



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

Concluding observations on the report submitted by the Central African Republic under article 29 (1) of the Convention*

1. The Committee on Enforced Disappearances considered the report submitted by the Central African Republic under article 29 (1) of the Convention¹ at its 517th and 518th meetings,² held on 19 and 20 March 2025. At its 533rd meeting, held on 1 April 2025, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the report submitted by the Central African Republic under article 29 (1) of the Convention, which consists of the written replies³ that the State Party submitted in 2024 to the list of issues.⁴

3. The Committee appreciates the constructive dialogue held in a hybrid format with the State Party's delegation, which was headed by the Minister Counsellor, Chargé d'affaires and Permanent Representative of the Central African Republic to the United Nations Office and other international organizations in Geneva and Vienna, on the measures taken to implement the provisions of the Convention. It welcomes the openness with which the delegation responded to the questions raised and thanks the State Party for those responses.

B. Positive aspects

4. The Committee welcomes the fact that the State Party has ratified or acceded to a number of international human rights instruments and the protocols thereto, including the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.⁵

* Adopted by the Committee at its twenty-eighth session (17 March–4 April 2025).

¹ The State Party indicated that document [CED/C/CAF/RQAR/1](#), which contains its replies to the list of issues in the absence of the report, constituted its initial report submitted under article 29 (1) of the Convention.

² See [CED/C/SR.517](#) and [CED/C/SR.518](#).

³ [CED/C/CAF/RQAR/1](#).

⁴ [CED/C/CAF/QAR/1](#).

⁵ The instruments pending ratification include the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Central African Republic has not accepted the individual complaints procedures



5. The Committee welcomes the State Party's openness to receiving visits from the special procedures of the Human Rights Council, in particular from the Independent Expert on the situation of human rights in the Central African Republic.

6. The Committee is also grateful for the information on the ongoing reform of the Criminal Code and the Code of Criminal Procedure and on the action taken by the State Party in the areas covered by the Convention, including:

- (a) The enactment, on 30 August 2023, of the new Constitution;
- (b) The adoption of Act No. 22.011 of 27 June 2022 abolishing the death penalty;
- (c) The adoption of Act No. 20.009 of 7 April 2020 on the establishment, organization and operation of the Truth, Justice, Reparation and Reconciliation Commission;
- (d) The inclusion in article 153 of the Criminal Code of enforced disappearance as a crime against humanity and a crime not subject to a statute of limitations;
- (e) The development of the National Strategy for Sustainable Solutions for Internally Displaced Persons and Returnees to the Central African Republic, in line with the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa and the Guiding Principles on Internal Displacement;
- (f) The increase in the budget allocated to the National Commission on Human Rights and Fundamental Freedoms.

C. Principal subjects of concern and recommendations

7. The Committee is fully aware of the many serious difficulties faced by the State Party amid the security situation in the country. It is especially concerned about the cases of enforced disappearance, abduction from prisons and forced labour highlighted by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) in its reports on the human rights situation, in particular the analysis of deprivation of liberty issued in July 2024⁶ and the report on serious human rights violations and abuses issued in March 2025.⁷ The Committee welcomes the State Party's commitment to promoting the implementation of the Convention and is formulating its concerns and recommendations in a constructive and cooperative spirit in order to help ensure that the State Party's current laws and practices are in full conformity with the Convention.

1. General information

Competence of the Committee under articles 31 and 32 of the Convention

8. While it notes the assertion that the State Party will, in due course, make the declarations provided for in articles 31 and 32 of the Convention to recognize the Committee's competence to receive individual and inter-State communications, the Committee regrets that the State Party has not yet taken the necessary steps to that end (arts. 31 and 32).

provided for in most of the conventions it has ratified, with the exception of that under the first Optional Protocol to the International Covenant on Civil and Political Rights.

⁶ MINUSCA and Office of the United Nations High Commissioner for Human Rights (OHCHR), Analysis of deprivation of liberty in the Central African Republic: Current situation, challenges and responses, July 2024.

⁷ MINUSCA and OHCHR, Rapport sur les violations et atteintes graves aux droits de l'homme commises par les Wagner Ti Azandé et les Azandé Ani Kpi Gbé du 1 au 7 octobre 2024 à Dembia et Rafaï, préfecture du Mbomou, March 2025.

9. **The Committee encourages the State Party to recognize its competence to receive and consider individual and inter-State communications under articles 31 and 32 of the Convention with a view to ensuring the full effectiveness of the Convention and strengthening the protection of victims of enforced disappearance, and invites it to submit information on the measures taken and the time frame set to this end.**

Applicability of the Convention

10. The Committee notes that, pursuant to article 142 of the Constitution, the State Party has a monistic legal system that guarantees that the international treaties and agreements ratified by the State Party rank above national legislation upon their publication. It regrets, however, that no decisions in which the provisions of the Convention have been invoked or applied have been issued by the ordinary national courts (arts. 1, 4 and 23).

