



**International
Human Rights
Instruments**

Distr.
GENERAL

HRI/CORE/1/Add.100/Rev.1
29 July 2005

ENGLISH
Original: FRENCH

**CORE DOCUMENT FORMING PART ONE OF THE
REPORTS OF STATES PARTIES**

CENTRAL AFRICAN REPUBLIC

[5 June 2005]

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Part One

General overview

I. GEOGRAPHICAL, DEMOGRAPHIC, SOCIAL AND ECONOMIC INFORMATION

A. The land

1. The Central African Republic, formerly the French colonial territory of Ubangi-Shari, is a landlocked country in the heart of the African continent. It is bordered to the north by the Republic of Chad, to the east by the Republic of the Sudan, to the west by the Republic of Cameroon, to the south-east by the Democratic Republic of the Congo and to the south-west by the Republic of the Congo. It has an area of 623,000 square kilometres, of which 3.2 per cent is devoted to agriculture and 4.8 per cent to pasturage, with 57.5 per cent consisting of forest and 34.5 per cent of dwellings, etc.
2. The relief of the Central African Republic consists of plains in the centre and the south, plateaux in the west, and two large massifs, the Fertit Hills in the north-east and the Yadé Massif in the north-west. The highest point is Mount Ngaoui in the north-east, which rises to 1,420 metres.
3. The landscape consists of a raised central section, the backbone of the Central African Republic, and two depressions, the Chad basin in the north and the Congo basin in the south; these two basins form the basis of the country's drainage system. It is worth noting that the watercourses of these two basins flow across the country in opposite directions: the Shari and its tributaries in the north and the Ubangi and its tributaries in the south have a very simple flow pattern: their waters rise during the rainy season. The Shari is navigable from Batangafo onwards; the Ubangi, the upper course of which has many rapids, is navigable from Bangui onwards.

B. Climate

4. The Central African Republic has three types of climate: a Guinean forest or equatorial climate in the south, a Sudano-Guinean or intertropical climate in the centre, and a Sudano-Sahelian or south-Sahelian climate in the north. Each climate has its own sub-climates, reflecting the amount of precipitation and the length of the rainy season. There are two seasons: the rainy season, which runs from May to October, and the dry season, which lasts from November to April.
5. The country's climate is also affected by two large high-pressure systems which determine climatic conditions throughout central and west Africa, namely, the Libyan anti-cyclone, over north and north-east Africa, and the St. Helena anti-cyclone, centred over the Atlantic to the south-west of the African continent.
6. Average annual temperatures range from 23.4° C in the west (Bouar) to 26.5° C in the north-east (Birao). Most parts of the Central African Republic receive more than 122 millimetres of rain per year; only the sub-Sahelian region of Birao receives less than 1 metre of rainfall per year.

C. Vegetation

7. With its high levels of rainfall, the Central African climate produces vegetation consisting of a wide variety of thick forest in the south and west of the country, wooded and grass savannah in the north, a patchwork of dry forests and savannahs, and steppe land in the far north-east of the country.

8. The varied vegetation reflecting an equally varied climate is also home to a significant and very diverse range of fauna: mammals (gorillas, elephants, rhinoceroses, hippopotami, giraffes, antelopes), reptiles (vipers, crocodiles and caimans) and all kinds of birds. As for aquatic fauna, fish varieties are found in abundance.

9. With a view to managing and protecting fauna, the Central African Republic has three national parks, the two largest of which are Avakaba Park, in Bamingui-Bangoran in the north-east of the country, and Dzangha-Sangha Park, in the prefecture of Sangha-Mbaere in the west.

10. The country's fauna and its varied vegetation, hydrology and climate make the Central African Republic an outstanding tourist destination. At the same time, however, these riches make it a magnet for poachers, who decimate its elephant and rhinoceros herds.

D. Administrative divisions

11. The Central African Republic is divided into 16 prefectures, which are further subdivided into 71 sub-prefectures and 2 administrative control areas. It has a total of 9,000 villages.

