



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

Fifty-third session

1–19 October 2012

### List of issues and questions in the absence of initial and periodic reports

#### Central African Republic

##### General

1. Please explain why no initial and subsequent reports were submitted to the Committee, as required by article 18 of the Convention. Please describe any efforts made to date in order to prepare the reports. Has the State party considered requesting the assistance of the Office of the United Nations High Commissioner for Human Rights, the United Nations Entity for Gender Equality and the Empowerment of Women and other bodies of the United Nations system in order to achieve the preparation and submission of the Convention on the Elimination of All Forms of Discrimination against Women report as soon as possible?

##### Women affected by the conflicts

2. Please explain how the 2008 Amnesty Act providing amnesty for offences committed between 15 March 2003 and 2008 by all armed forces, whether by the State or by rebel groups, has been implemented, and indicate whether it covers acts of sexual violence against women and other forms of violence against women. Please provide information on measures taken to provide assistance for victims of sexual violence during this period. Please also provide information on the measures taken to ensure access to justice, remedies and health-care services for women victims of violence, in particular sexual violence, during the recent and ongoing conflicts (since 2008), and to ensure the indictment and prosecution of the perpetrators.

3. According to United Nations estimates, in 2011, about 160,000 persons were still displaced in the Central African Republic. Please provide statistical data, disaggregated by sex, on the number of displaced women and girls in the country, as well as information on their economic and social situation, their education and health and their freedom of movement. Please indicate the measures in place to support them, including the development of a strategy to eliminate violence against internally displaced women and to guarantee their access to justice. Please also indicate whether programmes or policies aimed at improving the situation of displaced persons include a gender perspective.

4. Please indicate if and how gender equality and the provisions of the Convention have been included in the 2008 inclusive political dialogue, the 2003 National Dialogue and the Peace Agreements in line with Security Council resolutions 1325 (2000) and 1820 (2008). Please also provide information on the measures taken by the State party to ensure the equal participation of women in decision-making in the peace process and in the peacebuilding and reconstruction processes. Please indicate whether a transitional justice mechanism has been established.

**Legal status of the Convention and the legislative and institutional framework**

5. Please indicate how the constitutional principle of equality between women and men in the protection and enjoyment of human rights is being implemented. Please also indicate whether there are any laws or policy statements that define discrimination against women in line with article 1 of the Convention. If so, please explain whether the definition is sufficiently broad so as to include any act which causes or results in a difference regarding the treatment of women in comparison to men. Please also indicate if this definition includes acts committed by public and private actors and encompasses direct and indirect discrimination.

6. Please provide information on the status of the Convention in the domestic legal order, including whether the provisions of the Convention prevail over constitutional and other legal provisions in case of conflict. Please indicate whether the Convention is directly applicable and, if not, what the time frame is to adopt all laws, and whether there are instances of cases where the Convention has been cited by the courts. Please indicate whether the State party has taken further measures to disseminate and give visibility to the Convention since the seminar organized by the State party in August 1996 to publicize the Convention, particularly in rural areas. Please also indicate measures taken to ensure that where conflicts arise between formal legal provisions and customary law, formal provisions prevail.

7. Please provide information on the steps the State party has taken or intends to take to identify and amend all laws that are discriminatory against women and not in compliance with the Convention. Please explain whether there are any sanctions or penalties imposed for acts of discrimination against women and provide information on their nature and actual application. Please also provide information on legislation or other programmes that address the modification of customs and practices resulting in discrimination against women or perpetuating such discrimination.

8. Please provide information on the measures in place to enhance women's access to justice; to encourage and assist women, especially rural women, to use courts to claim their rights; and to raise awareness and sensitize judges, lawyers and law enforcement officials with regard to the State party's obligations under the Convention to achieve gender equality. Please provide information on cases solved through the traditional dispute mechanisms.

**National machinery for the advancement of women**

9. Please provide information on the status and functions of the Central African Office of the High Commissioner for Human Rights and Good Governance; in particular, indicate whether it has a specific mandate to deal with gender equality and the rights enshrined in the Convention. Please explain the measures the State party is taking or intends to take to provide the Office with adequate decision-making capacity and financial and human resources. Please also provide updated information on the National Human Rights Commission; in particular, please specify whether measures have been taken by the State party to reactivate it in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris principles). Please

provide further information on the Committee established to monitor the implementation of the Convention, as well as on the Sectoral Committee on Gender Equality and Poverty Reduction. How do they operate and what has been their role in the effective protection and non-discrimination of women? Is there any mechanism to coordinate and monitor actions at the national, regional and local levels for the advancement of women and the promotion of gender equality? If so, please describe them. Please indicate the human and financial resources at the disposal of all the above-mentioned entities.

#### **Programmes and plans of action**

10. Please provide information on the 2007-2011 National Action Plan, the Poverty Reduction Strategy Paper, the 2005 statement of overall policy and the 2011 Action Plan for the Protection of Children, as well as any further plans of action or strategies. Please indicate if and how a gender perspective has been included in these policies and programmes, as well as if and how women's participation has been ensured in their design, and describe how the provisions of the Convention are reflected therein. Please provide detailed information outlining the goals, objectives and strategies of the 2005 National Policy to Promote Equality and Equity between Men and Women and further plans, and provide information on the impediments to their effective achievement and implementation, as well as remedial measures taken to address these. Please provide information on plans for future national policies for the advancement of women.