11. **The Committee recommends that the State Party ensure that the provisions of the Convention are directly invoked and applied by national courts or other competent authorities without any qualification or limitation. It also invites the State Party to intensify its efforts to routinely provide judges, prosecutors and lawyers with training on the Convention, including its scope and direct applicability.**

National human rights institution

12. The Committee welcomes the adoption of Act No. 17.015 of 20 April 2017 establishing the National Commission on Human Rights and Fundamental Freedoms. It commends the operationalization of this institution, which has had its budget increased and which has been strengthened by Decree No. 23.247 of 29 October 2023, leading to the assignment of new members to its staff and executive board. However, the Committee observes that the State Party has not provided sufficient information on the measures taken to enable the Commission to investigate the fate of disappeared persons, and that there is no precise information on the number and nature of complaints received concerning alleged cases of enforced disappearance. It is also concerned that the Commission has not yet been accredited by the Global Alliance of National Human Rights Institutions (arts. 2, 12 and 24).

13. **The Committee encourages the State Party to ensure that the National Commission on Human Rights and Fundamental Freedoms is fully in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and to apply for the accreditation of the Commission with the Global Alliance of National Human Rights Institutions. It also recommends that the State Party ensure that the Commission is, and is perceived to be, genuinely independent and that it has the financial, technical and human resources necessary to perform its functions, in particular those relating to enforced disappearance, and to engage with the entire population and the national authorities. In addition, it recommends that the State Party promote awareness of the Commission and its jurisdiction, particularly as relates to enforced disappearance, among the national and local authorities and the population at large.**

Stakeholder involvement in the preparation of the report

14. The Committee takes note of the information that the National Commission on Human Rights and Fundamental Freedoms and civil society organizations were invited by the standing committee for the drafting of reports and follow-up to recommendations to participate in the preparation of the State Party's report. However, it is concerned about the absence of information submitted directly by civil society organizations working specifically on the issue of enforced disappearance (art. 24).

15. **The Committee recommends that the State Party ensure that civil society organizations, in particular those working on enforced disappearance or representing victims' relatives, participate in all stages of the process of preparing and submitting reports to the Committee and are regularly consulted and informed about all matters relating to the implementation of the Convention.**

2. Definition and criminalization of enforced disappearance (arts. 1–7)

Statistical information and national register

16. The Committee regrets the lack of disaggregated statistical data on disappeared persons in the State Party. It finds it troubling that access to information on search activities and to data on cases of enforced disappearance remains limited and that the information provided has not made it possible to explain how and by which authority this information is handled (arts. 1–3, 12 and 24).

17. **The Committee requests the State Party to create a unified national register of disappeared persons with a view to producing accurate, reliable and up-to-date statistics on such persons without delay.** These statistics should cover:

(a) **The number and identity of all disappeared persons, with an indication of those who may have been subjected to enforced disappearance within the meaning of article 2 of the Convention;**

(b) **The sex, gender identity, sexual orientation, age, nationality and ethnic, religious or geographical origin of every disappeared person, as well as the place, date, context and circumstances of the person's disappearance, including all evidence relevant to determining whether it was an enforced disappearance;**

(c) **The number of cases in which there may have been some form of State involvement in the disappearance within the meaning of article 2 of the Convention;**

(d) **The status of relevant search and investigation procedures, as well as of procedures for the exhumation, identification and return of remains.**

18. These statistics should make it possible to identify the different groups of victims, the causes and dynamics of enforced disappearance and patterns of behaviour, and serve as a basis for adopting more effective prevention, investigation, search and victim support measures. The national register should be updated systematically to ensure the uniform, comprehensive and immediate recording of all disappearances.

Offence of enforced disappearance

19. The Committee welcomes the inclusion of enforced disappearance as a crime against humanity in article 153 of the Criminal Code. It also notes with satisfaction the delegation's assertion during the dialogue that the State Party is considering establishing enforced disappearance as a separate offence in the Criminal Code and making it punishable by penalties commensurate with its extreme seriousness, which could be increased in the event of aggravating circumstances, in accordance with articles 2–4, 7 and 8 of the Convention. The Committee nonetheless finds it troubling that there is still no separate offence of enforced disappearance in national law, a situation that hinders the appropriate investigation and prosecution of such offences. It is also concerned about the confusion resulting from the fact that other offences defined in national law that do not fully reflect the definition in article 2 of the Convention or the seriousness and specific nature of enforced disappearance are applied to cases of enforced disappearance (arts. 2, 4, 7 and 8).

