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Report of the Working Group on the Universal Periodic Review*

Central African Republic

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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



1. A total of **207** recommendations were submitted to the Central African Republic. The Government's comments on those recommendations are given below.

I. The Government takes notes of the following recommendations

121.1; 121.9; 121.10; 121.14; 121.16; 121.17; 121.11; 121.12; 121.13; 121.61; 121.62; 121.63; 121.98; 121.104; 121.105; 121.107; 121.108; 121.109; 121.110; 121.111; 121.112; 121.113; 121.114; 121.144; 121.149; 121.155; 121.185; 121.186.

II. The Government supports the following recommendations

121.2 and 121.3

2. Steps are being taken to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure

121.4

3. The process of ratifying the International Convention on the protection of the Rights of All Migrant Workers and Members of Their Families will be completed once the National Policy Document on Migration has been finalized and adopted.

121.5 and 121.6

4. The Convention on the Rights of Persons with Disabilities was ratified on **1 December 2016**. It only remains to transmit the instruments of ratification.

121.7

5. The United Nations Convention against Transnational Organized Crime was ratified and incorporated into national legislation under **Act 06.014 of 3 July 2006**.

121.8

6. The procedure to ratify the Convention on the Prevention and Punishment of the Crime of Genocide will certainly be completed once the National Committee on the Prevention of Genocide and other criminal atrocities has concluded its work.

121.15; 121.21; 121.46; 121.47; 121.48; 121.49; 121.50; 121.51; 121.52; 121.53; 121.54; 121.55; 121.56; 121.57; 121.58; 121.72; 121.74; 121.81; 121.82; 121.83; 121.95; 121.102; 121.143

7. The Ministry of Justice has been working for several months, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), to redeploy all judges and others working in the justice system throughout the national territory.

8. The same is true of local government, which is gradually being restored, with **16 prefects** now assigned their jurisdictions.

9. In compliance with the African Union road map, the Initiative for Peace and Reconciliation, a consensual, comprehensive agreement on peace, reconciliation and a definitive solution to the crisis, initialled on **2 February 2019** in Khartoum, the Sudan, was signed by the Government of the Central African Republic and the **14** armed groups on 6 February 2019 in Bangui.

10. By this agreement, the parties agree to refrain from any use of armed force to resolve any disputes they may have.

11. The State is committed to continuing the reform of the security sector and guaranteeing the republican and professional nature of the army and the internal security forces.

12. In compliance with the Khartoum agreement, the Government and armed groups agreed on the importance of the National Programme for Disarmament, Demobilization, Reintegration and Repatriation (PNDDRR) and its implementation strategy for the stabilization of the country.

13. Meanwhile, the strategy to reform the security sector will continue to be implemented.

121.18; 121.19; 121.22; 121.23; 121.24; 121.25; 121.26; 121.27; 121.28; 121.29; 121.30; 121.31; 121.32; 121.33; 121.34; 121.65; 121.66; 121.67; 121.68; 121.69

14. The National Human Rights Policy is being prepared and the policy document, drafted by an ad hoc committee established by the Minister of Justice and Human Rights, will be published in the very near future.

15. The National Commission on Human Rights and Fundamental Freedoms (CNDHLF) established in 2017 in accordance with the Paris Principles and whose Executive Board was approved by decree, is now operational, despite some problems of the kind faced by all fledgling institutions.

16. The Executive Board has been provided with premises, and its operating budget has been approved by the National Assembly.

17. The Special Criminal Court has also been in operation since 2018. All courts have been appointed using the recruitment method described in the organic act.

18. Appeals are being made to the international community to ensure that the Special Criminal Court has the additional financing it needs to operate.

121.20; 121.179; 121.180; 121.181; 121.182; 121.183; 121.184

19. The Act on the Children's Code has been submitted by the Government to Parliament, and will be voted on by the deputies at the next session.

121.36; 121.37; 121.38; 121.39; 121.40; 121.41; 121.42; 121.43; 121.44; 121.45

20. A bill to abolish the death penalty and amend some provisions of the Criminal Code was proposed by a deputy of the nation and is currently being considered by the Government; it will be transmitted to the National Assembly in due course.