12. In the context of regionalization policy, the prefectures were divided into six regions, each consisting of 2 to 3 prefectures. The seventh region comprises the eight *arrondissements* of the capital, Bangui. Each region has its own administrative structure: a military authority, a health authority, school inspectorates, labour inspectorates, local government offices and, in the near future, human rights departments.

13. All the cities in the country are linked by non-asphalted roads, except for one beginning at Bangui: the Bangui-M'baiki, Bangui-Sibut and Bangui-Bossebele-Garouamboulaye road, which is still under construction.

14. The roads between the different cities are passable. During the rainy season, driving is difficult because of the very poor state of the roads. The city of Birao, in the far north of the country, is completely cut off during the rains, owing to flooding and the absence of bridges.

15. In addition to the Bangui/M'poko international airport, the country has airfields in every prefecture. Two river ports, one at Bangui and the other at Salo in the prefecture of Sangha-Mbaere, serve as hubs for river traffic.

16. With a view to improving access to the outside world, particular attention is being paid to the development of telecommunications networks, which are gradually being installed in the country's cities.

E. The people

17. According to the most recent general census, conducted in 2004, the estimated population is 3,150,000. In 1998, the population was 2,500,000. This means that the Central African population has grown by 650,000 in the space of 16 years, an annual growth rate of 1.29 per cent. Life expectancy at birth, which was 49 years for a Central African at the end of the 1980s, was 40.4 years in 2001 and 39.8 years in 2002. Although the under-five mortality rate has admittedly fallen from 248 to 180 per 1,000 live births, the Central African Republic still has the highest rate of maternal death during childbirth (1,100 women per 100,000 live births).

18. The Central African population is made up of a wide range of ethnic groupings, with the *Gbaya* in the west and north of the country and its sub-groups the *Ali*, *Gbaka-mandja*, *Mandja* and *Gbanou* in the centre; the *Banda* in the centre and east of the country; the *Zandé*, *Yakoma* and *Nzakara* in the east of the country; and the *Mboum*, *Kare*, *Kaba* and *Dagba* in the north. In addition, there are pygmy minorities in Lobaye and Sangha-Mbaere: the *Ndri* in the sub-prefecture of Boali, and the *Peuhl* in the animal-raising areas. This mosaic of different populations communicates in Sango, a language that is spoken and understood throughout the country. Although Sango has become an official language, French alone continues to be taught in schools and is used as a working language for administrative purposes.

19. The population is unevenly distributed throughout the country. This is also seen in the breakdown of the population by sex, as the recent 2004 census shows: males: 1,569,446; females: 1,581,626.

20. The population is heavily concentrated in cities with high rates of socio-professional activity:

Bangui:	531,763
Berbérati:	59,414
Carnot:	37,339
Bambari:	33,273
Bouar:	29,753
Bria:	28,364
Bossangoa:	27,930
Nola:	25,187
Bangassou:	24,447

F. Economic and social situation

21. The Central African economy basically relies on exports of agricultural, mining and forestry products. There is very little industrial activity, although the tertiary sector was doing very well before the crises of 1996 to 2003. The summary indicators provided below suggest the kinds of human development problems with which Central Africa, particularly its primary, secondary and tertiary sectors, has to contend.

1. Primary sector

22. The Central African Republic exports six main products: coffee, cotton, tobacco, wood, diamonds and gold. Apart from wood, gold and diamonds, agricultural production is subject to the vagaries of climate and fluctuations in world commodity prices.

(a) Coffee

23. According to over-optimistic initial forecasts, total coffee production for the 2001/2002 growing season was estimated at between 8,000 and 10,000 tonnes, taking account of the favourable weather conditions up to the end of 2002; however, the volume of coffee recorded by the Office for the Regulation of Marketing and Quality Control of Agricultural Products (ORCPPA) was 4,487.7 tonnes, as compared with 8,536 tonnes the previous year, a steep fall of 47.5 per cent. This fall in recorded output was largely the result of depressed world prices. Difficulties in gaining access to production areas, owing to the poor condition of rural roads and security problems in the hinterland, also affected export production.

