



**International covenant
on civil and
political rights**

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**List of issues to be taken up in connection with the consideration of the
second periodic report of the CENTRAL AFRICAN REPUBLIC
(CCPR/IC/CAF/2004/2)**

Replies to questions

1. The Covenant has been embodied in the preamble to the Constitution of 27 December 2004. It thus takes precedence over other laws, since it ranks as part of the Constitution. It has not yet been invoked before the courts or administrative authorities, since no individual complaints have been filed.

2. After 15 March 2003, the date of the patriotic uprising, the judicial authorities (the prosecution service attached to the Bangui Court of Major Jurisdiction) launched a judicial inquiry to go thoroughly into evaluation of the massive violations of human rights and international humanitarian law committed in the years 2002-2003. The findings of that inquiry, which was conducted with the support of the United Nations Development Programme (UNDP), made it possible for the executive to bring the matter before the International Criminal Court. The Central African Court of Cassation, to which the matter had been referred, has very recently decided to send the alleged perpetrators, co-perpetrators and their accomplices for trial by the International Criminal Court.

The national dialogue of 2003 in fact adopted a strongly worded recommendation on the creation of a truth and reconciliation commission and a victims' compensation fund. The implementation of this recommendation, for which the Vice-President of the Republic during the transition was made responsible, has now been placed in the hands of the National Mediation Council, which is headed by the former Vice-President of the Republic.

A law governing the Council was adopted by the National Assembly in May 2006. The Government is still trying to raise the funds to give effect to the recommendation about the Truth and Reconciliation Commission and the victims' compensation fund.

Some support of the international community would therefore be much appreciated.

3 and 4. The judicial authorities have initiated many judicial proceedings against the perpetrators of human rights violations, either in response to individual complaints or *proprio motu* (cf. statistics in the annex). These proceedings have resulted in a number of convictions, fines and prison sentences.

Unfortunately, most of those guilty are destitute and cannot pay their fines. Attempted murder and assault causing bodily harm are serious crimes under current criminal law. The perpetrators of such crimes are tried by the Criminal Court, which meets twice a year in ordinary session. This court comprises professional judges and juries of representatives of the people.

Equality between men and women; combating discrimination (arts. 3 and 26)

5. The provisions of the Family Code concerning parental authority, the choice of the spouses' residence and polygamy are currently being discussed. Nevertheless, the husband, who is the head of the family, has the right to exercise parental authority and choose the spouses' residence. The wife may choose the residence in the family's interest in the absence of her husband or with the express consent of the court (articles 254 and 255 of the Family Code).

6. There are no special provisions guaranteeing equitable representation of women in political life. In practice, the Government tries to reserve a quota of posts for women in public affairs and politics in view of the principle of equality between men and women embodied in the international agreements ratified by the Central African Republic and incorporated into the Constitution of 27 December 2005 (art. 5).

In 1989, the Central African Republic, being aware of the important part women played in the country's economic and social development, adopted a national policy for the advancement of women, which was subsequently revised in 1999.

In November 2005, in view of the unsatisfactory outcome of this policy, the new authorities in power following the democratic elections of March and May 2005 adopted a national policy to promote gender equality and equity. This policy builds on what has been learned since the country subscribed to the principle of equality as a mainstay of efforts to secure sustainable human development.

Despite considerable progress in legislative terms towards giving men and women equal rights, many women in the Central African Republic are less aware of their rights and duties than men. Hampered by the weight of tradition, they still suffer from more violence, discrimination and marginalization than men.

In order to remedy this state of affairs, guarantee every person's fundamental rights and promote individual and collective well-being, the Central African Republic Government has opted for a new strategy to reduce disparities between men and women.

Its purpose is to promote gender equality and equity. It is, however, necessary to note that women display little interest in politics, notwithstanding the action taken in this field by the Government and women's NGOs.

At present there are 2 women in the Government and 11 in the National Assembly. Women hold senior positions in the Private Offices of the President and the Prime Minister. The Follow-up Committee on the National Dialogue, which is a body of some importance, is headed by a woman, and the Prime Minister's *chef de cabinet* is a woman with the status and prerogatives of a minister.