21. If the bill is adopted, the Government will launch the procedure for ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

121.35

22. In accordance with the Khartoum agreement, the Government has undertaken to promote inclusion, affirmative action and temporary special measures in order to correct the inequalities affecting communities and regions that have suffered in the past, and to ensure their full participation in the political, economic and social life of the nation.

23. *Article 115 (2) of the Criminal Code of the Central African Republic*, which refers to relationships between two persons of the same sex, only refers to the offence of indecent behaviour in a public place. Homosexuality is not, therefore, specifically criminalized as a sexual orientation by the Criminal Code.

121.59; 121.78; 121.79; 121.91

24. The Ministry of Justice and Human Rights, with the support of MINUSCA, has recently adopted the terms of reference for the establishment of an early warning system in the Central African Republic. This is a centre for the collection and processing of important

information on potential conflicts and threats to peace, with a view to finding timely responses.

25. The Ministry is also considering creating a human rights forum, again with the support of MINUSCA.

26. One of the aims of this platform, which is scheduled to launch in **2019**, is to make it easier to share information, in a more regular and confidential manner, about allegations of human rights violations against population groups, and to follow up on those allegations.

121.60; 121.90; 121.188

27. With support from the MINUSCA Human Rights Division, the Government has developed a strategy for vetting for past human rights violations before recruitment into the defence and security forces.

28. By an interministerial order (ministries of public security and national defence) of **28 September 2017**, a procedure was introduced for conducting character checks and security screening for persons applying to re-enter or join the Central African Armed Forces.

29. The aim is to ensure quality recruitment with respect for human rights, consistent with the strategy for security sector reform.

30. In addition, to promote discipline within the armed forces and guarantee the rights of victims by giving them the right to claim criminal indemnification, the Government adopted the Code of Military Justice, by an Act promulgated on **6 March 2017**.

121.64

31. For several years, the Central African Republic has been working to reform the prison service, with the aim of creating a prison system which is demilitarized, professional and under civilian control, that complies with international human rights standards and that is oriented towards the social reintegration of inmates.

121.70; 121.71; 121.73; 121.75; 121.76; 121.79; 121.81; 121.82; 121.83; 121.85; 121.87; 121.93; 121.94

32. With the support of the United Nations Development Programme (UNDP), the Ministry of Justice and Human Rights is currently developing a sectoral programme covering all short, medium and long-term projects, particularly with regard to strengthening of capacity in terms of human, financial and material resources.

33. The Government recognizes that ensuring that justice is done in respect of serious crimes is vital for lasting peace and true reconciliation in the Central African Republic.

34. This commitment entails the obligation to try those responsible for the war crimes and crimes against humanity committed over many years on national territory.

35. The perpetrators of these crimes must be given fair and just trials in order not only to do justice to the victims of all these atrocities, but also to prevent more crimes being committed and to inspire confidence in the long-awaited national reconciliation.

121.77

36. With UNDP support, a strategy has been developed to enable the Special Criminal Court to protect witnesses and victims, which the Government intends to extend to the courts and tribunals of the Central African Republic.

121.80

37. Under the new Constitution, agreements and contracts regarding the mining sector are now subject to approval by the Bureau of the National Assembly, which reviews their propriety to ensure transparency in the handling of the financial resources generated.

121.84

38. The Government plans to extend the procedure for conducting character checks and security screening for persons applying to re-enter or join the Central African Armed Forces to all State bodies in the future.

121.86; 121.89; 121.92

39. The transitional justice mechanism is mainly characterized by the establishment of the Truth, Justice, Reparation and National Reconciliation Commission, 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.

40. After the creation of the Steering Committee by decree on 11 February 2017, the Committee members proposed by each body were appointed by presidential decree on 8 March 2018.

41. The Steering Committee is already working on organizing national consultations and launching the Truth, Justice, Reparation and Reconciliation Commission, whose primary objective is to rebuild collective memory by establishing the truth of events between “torturers and victims”. This will allow full justice to be done, taking account of the harm suffered by the victims, its reparation and, above all, reconciliation among the country’s people.

