



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

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### Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty-sixth session

12-30 July 2010

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

#### Central African Republic

The pre-session working group decided, in accordance with the decision of the Committee at its thirty-eighth session (14 May-1 June 2007) and in the absence of the State party's initial report due in 1992, as well as its periodic reports, to proceed with the preparation of the present list of issues and questions.

#### General

1. Please explain why no initial and subsequent reports were submitted to the Committee, as required by article 18 of the Convention. Please describe any efforts undertaken to date in order to prepare the reports. Has the State party considered requesting the assistance of the Office of the High Commissioner for Human Rights, the Division for the Advancement of Women and other bodies of the United Nations system in order to achieve the preparation and submission of the Convention on the Elimination of All Forms of Discrimination against Women report as soon as possible?
2. Please provide information on steps taken by the State party in rebuilding the country after years of conflict to promote women's rights. In particular indicate how gender equality and the provisions of the Convention have been included in the 2008 inclusive political dialogue, the 2003 National Dialogue and the Peace Agreements in line with Security Council resolutions 1325 (2000) and 1820 (2008). Please also provide information on the measures taken by the State party to ensure the equal participation of women in the decision-making in the peacebuilding and reconstruction processes. Please also indicate what measures the Government has taken to stop the continued prevalence of violence against women and to end impunity in respect of serious violation of women's human rights, including rape and other sexual violence. In this regard, please indicate whether a transitional justice mechanism has been established, and explain how the 2008 Amnesty Law has been implemented.

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

**Legal status of the Convention and incorporation of its provisions in domestic law and policies**

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

5. Please provide information on the status of the Convention in the domestic legal order, including whether the provisions of the Convention prevail over constitutional and other legal provisions in case of conflict. Please indicate whether the Convention is directly applicable and whether there are instances of cases where the Convention has been cited by the courts. Please indicate whether the State party has taken further measures to disseminate and give visibility to the Convention since the seminar organized by the State party in August 1996 to publicize the Convention, particularly in rural areas. Please also indicate measures taken to ensure that where conflicts arise between formal legal provisions and customary law, formal provisions prevail.

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

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

**National machinery for the advancement of women**

8. Please provide information on the status and functions of the Office of the High Commissioner of Human Rights and Good Governance, in particular indicate whether it has a specific mandate to deal with gender equality and the rights enshrined in the Convention. Please explain the measures the State party is taking or intends to take to provide the Office with adequate decision-making capacity and financial and human resources. Please also provide updated information on the

National Human Rights Commission, in particular, specify whether measures have been taken by the State party to reactivate it in compliance with the “Paris principles” (General Assembly resolution 48/134 of 20 December 1993, annex). Please provide further information on the Committee established to monitor the implementation of the Convention, as well as on the Sectoral Committee on Gender Equality and Poverty Reduction. How do they operate and what has been their role in the effective protection and non-discrimination of women?

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

9. Please provide information on the 2007-2011 National Action Plan, the Poverty Reduction Strategy Paper and the 2005 statement of overall policy. Please indicate how a gender perspective has been included in these policies and programmes as well as how women’s participation has been ensured in their design and describe how the provisions of the Convention are reflected therein. Please provide detailed information outlining the goals, objectives and strategies of the 2005 National Policy to Promote Equality and Equity between Men and Women and provide information on the impediments to its effective achievement and implementation, as well as remedial measures undertaken to address these. Please provide information on plans for future national policies for the advancement of women. Please also provide information on the implementation of the Beijing Platform for Action and gender equality elements of the Millennium Development Goals.

#### **Temporary special measures**

10. Please indicate whether the State party has adopted temporary special measures, in accordance with article 4, paragraph 1 of the Convention and general recommendation No. 25 of the Committee, to achieve equality between women and men at all levels and in all public institutions, as well as in political life. Please include information on the inequalities that these measures seek to redress and whether they are implemented and monitored.

#### **Stereotypes, cultural practices**

11. Please provide information on which cultural and traditional practices or ways of life hamper women’s advancement in society. Please provide information on measures taken to change social and cultural patterns that lead to gender stereotyping or reinforcing the idea of the inferiority of women.

#### **Violence against women**

12. Please provide information on the 2006 Act on the protection of Women against Violence in the Central African Republic, as well as on its compliance with the provisions of the Convention. In this regard, please indicate whether the 2006 Act criminalizes sexual violence against women and girls, including rape, in particular in the context of the conflict and provides remedies for victims, including rehabilitation services and shelters. Please provide information on the number of women, in particular young girls, who were victims of sexual violence, including rape, notably in the northern part of the country.

13. Given the past armed conflict in certain areas of the country, please provide details on steps taken to provide rehabilitation and support programmes for women and girls, including psychological recovery and social integration.

14. Please provide information on the measures taken by the State party to address the phenomenon of violence against women and girls perceived witches. Please indicate whether the Act No. 06.32 of 27 December 2006, on the protection of Women against Violence in the Central African Republic, include this violence (against women and girls perceived witches), and whether the elimination of the crime of witchcraft is foreseen in the ongoing review of the Penal Code.

15. Please provide information on the scale of domestic violence and the measures taken to criminalize it. Please also provide information on the availability of health and social services, as well as shelters, to victims. Please indicate whether the 2006 Act includes domestic violence and provides remedies to women and girl victims of violence.

16. Please provide updated information about the legislation adopted to criminalize and prohibit female genital mutilation. In particular specify its impact in rural areas and in the eastern part of the country. Please also indicate measures taken by the State party to implement the 2007-2011 National Action Plan to combat harmful practices, gender-based violence and sexual violence including female genital mutilation.