(b) Cotton

24. At the close of the 2001/2002 cotton-growing season, output of seed cotton totalled 32,859 tonnes, up 34.2 per cent over the figure of 24,487 tonnes produced during the previous season. Fibre output amounted to 13,333 tonnes, an increase of 32.6 per cent over the 2001 figure of 10,055 tonnes.

(c) Tobacco

25. During the 2001/2002 season, tobacco output fell from 239 tonnes in 2001 to 172 tonnes a year later (130 tonnes of tobacco leaf and 42 tonnes of cut tobacco), a reduction of 28 per cent. This reduction was the result of a voluntary policy adopted by the Central African tobacco company (CETAC) to focus on quality rather than quantity.

(d) Forests

26. Since 2001, forestry has become one of the Central African Republic's main growth areas, accounting for 4.2 per cent of gross domestic product (GDP) in 2002, as against 3.2 per cent in 1997. At end-December 2002, lumber production showed mixed results, while exploitation activities had improved markedly. At 737,544 cubic metres, total output was down 6.1 per cent from the previous year's figure of 782,342 cubic metres. This fall in output can be attributed both to logging (-3.3 per cent) and sawn wood production (-27.4 per cent), whereas plywood production grew by 11.9 per cent.

(e) Crop production

27. As the main component of the Central African GDP (32.2 per cent in 2002), the food crop sector, which is highly diversified, is the country's main centre of economic growth and potentially its most competitive sector, provided effective production, transformation and export measures are implemented. The main subsistence crops are manioc, millet, sorghum, maize, potatoes, taros, plantains, yams, peanuts, rice, marrow, pulses and sesame.

(f) Stock-raising

28. In Central Africa, stock-raising accounts for a significant proportion of GDP (10.4 per cent in 2002). The livestock authorities estimate that the country had 11,736,000 head of cattle in 2002, as compared with 11,293,000 in 2001, an increase of 4 per cent.

29. Despite the Government's efforts to help the sector, the same difficulties remain; they come down to a national shortage of livestock, which leads to overpricing; a lack of appropriate technical support; the total absence of transport facilities to allow for follow-up to activities on the ground; and fraud and clandestine slaughtering, which result in a loss of earnings.

30. The primary sector owes its dynamism to the sub-sectors of cash crops, stock-raising and forestry. Its performance is explained by the presence of incentives: rising producer prices and the increasing prices which these products are fetching on the international markets. However, performance seems to have been adversely affected by the social unrest which has beset the country.

2. Secondary sector

31. The main components of the industrial sector in the Central African Republic are beer, oil, soap and sugar production, coffee-roasting, cotton-ginning, timber, and gas (oxygen, acetylene) and paint production.

32. During 2002, gross production of electricity contracted by 1.4 per cent, falling from 121,139,700 kWh as at 31 December 2001 to 119,466,000 kWh by end-2002.

33. As for mining production, the Central African extraction industries used to rely on two main products: diamonds and gold. Since 2002, efforts to diversify mining products have gradually borne fruit, with the results of seismic research carried out by a United States company pointing to the presence of major oil and gas fields. Other minerals include calcium, uranium, lignite and copper.

3. Tertiary sector

34. This sector covers trade, transport, transit and telecommunications. In 2002, the commercial sector was badly affected by the repercussions of the socio-political unrest of the previous two years.

35. In 2002, the transport sector saw a revival of river transport and a marked increase in the volume of road freight, while air freight, which had begun to decline several years earlier, continued its downward trend, owing to its prohibitive cost, weak purchasing power and a sluggish domestic economy.

36. As for transit goods, in the aftermath of the events of October 2002 operators opted for a wait-and-see policy.

37. Lastly, the telecommunications sector, which consists of four companies, namely, SOCATEL, which runs the network carrying traffic between the Central African Republic and abroad, and TELECEL, TELECOM PLUS and NATION LINK, which provide mobile telephony services in conjunction with their foreign parent companies, did brisk trade, which had a knock-on effect on revenue.