20. **The Committee recommends that the State Party take the following steps without delay:**

(a) **Make enforced disappearance, defined as in article 2 of the Convention, an autonomous offence in national legislation;**

(b) **Ensure that all the mitigating and aggravating circumstances set out in article 7 (2) of the Convention are provided for by law;**

(c) **Ensure that enforced disappearance is made punishable by appropriate penalties that take into account its extreme seriousness.**

Criminal responsibility of superiors and due obedience

21. The Committee notes with interest that exceptional circumstances may not be invoked to justify serious human rights violations and that, in accordance with article 28 of

the Constitution, no one is required to execute a manifestly illegal order. It also notes that article 161 of the Criminal Code states that the perpetrator of or accessory to a crime covered by article 153 of the Code cannot be exonerated because he or she committed an illegal act on orders from the legitimate authorities. The Committee nonetheless notes with concern that criminal law, in particular article 10 of the Criminal Code, does not sufficiently address the issue of the criminal liability of hierarchical superiors (arts. 1, 6 and 23).

22. The Committee recommends that the State Party ensure that its legislation fully adheres to article 6 of the Convention, which establishes that no order or instruction from any public authority – civilian, military or other – may be invoked to justify an offence of enforced disappearance, and that subordinates who refuse to obey an order to commit enforced disappearance are not punished. It also recommends that the State Party ensure that the criminal responsibility of superiors is provided for in national law, in accordance with article 6 (1) (b) of the Convention.

3. Criminal responsibility and judicial cooperation in relation to enforced disappearance (arts. 8–15)

Extraterritorial and universal jurisdiction

23. The Committee takes note of the information provided by the State Party on the legislation applicable to the jurisdiction of its courts, in particular the relevant combined provisions of the Criminal Code and Code of Criminal Procedure. The Committee notes the lack of clarity as to whether the State Party is competent under national law to exercise its jurisdiction over the specific offence of enforced disappearance when the offence occurred abroad and the perpetrator or the victim is a national of the Central African Republic or when the alleged perpetrator is a foreign national or stateless person who does not have permanent resident status in the State Party, is present in its territory and has not been extradited or surrendered to another State or surrendered to an international criminal tribunal whose jurisdiction the State Party has recognized (arts. 9 and 11).

24. The Committee recommends that the State Party ensure that the national courts can exercise jurisdiction over all acts of enforced disappearance, including those committed abroad by or against its nationals, in accordance with the obligations under articles 9 and 11 of the Convention and with the principle of *aut dedere aut judicare* set out therein.

Military jurisdiction

25. The Committee takes note of the information provided by the delegation during the dialogue that cases of enforced disappearance are not heard by military courts but observes that those courts continue to have jurisdiction over such cases when they are committed by military personnel. In this regard, the Committee recalls that, as a matter of principle, military courts should not have jurisdiction over any cases of serious human rights violations, including enforced disappearance (art. 11).

26. Recalling its statement on enforced disappearances and military jurisdiction,⁸ the Committee recommends that the State Party adopt the legislative, regulatory and institutional measures necessary to ensure that all cases of enforced disappearance remain expressly outside the jurisdiction of military courts and can be investigated and tried only by ordinary courts.

Transitional justice

27. The Committee takes note of the creation in 2020 of the Truth, Justice, Reparation and Reconciliation Commission, the initial members of which took office in July 2021, in parallel with the Special Criminal Court, a hybrid court created in 2015 and composed of national and international judges responsible for considering serious crimes committed in the Central African Republic since 2003. It also notes that, on 27 February 2024, the

⁸ A/70/56, annex III.

Special Criminal Court issued a warrant for the arrest of former President François Bozizé on a number of charges, including charges of enforced disappearance. The Committee regrets, however, that the Commission took no concrete steps before the dismissal of its members in May 2024. It is also concerned about the fact that the work of the transitional justice system has not led to clear identification of the practice of enforced disappearance in the country and that the fate and whereabouts of many victims have still not been clarified (arts. 11, 12 and 24).