#### **Temporary special measures**

11. Please indicate whether the State party has adopted temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25 (2004) of the Committee, to achieve equality between women and men at all levels and in all public institutions, as well as in political life, in accordance with its willingness to improve women's political participation, expressed during its examination under the universal periodical review mechanism in 2009 (A/HRC/12/2, para. 74.23). Please include information on the inequalities that these measures seek to redress and whether they are implemented and monitored.

#### **Stereotypes and cultural practices**

12. Please provide information on which cultural and traditional practices or ways of life hamper women's advancement in society. Please provide information on measures taken to change social and cultural patterns that lead to gender stereotyping or that reinforce the idea of the inferiority of women, as well as the issue of women perceived as "witches".

#### **Violence against women**

13. Please provide updated and detailed information on the current situation and trends with respect to violence against women and girls, such as rape, including marital rape, other forms of sexual abuse and domestic violence, as well as on the number of prosecutions and convictions in cases of violence against women.

14. Please provide information on Act No. 06-32 of 27 December 2006 on the protection of women against violence in the Central African Republic and the provisions of the 2010 revised Penal Code relating to violence against women, as well as on their compliance with the provisions of the Convention. Please indicate how these two laws are applied and whether they reinforce each other or whether there are any contradictions between them that may impede their implementation.

15. Please indicate the measures taken to ensure the indictment and prosecution of perpetrators of violence against women, in particular sexual violence. Please indicate

whether steps have been taken to ensure that women and girl victims of sexual violence, including rape, receive support and assistance such as access to shelters and rehabilitation services as well as remedies, including compensation.

16. Please provide information on the measures taken by the State party to address the phenomenon of violence against women and girls perceived as witches. Please indicate whether the Act on the protection of women against violence in the Central African Republic and the revised Penal Code include this type of violence.

17. Please provide information on the scale of domestic violence and the measures taken to criminalize it. Please also provide information on the availability of health and social services, as well as shelters, to victims. Please indicate whether the 2006 Act and the revised Penal Code include domestic violence and provide for remedies for women and girl victims of violence. Please also indicate whether the State party intends to amend article 46 of the Penal Code, which provides that the killing of a spouse caught in flagrante delicto of adultery is a “forgivable murder”.

18. Please provide information on the enforcement of the 2006 Act on the protection of women against violence and articles 114 and 115 of the revised Penal Code, which prohibit and punish female genital mutilation, and specify their impact in rural areas and in the eastern part of the country. Please also indicate measures taken by the State party to implement the 2007-2011 National Action Plan to combat harmful practices, gender-based violence and sexual violence including female genital mutilation.

#### **Trafficking and exploitation of prostitution**

19. Please provide detailed information and data on the prevalence of trafficking in women and girls in the State party. Please also provide information and data on the prosecution and punishment of trafficking offenders and sanctions imposed on them. Please indicate whether the State party is considering conducting research on the nature, extent, causes and consequences of trafficking with the aim of developing policies and strategies to combat this phenomenon. Please indicate whether the State party intends to adopt a comprehensive law on trafficking which fully complies with article 6 of the Convention and whether it has established mechanisms for the investigation, prosecution and punishment of trafficking offenders and for the assistance and support of the victims. Please provide information on the impact of the existing legislation on the protection of women and young girls from economic and sexual exploitation and women in prostitution. Please also provide statistics, if available, on the number of women and young girls engaged in prostitution, particularly in urban areas.

20. Please indicate the measures taken by the State party to protect displaced young girls, in particular from economic exploitation, and provide information on the number of displaced girls facing this situation. Please indicate legal and other measures taken by the State party to end the practice of enslaving Pygmies and to protect indigenous women and young girls from such enslavement.

#### **Participation in public and political life**

21. Please provide information on concrete measures taken or envisaged to ensure women’s full and equal participation and representation at all levels of Government, the legislative branch and the judiciary, as well as at the international level, taking into account the Committee’s general recommendations No. 25 (2004) on temporary special measures and No. 23 (1997) on political and public life.

22. Please provide information on the percentage of women who participated in the 2011 legislative elections. Please provide information on the number of women, including indigenous women and women with disabilities, in the Parliament as well as in the

Government, and on the number of women in decision-making positions in the public sector and institutions.

### **Nationality**

23. Please provide information on the Nationality Code of the Central African Republic as well as on the 1963 Act establishing the nationality of children born to a Central African mother where the parents have not contracted a lawful civil marriage. Please clarify whether women have equal rights with men to transfer their nationality to their foreign husbands as well as to their children regardless of their marital status and to acquire the Central African nationality by marriage. Please specify whether these rights are respected, both de jure and de facto.