Right to life and prohibition of torture (arts. 6 and 7)

7. The crimes attracting the death sentence under the new Criminal Code are:

- All crimes covered by the Rome Statute (genocide, war crimes, crimes against humanity);
- Attempts on human life: murder, manslaughter, poisoning, parricide, infanticide and terrorism.

The abolition of the death sentence is still being discussed. Opinions on the matter vary widely. Most of the population is against abolition because of the high crime rate, which is a direct result of the many crises the country has undergone and the establishment of armed militias by the past regime. Nor must it be forgotten that the country is surrounded by several States where armed conflicts are raging.

8-10. In the absence of complaints from victims' relatives, the Public Prosecutor's Office in Bangui has embarked upon the systematic arrest, detention and prosecution of the perpetrators of the summary and extrajudicial executions who work at the Central Office for the Prevention of Banditry (OCRB).

This measure also concerns all members of the defence and security forces who are guilty of such practices. The results have been encouraging in that, since the end of 2005, no summary or extrajudicial executions have been reported.

The same procedure has been employed for cases of torture.

Security of the person and freedom from arbitrary arrest (art. 9)

9. Legal services in the Central African Republic in general and Bangui in particular are experiencing genuine difficulty in compiling criminal statistics, as they lack proper resources. In Bangui, however, a remarkable effort has been made in this respect since January 2006. Between January and April 2006, the Criminal Court has handed down 224 sentences for a variety of offences.

The Permanent Military Court held three sessions between 2003 and 2005. It passed 190 sentences on members of the defence and security forces for murder, manslaughter, wounding causing death, rape, assault and battery, arbitrary arrest, destruction of national identity cards and other crimes and offences.

One session to hear 32 cases is scheduled for the period 15 June to 17 July 2006.

10. Further to the answers already supplied in response to paragraph 14 of document CCPR/C/79/L/CAF of 3 September 2003, the Government adopted a national policy to promote gender equality and equity in November 2005. The purposes of this policy are, inter alia: to promote the participation of women, as decision-makers, in the country's development, on an equal footing with men; to reduce inequalities between men and women in access to resources and the benefits of development and in control over these resources and benefits; to introduce specific, carefully targeted measures to assist certain categories of women, with a view to reducing the inequalities which have been found to exist; to stamp out individual and collective tolerance of violence against women, and to support women and girls in the promotion, protection and full enjoyment of their fundamental rights.

The Government has also just decided to review the action plan for combating harmful practices and violence against women and girls in the Central African Republic, which is an offshoot of the national policy for the advancement of women adopted in 1999.

As for statistics on the percentage of excised women and girls, figures have fallen from, or have not risen above the 36 per cent recorded in the year 2000, following public awareness campaigns mounted by the Government and women's and human rights NGOs, which mainly focused on the serious effects of excision on victims' lives. In order to gain a clearer picture of the results of the various schemes, the Government in partnership with UNDP has commissioned a new multi-indicator survey (MICS), the third after those carried out in 1994 and 2000. The team of investigators is at work now.

Pending the conclusions of this survey, the highest rates of female excision recorded among ethnic groups are as follows, in descending order:

- the Banda 83.9 per cent;
- the Mandjia 71 per cent;
- the Hausa 42 per cent;
- the Sara 35.8 per cent;
- the Gbaya 31.7 per cent.

There are very few instances of excision among the ethnic groups of the Ngbaka-Bantu (5.6 per cent), the Zande-Nzakara (3.9 per cent), the Mbum (3.1 per cent) and Yakoma-Sango (3 per cent) and none among the other ethnic groups.

12. The provision of the new draft Criminal Code which refers to the notion of the "harshest tasks" is article 25 and not article 27 as stated in the Committee's list of issues. This was an

error which slipped into the text and is contrary to article 7 of the International Covenant on Civil and Political Rights. We consequently undertake to make the necessary correction before the new Criminal Code is adopted by the National Assembly.