28. The Committee recommends that the State Party intensify its efforts to ensure that, without delay:

(a) **All cases of enforced disappearance, past and present, lead to immediate searches and thorough and impartial investigations that continue until the fate of the disappeared persons has been clarified;**

(b) **All those involved in the perpetration of an enforced disappearance, including military and civilian superiors, are prosecuted and, if found guilty, punished in accordance with the gravity of their acts;**

(c) **All disappeared persons whose whereabouts are unknown are searched for and located and that, in the event of death, their remains are identified, respected and returned to their families in such a way as to ensure a dignified burial consistent with the wishes and religious and cultural customs of the families and their communities;**

(d) **Any person who has suffered harm as a direct result of an enforced disappearance has access to a comprehensive and adequate reparations system, in accordance with article 24 (4) and (5) of the Convention, that includes not only compensation but also rehabilitation, satisfaction and guarantees of non-repetition. This system should be introduced in full consultation with the victims and should be based on a differentiated approach, taking into account a gender perspective and victims' specific needs;**

(e) **The new members of the Truth, Justice, Reparation and Reconciliation Commission are appointed without delay, so that the Commission can resume its work and action can be taken in follow-up to the decisions made by the Special Criminal Court in relation to cases of enforced disappearance.**

Investigations into cases of enforced disappearance, the search for disappeared persons and combating impunity

29. The Committee takes note of the information provided by the delegation that particular attention is paid to all allegations reported by MINUSCA. It regrets, however, that some investigations into disappearances relayed by MINUSCA remain unresolved, in particular those relating to the illegal arrest and detention in a container of 11 men in Obo (Haut-Mbomou) by the armed forces of the Central African Republic,⁹ or those relating to the death in custody of a man arrested by other security personnel in Bossangoa after having been held illegally on their base for three days before being transferred to the Central Office for the Suppression of Banditry, at which he was held for two weeks before dying in the wake of his transfer to the senior judge's office.¹⁰ The Committee also notes the information provided by the State Party during the dialogue on the investigations that drew on the report of MINUSCA on the crimes committed in Mbomou Prefecture¹¹ but finds it regrettable that this information remains vague and that the State Party has not reported on the results of the investigation, the exact number of people who have been brought in for questioning, the offences that have been alleged or the charges that have been filed. The Committee also regrets not having received any specific information on the

⁹ MINUSCA and OHCHR, Analysis of deprivation of liberty in the Central African Republic: Current situation, challenges and responses, July 2024, para. 20.

¹⁰ Ibid., para. 36.

¹¹ MINUSCA and OHCHR, Rapport sur les violations et atteintes graves aux droits de l'homme commises par les Wagner Ti Azandé et les Azandé Ani Kpi Gbé du 1 au 7 octobre 2024 à Dembia et Rafaï, préfecture du Mbomou, March 2025.

ability of the relatives of disappeared persons to exercise their right to participate actively, as rights holders, in search and investigation procedures and to be protected from any form of reprisal or intimidation (arts. 9–12 and 24).

30. The Committee recommends that the State Party:

- (a) Collect, organize and publish reliable and up-to-date statistical data on the number of investigations that have been conducted into incidents that may constitute enforced disappearance;
- (b) Ensure that the authorities introduce immediate, rapid, thorough and impartial search and investigation procedures, that all reported cases of enforced disappearance are investigated promptly, thoroughly, effectively and impartially, even in the absence of an official complaint, and that the alleged perpetrators are brought to justice and punished in a manner commensurate with the gravity of the offence if their guilt is established;
- (c) Ensure that any persons with a legitimate interest, such as relatives, loved ones and legal representatives of disappeared persons, can participate in all stages of the search and investigation procedure.
- (d) Ensure that the authorities put in place official mechanisms to promptly and periodically inform the families of disappeared persons of the progress, difficulties and results of the ongoing search and investigation processes.

Suspension of officials suspected of offences

31. The Committee regrets that it has not received specific information from the State Party on the mechanisms for excluding from an investigation into an enforced disappearance any members of law enforcement or security forces or other public officials suspected of involvement in the commission of the offence or for suspending them from the outset of the investigation (art. 12).

32. The Committee recommends that the State Party:

- (a) Ensure that public officials suspected of involvement in an offence of enforced disappearance are suspended from the outset and for the duration of the investigation, without prejudice to the presumption of innocence, and that law enforcement or security forces whose members are suspected of having participated in an enforced disappearance cannot take part in the investigation;
- (b) Establish screening procedures to prevent persons suspected of violations of the Convention from serving in an official capacity or being promoted.

Protection of persons who report a case of enforced disappearance and/or participate in the investigation

33. The Committee regrets not having received sufficient information on the measures that have been taken to protect victims, witnesses and their representatives (art. 12).

