

INTERNATIONAL
CONVENTION
ON THE ELIMINATION
OF ALL FORMS OF
RACIAL DISCRIMINATION



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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Twenty-eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Sixth periodic reports of States Parties due in 1982

Addendum

CENTRAL AFRICAN REPUBLIC ^{1/}

[21 April 1983]

1/ The present report constitutes the fourth, fifth and sixth periodic reports of the Central African Republic, due on 14 April 1978, 14 April 1980 and 14 April 1982, respectively, submitted in one document.

For previous reports submitted by the Government of the Central African Republic and the summary records of the meetings of the Committee at which the reports were considered. see:

- (1) Initial report - CERD/C/R.33/Add.14 (CERD/C/SR.281);
- (2) Second periodic report - CERD/C/R.65/Add.8 (CERD/C/SR.281);
- (3) Third periodic report - CERD/C/R.88/Add.1 (CERD/C/SR.281).

I. REVIEW OF POLITICAL LIFE IN THE CENTRAL AFRICAN REPUBLIC SINCE 1976

A. Political life in the Central African Republic from 1976 to 20 September 1979

1. This period in the political life of the Central African Republic was regrettably characterized by a fascist, authoritarian and dictatorial regime. This was particularly evident when the Republic was made into an Empire and the megalomaniac Bokassa was crowned on 4 December 1976; at that time, a Constitution was drawn up. This imperial Constitution was mere window-dressing, and was not to be respected, despite the fact that it guaranteed the basic freedoms and rights of the individual. There were frequent failures to observe it during the reign of the dictator Bokassa, as witnessed by the violations of human rights (arrests, arbitrary executions, massacre of schoolchildren, etc.), tribal practices, pressure on judicial institutions (establishment on 3 June 1966 of a Military Court in which the accused had no right to a defence and no means of appeal, while there was no suspension of sentence), etc.

2. This approach was to become a veritable method of government, although simultaneously provision was made for its suppression in numerous laws and other instruments: the Constitution, ordinances, decrees and criminal laws.

3. The dictator Bokassa's initiatives and personal ambitions led him (at a time when he was nationally and internationally deprecated and challenged) to seek support and assistance of various kinds from the racist regime of Pretoria (South Africa financed the building of a chain of villas - the "200 villas" at Bangui - which the Emperor ran as his private property).

4. This period undoubtedly constituted a turning-point in the history of political life in the Central African Republic. However, it is subject to specific circumstances which unfortunately often affect the regimes of young countries and are unavoidable stages on the way to regimes where the freedoms and rights of individuals are guaranteed.

B. Political life in the Central African Republic from 20 September 1979 to 1982

5. The coup d'état which overthrew Bokassa's regime on 20 September 1979 not only put an end to his illegal practices with regard to the observance of the fundamental rights of citizens, but also made it possible to lay the foundations of democracy in the Central African Republic.

6. The new Constitution was submitted to the nation for approval on 5 February 1981 and was voted for by more than 97 per cent of the population. This Constitution contains the relevant provisions for guaranteeing the fundamental rights and freedoms of the people (freedom of thought, freedom of expression, freedom to vote, freedom of movement) and the multiparty system (recognition of several parties, the existence of trade unions).

7. However, the interpretation of the idea of a multiparty system by the different political parties (including the party in power), was to jeopardize the democratic process which had been initiated.

8. As a result, the political, economic and social life of the country was paralysed.

9. There was only one way out - the assumption of power by the Army, which has always acted as guarantor of the nation's security.

10. This is the significance of the coming to power on 1 September 1981 of the Military Committee for National Recovery, under Army General André Kolingba.

11. The Committee was to suspend the Constitution for the reasons mentioned earlier, but would continue to respect and apply the provisions concerning the basic rights of citizens (see Constitutional Acts No. 1 and No. 2 annexed to this report).

II. LEGISLATIVE, JUDICIAL AND ADMINISTRATIVE MEASURES TO COMBAT PREJUDICES GIVING RISE TO RACIAL DISCRIMINATION

A. At the national level

12. Unlike other countries, the Central African Republic can pride itself on having no problems of racial discrimination with regard to nationals or non-nationals on grounds of colour, racial hatred directed against foreigners, or discriminatory legal, trade, employment or health measures.

13. Its population is made up of a number of different ethnic groups which live together in perfect harmony. The population includes Christians, Muslims, Animists, etc. (religious freedoms are scrupulously observed). In addition, large numbers of foreigners are to be found in all sectors of life in the Central African Republic - trade and the economy, teaching and education, and even the administration. This coexistence with the nationals of the country has never been a handicap or created social conflict. In this regard, the people of the Central African Republic is well aware that it needs foreign assistance for its development.

(a) Measures of a general nature

14. The emblem of the Central African Republic bears the words "ZO KWE ZO", which mean that the individual, whatever his origin, has a right to respect as such. This axiom eloquently interprets the philosophy of the people of the Central African Republic with regard to the individual and his rights.

