

29 April 2019

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Central African Republic and welcome the constructive engagement of your Government during the 31st session of the UPR Working Group in November 2018.

As the final outcome report on the review of the Central African Republic has been recently adopted by the Human Rights Council at its 40th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of the Central African Republic – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying those areas, I have also considered the statements and/or recommendations made by 84 delegations, the presentation and responses made by the delegation of the Central African Republic and the actions taken by your Government to implement the 177 recommendations it had accepted during the second cycle of the UPR. The aforementioned areas cover a range of issues and appear in the Annex to this letter.

I would like to highlight several particularly encouraging measures taken by the Government of the Central African Republic, including the ratification of international human rights instruments, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the Convention on the Rights of Persons with Disabilities; and the International Convention for the Protection of All Persons from Enforced Disappearance; as well as the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

I further take note of the adoption, in 2016, of the new Constitution; the enactment of the law establishing the National Commission on Human Rights and Fundamental Freedoms in 2017; the creation of the Special Criminal Court in 2015; the establishment of the Joint Unit for Rapid Intervention and the Suppression of Sexual Violence against Women and Children; as well as of the Disarmament, Demobilization, Reintegration and Repatriation programme and the reform of the security sector. It is also encouraging that a bill to abolish the death penalty is currently being considered.

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H.E. Ms. Sylvie Baipo Temon
Minister for Foreign Affairs
Central African Republic



I note also the persistent and considerable challenges in the Central African Republic, including the difficulties to establish State authority and public services in most regions of the country; challenges to ensure universal and free schooling, especially for the most marginalized and disadvantaged populations; and the difficulties to eliminate violence, including sexual violence, against women and children, particularly in the context of armed conflict.

I encourage the Central African Republic to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the Annex to this letter and to facilitate the preparations for the Central African Republic's fourth cycle of the UPR. My advice to Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and civil society organizations, and, where necessary, the support of international organizations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I encourage the Central African Republic to continue its efforts to strengthen its national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and treaty obligations, and linking this to the Sustainable Development Goals. I strongly recommend the use of the practical guide that my Office released on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage the Central African Republic to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2021.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist the Central African Republic in relation to the areas identified in this letter and its Annex.

Please, accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet
High Commissioner for Human Rights

cc: H.E. Mr. Jean Christophe Nguinza
Minister of Labour, Employment and Social Protection
Central African Republic



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and continuing its efforts to abolish the death penalty; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the Convention on the Prevention and Punishment of the Crime of Genocide.
- Increase cooperation with international human rights mechanisms, and thereby considering accepting the competence of treaty bodies to examine individual complaints procedures and urgent actions.

National human rights framework

- Continuing efforts to fully harmonize the National Commission on Human Rights and Fundamental Freedoms with the Paris Principles, and ensure allocation of adequate human and financial resources.
- Establishment of a national preventive mechanism in accordance with the State's obligations under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in order to ensure respect for the rights of all detainees.

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

A. Cross-cutting issues

Equality and non-discrimination

- Adoption of a general law against discrimination on all grounds, including ethnic and religious grounds.

Development, the environment, and business and human rights

- Strict application of the mining and agricultural exploitation regulations, aimed at protecting children in particular and guaranteeing their rights, in line with human rights standards.

B. Civil and political rights

Right to life, liberty and security of person

- Increasing efforts to achieve the disarmament, demobilization, repatriation and reintegration of the armed groups.
- Investigation and punishment of killings, acts of torture and inhuman and degrading treatment, sexual violence, abduction, arbitrary deprivation of liberty and arrest, extortion and lootings, recruitment and use of children, occupation and attacks on schools and health centres, and the denial of humanitarian assistance, which have been taking place in the Central African Republic; and taking adequate and effective measures to prevent

further serious human rights violations. To that end, increase efforts, with support from the international community, to ensure the presence of an effective State authority in all regions, and strengthening the truth and reconciliation process in the country.

- Adopting measures to improve the conditions of detention, in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners.

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

- Restoring and strengthening the judicial system, including through special courts; rehabilitating the judicial infrastructure; and cooperating with the International Commission of Inquiry, as well as with the International Criminal Court, so that the perpetrators, sponsors and accomplices of the most serious international crimes are brought to justice as soon as possible.
- Improvement of the juvenile justice system to make it fully conform with international standards.
- Adoption of a transitional justice road map that includes crimes and economic offenses, and organizing consultations with the population and victims on the mandate of the Truth, Justice, Reparation and National Reconciliation Commission.