34. **The Committee recommends that the State Party establish mechanisms, including a structured programme, to ensure, in accordance with article 12 (1) of the Convention, that complainants, witnesses, relatives of the disappeared person and their defenders, as well as all those participating in the investigation, are effectively protected from all acts of reprisal or intimidation for having made a complaint or witness statement, regardless of their ethnic, religious or geographical origin, or the date, place and circumstances of the disappearance.**

Extradition

35. The Committee takes note of the information provided by the State Party on the legal framework for extradition for offences of enforced disappearance. It remains concerned, however, about the consequences of the impossibility of meeting the dual criminality requirement in the existing extradition treaties, as enforced disappearance is not set out as a separate offence in the Criminal Code (art. 13).

36. The Committee recommends that the State Party establish enforced disappearance as a separate offence in national legislation and include the offence among those subject to extradition in any existing or future extradition treaty.

4. Measures to prevent enforced disappearance (arts. 16–23)

Non-refoulement

37. The Committee notes with satisfaction that the Central African Republic is a Party to the Convention relating to the Status of Refugees, that that Convention is implemented by the National Commission for Refugees and that the principle of non-refoulement is enshrined in national law. It nonetheless regrets the lack of detailed information on legal safeguards against the risk of being subjected to enforced disappearance as a result of refoulement and in particular on:

(a) The criteria used to assess this risk and the means of verifying, in practice, the information provided by both the receiving State and the person whose expulsion, return, surrender or extradition is sought;

(b) The conditions under which the State Party accepts diplomatic assurances when there are substantial grounds for believing that the person concerned would be in danger of being subjected to enforced disappearance;

(c) The possibility – in addition to the right to contest any administrative decisions made under ordinary law – of lodging an appeal against a decision authorizing expulsion, return, surrender or extradition, indicating by whom and before which authorities the appeal is lodged, the steps involved and whether such an appeal has suspensive effect;

(d) Cases where article 16 of the Convention has been implemented by the State Party (art. 16).

38. The Committee recommends that the State Party ensure systematic and strict respect for the principle of non-refoulement. In that regard, the Committee recommends that the State Party:

(a) Consider explicitly prohibiting in its national legislation any expulsion, refoulement, surrender or extradition where there are substantial grounds for believing that the person concerned may be in danger of being subjected to enforced disappearance;

(b) Prescribe clear and specific criteria for expulsion, refoulement, surrender or extradition and ensure that a consistent and thorough individual assessment is conducted to determine and verify the person's risk of being subjected to enforced disappearance in the country of destination, including in countries considered safe;

(c) Ensure that diplomatic assurances are effectively assessed with utmost care and that they are not accepted in any case where there are substantial grounds for believing that the person would be in danger of being subjected to enforced disappearance;

(d) Provide training on enforced disappearance and the assessment of the related risks to staff involved in asylum, return, surrender or extradition procedures, in particular to border control officials;

(e) Ensure that any decision taken in the context of refoulement involving the execution of an expulsion order may be appealed and that such an appeal has suspensive effect.

Enforced disappearance in the context of trafficking in persons, migration and forced displacement

39. The Committee is aware that the security crisis has led to mass forced displacement, both inside and outside the country, in particular of women and children, a situation that

puts those persons at increased risk of enforced disappearance, especially in the context of human trafficking or smuggling. It is troubled by the lack of detailed information from the State Party on measures to prevent trafficking in persons and the disappearance of migrants and asylum-seekers, and on the support services available to them and their families in the event of their disappearance (arts. 14–16).

40. The Committee urges the State Party to:

- (a) Ensure that all allegations of disappearance in the context of trafficking in persons, migration, mass displacement or forced relocation are thoroughly investigated, taking into account that the alleged acts may constitute enforced disappearance;
- (b) Guarantee that the persons responsible are prosecuted and, if found guilty, are sentenced appropriately, and that victims are provided with full reparation and appropriate protection and assistance;
- (c) Strengthen mutual legal assistance to prevent the disappearance of persons in the context of trafficking in persons, migration and mass displacement, facilitate the exchange of information and evidence for the search and investigation and provide support services to such disappeared persons and their relatives.

Secret detention and fundamental legal safeguards

41. The Committee takes note of the State Party's assertion that secret detention is not authorized, but notes that it is not expressly prohibited under domestic law. It also takes note of the information received on the existence of registers of persons deprived of their liberty in prisons and other places of detention and on the procedural safeguards to which persons deprived of their liberty are entitled pursuant to articles 40 (3) and 48 (3) of the Code of Criminal Procedure. The Committee is concerned, however, that the above-mentioned registers are not always kept up to date in practice, particularly in view of the overcrowding in a large number of detention facilities. It also regrets the lack of detailed information on the opportunities for regular visits to places of deprivation of liberty (arts. 17 and 18).