15. In the sphere of the law, Ordinance No. 66/32 of 20 May 1966 and Decree No. 66/264 (see the third periodic report of the Central African Republic), respectively, prohibit and define all manifestations of racism and tribalism throughout the territory of the Central African Republic. The penalties for violations of those provisions are contained in the Criminal Code of the Central African Republic (Act No. 61/239 of 15 August 1961).

16. It should also be remarked that the procedure of noting the ethnic origin of the newborn child in the birth certificate was abolished in 1975. Under the present procedure, the entry refers to nationality of the Central African Republic.

17. In judicial matters, the unfortunate Military Court set up by the Bokassa regime was replaced by the Special Court set up under Ordinances No. 81/010 and No. 81/035 of 23 July 1981 to hear charges against the perpetrators of a bomb attack in a Bangui cinema which killed three persons and seriously injured others on 14 July 1981. This Court recognizes the right of the accused to a defence, and suspended sentences may be imposed, contrary to the procedure under the Military Court.

18. With regard to articles 5 and 6 of the Convention, a series of Acts and the Civil Code of the Central African Republic guarantee the equality of all individuals under the law (whether civil servants, employees, peasants, foreigners, men or women), the right of access of persons to all public services (except for specific cases relating, in particular, to minors and persons regarded as a danger to public safety). The legal system of the Central African Republic gives all individuals (whoever they are) the right of recourse against violations of the provisions of Ordinance No. 66/32.

19. The Central African Republic has never had to deal, through criminal or other procedures, with serious racial problems deriving from groups of individuals (official or private) or organizations (public or private), or from the press, books, ideas or any other means of communication.

20. The laws of the Central African Republic (Labour Code) also guarantee the equality of all individuals - nationals or aliens, men or women - with regard to employment, wages and rights relating to employment.

21. All aliens may move about freely in the Central African Republic and request the nationality of the Central African Republic under the provisions of its Nationality Code.

22. Interracial marriages are accepted completely naturally and are not prohibited by an law.

(b) Other measures on behalf of groups considered to be "less privileged"

23. Many laws have been promulgated for the promotion and protection of women and minors - compulsory education, health, employment, etc.

24. Handicapped persons and refugees have been the object of special attention; a National Committee for Handicapped Persons and a National Committee for Refugees exist.

25. Commendable efforts have been made to improve the living conditions of prisoners in the penitentiaries since the fall of Bokassa but have made scant progress, because of the economic situation in the Central African Republic.

26. Ethnic groups such as the pygmies, accustomed to living in forest areas by their own wish, have received attention from the authorities of the country. The construction of schools, clinics and houses at Mongoumba (Prefecture of Lobaye) is aimed at providing education and care and bringing civilization to this extremely primitive ethnic group.

B. At the international level

27. Under Act No. 63/449 of 3 February 1963 the Central African Republic granted freedom of movement to nationals of the member States of the European Economic Community and of the Central African Customs and Economic Union (CACEU). This Act was extended as a result of regular practice to the nationals of other regions and continents.

28. The Central African Republic has always condemned the racist practices of the regime of South Africa. In the context of the decisions of the United Nations and the Organization of African Unity (OAU), it naturally ratified the International Convention on the Elimination of All Forms of Racial Discrimination on 16 March 1971, and acceded on 8 March 1981 to the International Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights; on 8 May 1981, it acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

29. Measures are being taken with a view to the ratification by the Government of the greatest possible number of the various United Nations conventions concerning human rights and discrimination in all its forms.

30. Following the Conference of Heads of State of CACEU, held at Libreville from 17 to 19 December 1981, a final communiqué was issued expressing support for Angola and the people of Namibia in their struggle against South Africa. This communiqué also called on all the member States of OAU to condemn South Africa.

31. Some gaps will be noticed in the measures taken by the Central African Republic to eliminate all forms of racial discrimination, particularly the lack of numerous laws in this regard. This is obviously because racial problems in the Central African Republic are virtually non-existent, although there are some tribal practices, rapidly dying out, for which penalties are prescribed by Ordinance No. 66/32.

32. The people of the Central African Republic is extremely concerned with its development and is aware that racial discrimination is very harmful to the economic, social and cultural development of mankind.

ANNEX I

CENTRAL AFRICAN REPUBLIC

Unity - Dignity - Work

CONSTITUTIONAL ACT NO. 1

THE ARMY GENERAL AND CHIEF OF GENERAL STAFF OF THE ARMED FORCES ORDERS
THE FOLLOWING:

Article 1: A Military Committee for National Recovery is hereby established, responsible for acting as Executive and Legislature of the Republic.

