June every year;
- International Day of Zero Tolerance for Female Genital Mutilation, 6 February;
- International Day of the Midwife, 5 May of each year.

51. Several training, awareness-raising and information workshops were organized by partners, especially the Human Rights Division of MINUSCA, on the subject of ownership of issues of violence against women and gender-based violence against different actors.

**Reply to the recommendations on combating female genital mutilation and other harmful traditional practices (104.41, 104.42)**

52. Although the provisions of the Penal Code of 2010 penalize such acts, the Central African Republic faces several types of sociocultural practices of which women are the victims, particularly female genital mutilation and certain traditional practices.

53. Since most victims never bring such practices to court, it is difficult to produce statistical data. In 2017, the ministry responsible for the advancement of women established certain mechanisms to combat female genital mutilation and all traditional practices.

**Reply to the recommendations relating to the promotion of gender equality, parity and gender (104.27)**

*Equality and non-discrimination*

54. Under the Constitution of 30 March 2016, the principles of non-discrimination and equality are the foundation of national unity, peace and social cohesion.

55. All laws and regulations adopted by the authorities since the previous report have strictly prohibited discrimination and asserted the equality of all citizens in all areas, political, economic, social, cultural and educational.

56. The State makes no distinction or discrimination among citizens whether:

- In the realm of public or private employment;
- In participation in elections;
- In election or appointment to various positions of responsibility.

57. Regarding women as well as minorities, there is no law that prevents them from participating in political life on equal terms with men or non-minority citizens. Nonetheless, there are factors and sociocultural constraints that hinder the implementation of these fundamental rights, despite the ratification by the Government of ILO Convention No. 169.

58. In the framework of promotion of equality, parity and gender. The Government's political will in this regard is amply evidenced by Act No. 16.004 of 24 November 2016, establishing gender parity in public, semi-public and private-sector employment. The Act strengthens the legal provisions and existing policies in this area.

**Response to recommendations relating to child soldiers (105.22, 105.23, 105.24, 103.25, 105.26, 105.27, 105.28, 105.29, 105.30, 105.31, 105.32, 105.33, 105.34, 105.35 105.36, 105.37)**

59. Since 2012, the Central African Republic has been facing armed conflict affecting thousands of children recruited and involved in crimes committed by armed groups.

60. On 21 September 2017, the Government ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

61. By ratifying the Optional Protocol, the Government undertook to take all legislative and regulatory measures to:

- Prohibit and punish the perpetrators of the recruitment and use of children in armed conflict;
- Recognize such children as victims and not as perpetrators of crimes and offences committed under the influence of these armed groups, in accordance with the Paris Principles (2007), to which the Central African Republic is a party.

62. Since June 2018, the Government has undertaken a procedure to protect and discharge children brought before the courts, in accordance with the Paris Principles and other international protocols to which the country has adhered.

63. A rapid response team has been established within the Department of Child Protection, with UNICEF support, through a programme for the reintegration of children involved in conflicts.

**Response to recommendations relating to internally displaced persons (104.77, 104.92, 104.93)**

64. To date, the situation of internally displaced persons and refugees is alarming and highly concerning, with the occupation of almost all provincial towns by irregular armed groups consisting mostly of foreign mercenaries.

65. Regarding the statistical data provided by the Ministry of Humanitarian Action and National Reconciliation through the project to support the return and integration of internally displaced persons, the number of internally displaced persons between April and May 2018 is estimated to be 669,997 persons, of whom 262,366 are distributed among 77 sites throughout the country and 407,631 in host families. As for the situation of their property, including homes and illegally occupied land, a procedure is being developed by the Ministry of Housing, with the support of the international community.

**Response to the recommendation on the establishment of a national human rights institution (105.72, 105.73, 105.74, 105.75, 105.76, 105.77)**

66. In accordance with the Paris Principles relating to national human rights institutions, the Central African Republic has established a national commission on human rights and fundamental freedoms, under Act No. 17.015 of 20 April 2017.

67. This body is now operational.

**Response to the recommendations concerning the rights of victims to redress and compensation (104.34, 104.35, 104.36)**

68. The various conflicts affecting the country have caused considerable harm and damage. The victims vary from one situation to another. Since the events of 2013, the number of victims has constantly increased. By a decree of 11 February 2017, in the face of such situations, the Government established the Truth, Justice, Reparation and National Reconciliation Commission (CVJRRN) so that comprehensive justice can be done, taking into account the harm suffered by victims and especially its reparation and, above all, reconciliation among citizens. Details on this Commission are discussed further in the context of transitional justice.