42. The Committee recommends that the State Party guarantee that no one is held in secret detention, including by ensuring that all persons deprived of their liberty, whatever the nature of the place of deprivation of liberty, are afforded all the fundamental safeguards set out in articles 17 and 18 of the Convention. In this respect, the State Party should:

- (a) Ensure that persons deprived of their liberty are held solely in officially recognized and supervised places of deprivation of liberty at all stages of proceedings;
- (b) Guarantee, from the outset of the deprivation of liberty, that all persons, regardless of the offence with which they are charged, have effective access to a lawyer and that their relatives, any other person of their choice and, in the case of a foreign national, the consular authorities of their country, are effectively informed of their deprivation of liberty and their place of detention;
- (c) Guarantee that any person deprived of liberty, including anyone held in police custody, or, in the case of a suspected enforced disappearance, since the person deprived of liberty is not able to exercise this right, any person with a legitimate interest is entitled to take proceedings before a court so that the court may decide without delay on the lawfulness of the deprivation of liberty and order the person's release if such deprivation of liberty is not lawful;
- (d) Enter all cases of deprivation of liberty, without exception, in up-to-date official registers and/or records that include, at a minimum, the information required under article 17 (3) of the Convention;
- (e) Ensure that the register is immediately accessible to the authorities in charge of searching for disappeared persons and investigating their disappearance and to any person with a legitimate interest;

(f) **Punish the failure to comply with the obligation to record all deprivations of liberty, the registration of inaccurate or incorrect information, the refusal to provide information on a deprivation of liberty and the provision of inaccurate information.**

Police custody

43. Although the maximum duration of police custody has been reduced to 48 hours under the new Constitution, the Committee is concerned that article 40 of the Code of Criminal Procedure still provides for a police custody period of 72 hours, which may be renewed once, and that, in practice, most of the competent authorities are continuing to apply that limit rather than the new one set out in the Constitution. The Committee shares the concern expressed by the Human Rights Committee¹² that the time limits for police custody and pretrial detention are not observed in practice and that judges and prosecutors rarely visit places of deprivation of liberty, a situation that contributes to the high rate of prison overcrowding (art. 17).

44. **The Committee calls on the State Party to ensure that all persons deprived of their liberty, regardless of the offence with which they are charged, are afforded in law and in practice all the fundamental legal safeguards set forth in article 17 of the Convention from the outset of the deprivation of liberty. In this respect, it supports the recommendations of the Human Rights Committee¹³ and stresses that the State Party should take urgent steps to:**

(a) **Amend the provisions of the Code of Criminal Procedure in order to bring them into line with the Constitution and international standards on fundamental legal safeguards;**

(b) **Ensure that the maximum period of police custody does not exceed 48 hours, including non-working days, irrespective of the charges, and that it is renewable only under exceptional, fully reasoned circumstances, subject to judicial oversight.**

Training

45. The Committee notes the information provided by the State Party that training on the international human rights treaties ratified by the State Party is organized for a wide audience and that, as part of efforts to implement the national human rights policy, specific training courses on the Convention are being organized for civilians and military personnel. Nonetheless, the Committee notes with concern that there is currently no specific, long-term training programme on enforced disappearance and the Convention for public officials and other relevant persons (art. 23).

46. **The Committee recommends that the State Party ensure that all law enforcement personnel, whether civilian or military, and all medical practitioners, public officials and other persons who may be involved in the custody or treatment of persons deprived of their liberty, including judges, prosecutors and other justice officials of all ranks, receive appropriate and regular training on enforced disappearance and the Convention. The Committee reminds the State Party that it is willing to support these efforts.**

5. Measures to protect and ensure the rights of victims of enforced disappearance (art. 24)

Victims' rights

47. The Committee notes that, according to the State Party, the definition of "victim" under domestic law includes all persons who are affected by an offence. It notes, however, that the current Criminal Code does not contain a precise definition of the notion of "victim"

¹² CCPR/C/CAF/CO/3, para. 25.

¹³ See CCPR/C/CAF/CO/3.

and that it is indicated in the State Party's report that the legal source from which the definition of that notion is drawn is Organic Act No. 15.003 of 3 June 2015 on the establishment, organization and functioning of the Special Criminal Court. The Committee regrets that the State Party failed to provide sufficient information on the right to information and to redress for witnesses and victims' families and loved ones (art. 24).

48. The Committee recommends that the State Party include in its criminal legislation a clear definition of "victim" that is in line with that in article 24 (1) of the Convention. The Committee also recommends that the State Party:

(a) Establish and implement an official mechanism to inform relatives of disappeared persons of the action taken to search for them and investigate their alleged disappearance, the progress made and the obstacles encountered;

(b) Allow relatives of disappeared persons to participate in the search process and the investigation into the alleged disappearance whenever they wish to do so and, when their participation is not possible for reasons beyond the State Party's control, explain in advance to the family and relatives why that is the case and inform them of the results of the action taken;

(c) Ensure that information provided by relatives of disappeared persons is duly taken into account in the formulation and implementation of search and investigation strategies.

