



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the third periodic report of the Central African Republic¹

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. In the light of the Constitution of 30 March 2016 and in view of the information provided in the State party's third periodic report (CCPR/C/CAF/3), please provide examples of any cases in which the courts have invoked or directly applied the provisions of the Covenant. Please also indicate whether the State party intends to ratify the first Optional Protocol to the Covenant.
2. Please provide information on the measures taken to make the National Commission on Human Rights and Fundamental Freedoms operational since the appointment of its members in 2018. Please indicate how the independence of the Commission will be ensured in law and in practice and what financial resources have been allocated to it for 2019. Please also indicate whether the Government plans to establish regional offices of the National Commission.
3. Please provide updated information on action taken pursuant to the decision adopted by the Committee under the Optional Protocol concerning communication No. 1587/2007, *Mamour v. Central African Republic* (CCPR/C/96/D/1587/2007), and on the provision of appropriate compensation to the victim's son, as called for by the Committee.

Efforts to combat impunity (arts. 2, 6, 7 and 14)

4. Please provide updated information on the Political Agreement for Peace and Reconciliation in the Central African Republic signed in Bangui on 6 February 2019 between the Government and 14 armed groups, specifically regarding the progress made towards the establishment of the Truth, Justice, Reparation and National Reconciliation Commission provided for in article 9 of the Agreement. Please also indicate whether the Commission has the power to grant amnesties.
5. Please provide information on the status and functioning of the Special Criminal Court, established under Organic Act No. 15.003 of 3 June 2015. Please also indicate whether investigations have been undertaken since the appointment of the Special Prosecutor in February 2017, and of several judges and the President of the Court in October 2018, and since the publication of the prosecutorial strategy of the Court. Please also indicate the extent to which the Court's strategy reflects the findings of the report of the Mapping Project published in 2017 by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), which documents serious violations of international human rights law and international

¹ Adopted by the Committee at its 125th session (4–29 March 2019).



humanitarian law perpetrated by successive government forces and various local and foreign armed groups between 2003 and 2015, as well as by international and foreign defence forces. Please also indicate whether the Special Criminal Court will have the power to grant amnesties. Lastly, please indicate (a) whether the Court will be in a position to grant legal aid to persons on trial; (b) whether the State party intends to adopt a law or a mechanism to protect witnesses; and (c) what practical steps have been taken or envisaged with regard to cooperation between the Special Criminal Court and the International Criminal Court.

6. Please provide information on the work of the National Commission of Inquiry, established on 22 May 2013 by Decree No. 13.106 to investigate crimes and human rights violations committed throughout the country since 2004. Please provide details of its composition, independence and resources, and the results of the investigations conducted so far, including any prosecutions initiated.

Non-discrimination and equality between men and women (arts. 2, 3, 23, 25 and 26)

7. Please indicate whether the State party intends to adopt a comprehensive anti-discrimination law that covers all the rights protected by the Covenant. Please also indicate the extent to which, and how, transitional justice initiatives incorporate a gender perspective at all stages of proceedings and, in particular, with regard to the prosecutorial strategy of the Special Criminal Court, as recommended in the MINUSCA report of the Mapping Project (para. 5 above).

8. Please provide updated information on the implementation and impact of the measures described in paragraphs 92 and 93 of the State party's third periodic report with regard to women's participation in political and public life and their representation in decision-making positions in the civil service, as well as measures to increase women's representation. Please also provide information on the measures taken or envisaged to counter the customary norms and social practices that can prevent women from inheriting land, an issue that is all the more important in the context of the current armed conflict, as a result of which many women have become heads of household.

Harmful practices and sexual violence (arts. 2, 3, 6, 7 and 26)

9. Please indicate the progress made to abolish polygamy as part of the ongoing revision of the Family Code. With reference to the recommendations made by the Committee in its previous concluding observations (CCPR/C/CAF/CO/2, para. 11), and bearing in mind the information already provided by the State party, please provide information on the number of complaints registered and prosecutions undertaken, and the number of convictions handed down in connection with female genital mutilation. Specifically, please indicate any rehabilitation measures adopted, in particular with regard to the physical and mental health care of the victims.