38. Public finances are characterized by a steady decline in State revenue, which is derived, almost exclusively, from fiscal and customs receipts. Recent events have considerably weakened the financial position of commercial companies and businesses and, put many sources of State finance out of business.

39. These three sectors considered together indicate the general development context in the Central African Republic, which is one of extreme poverty and bad governance.

4. Extreme poverty

40. The military-political crises which gripped the country throughout the 1990s and on into the early part of the twenty-first century are largely responsible for the impoverishment and growing vulnerability of a large cross-section of the population.

41. In 2003, according to the *Human Development Report*, the country was ranked 168th out of 173 countries. In 2004, it ranked 169th out of 177 countries in terms of its level of human development, with human development indices of 0.363 in 2001 and 0.361 in 2002 and some of the lowest social indicators in the world.

42. More than 66.6 per cent of the 3,150,000 Central Africans live on less than US\$ 1 a day. The poverty rate rose from 62 per cent in 1992 to 75 per cent in 2003. This was the result of the steady decline in national income.

43. Per capita GDP reportedly fell from US\$ 349 in 1995 to \$255 in 2001. Among the population groups worst affected by poverty are women, children, the populations of the remote regions of the west and the north, persons with disabilities and older persons. State employees and officials are also included in this category, since they have accumulated over 30 months' of unpaid salary arrears.

5. Bad governance

44. The combination of these factors is behind the grave crises which have afflicted the country, generating political instability and leading to insecurity. The humanitarian consequences of this situation prompted the United Nations to launch an urgent appeal for the Central African Republic in April 2003.

45. One consequence of the poverty created by bad governance is the high prevalence of HIV/AIDS. At 15 per cent, the rate of infection in the Central African Republic is the second highest in the world and the highest in the Central African subregion. However, evidence of real political will is evidenced in the establishment of a programme offering sufferers access to anti-retroviral therapies (Decision No. 094/MSPP/CAB of 23 August 2004, establishing a national anti-retroviral treatment programme). The programme was set up to help improve the quality of life of persons living with HIV/AIDS in the Central African Republic.

G. Education

46. In the educational domain, the number of pupils enrolled in primary education, and later in secondary education, increased spectacularly in the years following independence. This was undoubtedly due to the soaring population growth rate and the policy of democratization of education. The table below contains figures on primary education.

Year	Pupils	Schools	Classrooms	Teachers
1960	61 428	340	840	1 040
1970	170 000	778	1 164	2 169
1980	243 419	812	3 117	4 010
1988	286 422	1 014	3 665	4 563
2002	368 027	1 493	5 421	4 824

47. Unfortunately, however, it has to be stressed that increased enrolment went hand in hand with a decline in the quality of instruction, largely due to a lack of material and financial resources, the absence of a well-planned human resources management policy and the failure to pay salaries regularly, which in turn led to whole academic years being lost and to numerous strikes. Awareness of this decline prompted the authorities to hold a national seminar on education and training, in 1982 with the support of the United Nations Educational, Scientific and Cultural Organization (UNESCO). The seminar came up with a five-point plan for reform of the Central African education system.

48. In spite of the policies in the plan and the efforts made, the state of education in the Central African Republic remains very worrying. In this the early part of the twenty-first century, the country has only one university and one technical high school. Some parts of the country are in dire need of schools; where schools exist, there are no teachers. The results of this situation are: a very high teacher/pupil ratio (1/120), which is hardly conducive to good teaching and learning; a large number of children of school age, particularly girls, who do not enrol in school; and high school dropout rates. All these factors combined contribute to illiteracy, which severely undermines the country's development.

H. History

49. The Central African Republic, a former French colony, has gone through major social movements, in which human beings, in all their complexity, have always been central.

