



# International Convention for the Protection of All Persons from Enforced Disappearance

Distr.: General  
2 April 2025

Original: English

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## Committee on Enforced Disappearances

### Twenty-eighth session

#### Summary record of the 518th meeting

Held at the Palais Wilson, Geneva, on Thursday, 20 March 2025, at 10 a.m.

*Chair:* Ms. Kolaković-Bojović (Vice-Chair)

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*Ms. Kolaković-Bojović (Vice-Chair) took the Chair.*

*The meeting was called to order at 10.05 a.m.*

**Consideration of reports of States Parties under article 29 (1) and additional information under article 29 (4) of the Convention (continued)**

*Replies of the Central African Republic to the list of issues in the absence of its report due under article 29 (1) of the Convention (continued) (CED/C/CAF/QAR/1; CED/C/CAF/RQAR/1)*

1. *At the invitation of the Chair, the delegation of the Central African Republic joined the meeting.*
2. **The Chair**, welcoming the Permanent Representative of the Central African Republic to the meeting, explained that the other members of the delegation would be participating via video link.
3. **Mr. de Frouville** (Country Rapporteur) said that he wished to know whether domestic law explicitly prohibited the expulsion, return or surrender of a person where there were substantial grounds to believe that he or she would be in danger of being subjected to enforced disappearance. He would be curious to learn how courts handled such cases in practice or, if there was limited practice with respect to enforced disappearance, how they applied the principle of non-refoulement in cases where there was a risk of torture. It would be helpful to know whether it was possible to appeal against decisions of expulsion, return or surrender and, if so, whether the appeals had suspensive effect.
4. He would also like to know whether domestic law expressly prohibited secret detention, whether detained foreign nationals could contact their consular authorities, how the State Party ensured that, despite the level of prison overcrowding, the guarantees set out in articles 17 and 18 of the Convention were being observed and what it was doing to address the reportedly systematic use of pretrial detention, which had exacerbated the overcrowding. He wondered whether the State Party planned to amend the Code of Criminal Procedure to align the provisions concerning the period of police custody with those of the 2023 Constitution, in the light of reports that the authorities continued to apply the renewable 72-hour period provided for under the Code and not the 48-hour maximum set out in the Constitution. It would be helpful to know how the State Party ensured that any civilians arrested by members of the Armed Forces of the Central African Republic were immediately handed over to law enforcement authorities.
5. He would be grateful for further details about databases of missing persons and about the use, in practice, of registers to record information on persons deprived of liberty, as required under the Convention. He would like to know whether the State Party faced any challenges in maintaining such registers, particularly in the light of allegations that there had been a number of cases of deprivation of liberty about which no information had been recorded.
6. He wished to know what mechanisms, if any, were in place to allow family members, lawyers, human rights defenders and other persons with a legitimate interest to obtain information about persons deprived of liberty and to challenge the lawfulness of the deprivation of liberty. The delegation might indicate the specific laws where the rights to appeal and to have access to information, referred to in paragraphs 44 and 45 of the State Party's replies to the list of issues (CED/C/CAF/RQAR/1), were recognized and where the measures to prevent violations of the right to information, referred to in paragraph 46, were set out. Further information on the planned training courses on the Convention referred to in paragraph 47 would be appreciated.
7. He wished to know what steps the State Party took to locate child victims of kidnapping or enforced disappearance, to help them recover their identities and reunite with their families and to prosecute the perpetrators. He would like to know what progress the State Party had made in investigating and prosecuting cases of trafficking in children. He would be grateful for data on national and international adoptions. It would be helpful to find out whether children from the Central African Republic could still be adopted internationally, whether any forms of adoption existed other than those set out in the Family Code, how many

requests to revoke adoptions had been received and what grounds had been cited in them. Did the State Party plan to ratify the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption?

8. **Mr. Diop** (Country Rapporteur) said that he wished to know whether any criminal proceedings for enforced disappearance had been initiated at the request of relatives of disappeared persons, what types of programmes were in place for the protection of witnesses and victims of enforced disappearance and whether the State Party intended to amend its domestic legislation to include a definition of “victim” specifically for the context of enforced disappearance. He would also like to find out whether, in cases of enforced disappearance, the perpetrators must be convicted before the victims could obtain reparation, whether any type of reparation could be obtained if no criminal proceedings were initiated, who was responsible for the payment of compensation, particularly in cases where no perpetrators had been convicted and whether victims had brought requests for reparation before the Truth, Justice, Reparation and Reconciliation Commission; if so, what decisions had it taken? It would also be helpful to know whether the Commission could order reparation or protection measures for victims pending the outcome of criminal proceedings, such as those against former President François Bozizé.