#### **Trafficking and sexual prostitution**

17. Please explain whether the country has adopted legislation to prevent trafficking in women and girls and whether it is implemented effectively. Please specify if the existing legislation protects women and young girls from economic and sexual exploitation. Please provide information on whether the 2006 Law relating to violence against women applies to women in prostitution. Also provide statistics, if available, on the number of women and young girls engaged in prostitution, particularly in urban areas. Please indicate the measures taken by the State party to protect displaced young girls, in particular, from economic exploitation, and provide information on the number of displaced girls facing this situation. Please indicate legal and other measures taken by the State party to end the practice of enslaving Pygmies and protect indigenous women and young girls from it.

#### **Participation in decision-making and representation at the international level**

18. Please provide information on the percentage of members of political parties who are women and the percentage of public offices, including the academia and senior levels of the public administration held by women. Please provide information on concrete measures envisaged to ensure women's full and equal participation and representation at all levels of Government, the legislative branch and the judiciary, as well as at the international level, taking into account the Committee's general recommendation No. 25 on temporary special measures and general recommendation No. 23 on political and public life. Please indicate whether the State party envisages the use of quotas in order to achieve substantial improvement in the number of women in Parliament at national and municipal level in the forthcoming elections in April 2010?

19. Please provide information on the percentage of women who have participated in the 2005 parliamentary and presidential elections and in the public referendum for the adoption of the 2004 Constitution. Please also provide information on the number of women, including indigenous women and women with disabilities, in the elected Parliament as well as in the government.

### **Nationality**

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

### **Education**

21. Please provide information on the 2003-2015 Plan of action on education for all and explain how it ensures equal access to education for men and women. In particular, indicate what has been its impact on women and girls from rural areas, as well as those belonging to indigenous communities. Please provide information on measures taken by the State party to improve in particular the enrolment and literacy rates of girls and young women and protect girls from sexual abuse and harassment in schools. In this connection, provide updated information on the implementation of the 1966 Order protecting girls' schooling. Please provide recent statistical data, disaggregated by sex and by rural and urban areas, showing the overall literacy, enrolment, graduation and retention rates of girls at all levels of education, as well as trends over time.

### **Employment**

22. Please explain whether there are any distinctions in recruitment and employment practices between women and men and whether provisions exist to eliminate discrimination against women in employment. Please indicate whether the State party is considering reviewing the Labour Code, in particular with regard to the principle of equal remuneration for men and women for work of equal value. Please also indicate whether the 2006 Act on protection of women against violence, or any other legislation, or policy, addresses sexual harassment and violence against women in the workplace.

### **Health**

23. Please provide information on the 2006-2015 National Health Development Plan, in particular, indicate whether it includes a gender perspective. Please also provide information on the 2004-2015 Plan on the reduction of maternal and neonatal mortality, as well as on the June 2006 Act on Reproductive Health. In this connection, provide information on which cultural and traditional practices, or ways of life, if any, hamper women's reproductive health and indicate progress made towards the completion of a national policy document on reproductive health and implementation plan.

24. Please provide information about the programme to prevent parent-to-child transmission of HIV/AIDS and explain what measures and programmes have been introduced to increase public awareness-raising campaigns on sexually transmitted diseases, particularly HIV/AIDS. Please also indicate measures taken to combat discrimination against women and girls affected.

25. Please indicate whether the State party intends to amend the general prohibition of abortion in the Penal Code and provide information on the extent to which women may be resorting to clandestine abortions, particularly in rural areas. Please also provide information on the contraceptive prevalence rate and the availability and accessibility of comprehensive sex education and family planning services.

### **Vulnerable groups of women**

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

27. According to United Nations estimates, in 2008, 197,000 persons were still displaced in Central African Republic. Please provide disaggregated data on the number of displaced women and girls in the country, as well as information on their economic and social situation, their freedom of movement and indicate measures in place to support them.

28. Please provide information about progress made towards the completion of the Bill to Protect and Promote Indigenous Peoples, the Bill to Protect Older Persons as well as the National Action Plan for the Advancement and Protection of Older Persons. Please indicate whether they include a gender perspective and specify the time frame for their adoption. Please provide information on the Act No. 00.007 of 20 December 2000, on the Status, Protection and Advancement of Persons with Disabilities, and implementing Decree No. 02.205 of 6 August 2002 and indicate how it addresses discrimination against women and girls with disabilities. Please, also provide statistical data on the number of women with disabilities who benefited from the establishment of a ten per cent quota to integrate persons with disabilities into the civil service, according to their skills.

29. Please provide information on the number and situation of women currently in detention facilities. Please indicate whether female detainees are held separately from men detainees as well as if female guards are exclusively in charge of their supervision.

### **Family relations**

30. Please explain which laws (civil law, customary law, or combination of these) govern family relations and whether women are treated equally with men under these laws. In this connection please state whether men and women have the same rights and responsibilities in marriage, in particular with regard to the exercise of parental authority and the choice of residence. Please also provide information on measures adopted to eradicate the customary practice of early forced marriages and please indicate whether the State party is considering abolishing polygamy in the

ongoing revision of the Family Code and on measures taken to combat it. Further indicate the minimum legal age for women and men, as well as whether births and marriages are registered through a comprehensive and compulsory system.

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

31. Please indicate any progress made with respect to the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Please also indicate when the State party intends to accept the amendment to article 20, paragraph 1, of the Convention pertaining to the Committee's meeting time.

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