10. Please indicate the measures taken to discourage early marriage, in view of reports indicating that such practices are widely used as a means of protecting girls from sexual violence. Please also indicate whether the State party intends to amend article 105 of the Central African Criminal Code (Act No. 10.001 of 6 January 2010), which states that an abductor or kidnapper may marry the abducted or kidnapped girl and that as a wife she does not have the right to file a legal complaint, even though a complaint is required for prosecution.

11. In view of the continued use of sexual violence as a weapon of war and as a means of intimidation, reprisal and repression, please provide information on (a) any legislative measures aimed at combating sexual violence against women, including rape, committed against women, children or men; (b) the measures taken to facilitate the filing of complaints, including rape; (c) the number of complaints filed and registered, investigations and prosecutions undertaken, convictions handed down and sanctions imposed on perpetrators; (d) the strengthening of measures for the protection, care and support of victims of sexual violence during the ongoing armed conflict; (e) the work of the joint rapid response unit to prevent sexual violence against women and children, referred to in paragraph 95 of the State party's third periodic report; and (f) the training provided by the State party to police,

military, hospital and judicial personnel on the issue of sexual violence. Please lastly specify whether the joint rapid response unit to prevent sexual violence against women and children intends to cooperate with the Special Criminal Court on cases of sexual violence.

Maternal and infant mortality and voluntary termination of pregnancy (arts. 3, 6 and 7)

12. Please provide statistics on maternal and infant mortality. Please also provide information on the measures taken to improve access to health services and to information on sexual and reproductive health, in particular for women belonging to ethnic minorities and those living in remote areas. Please also describe the steps taken by the State party to legalize abortion in cases of incest, rape and fetal malformation and to decriminalize it in all other cases.

Right to life, protection of civilians, and excessive use of force (arts. 3, 6 and 7)

13. In accordance with the recommendations made by the Committee in its previous concluding observations (CCPR/C/CAF/CO/2, para. 13), and bearing in mind that Organic Act No. 15.003 of 3 June 2015, under which the Special Criminal Court was established, and the Military Justice Code of 7 March 2017 do not provide for the death penalty, please indicate whether the State party intends to repeal article 17 of the Criminal Code, which does provide for the death penalty. Please also provide updated information on the possible adoption by parliament of a bill aiming at the abolition of the death penalty, submitted during the parliamentary session that ended on 30 December 2018.

14. Please provide information on the measures taken to ensure the protection of civilians in conflict areas, especially in the light of a reported increase in cases of violations of international humanitarian law, and the spread of armed conflict to new areas. Please provide information on the investigations and criminal proceedings initiated in connection with alleged perpetrators of serious violations of international humanitarian law and human rights regarding (a) the attacks on civilians in the town of Bria, Haute-Kotto Prefecture, during which at least 30 people were killed and 4 injured in August and September 2018; and (b) the discovery in February 2016, in Boali, of a mass grave with the remains of 12 individuals who were reportedly summarily executed following their arrest on 24 March 2014 by peacekeepers of the Republic of the Congo. Please also provide information on the investigation into the attack of 15 November 2018 by members of the Union pour la paix en Centrafrique on the camp for internally displaced persons located in the Catholic mission of Alindao, during which at least 70 civilians were reportedly killed and some 18,000 civilians were forced to flee anew.

Prohibition of torture and of cruel, inhuman or degrading treatment (arts. 6 and 7)

15. In the light of allegations of torture in places of detention, as well as the information provided in the State party's third periodic report (para. 161), according to which acts of torture and inhuman and degrading treatment are "commonplace" in conflict areas occupied by irregular armed groups, and bearing in mind the difficulties of collecting statistical data in view of widespread insecurity, please indicate (a) whether there are any plans to include a definition of torture in the Criminal Code and to establish torture as an imprescriptible offence; (b) all the measures taken to prevent and combat such acts; (c) the complaint mechanisms and remedies available to persons who claim to have been subjected to torture or ill-treatment; (d) the exact number of complaints registered, investigations and prosecutions undertaken, convictions handed down and compensation awarded for acts of torture during the reporting period; and (e) the steps taken to ensure in practice that statements or confessions obtained through torture are not admissible. Please also describe the content of the training provided to law enforcement personnel, security forces and ex-combatants, as part of the reintegration process launched in 2012.