II. COMMITMENT OF THE CENTRAL AFRICAN REPUBLIC TO HUMAN RIGHTS

50. The Central African Republic made a commitment to human rights over a decade ago, when it acceded to a number of universal, international and regional human rights instruments, including the following:

- (a) The International Covenant on Civil and Political Rights, signed on 3 April 1980;
- (b) The International Covenant on Economic, Social and Cultural Rights, signed on 3 April 1980;

(c) The Optional Protocol to the International Covenant on Civil and Political Rights, signed on 3 April 1980;

(d) The International Convention on the Elimination of All Forms of Racial Discrimination, signed on 16 March 1971;

(e) The International Convention on the Elimination of All Forms of Discrimination against Women, signed on 21 June 1971;

(f) The Convention on the Rights of the Child, signed on 23 April 1992;

(g) The Rome Statute of the International Court.

51. This general overview of the Central African Republic shows that the country does have significant assets which could provide the Central African people with the material conditions required to improve their living standards and satisfy their basic needs. However, with each passing day and year, these assets are being squandered, largely as the result of ignorance and lack of will at all levels of Central African society; naturally, this dilutes, if not hinders, efforts to realize human rights.

52. The detailed information provided below illustrates what steps the country has taken, as a party to the International Covenant on Civil and Political Rights, to overcome the obstacles with which it is confronted and to identify possible solutions, which must be centred on intensive socio-educational activities.

Part Two

Political regimes pre- and post-independence

I. HISTORICAL OVERVIEW

53. Even before the rise of the independence movements, the Ubangians, latterly the Central Africans, fought against the slavery and inhuman treatment inflicted upon them by the colonists, as, for example, in the 1928-1931 Kongo-Wara war.

54. With the independence movement, the President-Founder, Barthélemy Boganda, kindled national awareness through the ideological battles which he fought on the basis of human rights principles. The slogan *zo kwe zo*, meaning the human person is sacred, was added to the national coat of arms and to the currency, which sums up all basic human principles in the legend "Unity-Dignity-Work".

55. After Barthélemy Boganda's death on 29 March 1959, and ever since the proclamation of independence on 13 August 1960, by President David Dacko, who governed the country until the staging of the first coup d'état, the Central African Republic has been run by a succession of political regimes which acceded to power by means of the bullet or the ballot. Thus:

(a) On 1 January 1966, Colonel John Bedel Bokassa seized power by force of arms, and in 1976 proclaimed the country to be an empire; he remained in power until 1979. His rule was associated with grave human rights violations, including assassination, arbitrary arrest and rape;

(b) On 21 September 1979, following the emergence of insurrectionist movements which contested the Bokassa regime, President David Dacko again took power by force of arms in Operation Barracuda;

(c) In March 1981, after the staging of pluralist elections, won by President David Dacko, a democratic Government was installed on the basis of the 1981 Constitution;

(d) On 21 September 1981, political protests, compounded by social troubles, led to the overthrow of the democratic regime by André Kolingba, an army general. Five years later, on 21 November 1986, Kolingba had a constitution adopted on the basis of which he was elected President of the Republic;

(e) In 1993, under pressure from the social movements that had flourished with the introduction of multiparty democracy, free elections were held and brought President Ange Félix Patassé to power. President Patassé won a second mandate in the 1999 elections and continued to rule until March 2003. However, it should be stressed that his regime was responsible for grave violations of human rights, including:

- (i) Summary executions, abductions, crimes against humanity, genocide, exterminations, covert contacts with irregular forces, corruption, impunity, non-payment of salaries (35 months), the creation of internal divisions, “ethnicization” of the army and civil service, etc. All of this led to mutinies and social tensions;
- (ii) On 15 March 2003, Major General François Bozizé overthrew the (democratic) regime of Ange Félix Patassé in a coup d’état which enjoyed the full support of the entire Central African population, which by now had been dehumanized. However, although widely supported by the population, the new regime committed many serious human rights violations. A consensual transitional programme, a transitional Government and a transitional national council were established. Dialogue was launched with a view to achieving national reconciliation and the Independent Joint Electoral Commission (CEMI) was set up. On 27 December 2004, the people endorsed the new Constitution, which provides for the establishment of a constitutional court. A first round of legislative and presidential elections was held on 13 March 2005; a second round was scheduled for 8 May 2005.

