



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/CAF/CO/2
27 July 2006

ENGLISH
Original: FRENCH

HUMAN RIGHTS COMMITTEE
Eighty-seventh session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

Concluding observations of the Human Rights Committee

CENTRAL AFRICAN REPUBLIC

1. The Human Rights Committee considered the second periodic report of the Central African Republic (CCPR/C/CAF/2004/2) at its 2373rd and 2374th meetings on 12 and 13 July 2006 (CCPR/C/SR.2373 and 2374). It adopted the following concluding observations at its 2391st meeting (CCPR/C/SR.2391) on 25 July 2006.

A. Introduction

2. The Committee welcomes the submission of the second periodic report of the Central African Republic and the opportunity thus offered to resume its dialogue with the State party after an interval of more than 20 years, since the State party was unable to submit its report in 2004. The Committee feels that the failure to submit a report for such a long period of time, even though the situation has been difficult, constitutes a breach by the Central African Republic of its obligations under article 40 of the Covenant and an obstacle to a more thoroughgoing consideration of the steps to be taken to ensure the satisfactory implementation of the provisions of the Covenant. The Committee invites the State party to submit its reports from now on in accordance with the schedule established by the Committee.

B. Positive aspects

3. The Committee notes the efforts made by the State party to ensure greater respect for human rights and to establish the rule of law in the Central African Republic. It also notes the delegation's undertaking to implement the Committee's recommendations expeditiously.

4. The Committee welcomes the adoption of Order No. 05.002 of 22 February 2005 promulgating the Freedom of the Press and Communication (Organization) Act, which decriminalizes press offences.

5. The Committee commends the measures taken by the State party in respect of juvenile justice, such as the introduction of juvenile courts in 2001, and the fact that minors are no longer imprisoned.

C. Principal subjects of concern and recommendations

6. The Committee notes that the preamble to the Constitution of 27 December 2004 reaffirms the commitment of the State party to the Covenant and other international human rights instruments. It regrets, however, that the Covenant has not been fully incorporated into domestic law and that it has not yet been invoked in the courts or before the administrative authorities (article 2 of the Covenant).

The State party should ensure that its legislation gives full effect to the rights recognized in the Covenant. The Covenant should be made known to the general public, and in particular to law enforcement personnel. The State party should ensure that remedies are available for the exercise of those rights.

7. The Committee notes with concern that numerous serious human rights violations have been and continue to be committed with total impunity in the Central African Republic. It notes that any sanctions tend to be administrative and military in nature, rather than judicial (article 2 of the Covenant).

The State party should take all appropriate steps to ensure that all human rights violations brought to its attention are investigated, and that those responsible for such violations, including civil servants, army personnel and police officials, are prosecuted and punished.

8. The Committee notes with concern that, to date, the authorities have not carried out any exhaustive and independent appraisal of serious violations of human rights and international humanitarian law in the Central African Republic and that the victims have received no reparations (arts. 2, 6 and 7).

The State party should in all circumstances ensure that victims of serious violations of human rights and international humanitarian law are guaranteed effective remedy, which is implemented in practice, including the right to as full compensation and reparations as possible. The State party should act swiftly to implement the recommendations of the “national dialogue” on the establishment of a truth and reconciliation commission.

9. The Committee notes with concern a persistent pattern of discrimination against women, both in the exercise of their political rights and in the area of education. It is also concerned about discrimination against women in the marriage relationship, in particular with regard to the exercise of parental authority and the choice of residence. The Committee further notes with concern the assertion by the State party that, despite its willingness to implement reforms to

combat discrimination against women, the women themselves do not wish to enjoy the same rights as men. The Committee draws the attention of the Central African Republic in particular to its general comment No. 28 (CCPR/C/21/Rev.1/Add.10) of 29 March 2000 on the equality of rights between men and women (articles 3, 23, 25 and 26 of the Covenant).

(a) The State party should speed up the process of adapting the Family Code to international instruments, including articles 3, 23 and 26 of the Covenant, in particular with regard to the exercise of parental authority and the choice of residence.

(b) The State party should step up its efforts to raise women's awareness of their rights and to promote women's participation in political affairs and their access to education and employment. In its next report, the State party should inform the Committee of any relevant actions taken and results achieved.

10. The Committee regrets that the State party has not yet abolished polygamy, a discriminatory practice which is contrary to women's dignity and is incompatible with the principles enshrined in the Covenant. In that regard, the Committee draws the attention of the Central African Republic to its general comment No. 28 (CCPR/C/21/Rev.1/Add.10, para. 24) on the equality of rights between men and women (articles 3 and 26 of the Covenant).

The State party should abolish polygamy and combat it through effective means.

11. While noting the State party's efforts to bring an end to female genital mutilation, the Committee remains concerned by the persistence of this practice, which is contrary to human dignity, and regrets that it is not penalized by the Criminal Code (articles 3 and 7 of the Covenant).