9. He would like to know whether the State Party intended to adopt an appropriate procedure for cases of enforced or involuntary disappearance that included an obligation on it to search for disappeared persons and prosecute the perpetrators. He wondered whether national legislation addressed the legal situation of disappeared persons whose fate or location was unknown, particularly with regard to social protection, financial matters, family and property, and whether the search for disappeared persons was conditional on a complaint or report having been filed.

10. He wished to learn whether there were any civil society organizations or associations whose purpose was to establish the circumstances of an enforced disappearance, determine the fate of disappeared persons and provide support to victims. Given that the State Party did not have a register of disappeared persons, it would be of interest to know whether there was a formal framework for dialogue between the State and the victims to ensure that relatives of disappeared persons were kept informed about the situation.

*The meeting was suspended at 10.40 a.m. and resumed at 10.55 a.m.*

11. **A representative of the Central African Republic**, speaking via video link, said that a register of disappeared persons would be created. Registers were currently maintained for different categories of prisoner, which ensured that no-one was held in secret detention. Every effort was made to ensure that prisoners’ human rights were upheld during their detention.

12. The country’s successive crises had significantly contributed to the issue of prison overcrowding. Only 16 of the country’s 38 prisons were currently operational, and a shortage of judges and prosecutors had led to a backlog in trials. To address the issue of overcrowding, it was necessary to rehabilitate the non-operational prisons, train legal personnel on handling the cases of detainees and encourage the use of alternative sentencing.

13. **A representative of the Central African Republic**, speaking via video link, said that funding was in place for the construction of a new high-capacity prison that would meet international detention standards. While two or three years earlier there had been fewer than 250 judges and prosecutors, that number had since doubled thanks to the Government’s efforts in that area. The revised Criminal Code would provide for alternative sentences, such as community service and placement in rehabilitation centres.

14. The Ministry of Justice had issued directives on the implementation of ongoing checks to ensure that judges and prosecutors adhered to legal time limits on detention. Individuals who were under investigation but had not been formally charged could only be held in police custody for a limited period. Individuals who had been charged could be held in pretrial detention for up to two consecutive years. After that period, the judge was required to send the case to trial or to close the case and issue a dismissal order.

15. The Central African Republic was a party to the Convention relating to the Status of Refugees, under which refoulement was prohibited. Several pieces of legislation, including

Decree No. 1983.042 of 1983, set out the procedures for asylum applications and enshrined the principle of non-refoulement of individuals seeking international protection. All asylum applications were referred to the National Commission for Refugees for examination. The submission of an appeal against a court decision had a suspensive effect, including on decisions to remove a person from the national territory.

16. The prohibition of secret detention entailed the authorization of access to detainees by their lawyers. If a detainee could not afford to hire a lawyer, his or her family had the right to visit. When foreigners were detained, ambassadors and embassy staff were permitted to visit the criminal investigation authorities. As the amended 2023 Constitution was at the top of the legal hierarchy, the 48-hour time limit on police custody established by the Constitution took precedence. The Code of Criminal Procedure would be revised to align its provisions with those of the Constitution. The limited number of police officers, insufficient equipment and the distance of police units from the headquarters of the Public Prosecutor's Office made it difficult in practice to respect the time limit on police custody. Cases in which the Armed Forces had made arrests but had failed to hand over the detainee within a reasonable time had been addressed immediately. The remote locations in which such arrests took place contributed to delays in the handover to the police.

17. The national human rights policy outlined the actions that had been and would be taken to implement the Convention and the other international treaties to which the Central African Republic was a party. The support from partners such as the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), the European Union and several foreign Governments under bilateral agreements had been instrumental in implementing the National Human Rights Policy.

18. The protection of women and children during the successive crises had been an issue of major concern. A Child Protection Code and the National Council for the Promotion and Protection of Children had been established to strengthen the protection of children from all forms of abuse. A demobilization programme had been introduced for children who had been recruited into armed groups. Such children were considered victims and placed in centres that provided rehabilitation, psychological support and reintegration services. If their parents could not be located, they were placed in foster care.

19. National and intercountry adoptions were strictly regulated by law. The law provided for a period of observation and monitoring after the adoption had taken place, during which the adoption decision could be revoked if there were concerns for the child's safety. The ratification process for the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption was under way.