56. The instability of political regimes, characterized by the alternation between coups and elections, is also an indicator of underdevelopment and the absence of a truly national political programme. This, compounded by the establishment, without any prior education or training, of a multiparty system which gave rise to at least 46 political parties, appears to hinder any initiative aimed at achieving sustainable development.

II. HISTORICAL CONTEXT

57. The Central African Republic, formerly Ubangi-Shari, was an integral part of the French colonial empire under the Fourth Republic. It became a French overseas territory with the promulgation of the Constitution of 27 October 1946. This overseas territory was given a territorial assembly pursuant to the framework law of 23 June 1956, otherwise known as the Defferre Act: the Assembly had deliberative powers.

58. This reform introduced a parliamentary system modelled on the political machinery of metropolitan institutions. For the first time ever, universal suffrage was introduced in the colonies - including Ubangi-Shari - and the double balloting system was abolished. On 17 May 1957, the first Government Council began its work and on 23 March 1957 the Territorial Assembly was elected. It was at this time that the embryo of an administrative structure took shape in Ubangi-Shari.

59. With the promulgation of the 1958 French Constitution, under the Government of General de Gaulle, the colonial territories were given the chance to embark on the process that would eventually lead them to independence. On 1 December 1958, the Ubangi-Shari Territorial Assembly proclaimed the establishment of the Central African Republic. On 8 December, the Government Council became a provisional Government headed by Barthélemy Boganda. The Government was entrusted with drafting the first ever Central African Constitution, which was promulgated on 16 February 1959.

60. From that date onwards, the Central African Republic was to go through several constitutions and constitutional acts, owing to political instability. The 1986 Constitution saved the Central African Republic from that instability by launching a process of democratization. However, violations of the Constitution and of civil service rules and regulations sparked off fresh political instability, the result of social, military and political unrest.

61. Another constitution was promulgated on 14 January 1995, only to be suspended and superseded by Constitutional Acts Nos. 1 and 2 of 15 March 2003 and No. 3 of 12 December 2003. At the time of writing, a new constitution had just been adopted by referendum and promulgated on 27 December 2004.

62. These constitutions and constitutional acts paved the way for the adoption of laws and administrative decisions recognizing human rights. In fact, the Central African Republic has ratified the two international human rights covenants of 16 December 1966. In the light of the constitutions and laws enacted in the Central African Republic, we shall analyse the steps which our country has taken to implement article 25 of the International Covenant on Civil and Political Rights.

III. LEGAL FRAMEWORK

63. The constitutions and organization acts adopted by the different regimes that have governed the Central African Republic reaffirm the country's commitment to the Universal Declaration of Human Rights of 10 December 1948, and the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights of 16 December 1966. These same domestic legal instruments affirm that universal

suffrage is the sole source of political legitimacy and that all human beings are equal before the law, without distinction on the grounds of race, ethnic origin, regional origin, sex or religion. They also recognize the right to vote and to be elected, the right to hold public office and the right to participate in the conduct of public affairs, subject to no restrictions other than those authorized by law.

A. Constitutions

1. The Constitution of 1959

64. Under this Constitution, executive power was held by the head of Government, who was invested by the Legislative Assembly for a period of five years. The Assembly was elected on the basis of regional voting lists.

2. The Constitution of 1964

65. The 1964 Constitution established universal suffrage for the election of the President of the Republic in a single round of voting, whereas the National Assembly was elected on the basis of a single national list presented by the Social Evolution Movement of Black Africa (MESAN).

3. The Constitution of 4 December 1977

66. The Head of State was proclaimed Emperor by the MESAN Special Congress, while the National Assembly was made up of elected deputies who enjoyed full immunity.