49. The Committee is concerned that reparation measures remain limited and that national law neither provides for a system of appropriate and comprehensive reparation that is fully in line with article 24 (4) and (5) of the Convention nor formally recognizes the right of all victims to know the truth. It also regrets the State Party's failure to provide information on the number of victims of enforced disappearance who have received reparation and clarify whether there is a time limit for victims to obtain reparation (art. 24).

50. The State Party should take steps to ensure that any individual who has suffered direct harm as a result of an enforced disappearance has access to the rights enshrined in the Convention, in particular the rights to the truth and to comprehensive reparation, including not only compensation but also rehabilitation, satisfaction and guarantees of non-repetition. With this in mind, the Committee recommends that the State Party explicitly recognize in national law the right of victims of enforced disappearance to know the truth and establish a system of comprehensive reparation fully in line with article 24 (4) and (5) of the Convention and other relevant international standards. It further recommends that the State Party ensure that this system is applicable even when no judicial proceedings have been initiated and is based on a differential approach, taking into account the specific needs of each victim, including needs related to his or her sex, sexual orientation, gender identity, age, racial, ethnic or geographical origin, social status or disability.

Legal situation of disappeared persons whose fate has not been clarified and that of their relatives

51. The Committee takes note of the State Party's procedure for determining the legal situation of disappeared persons whose fate has not been clarified and that of their relatives, which, depending on the case, entails the issuance of a declaration of absence or a declaration of death. However, it recalls the continuous and complex nature of enforced disappearance (art. 24).

52. The Committee recommends that the State Party take legislative measures to ensure that the legal situation of disappeared persons whose fate has not been clarified and that of their relatives is regulated in accordance with article 24 (6) of the Convention, for instance by not requiring that disappeared persons be declared as presumed dead. To this end, the Committee recommends that the State Party's legislation should provide for the issuance of declarations of absence by reason of disappearance, irrespective of its duration.

Situation of female relatives of a disappeared person

53. The Committee recalls the limitations faced by women under the State Party's jurisdiction, particularly with regard to child custody, inheritance and access to social benefits, which have been highlighted by the Committee on the Elimination of Discrimination against Women,¹⁴ and is concerned about the potential negative impact of these limitations on women's full enjoyment of the rights enshrined in the Convention (art. 24).

54. **The Committee recommends that the State Party ensure that all women and girls who are relatives of disappeared persons are able to exercise all the rights enshrined in the Convention without restriction.**

Search for disappeared persons, and genetic databases

55. The Committee takes note of the measures taken to search for disappeared persons, such as the opening of judicial investigations and the use of the press to publicize searches. It notes with concern, however, that little progress has been made in ensuring that the bodies and remains of disappeared persons are located, identified, returned in a dignified manner and protected. It is also concerned about reports that genetic testing remains hard to access and that the collection of samples from victims' relatives is the exception rather than the rule. It regrets that the State Party has not provided detailed information on the measures and strategies currently in place to search for and identify missing persons (arts. 12, 19 and 24).

56. **The Committee invites the State Party to develop and carry out comprehensive search strategies in line with the Guiding Principles for the Search for Disappeared Persons and recommends that the State Party redouble its efforts to:**

- (a) **Search for, locate and release disappeared persons as promptly as possible and, in the event of death, identify and return their remains in a dignified manner and in strict accordance with their customs;**
- (b) **Set up a national genetic database of victims of enforced disappearance;**
- (c) **Ensure that the authorities competent to search for disappeared persons and, in the event of death, to identify their body or remains have appropriate financial and technical resources and the qualified staff necessary to discharge their mandate;**
- (d) **Ensure that the search continues until the fate of the disappeared person has been clarified.**

Right to form and participate freely in organizations and associations

57. The Committee welcomes the State Party's willingness to encourage the creation of associations whose purpose is to help establish the circumstances of enforced disappearances and provide those associations with support. It is nevertheless concerned about the lack of information received directly from associations of relatives of disappeared persons and other organizations that support them, in particular on the limitations and obstacles they appear to encounter when exercising their rights under article 24 of the Convention (art. 24).

58. **The Committee recommends that the State Party respect and promote the right of all persons, irrespective of their ethnic, religious or geographical origin and of the time, place and circumstances of disappearances, to form and participate freely in organizations and associations whose purpose is to help establish the circumstances of enforced disappearances, clarify the fate of disappeared persons and assist victims of enforced disappearance.**

¹⁴ See CEDAW/C/CAF/CO/6.