16. Please indicate the measures taken to prohibit the use of corporal punishment against children in all situations, particularly in family settings and schools. Please provide an update regarding the review of the draft Family Code and indicate whether, pending the adoption of a new Family Code, the State party intends to repeal article 580 of the Family Code in force, which provides that parents may "reprimand and punish" their children.

Please also indicate the measures taken to prevent and suppress summary executions and acts of torture committed against persons accused of witchcraft, a practice that is established as an offence in the Criminal Code (title III, chapter XI) of the State party. Please provide updated information on the steps taken by the State party to raise awareness of the issues related to the acts of violence committed by persons or by vigilante justice mechanisms accusing certain persons of practising witchcraft.

Treatment of persons deprived of their liberty (arts. 6, 7 and 10)

17. In addition to the legislative measures outlined by the State party in its third periodic report (para. 109) and in accordance with the latest recommendations made by the Committee in its previous concluding observation (CCPR/C/CAF/CO/2, para. 17), please provide detailed information on the prison population in the Central African Republic, including data disaggregated by location of detention, age, sex and the status of prisoners. Please also indicate the measures taken to ensure that convicted prisoners are held separately from persons in pretrial detention and that adults are separated from minors. Please describe the measures taken to address the inadequate conditions of detention, in particular in terms of the quality of food and access to health care, as well as measures taken to refurbish the country's prisons, since the Committee's recommendation to that effect (CCPR/C/CAF/CO/2, para. 17). Please also indicate what measures have been taken, in the interim, to reduce overcrowding in Bangui prison, which reportedly houses almost all the alleged perpetrators of crimes committed in other locations?

18. Please provide information on the current mechanisms for monitoring places of deprivation of liberty, as well as updates on the establishment of a national mechanism for the prevention of torture, as part of the commitments undertaken by the State party pursuant to its ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Lastly, please provide information on any visits to places of deprivation of liberty conducted by the sentence enforcement judge and the public prosecutor in accordance with article 424 of the Code of Criminal Procedure, which allows for such visits. Please describe the procedure followed for such visits, as well as any findings or recommendations issued as a result of them.

Liberty and security of person (arts. 9 and 14)

19. In the light of reports that the majority of persons brought before the Public Prosecutor's Office have been held in police custody for periods exceeding the statutory time limits provided for in articles 40 and 48 of the Code of Criminal Procedure, please describe the measures taken to comply with the time limits for police custody. Please also provide information on compliance, in practice, with the limits on the duration of pretrial detention that are established in the Criminal Code of Procedure with regard to ordinary and minor offences (four months, which may be extended once for up to two months, according to article 96) and criminal offences (one year, which may be extended once for up to four months, according to article 97). Please provide information on the application of any alternative measures to the deprivation of liberty and indicate whether such measures are used wherever possible, giving details of how they are applied, if any.

Administration of justice (art. 14)

20. Please comment on reports that, in rebel-controlled areas, that is, in 12 out of 16 prefectures, no judges are effectively present, that the courts in those areas are not functioning – since many courts outside Bangui have been destroyed – and that armed groups exercise de facto judicial functions, resulting in arbitrary arrests and detention. Please indicate the measures taken to recruit additional judges and to establish independent and functional courts nationwide.

21. Please explain how the State party reconciles the provisions of article 107 of the Constitution of 30 March 2016, which provides that the judiciary is independent of the legislative and executive branches, with the fact that judges are appointed by the executive branch. Also please describe the measures taken to strengthen the capacity of the judicial system, in particular to (a) ensure the independence of the judiciary; (b) establish procedures to shield the judiciary from the influence of and interference by the executive

branch and corruption; (c) ensure in practice the security of tenure of judges and magistrates; and (d) allocate the necessary resources, including human resources, for the system to function effectively.