20. The Truth, Justice, Reparation and Reconciliation Commission had not adopted any decisions relating to victims, as disagreements among its members had led to a state of paralysis. Protests by associations of victims – persons who had suffered harm during the years of conflict, not specifically victims of enforced disappearance – about the Commission's non-operational status had contributed to the Government's decision to remove its members. In cases of complaints or reports of enforced disappearance, reparations could be granted to victims only by the courts, and only after a judgment had been issued. Victims could obtain access to social and psychological support through ministerial structures, legal clinics and victim assistance initiatives organized by national and international non-governmental organizations.

21. **Mr. Diop** said that it would be useful to know whether the State Party had received the necessary financial and technical support to create registers of disappeared persons, and if not, what other obstacles were preventing it from doing that. He also wished to know whether the State Party intended to establish separate procedures for cases of enforced disappearance, as opposed to cases in which a person went missing, to reflect the State's obligation to investigate the disappearance, identify the perpetrators and attempt to locate the disappeared person.

22. **Mr. de Frouville** said that he would be grateful for further information on the involvement of civil society organizations and associations in the preparation of the State Party's report. He would like to hear the State Party's view on the notable absence of reports submitted to the Committee by civil society organizations working on issues related to

enforced disappearance and on the similar absence of requests for urgent action under article 30 of the Convention, despite reports of cases of enforced disappearance. He wondered what progress had been made in organizing training sessions on the Convention and on human rights, and to what extent MINUSCA had been involved.

23. He would like to know how the State Party ensured that individuals arrested and detained by the Armed Forces had access to all effective guarantees, especially given the delays in handovers to the police, and how it planned to address that issue. He would welcome further details in writing on the country's legal framework governing intercountry adoption, as well as data on adoptions in general and any allegations of illegal adoptions.

24. **Ms. Villa Quintana** said that she wished to know whether there were women's prisons in the State Party and, if not, what specific protection measures were in place for women inmates, in particular measures to hold them separately from men. She also wished to know whether the National Policy on Human Rights contained a gender perspective, as well as measures to address the specific needs of women and girls and to actively involve women's organizations in its implementation, whether specific protection measures had been adopted for women and girls who were victims of conflict-related sexual violence and whether the protection measures for forcibly recruited children envisaged in the Child Protection Code also applied to girls.

25. **A representative of the Central African Republic** said that the country maintained a number of registers, including detention registers. While there was currently no register of enforced disappearances – chiefly because the offence was not yet defined in the Criminal Code, not because the authorities needed special support from the international community in establishing one – cases of enforced disappearance were nonetheless recorded when a complaint was brought to the public prosecutor. The difference between a person who was missing and an enforced disappearance was that the former was a civil matter whereas the latter was a criminal matter.

26. The Government worked regularly with civil society organizations, which had been involved in the preparation of the report and were part of the current dialogue with the Committee. He took note of the Committee's concern that the lack of complaints of enforced disappearance might stem from poor awareness but wished to point out that a formal complaint was not necessary for an investigation to be launched. The judicial authorities could take action as soon as a report or allegation was brought to their attention.

27. There was a women's prison. Minors, however, were held in separate, specialized blocks within facilities for men, where they had access to age-appropriate education or training and recreational activities. A partnership agreement had recently been signed with an international non-governmental organization to develop a reintegration programme for minors in conflict with the law.

28. Gender was one of the main strategic focuses of the National Policy on Human Rights, which also had components on the specific rights of a range of different groups, including children, minorities, older persons and persons living with HIV/AIDS. The Office of the President, with support from the United Nations, including the Special Rapporteur on violence against women, had established a strategic committee on gender-based violence along with an action plan. In addition, a specialized intervention unit, composed of gendarmes, police officers and healthcare professionals, had been set up to provide holistic assistance to victims of gender-based violence, including in more remote parts of the country. Some specialized offices of the public prosecutor had been formed to work on cases involving gender-based violence and others to focus on cases involving children. The Child Protection Code distinguished between the situation of boys and that of girls.

29. **A representative of the Central African Republic** said that there had, at one time, been four women's prisons in the country, but most had fallen into disuse during the military and political crisis. Most correctional facilities that remained were mixed, with sections reserved for men and others for women. Efforts were being made to ensure that detained persons could successfully re integrate into society after release; they included an array of activities, such as literacy classes, soapmaking, sewing, mechanics, carpentry, farming and fishing, irrespective of the facility in which the detainees were held.

30. **A representative of the Central African Republic**, welcoming the enriching dialogue with the Committee, said that its recommendations would be received in a spirit of constructiveness and collaboration and that, despite the manifold challenges the country continued to face, the Government was committed to working harder to improve the human rights situation in the country.

*The meeting rose at 12.20 p.m.*