13. The new draft Criminal Code reiterates in extenso the provisions on charlatanism and sorcery of the existing Criminal Code (arts. 162 and 162 bis). No particular innovations have been introduced.

14. General Ferdinand Bombayake, former director-general of the Presidential Security Unit, has been completely free since October 2005.

15. The maximum duration of police custody is 48 hours for offences and 8 days for crimes; it may be extended for a period equal in length to the initial duration.

No rules have yet been passed on pretrial detention, but there is provision in the new draft Code of Criminal Procedure for limiting its duration to six months. The new draft also makes provision for a lawyer and a physician to be present.

This formality is respected in practice even though there is no formal text.

16. No steps have yet been taken to reduce the duration of military custody. It should, however, be explained that the Code of Military Justice is being revised thanks to technical and financial assistance from the United Nations Peace-building Office in the Central African Republic (BONUCA).

Treatment of persons deprived of their liberty (art. 10)

17. The prisons in the Central African Republic date from colonial times. They are now very dilapidated. The central prison in Bangui, the country's flagship prison, which was also built by the colonial power, was destroyed in the events following the many military and political crises in the country between 1996 and 2003. After the patriotic uprising of 15 March 2003, it was partially restored with Government funds despite the very difficult economic situation. The same is true of the women's prison at Bimbo. Minimum standards for prisons were duly taken into account in both cases during the restoration work.

Prisoners are fed thanks to Government funds allocated either weekly (prisons in Bangui) or quarterly (provincial prisons). It must be noted that most provincial prisons are in ruins from neglect, but some have been restored and others are being so.

Prisoners both in Bangui and in the provinces are regularly visited by medical staff.

18. Minors have not been imprisoned since children's courts were set up in each prefecture in 2001. It should be noted that there are no specialized centres for juvenile delinquents.

Right to a fair trial (art. 14)

19. The judiciary is a separate power under the Constitution of 27 December 2004. Its independence is guaranteed by the existence of the following career management bodies:

- the Judicial Service Commission;
- the Advisory Commission of the State Council;
- the Conference of Presidents and Principal State Prosecutor of the Auditor-General's Department.

These bodies comprise ex officio and elected members and civilians who are chosen on account of their devotion to judicial institutions. Judges hold life appointments, whereas prosecutors do not.

Lastly, members of the national legal service have a staff association to defend their material and moral interests.

20. The rules of judicial procedure make provision for remedies whereby people who have lost their cases can apply for a review by a higher court. These remedies consist of: appeal on fact, application to have a judgement set aside, appeal on points of law, application to reopen proceedings, application to have a decision altered and request for pardon.

21. **Since compulsory military service was abolished in the 1980s, there has not been any form of alternative, non-punitive service in the Central African Republic. A law on community service as an alternative to imprisonment has been adopted and is now in force.**

22. In keeping with the law on associations in the Central African Republic, restrictions on the recognition of associations are guided by a concern to protect national security, public order and other persons' fundamental rights and freedoms.

23. Freedom of the press in the Central African Republic is guaranteed by national law: the Constitution of 27 December 2004, Order No. 05.002 of 22 February 2005 promulgating the Freedom of the Press and Communication (Organization) Act (which decriminalizes press offences), and Order No. 04.020 of 31 December 2004 on the organization and functioning of the Higher Council for Communication and subsequent amendments.

Allegations that the freedom of the press and of journalists are under threat are unfounded and unsubstantiated. By way of example, please see the opening and closing speeches of the President of the Union of Central African Journalists (UJCA) to the media forum held on World Press Freedom Day (3 May 2006) in which he gave high marks to the President of the Republic, the Head of State.

24. There are no restrictions on freedom of association and expression in the Central African Republic other than the legal ones mentioned in paragraph 22.

Dissemination of information on the Covenant and the Optional Protocol (art. 2)

25. A report will be made in the written press and on radio and television for the benefit of the general public. In addition, a presentation will be laid on for the public authorities, Parliament and civil society organizations including human rights NGOs. Copies of the report, to which the Committee's concluding observations will be appended, will be circulated widely at university research institutes and vocational training centres.