Fundamental freedoms

- Taking the necessary and adequate measures, including awareness raising campaigns, to promote respect for human rights norms, intended for the media, politicians, and the general public, in order to eliminate hate speech and incitement to violence based on religion; and strictly prohibiting such speeches.

Prohibition of all forms of slavery

- Adopting and effectively implementing the bill aimed at protecting indigenous populations against slavery, and adoption of a national strategy for the promotion and protection of the rights of indigenous peoples with the participation of the communities concerned.
- Development of a strategy to combat trafficking and forced prostitution and addressing the root causes; investigation of cases of trafficking and prosecution; and provision of related training to judicial personnel and law enforcement officers.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Amendment of article 252 of the Labour Code in order to combat occupational segregation and gender stereotypes, and development of employment policies in line with human rights standards.

Right to an adequate standard of living

- Taking adequate and necessary measures to guarantee the right to housing, including the revision of the national legal framework on the issue of housing, land and property, and development and implementation of related strategies.

Right to health

- Implementation of the 2017-2027 Plan for the construction, rehabilitation and equipment of sanitary facilities and of the 2017–2021 Strategic Human Resources Development Plan for Health; taking all possible measures to protect health facilities and medical personnel, including humanitarian personnel, against looting and attacks; considering reopening health centres and hospitals; and increasing health expenditures.
- Facilitating access to information and reproductive and sexual health care.

Right to education

- Taking necessary measures to ensure universal and free access to education, particularly for the most marginalized and disadvantaged populations; making efforts to improve school infrastructure and seeking the assistance of international partners to that end; tackling the root causes of school dropout; and implementation of a social transfer scheme for the poorest households in order to ensure equitable access to education.
- Making education and the restoration of the education system a priority in the peace and reconciliation initiatives; taking effective and adequate measures to prevent the parties to the conflict from requisitioning schools; and ensuring that demobilized child soldiers have access to education.
- Adoption of an inclusive education policy, in particular for girls, children with disabilities and indigenous children, and sustainably restoring access to education, including for internally displaced children, by implementing non-formal education programmes.

D. Rights of specific persons or groups

Women

- Development of a national strategy to eliminate and prevent sexual violence, including in the context of armed conflict, and investigation of all acts of violence against women, and bringing the perpetrators of these crimes to justice, imposing appropriate sentences.
- Organizing awareness-raising campaigns on the rights of women and gender equality in general, and the need to respect them in order to create a harmonious society for all; including sections on the implications of sexual violence targeting victims, religious leaders, authorities and the general public, including about the functioning of justice to encourage victims to report the facts; and taking steps to protect women who turn to justice from reprisals.
- Ensuring the effective implementation of the national action plan to combat harmful traditional practices against women and gender-based violence.
- Prosecution and punishment of those responsible for acts of violence against persons accused of witchcraft, carrying out awareness raising campaigns against such violence and initiating national reflection on the issue.



Children

- Adoption of a child protection policy, including the prevention of the recruitment and use of children by the parties to the conflict in accordance with international law, including the Convention on the Rights of the Child and its Optional Protocols.
- Establishing as criminal offence the recruitment and use of children in hostilities; investigating any cases of sexual violence or forced child labour and any other allegations or indications of violence against children, including any serious and systematic allegations against them by any of the parties to the conflict, and bringing the perpetrators to justice; ensuring the reintegration of child victims of armed conflict; and providing appropriate psychological support to children who have been removed from armed groups.
- Development of a strategy to combat forced child labour, including in the mining sector, agriculture, or as domestic slaves, and for the purpose of early marriage and sexual exploitation, by effectively implementing the relevant provisions of the Labour Code and the Mining Code.

Persons with disabilities

- Increasing measures to promote and protect the rights of persons with disabilities, including children, by improving their access to education; and adopting a human rights rights-based approach to disability.

Refugees and internally displaced persons

- Taking effective and adequate measures to ensure that internally displaced persons benefit from protection and assistance in accordance with the Guiding Principles on Internal Displacement, and to create the necessary conditions for an informed, voluntary, dignified and sustainable return of refugees and displaced persons and their reintegration into their community by promoting living together.

Stateless persons

- Ensuring the free registration of all births and revising article 134 of the Family Code so that children can still be registered without penalties after the one-month period that is allowed, paying particular attention to the registration of internally displaced children.