**Reply to the recommendations concerning legal reforms (104.65, 104.85, 104.86, 105.7, 105.8, 105.9, 105.21)**

69. Since 2013, in order to comply with its international obligations and effectively to address human rights violations, the Government has undertaken a number of legal reforms, including:

- The adoption of the Code of Military Justice (Act No. 17.012 of 24 March 2017);
- The adoption of the law establishing parity between men and women in public, semi-public and private employment (Act No. 16.004 of 24 November 2016);
- The beginning of the process to revise the Civil Code.

**Response to the recommendations concerning the reform and strengthening of the judiciary and prison administration (104.28, 104.47, 104.59, 104.60, 104.63, 105.18)**

70. Punishing such serious crimes is vital for lasting peace and true reconciliation in the Central African Republic.

71. The Government's resolve entails the obligation to prosecute those responsible for war crimes and crimes against humanity committed for many years in the country's territory.

72. The perpetrators of these crimes must be subject to fair and just trials in order not only to bring justice to the victims of all these atrocities, but also to prevent the commission of new crimes.

73. A number of tools have been developed and implemented by the Government in this respect:

*Operationalization of the Special Criminal Court (CPS)*

74. Given the security context, which makes it particularly difficult to investigate complex crimes involving still-active armed groups, and with particular regard to the limited capacity of the country's judicial system, the Government chose, in June 2015, to establish the Special Criminal Court, a hybrid national jurisdiction, to prosecute the perpetrators, co-perpetrators and accomplices of the serious human rights violations committed in the country's territory since 2003.

75. To date, there has been significant progress in the operationalization of the Special Criminal Court:

- Appointment, since February 2017, of international and national judges to prosecuting bodies, investigating offices and indictment chambers;
- In August 2017, appointment of court clerks and secretaries to prosecution offices;
- Appointment in February 2018 of the members of the Special Unit of the Judicial Police of the PSC;
- Adoption by the National Assembly on 29 May 2018 of the Act on the rules of evidence and procedure of the PSC and the single procedural code, taking into account its character as a hybrid court and the rules of international law.

*Redeployment of the judiciary and resumption of jurisdictional activities*

76. Despite the difficult security situation, the Justice Department, in the framework of its plan of action and with support from MINUSCA, is working to redeploy all judges and other judicial actors into their home jurisdictions throughout the country's territory.

77. Furthermore, jurisdictional activities have increasingly resumed at the country's three courts of appeal through the organization of various criminal sessions.

*Promotion of discipline in the armed forces and guaranteeing the rights of victims by giving them the opportunity to become plaintiffs.*

78. To this end, the Government has provided the country with the Code of Military Justice, through an Act promulgated on 6 March 2017.

*Reform of prison administration*

79. This reform is particularly characterized by a prison system which is demilitarized, professional, under civilian control, respectful of international human rights standards and oriented towards the social reintegration of inmates.

80. The basic principles had been established under Act No. 12.003 of 12 April 2012, the purpose of which is progressively to make prison infrastructure comply with standards and the humanization of conditions of detention.

81. This reform is particularly characterized by the following acts:

- Establishment of a series of bodies of civil servants to manage prisons (Decree No. 16.0088 of 16 February 2016);
- Definition of new rules on the organization and operation of prison facilities and determining their internal regime (Decree No. 16.0087 of 16 February 2016).

82. In addition, a national policy on health in prisons was developed by the Government in 2017 to enable the humanization of detention facilities.

83. In 2018, the Government also developed a national strategy for the reintegration of detainees.

**Response to the recommendation on the consolidation of peace, social cohesion and national reconciliation (104.67, 104.68, 104.69, 104.70, 104.71, 105.50, 105.54, 105.56)**

*Implementation of the transitional justice mechanism*

84. This mechanism is mainly characterized by the establishment of CVJRRN, which arises out of the Global Strategy for National Reconciliation, drafted in November 2014 by the Ministry of National Reconciliation and the Promotion of Civic Culture.

85. That idea was strengthened by the grass-roots popular consultations held in 2015, when the majority of persons consulted stated their wish to see the Government undertake a campaign against impunity, which was identified as the main cause of the country's repeated crises.

86. Accordingly, the National Forum of Bangui, held in May 2015, adopted a recommendation calling for the creation of that Commission, seen as one of the pillars of the durable process to free the country of its devastating crises, to restore peace and to establish equitable justice and national reconciliation.