Measures for the preservation of memory

59. The Committee regrets that, according to the information received, there is currently no strategy for the creation and preservation of memorial sites, in particular sites used in cases of enforced disappearance. The Committee recalls that the development and preservation of such sites is essential to guarantee the right to the truth and non-repetition of past human rights violations (art. 24).

60. **The Committee recommends that the State Party establish a long-term memory preservation programme, in consultation and coordination with victims, to protect the sites used in cases of enforced disappearance and that it transform appropriate sites into educational and remembrance spaces accessible to the general public.**

6. Measures to protect children against enforced disappearance (art. 25)

Enforced disappearance of children in the context of armed conflict or trafficking

61. The Committee is concerned about the numerous allegations of enforced disappearance linked to the recruitment and use of children by armed groups and about the lack of information on prosecutions and convictions under article 151 of the Criminal Code, which provides for the criminalization of trafficking in children, and the support provided to child victims. Despite the State Party's stated commitment to combating trafficking in persons and the forced recruitment of children, the Committee notes with concern:

- (a) The absence of an early warning system to help locate and protect disappeared or abducted children and adolescents;
- (b) The lack of strategies for the prevention of enforced disappearances and the protection of children from enforced disappearance, in particular in the context of trafficking and the recruitment and use of children in hostilities (art. 25).

62. The Committee recommends that the State Party:

(a) **Adopt the regulations necessary for the proper implementation of the Child Protection Code in order to help locate and protect disappeared or abducted children and adolescents, and introduce an early warning platform that has the resources required to respond to cases of enforced disappearance of children;**

(b) **Redouble its efforts to search for and identify children and adolescents who may have been victims of enforced disappearance, in particular in the context of trafficking and the recruitment and use of children in conflicts, including through the launch of a DNA database that includes genetic samples for all reported cases.**

Wrongful removal of children and illegal adoption

63. The Committee welcomes the information provided by the State Party on the legal safeguards contained in the Child Protection Code and the Family Code. However, it regrets the lack of detailed information on the adoption processes, whether domestic or intercountry, conducted in the State Party and on forms of adoption other than those provided for in the Family Code (art. 25).

64. The Committee recommends that the State Party:

(a) **Incorporate as specific offences all the acts described in article 25 (1) of the Convention, providing for appropriate penalties commensurate with the extreme seriousness of the offences;**

(b) **Take effective measures to prevent the falsification, concealment or destruction of documents attesting to the true identity of the children referred to in article 25 (1) (a) of the Convention;**

(c) **Prevent the disappearance of children and search for and identify children who may have been victims of wrongful removal within the meaning of article 25 (1) (a) of the Convention, and ensure that information concerning unaccompanied minors is duly recorded;**

(d) Ratify the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

D. Dissemination and follow-up

65. The Committee wishes to recall the obligations undertaken by States when becoming parties to the Convention and, in this connection, urges the State Party to ensure that all the measures that it adopts, irrespective of their nature or the authority from which they emanate, are in full accordance with the Convention and other relevant international instruments.

66. The Committee emphasizes the particularly cruel effect of enforced disappearance on women and children. Women who are subjected to enforced disappearance are particularly vulnerable to sexual and other forms of gender-based violence. Women who are relatives of a disappeared person are also particularly likely to suffer serious social and economic disadvantages and to be subjected to violence, persecution and reprisals as a result of their efforts to locate their loved ones. Children who are victims of enforced disappearance, either because they themselves were subjected to disappearance or because they suffer the consequences of the disappearance of their relatives, are especially vulnerable to numerous human rights violations, including identity substitution. In this context, the Committee places special emphasis on the need for the State Party to ensure that gender issues and the specific needs of women and children are systematically taken into account in implementing the recommendations contained in the present concluding observations and all the rights and obligations set out in the Convention.

67. The State Party is encouraged to widely disseminate the Convention, its written replies to the list of issues drawn up by the Committee – which constitute its report submitted under article 29 (1) of the Convention – and the present concluding observations, in order to raise awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the State Party and the general public. The Committee also encourages the State Party to promote the participation of civil society, in particular organizations of relatives of victims, in the process of implementing the recommendations contained in the present concluding observations.

68. Under article 29 (3) of the Convention, the Committee requests the State Party to submit, by no later than 4 April 2028, specific and updated information on the implementation of all its recommendations and any other new information on the fulfilment of the obligations contained in the Convention. The Committee encourages the State Party to consult civil society, in particular organizations of victims, when preparing this information, on the basis of which the Committee will determine whether it will request additional information under article 29 (4) of the Convention.