4. The Constitution of 1 February 1981

67. This Constitution re-established universal suffrage for the election of the President of the Republic, deputies and their alternates. The mandate of the President of the Republic was for six years, renewable once, whereas deputies and their alternates were elected for five years.

5. The Constitution of 26 November 1986

68. Under this Constitution, the President of the Republic was elected by direct universal suffrage for a six-year term; there were no limits on re-election. The Parliament consisted of two chambers: the National Assembly, made up of deputies elected by universal suffrage, and the Economic and Social Council, half of which was made up of elected councillors and the other half of government appointees; their term of office was five years.

6. The Constitution of 14 January 1995

69. This Constitution, which remained in force until 15 March 2003, confirmed, in the preamble, that universal suffrage is the only source of political legitimacy.

7. The Constitution of 27 December 2004

70. In this Constitution, the Republic reaffirms its commitment to the Universal Declaration of Human Rights, the international human rights covenants, the African Charter of Human and People's Rights of 27 June 1981 and duly ratified international conventions. Article 5 of the

Constitution states that all human beings are equal before the law without distinction and that men and women are equal in all respects. It also stipulates that, in the Central African Republic, no right or privilege attaches to place of birth, identity or descent.

71. Article 9 guarantees all citizens the right to work, rest and the satisfaction of their needs, subject to the requirements of national development. It also guarantees citizens conditions conducive to their full self-development, through an effective employment policy. No one may suffer prejudice at work or in employment on account of his or her origins, sex, opinions or beliefs. All workers participate, through their representatives, in the determination of their working conditions.

72. With regard to executive power, article 20 of the Constitution provides that the Central African people shall elect the President of the Republic by direct universal suffrage.

73. As for judicial authority, article 75 of the Constitution stipulates that judicial authority is exercised independently of the legislature and executive.

74. With regard to the legislature, article 46 provides that the Central African people elect, by means of direct suffrage, the citizens who sit in Parliament and who bear the title of “deputies”.

B. Constitutional acts

75. Constitutional acts were passed in 1966, 1979, 1981, 1985 and 2003.

76. Constitutional Act No. 1 of 1 January 1966 abrogated the 1964 Constitution.

77. Constitutional Act No. 2 of 8 January 1966 established a transitional government. Under article 19, the President of the Republic assumed full executive power and legislated by decree.

78. The Constitutional Act of 21 September 1979 restored the Republic. The President of the Republic, assisted by a Vice-President, assumed full power.

79. The Constitutional Act of 1 September 1981 established the Military Committee for National Recovery (CMRN), which was given executive and legislative powers; the powers of the Head of State were vested in the Chairman of the Committee.

80. Constitutional Act No. 1 of 1985 dissolved the Military Committee for National Recovery and entrusted the Chairman of the Committee with the functions of Head of State and Government, thereby assigning him full executive power.

81. Constitutional Act No. 1 of 15 March 2003 suspended the 1995 Constitution, dissolved the National Assembly by constitutional means and abolished the powers of the President of the Republic and the Government. The leader of the coup d'état became the President of the Republic and Head of State and legislated through the Cabinet by decree.

82. Constitutional Act No. 2 of 15 March 2003 temporarily regulated the powers of the State.
83. Constitutional Act No. 3 of 12 December 2003 created the post of Vice-President of the Republic.
84. In short, the effect of these constitutional acts was to overturn the constitutional order by abrogating the Constitution and dissolving the National Assembly and creating a power structure designed to remove all power from the democratically elected Head of State.