87. The basic purpose of the Commission is to effect the rebuilding of collective memory by establishing the truth of events between "torturers and victims" so that full justice can be done, taking account of the harm suffered by the victims, its reparation and, above all, reconciliation among the country's people.

88. Following the establishment of the Steering Committee by decree on 11 February 2017, the process has just reached a new phase through the appointment of the members of the Committee by their respective entities, which appointment was endorsed by presidential decree on 8 March 2018.

89. The Steering Committee is now working to organize the national consultations and establish CVJRRN.

90. A number of dialogues, at the Government's initiative, between the various religious denominations, on the one hand, and between the armed groups and the Government, on the other hand, have been organized to promote national reconciliation.

91. Noteworthy in this regard are the following:

- The National Forum of Bangui (2015), which led to the Republican Pact for Peace, National Reconciliation and Reconstruction;
- The signature of the Agreement of 10 May 2015 between the Transitional Government and the armed groups on the principles of disarmament, demobilization, repatriation and reintegration (DDRR) and of integration into the country's uniformed forces, representing a major step in the peace process and the country's stabilization.

**Response to recommendations relating to disarmament, demobilization, repatriation and reintegration (DDRR), and to security and the restoration of the authority of the State (104.33, 104.45, 104.46, 104.47, 104.60, 105.38, 105.40, 105.46, 105.47, 105.49, 105.51, 105.53, 105.50, 105.54, 105.55, 105.56, 105.59, 105.63, 105.71, 105.78)**

92. In the face of the challenges of governance exacerbated by the military-political crisis, the Government has developed a programme of disarmament, demobilization, reintegration and repatriation (DDRR) and developed a strategy on security sector reform (SSR).

*The disarmament, demobilization, reintegration and repatriation programme*

93. The National Programme of the DDRR process draws its substance:

- From grass-roots consultations;

- From the Bangui Forum of 2015, which led to the signing of the Agreement of 10 May 2015 between the Transitional Government and the armed groups on the principles of DDRR and integration into the uniformed forces of the State.

94. The agreement defines the eligibility criteria of DDRR and modalities for integration in the Central African armed Forces.

95. The programme comprises four basic steps which are, of course, the disarmament, demobilization, reinsertion and reintegration of ex-combatants.

96. In the context of the implementation of the programme to date, the following activities have been conducted:

- The national strategy document of DDRR and the National Programme were validated by the Strategic Committee, chaired by the Head of State;
- A funding agreement for the reintegration of ex-combatants in the amount of US\$ 30 million was signed with the World Bank in June 2017;
- 14 groups have formally joined the DDRR programme;
- Officially launched on 30 August 2017, the DDRR pilot project achieved its objectives in three months;
- Of the 14 armed groups, two entities, namely the FPRC of Nouredine Adam and RJ of Armel SAYO, categorically refused to participate in the project;
- A total of 480 ex-combatants have been proposed by the 12 armed groups which took part:
  - Of the 480 persons, 240 were selected to join the Central African armed forces; 101 of that number have just completed their training;
  - 133 out of 139 persons making up the second wave entered the Camp Kassai training centre on 15 February 2018;
  - Three persons were rejected owing to their history of human rights violations, while three others have withdrawn.

97. In parallel with this programme, and in order to prevent the commission of further serious human rights violations, the Government has designed a strategy to verify past human rights violations in the defence and security forces, with help from the Human Rights Division of MINUSCA.

98. By an interministerial order by the ministers responsible for Public Security and National Defence, dated 28 September 2017, a procedure was established for conducting investigations into morality and screening security against members of armed groups who are candidates for reintegration or integration into the Central African armed forces.

99. The interministerial text sets the eligibility criteria for the DDRR programme and determines the regime for investigating morality and past human rights violations, which is applicable to the process of recruiting members of armed groups into the country's armed forces.

100. The objective is to ensure quality recruitment with respect for human rights.

#### *Security Sector Reform (SSR) Strategy*

101. Security sector reform is a process of assessment, review and implementation, as well as monitoring and evaluation, led by the national authorities, aimed at creating an effective and accountable security system for the State and its people, without discrimination and with full respect for human rights and the rule of law.

102. The overall objectives of the strategy are:

- Securing the territory and restoration of the administration;
- Protection of persons and property;
- Democratic security sector governance;

103. Taking into account lessons learned from the failure of previous attempts at security sector reform, a new approach has been designed by the Government with the support of international partners.

104. For this purpose, three major areas of action have been identified:

- Strengthening the capacity of the security sector;
- Strengthening the security of persons and property and restoration of State authority;
- Stabilizing democratic governance and the rule of law.