The State party should step up its efforts to mobilize public opinion against female genital mutilation, in particular in communities where the practice remains widespread. The State party should take measures to criminalize female genital mutilation and ensure that the perpetrators are brought to justice.

12. The Committee remains concerned by the large number of enforced disappearances and summary and arbitrary executions in the Central African Republic. The Committee further notes with concern the reports suggesting that torture and cruel, inhuman and degrading treatment are widespread in the State party, and is concerned about the apparent impunity enjoyed by law enforcement officers responsible for such violations. It is gravely concerned by information provided in the State party's report to the effect that the Central Office for the Prevention of Banditry "systematically carries out summary and extrajudicial executions with complete impunity" (CCPR/C/CAF/2004/2, para. 204). The Committee is also concerned that, in one case, army personnel forcibly entered a police station to apprehend, torture and kill a detainee (the Sanzé case) and that such abuse comes under military justice (articles 2, 6, 7 and 9 of the Covenant).

The State party should guarantee that all allegations of such violations are investigated by an independent body, and that the perpetrators of such acts are prosecuted and punished as appropriate. In this respect, the State party should

improve the training provided to law enforcement personnel. Victims should be granted due compensation. In its next report, the State party should provide detailed information on complaints filed in connection with such acts, the number of persons prosecuted and convicted, including current or former members of the Central Office for the Prevention of Banditry, and the reparations paid to victims over the past three years.

13. The Committee notes with concern that, as reported by the State party, although the death penalty has not been implemented since 1981, it cannot be abolished in the Central African Republic because of public opposition and the high crime rate. It also notes that the State party has agreed to reconsider its decision to add the crimes covered by the Rome Statute of the International Criminal Court to the list of offences liable to capital punishment. It recalls nevertheless that the Rome Statute does not prescribe the death penalty for such crimes (articles 2 and 6 of the Covenant).

In accordance with the provisions of article 6 of the Covenant and in the light of the policy of abolishing capital punishment in practice in the Central African Republic, the State party should ensure that the death penalty is not extended to new crimes. The State party is encouraged to abolish the death penalty and to accede to the Second Optional Protocol to the Covenant.

14. The Committee is concerned about the legal duration of police custody, which can be extended to 16 days, an excessively long period which is often exceeded in practice. In addition, the Committee notes with concern that pertinent legislation does not guarantee persons held in police custody access to defence counsel, a doctor or their families. The Committee notes with concern that there is no legal limit to the duration of pretrial detention (articles 7 and 9 of the Covenant).

The State party should ensure that limits are set to the legal period of police custody and pretrial detention in the new Code of Criminal Procedure, consistent with the provisions of the Covenant, and ensure compliance with those limits. The right of persons held in police custody or pretrial detention to access defence counsel, a doctor or their families should be enshrined in the new Code of Criminal Procedure. The State party is invited to provide detailed information on measures taken to ensure respect in practice for the rights of persons held in police custody, and on mechanisms to monitor the conditions of such detention, in its next periodic report.

15. The Committee is concerned by the adverse conditions of detention in the country's prisons, which, according to the State party, are currently in a state of advanced dilapidation. The Committee is particularly concerned by the fact that most prisoners suffer from malnutrition (article 10, paragraph 1, of the Covenant).

The State party should ensure that conditions of detention in the country's prisons are compatible with the Standard Minimum Rules for the Treatment of Prisoners (A/CONF.6/1) and that all prisoners are adequately fed. The State party is encouraged to redouble its efforts to refurbish its prisons.

16. The Committee is concerned by reports suggesting that the independence of the judiciary is not guaranteed in practice (article 14 of the Covenant).

The State party should endeavour to suppress corrupt practices in the judiciary. It should also recruit and train a sufficient number of judges in order to ensure adequate administration of justice throughout the country and to combat crime and impunity. Sufficient budgetary resources should be allocated for the administration of justice.

17. Taking note of legislative reforms to promote press freedom, the Committee nevertheless observes with concern that many journalists have been subjected to pressure, intimidation or acts of aggression, and even imprisonment or ill-treatment, by the State party authorities (article 19 of the Covenant).

The State party should guarantee the exercise of freedom of expression for the press and the media, in accordance with article 19 of the Covenant.

18. The Committee is concerned that many human rights defenders are unable freely to carry out their work and are subjected to harassment and intimidation by the security forces (articles 9, 21 and 22 of the Covenant).

The State party should respect and protect the activities of human rights defenders. It should ensure that any restrictions imposed on their activities are compatible with the provisions of articles 21 and 22 of the Covenant.

19. The Committee has set 1 August 2010 as the date by which the next periodic report of the Central African Republic will be due. It requests that the text of the present report and these concluding observations be made public and disseminated adequately and promptly throughout the Central African Republic. It also requests that the next periodic report be made available to civil society and to non-governmental organizations operating in the State party.

20. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should submit information within one year on the follow-up given to the Committee's recommendations contained in paragraphs 11, 12 and 13. The Committee requests the State party to provide information in its next report on the Committee's other recommendations and on the application of the Covenant as a whole.