C. Laws and regulations

85. Under article 1 of Act No. 61/221, concerning the Labour Code of the Central African Republic, the concept “worker” is a vital one and makes no distinction on grounds of sex and nationality. The Code applies to workers in the private and semi-public sectors.
86. As for civil servants, they were accorded basic guarantees under Act No. 61, as amended and supplemented by Ordinance No. 93 008 of 14 June 1993, introducing the Civil Service Act and Regulations. Article 4 of the Ordinance stipulates that no distinction is made on the ground of sex and that the Ordinance applies to all without discrimination on grounds of ethnic or regional origin or political or religious beliefs. Any prejudicial decision adopted on the basis of such distinction is deemed null and void. Decree No. 94 041 of 2 February 1994 established the conditions for the implementation of this Ordinance.
87. Act No. 99 016 of 16 July 1999 amended and supplemented some provisions of the aforementioned Ordinance. However, article 4 of the Act reproduced other provisions of Ordinance 93 008 of 14 June 1993.
88. Decree No. 00 172 of 10 July 2000 laid down the conditions for the implementation of Act No. 99 016; article 3 of the Decree stipulates that access to public employment is open to all Central Africans without discrimination and in accordance with the conditions set out in article 4 of Act No. 99 016 of 16 July 1999. These provisions apply to public and private employment.

D. Elections

89. With regard to participation in the conduct of public affairs, whether directly or through freely chosen representatives, Act No. 98 004 of 27 March 1998, introducing the Electoral Code of the Central African Republic, provided, in article 1, that: “Elections are the choice made by the people by means of suffrage” with a view to selecting citizens to manage the public affairs of the nation and local government, and in response to referendums.
90. Elections are held by direct or indirect, equal and secret, universal suffrage. For the purposes of article 4, voters are Central Africans of either sex who are over 18, entitled to exercise their civil rights and duly registered on electoral lists.

91. Article 7 of the Electoral Code provides for the establishment of the Independent Joint Electoral Commission to prepare, run, oversee and monitor presidential, legislative, regional and municipal elections, as well as referendums. The Commission ran the 1998 legislative elections and the 1999 presidential election.

92. To be able to vote, voters must be included in the electoral register of their polling district and must have a polling card. In order to prevent electoral fraud, article 10 of the Code provides that no one may be registered on multiple electoral lists. To be elected, every candidate must submit a candidate's file in accordance with article 29 of the Code and provide proof of his or her nationality. Candidates must pay a deposit, which varies in amount depending on the mandate being sought.

93. Pursuant to the above-mentioned constitutional and legal provisions, the Central African Republic has established legal instruments which are in conformity with article 25 of the International Covenant on Civil and Political Rights. However, when it comes to implementation, a number of shortcomings have been noted and it is these shortcomings which are considered below.

E. Shortcomings

94. With regard to access to public service and employment, some clarifications are required.

95. Between 1960 (the year of independence) and 1983, recruitment to the Central African Civil Service and appointments to political office and senior administrative and technical posts were carried out without any discrimination or distinction on ethnic, tribal, regional or political grounds.

96. With the introduction of party pluralism, divisions and discrimination began to emerge in the Central African Civil Service, particularly during the period 1983 to 2003. Certain expressions, such as "The Great East" or "The Great North", began to gain currency.

97. Recruitment to vocational education institutions, employment in the Civil Service, appointments to posts of responsibility and entry into government positions were decided on the basis of ethnic, tribal, regional, religious or political considerations. Some senior officials were dismissed because of their political views or ethnic or tribal background, in what was effectively a witch-hunt.

98. A different system for recruiting high-school graduates into the Civil Service was also introduced; it was a quota system. Instead of taking on graduates from the same year, each ministerial department was given a quota; a limited number of young graduates were taken on, while others were forced to wait for several more years. Sometimes, new graduates were taken on before older ones. The whole system engendered discrimination, which is prohibited by law.

99. Under the system, junior personnel, selected on the basis of ethnic or political affiliation, were appointed to senior positions of authority over high-ranking civil servants, and this created tensions in the Civil Service.

100. As for the election of citizens entrusted with the conduct of public affairs, the provisions of constitutions and laws have frequently been violated.

101. The seizure of power by force (coups d'état) is one of the most frequent violations committed in the Central African Republic; the coups of 1966, 1979, 1981 and 2003 being striking examples.

102. Local government laws have often been violated; municipal councillors and local mayors are not elected in accordance with the law, but appointed by presidential decree.