105. The reforms identified from these strategic areas are conducted in the short and medium terms based on action plans developed by the various ministerial departments concerned.

**Reply to the recommendations relating to the protection and promotion of human rights (104.1, 105.65, 105.19, 105.43, 105.17, 105.48, 105.57, 105.58, 105.68, 105.75)**

106. In 2018, to ensure better protection and promotion of human rights, the Government initiated the development of a national policy document on human rights and fundamental freedoms as a frame of reference.

107. Furthermore, all the institutions of the Republic now have a mandate and mission to take into account the human rights dimension with implementation plans in the preparation of their policy documents. The response to this recommendation also includes the establishment of institutions such as the High Authority for Good Governance and the National Commission on Human Rights and Fundamental Freedoms.

**Response to recommendations relating to the ratification of human rights conventions, treaties and protocols (104.3, 104.21, 105.10, 105.11, 104.24, 105.1, 105.2, 104.21, 104.22, 105.4, 104.25, 104.2, 104.23, 104.24, 105.8, 105.9, 106.1, 104.4, 104.5, 104.6, 104.8, 104.11, 104.12, 104.12, 104.13, 104.15, 104.16, 104.17, 104.18, 104.20, 104.21)**

108. Between 2013 and 2018, in relation to its international commitments, the Central African Republic ratified the following international human rights conventions and protocols:

- The Convention on the Prevention and Punishment of the Crime of Genocide;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
- The African Charter on Democracy, Elections and Governance;
- The Protocol relating to the Establishment of the Peace and Security Council of the African Union.

109. In addition, the Government has taken steps to ratify other conventions and protocols, the processes for which are in hand, including:

- The Convention on the Rights of Persons with Disabilities;
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

**Reply to the recommendations on the support and assistance of the international community (104.72, 104.74, 104.77, 104.81, 105.68, 105.69, 105.70)**

110. The Central African Republic enjoys the support and multifaceted assistance of virtually all international partners involved in the implementation of the right to protection

of the family, such as MINUSCA, UNDP, UNIFEM, UNFPA, UNICEF, the European Union, the capacity-building framework of advocacy for women, children of persons with disabilities, minorities and the indigenous population, who are the components of the family.

111. It appreciates the support and assistance of the international community in all areas of human rights, including the organization of elections, the return to constitutional order, the protection of civilians and internally displaced persons, the reform of the institutions of the Republic, education, health and labour.

**Reply to the recommendations relating to humanitarian aid (105.59, 105.60, 105.61, 105.62)**

112. The Central African Republic has received assistance and support from several international partners in the context of access to humanitarian assistance throughout the country. Humanitarian assistance is targeted, without discrimination, on internally displaced persons in various locations within the country and in Bangui.

113. As for efforts to restore security and improve the humanitarian situation in the country, MINUSCA and certain other partners are playing a vital role in this area.

**Reply to the recommendations relating to cooperation in the area of human rights (104.26, 105.48, 105.68, 105.70, 105.79, 105.80, 105.81, 106.2, 106.3)**

114. The Central African Republic has benefited from several forms of technical and financial assistance from the international community, to build capacity in the country in the areas of promotion and protection of human rights, institutional capacity-building for better ownership of human rights, training for senior officials and public servants in the areas of human rights and in related sectors such as restoring the authority of the State, reform of the security sector, disarmament and reintegration of former combatants, and the reintegration of children involved in conflict.

## **B. Challenges faced in the implementation of human rights since the previous report**

115. The Central African Republic has faced many challenges and constraints in the implementation of human rights since the previous report.

116. These include:

- Institutional instability and lack of visibility in the conduct and management of the country's human rights policy;
- Delays in decision-making with regard to certain human rights issues;
- The high illiteracy rate among the population;
- Ignorance or lack of ownership by the population of instruments and mechanisms for the promotion and protection of human rights;
- Inter-ethnic, interreligious and intercommunity divisions and rifts;
- Poor governance in the conduct and operation of projects, embezzlement of public funds and corruption, all of which cause problems for the State in relation to its supreme obligations for the funding of human rights-related activities and projects;
- The collapse of the economy in response to developments since March 2013;
- The high level of poverty;
- The destruction of the economic fabric flowing from the systematic looting of administrations, enterprises, companies and schools;
- The lack of specialized institutions in the field of human rights to enable the popularization and dissemination of the values and principles of human rights;

- Insecurity throughout the country, which is the largest obstacle to publicizing human rights, especially in the regions and prefectures under the control of armed groups;
- The absence of State authority in the regions and prefectures under the control of the armed groups;
- The absence of the defence and security forces and the armed forces in the regions and prefectures to ensure the protection of the civilian population;
- The heavy dependence of the Central African Republic in respect of external financing;
- Sociocultural pressures and other stereotypes that constitute barriers to the flourishing and development of women;
- The isolation of the country;
- The weight of external debts.