### **Education**

24. Please provide information on the 2003-2015 Plan of Action on Education for All and the 2008-2020 National Strategy for the Education Sector, and explain if and how it ensures equal access to education for men and women. In particular, indicate what their impact has been on women and girls from rural areas, as well as on those belonging to indigenous communities. Please provide information on measures taken by the State party to improve the enrolment and literacy rates of girls and young women, to reduce the high drop-out rates of girls, including in cases of early marriage and pregnancy, and to protect girls from sexual abuse and harassment in schools and on their way to and from schools. In this connection, please provide updated information on the implementation of the 1966 Order protecting girls' schooling. Please provide recent statistical data, disaggregated by sex and by rural and urban areas, showing the overall literacy, enrolment, graduation and retention rates of girls at all levels of education, as well as trends over time.

### **Employment**

25. Please explain the differences in recruitment and employment practices between women and men and whether provisions exist to eliminate discrimination against women in employment. Please provide information on the effective enforcement of the provision of the Labour Code providing for equal pay for equal work and indicate whether the State party plans to amend it to guarantee equal pay for work of equal value in order to ensure substantive equality for women in employment. Please provide information on the existence of occupational segregation and on the types of employment that are forbidden to women. Please also provide information on the implementation of articles 5 and 25 of the 2006 Act on the protection of women against violence and article 96 of the Penal Code, which address sexual harassment in the workplace. Please indicate the proportion of women working in the informal sector and agriculture and provide information on the protection and the types of legal, social or other services available to or envisaged for women in the informal sector.

### **Health**

26. Please provide information on the 2006-2015 National Health Development Plan; in particular, indicate whether it includes a gender perspective. Please also provide information on the 2004-2015 Plan on the Reduction of Maternal and Neonatal Mortality, as well as on the June 2006 Act on reproductive health.

27. Please provide information about the programme to prevent parent-to-child transmission of HIV/AIDS and explain what measures and programmes have been introduced to increase public awareness-raising campaigns on sexually transmitted diseases, particularly HIV/AIDS. Please provide information on the measures taken or envisaged to reduce the disproportionately high prevalence of HIV/AIDS among women.

Please also provide information on measures taken to combat discrimination against women and girls affected.

28. Please provide information on the contraceptive prevalence rate and the availability and accessibility of comprehensive education on sexual and reproductive health and rights and family planning services. Please provide information on the implementation of articles 78 to 80 of the Penal Code and provide data on the number of abortions performed per year, in rural and urban areas. Please provide information on the implementation of articles 78 to 82 of the Penal Code and indicate whether the obligation to perform abortions in hospitals and the limitation to the first eight weeks of pregnancy prevent women who fulfil the other criteria for abortion from undergoing a therapeutic abortion.

#### **Rural women**

29. Please provide information on any strategy or programme carried out by the State party to improve the situation of rural women and girls, including their access to health, education, employment, land, credit and decision-making. In this connection, please give more details as to how rural women, particularly rural women in extreme poverty, benefit from the Poverty Reduction Strategy Paper.

#### **Disadvantaged groups of women**

30. Please provide information about progress made towards the completion of the bill to protect and promote indigenous peoples, the bill to protect older persons as well as the National Action Plan for the Advancement and Protection of Older Persons. Please indicate whether they include a gender perspective and specify the time frame for their adoption. Please provide information on Act No. 00-007 of 20 December 2000 on the status, protection and advancement of persons with disabilities and the implementation of Decree No. 02-205 of 6 August 2002 and indicate how it addresses discrimination against women and girls with disabilities. Please also provide statistical data on the number of women with disabilities who benefited from the establishment of a 10 per cent quota to integrate persons with disabilities into the civil service, according to their skills.

31. Please provide information on the number and situation of women currently in detention facilities. Please indicate whether female detainees are held separately from men detainees, whether they receive proper nutrition and their gender-specific medical needs are met, and whether female guards are in charge of their supervision. Please indicate the proportion of women detainees charged with accusations of witchcraft.

#### **Marriage and family relations**

32. Please explain which laws (civil law, customary law, or combination of these) govern family relations and whether women are treated equally with men under these laws. In this connection, please indicate whether the State party intends to amend the discriminatory provisions with regard to the exercise of decision-making, parental authority, the choice of residence and women's rights to inheritance. Please indicate whether article 93 of the revised Penal Code prevents women from leaving a hostile family environment.

33. Please also provide information on measures adopted to eradicate the customary practice of early and forced marriages, and indicate whether the State party is considering abolishing polygamy and taking effective measures to combat it. Please further indicate the minimum legal age for marriage for women and men, as well as the measures envisaged to ensure that births and marriages are registered through a comprehensive and compulsory system.

**Data collection and analysis**

34. Please provide information on the status of data collection and analysis in the country in general and, in particular, with regard to the situation of women, disaggregated by age, sex, and rural and urban areas. Please indicate how the Government intends to improve the collection and analysis of such data pertaining to the areas of the Convention and the general recommendations of the Committee so as to support policymaking and programme development and to measure progress towards implementation of the Convention.

**Optional Protocol and amendment to article 20, paragraph 1**

35. Please indicate any progress made with respect to the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which the State party agreed to during its universal periodical review process (A/HRC/12/2, para. 74). Please also indicate when the State party intends to accept the amendment to article 20, paragraph 1, of the Convention pertaining to the Committee's meeting time.

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