121.88; 121.92

42. The Khartoum agreement rules out any thought of granting amnesty to persons guilty of violations of international law or serious human rights violations.

43. Article 7 of the Khartoum agreement provides that the parties, rejecting any notion of impunity but recognizing the principle of presumption of innocence, acknowledge the existence of serious crimes, their painful consequences and the scars they have left on all citizens and communities of the Central African Republic.

**121.91; 121.137; 121.141; 121.142; 121.145; 121.146; 121.147; 121.148; 121.150;
121.151; 121.152; 121.123; 121.153; 121.154; 121.156; 121.157; 121.158; 121.159;
121.160; 121.161; 121.162; 121.163; 121.164; 121.165; 121.166; 121.167; 121.168;
121.169; 121.171; 121.172; 121.173; 121.174; 121.176; 121.177; 121.178; 121.187;
121.189; 121.190; 121.191; 121.192; 121.193; 121.194; 121.195; 121.196; 121.197;
121.198; 121.199; 121.200**

44. A joint unit for rapid intervention and suppression of sexual violence against women and children was created in 2015 under Act No. 06.032 of 27 December 2006, on the protection of women against violence in the Central African Republic.

45. The unit has a mandate to provide a rapid response to suspected cases of sexual violence by collecting and preserving evidence, interviewing victims, documenting cases and referring victims to the justice system.

46. It receives constant support from the Government and the international community in terms of human and financial resources, especially in the field of capacity-building.

121.96; 121.97; 121.99; 121.100

47. The Ministry of Justice and Human Rights has set up a committee of experts tasked with drafting legislation on the protection of human rights defenders.

48. The members of the High Council for Communication held a workshop in March 2018 to review Act No. 05.002 of 22 February 2005, on freedom of the press in the Central African Republic. The purpose of amending the Act is to fill the legal gaps in the various provisions governing the media sector and protecting journalists.

121.101; 121.103

49. The Government's commitment to combating hate speech, extremism and incitement to violence has been reflected in the Khartoum agreement, whereby the parties undertake to refrain from engaging in any hate speech, extremist behaviour or incitement to violence.

121.106; 121.170

50. The Government has framed a national policy document defining a new national strategy for employment, social protection and vocational training for women and young people.

121.115; 121.116; 121.117; 121.118; 121.119; 121.120; 121.121; 121.122; 121.123; 121.124; 121.125; 121.126; 121.127; 121.128; 121.129; 121.130; 121.131; 121.132; 121.133; 121.134; 131.135; 121.136

51. The Government has adopted a strategic human resources development plan for health (2017–2021), a plan for construction, rehabilitation and equipment of health structures (2017–2027) and an interim health sector programme (2018–2019).

121.139

52. Act No. 97.013 of 11 November 1997, on the Family Code of the Central African Republic, set the minimum age of marriage – and thus the age of majority – at 18 years for both men and women.

121.138; 121.140

53. With regard to equal rights and opportunities for women and their participation in decision-making, the Government adopted Act No. 16.004 of 24 November 2016 introducing gender parity in public, semi-public and private-sector employment in both the informal and formal sectors.

121.201; 121.202; 121.203; 121.204

54. The status and rights of persons with disabilities are guaranteed by Act No. 00.007 of 20 December 2000 on the status, protection and advancement of persons with disabilities.

55. The Government has also endorsed the Continental Plan of Action for the African Decade of Persons with Disabilities (2010–2019), which promotes their empowerment.

121.175

56. Article 294 does not relate to the issue of discrimination based on sex or gender identity.

121.205; 121.206; 121.207

57. A standing national consultative and coordination committee for the protection of internally displaced persons has been in existence in the country since 24 June 2009.

58. The Central African Republic has endorsed the Guiding Principles on Internal Displacement.

59. These commitments are reflected in the adoption of the Act on the status of refugees in the Central African Republic in December 2007.

60. The Government has prepared an emergency and recovery programme (2014–2017) for internally displaced persons.