## **V. National priorities, initiatives and commitments undertaken since the previous report to improve the human rights situation**

### **A. The Government's priorities for improving the human rights situation**

- Restoration of the authority of the State to ensure the protection of the entire civilian population;
- Disarmament of all armed groups;
- Promoting the country's overall development by placing people at the centre of all efforts;
- The consolidation of the rule of law in order to ensure effective implementation of human rights;
- Promoting reconciliation and coexistence among the various religious communities and confessions;
- Implementation of the Sustainable Development Goals, particularly Goal 4, relating to the right to education: **"Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all"**;
- Applying the implementation of and compliance with the gender concept and gender equality in the realities of everyday life;
- The promotion of human rights education, the culture of peace and reconciliation throughout the country;
- Guaranteeing the rights of vulnerable groups such as women, children, persons with disabilities and older persons;
- The adoption of a national policy document on human rights and fundamental freedoms, including an Action Plan for implementation.

### **B. Various initiatives undertaken at the country level**

117. In addition to the institutions provided for in the Constitution of 30 March 2016, the Central African authorities have taken a number of initiatives to improve the human rights situation. These are:

- The creation in 2017 of the National Commission on Human Rights and Fundamental Freedoms;

- The implementation in 2017 of transitional justice, with a Truth, Justice, Reparation and National Reconciliation Commission (CVJRRN);
- The creation in June 2017 of the Monitoring Committee for the Convention on the Elimination of All Forms of Discrimination against Women (CEDEF);
- The creation on 7 June 2018 of the National Committee to Combat Gender-based Violence and Traditional Practices Harmful to Women, including forced marriage;
- The establishment in 2018 of the National Coordination of the Rabat Process on Euro-African Dialogue on Migration and Development.

### **C. Implementation of international commitments in the field of human rights**

118. In accordance with its international commitments, the Central African Republic undertakes to:

- Ratify international conventions, including:
  - The Convention on the Rights of Persons with Disabilities;
  - The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
  - The International Convention for the Protection of All Persons from Enforced Disappearance, and to accept the competence of the Committee on Enforced Disappearances;
- Strengthen national legislation, bringing it into line with international obligations;
- Strengthen cooperation with international and regional human rights bodies;
- Develop an action plan for the implementation of the recommendations following this third national report;
- Disseminate the national report at all social levels of the population and political, legislative, judicial authorities and other organizations in order to enhance national ownership;
- Submit the various reports to depositary organs in a timely manner.

## **VI. The country's key needs in terms of capacity-building and technical and financial assistance**

119. The conflicts and crises in the country since 2013 have a negative impact on the development of the country in general, particularly the rights of the population. Almost all national infrastructures have been destroyed. In view of the numerous challenges and constraints faced by the country, it is now imperative that it be assisted and supported by the international community.

### **A. Needs expressed in terms of capacity-building**

120. These include:

- Capacity-building in the justice system, transitional justice mechanisms and the National Commission on Human Rights and Fundamental Freedoms in order to enable them to contribute effectively to the process of reconciliation and national cohesion;
- Capacity-building for members of the National Committee for the drafting of reports for submission to treaty bodies;

- Strengthening the capacity of the Ministry of Justice and Human Rights in the development of the action plan for the implementation of any recommendations following the third national report and those of other treaty bodies.

## **B. Needs expressed in terms of technical and financial assistance**

121. These include:

- Facilitating broad dissemination and publication of the third national report and the recommendations which will follow;
- Support for the action plan for the implementation of any recommendations relating to the third national report;
- Support to the national committee for the drafting of reports under international human rights instruments;
- Support to the Ministry of Justice and Human Rights in the implementation of the national policy on human rights and fundamental freedoms which is going through the validation process;
- Support for awareness-raising and training initiatives on human rights throughout the country.

## **Conclusion**

122. The present report reviews the progress made and describes the challenges facing the Central African Republic with regard to the realization of human rights. Through this document, the Central African Republic reaffirms its support for the Universal periodic review and reiterates its readiness to receive recommendations that will enable it to improve the human rights situation in the country.

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