Article 2: Army General André Kolingba, Chairman of the Military Committee for National Recovery, shall assume the functions normally devolving upon the Head of State

Article 3: This Ordinance, which takes effect as from 1 September 1981, shall be promulgated and published in the Official Gazette according to the emergency procedure and shall be executed as an Act of the State.

Done at Bangui, on 1 September 1981

André Kolingba

Chairman of the Military Committee
for National Recovery, Head of State,
Head of Government, Minister of Defence
and Chief of General Staff of the
Armed Forces

ANNEX II

OFFICE OF THE CHAIRMAN OF THE MILITARY COMMITTEE
FOR NATIONAL RECOVERY

CENTRAL AFRICAN REPUBLIC
Unity - Dignity - Work

CONSTITUTIONAL ACT NO. 2
ESTABLISHING THE PROVISIONAL ORGANIZATION OF THE POWERS OF THE STATE

TITLE I: THE EXECUTIVE POWER

Article 1. The Military Committee for National Recovery shall be responsible for exercising the executive and legislative powers.

Article 2. The Chairman of the Military Committee for National Recovery and Head of State shall appoint the Ministers and Secretaries of State who are answerable to him, and terminate their duties.

He shall preside over the Council of Ministers, decide on the general policy of the Government and ensure its application.

He shall ensure the execution of laws and guarantee the implementation of judicial decisions.

He shall exercise regulatory authority, and sign Ordinances and Decrees.

The acts of the Chairman of the Military Committee for National Recovery shall be countersigned, as necessary, by the Ministers responsible for their execution.

He shall have authority over Government departments and make appointments to Government posts.

He shall ensure that order and public security are maintained.

He shall be the Supreme Commander of the Armed Forces.

He shall supply the credentials of ambassadors and special envoys. Foreign ambassadors and special envoys shall be accredited to him.

He shall negotiate and ratify treaties and international agreements.

He shall have the right of pardon.

He shall confer the distinctions of the Republic.

He may delegate his powers to members of the Military Committee for National Recovery, with the exception of the power to appoint them or to terminate their duties.

TITLE II: THE LEGISLATIVE POWER

Article 3. The Chairman of the Military Committee for National Recovery, in the Council of Ministers, shall legislate by Ordinance, in the following spheres:

The civic rights and fundamental guarantees granted to citizens for the exercise of public freedoms;

The nationality, status and capacity of persons, marriages, successions and gifts;

Organization of civil status registers;

The ownership system, real rights and civil and commercial obligations;

The right to employment, trade union rights and social security;

The status of the judiciary;

The organization of legal officer services and the professions of legal officer and barrister;

Basic guarantees for civil and military officials of the State;

The electoral system for the National Assembly and public bodies;

The determination of crimes and offences and the penalties applicable to them, procedure, the creation of new levels of jurisdiction, and amnesty;

The penitentiary system;

The general organization of national defence;

Education;

The bases and rate for taxes of all kinds;

The financial system, control of expenditure and currency;

The regimes pertaining to public property, real estate, forests and mines;

Budgets and programmes which define the objectives of State economic and social activity;

The nationalization of enterprises and the transfer of ownership of public sector enterprises to the private sector.

Article 4. Matters other than those dealt with by Ordinances belong to the sphere of regulations.

TITLE III: THE JUDICIAL POWER

Article 5. Justice is a power which is guaranteed independence in relation to the legislature and the executive.

Justice is done in the name of the people of the Central African Republic by the Supreme Court, the courts of appeal and the ordinary courts.

Article 6. The Chairman of the Military Committee for National Recovery shall guarantee the independence of the judicial power.

To this end he shall be assisted by the High Council of the Judiciary, of which he is President.

Article 7. Judges shall be appointed by decree of the Head of State, on the advice of the High Council of the Judiciary.

Members of the Bench shall have fixity of tenure.

Article 8. The Supreme Court shall comprise three sections:

The judicial section;

The administrative section;

The accounts section.

The composition, organization, powers and operation of the Supreme Court are determined by Act No. 61/249 of 15 November 1961.

Article 9. The Supreme Court may consider and give its opinion on draft Ordinances and regulatory Decrees before they are submitted to the Head of State and the Government.

TITLE IV: TREATIES, AGREEMENTS AND CONVENTIONS

Article 10. The Chairman of the Military Committee for National Recovery shall ratify treaties, agreements and conventions in the Council of Ministers.

Article 11. Treaties, agreements and conventions which are properly ratified shall be superior in force to the Ordinances, provided that in each case they are implemented by the other party.

TITLE V: MISCELLANEOUS PROVISIONS

Article 12. Treaties, agreements, conventions, acts and regulations existing prior to the date of publication of this Constitutional Act shall remain in force unless they are expressly denounced or repealed.

Done at Bangui, on 22 September 1981

(Signed) Army General André Kolingba

Chairman of the Military Committee for National Recovery, Head of State, Head of Government, Minister of Defence and Chief of General Staff of the Armed Forces