22. Bearing in mind the information provided by the State party on the establishment of the High Authority on Good Governance in 2017, and the fact that bribery of national public officials is a criminal offence (articles 369 and 370 of the Criminal Code), please provide information on the practical measures taken to effectively combat corruption, including corruption in connection with natural resource management. Please provide information on the results achieved with such measures, as well as data on any corruption-related prosecutions and convictions.

Trafficking in persons, forced labour and child soldiers (arts. 7, 8 and 24)

23. Please provide information on the prosecutions undertaken – and any resulting sanctions – under article 151 of the Criminal Code, which prohibits all forms of trafficking in persons and prescribes penalties of 5 to 10 years' imprisonment.

24. Please provide information on the extent of recruitment and use of children by armed groups that subject the children to forced labour and to serve as cooks, porters, concubines and soldiers. Please describe the measures taken in favour of: (a) the effective application of the relevant legislation, including the investigation and prosecution of perpetrators; (b) the protection of victims; and (c) the adoption of a national strategy against trafficking in persons and the recruitment of child soldiers, as well as related awareness-raising campaigns. In addition, please provide updated information on the implementation of the agreement signed in 2015 by 10 armed groups within the context of the Bangui Forum on National Reconciliation, which provided for the release of all children involved in armed conflicts. Lastly please indicate the practical measures taken to implement the Agreement on Peace and Reconciliation in the Central African Republic signed on 6 February 2019, including with regard to ending child recruitment by armed groups.

Refugees, asylum seekers and displaced persons (arts. 7, 12, 13, 16 and 26)

25. Please describe the steps taken to guarantee the rights of some 616,000 persons internally displaced within the Central African Republic. Furthermore, please indicate whether internally displaced persons who wish to return to their places of origin and are able to do so have the possibility of returning. Please also clarify whether the State party intends to develop a legislative framework for the protection and assistance of internally displaced persons, in implementation of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.

26. Please indicate the measures taken or envisaged to protect the 572,000 refugees in the State party, and describe the steps taken to ensure that the process for determining refugee status provides guarantees of justice and transparency. Please also describe the procedures in place to ensure respect for the principle of non-refoulement, and the measures taken to prevent statelessness.

Freedom of religion (art. 18)

27. Please respond to allegations (a) that the majority of the Muslim population is still internally displaced; (b) that Muslim civilians are regularly attacked by armed groups; and (c) that, in the western part of the country, members of the Muslim community cannot freely practise their religion, move about freely or obtain access to services in the same way as Central African nationals of other faiths. Please also indicate the measures taken to prevent and punish attacks against mosques. In addition, please provide information on the steps taken to establish interreligious dialogue and to combat discrimination on the basis of religion.

Freedom of expression and the protection of journalists (arts. 6, 7, 18 and 19)

28. Please provide updated information on : (a) the investigation into the deaths of the journalists Orhan Djemal, Kirill Radtchenko and Alexandre Rasstorgouïev, who were murdered by a group of unidentified armed men during the night of 30 to 31 July 2018 near

Sibut, 200 km north of Bangui; and (b) the results of the investigation into the death of the French journalist, Camille Lepage, shot dead on 12 May 2014 in an ambush in the region of Bouar, in western Central African Republic, where she was covering a story, accompanied by an anti-balaka militiawoman. Please also describe the measures adopted to effectively protect human rights defenders and journalists, and provide information on the criminal proceedings initiated against the perpetrators of attacks against defenders and journalists.

Indigenous populations (arts. 7, 24, 26 and 27)

29. Please indicate the measures taken or envisaged to address the marginalization of indigenous peoples (Mbororo, Baka, and Pygmy), particularly in the light of reported obstacles to obtaining identity documents, registering births and gaining access to health care. In addition, please indicate the measures taken to end discrimination against those communities, which are sometimes subjected to slavery by other local ethnic groups, and to increase their representation and their participation in public affairs.

Dissemination of information relating to the Covenant and its Optional Protocols (art. 2)

30. Please describe the steps taken to disseminate information relating to the Covenant, the State party's third periodic report and the Committee's forthcoming consideration of the report. Please also provide detailed information on the involvement of representatives of civil society and non-governmental organizations in the preparation of the State party's report.
