

## CENTRAL AFRICAN REPUBLIC

### CERD A/31/18 + Corr.1 (1976)

108. Although the report before the Committee was the third periodic report of the Central African Republic, it was in effect the initial report of that State party, inasmuch as it was the first informative document submitted by it. The Committee welcomed the initiation of a dialogue with that reporting State. The report was, however, considered without the participation of a representative of the Government of the Central African Republic.

109. Members of the Committee regarded the provisions of the legislative decree cited in the report before it (Decree No. 66/264 of 27 July 1966) as a partial fulfilment of some of the requirements of articles 4 and 6 of the Convention. Special note was taken of the fact that the prohibition of discrimination in employment provided for in that decree applied to migrant workers as well as citizens.

110. It was inferred from the language of the report that there were other relevant provisions in the legal system of the reporting State and an interest in receiving the texts of such provisions, as well as the texts of the relevant articles of the Constitution of the country, was expressed by members. Information on the implementation of articles 5 and 7 of the Convention, additional information on measures giving effect to the provisions of articles 4 and 6 of the Convention, as well as the information envisaged in general recommendations III and IV, was also requested. It was hoped that the requested additional information would be organized, in the next report, in accordance with the guidelines laid down by the Committee at its first session.

## **CERD A/39/18 (1984)**

114. The fourth, fifth and sixth periodic reports of the Central African Republic, submitted in one document (CERD/C/90/Add.10), were introduced by the representative of the reporting State who emphasized that the document covered the period during which Bokassa had ruled as a despot and the period following his overthrow when the country had evolved into a democratic society.

115. The committee welcomed the emergence of a more democratic regime in the Central African Republic and the resumption of the dialogue with the Committee. Members were aware of the difficult economic and political conditions prevailing in the Central African Republic, but expressed the hope that the transitional period it was going through would shortly lead to the restoration of a fully democratic regime. They welcomed the accession of the Central African Republic to the International Covenants and to the International Convention on the Suppression and Punishment of the Crime of Apartheid. The Committee observed that the three periodic reports submitted in one document were not in accordance with its guidelines (CERD/C/70/Rev.1) and expressed the hope that that anomaly would be rectified when the Central African Republic submitted its seventh periodic report which was due on 14 April 1984. The Committee also hoped that the Government would provide more detailed information on the implementation of the provisions of the Convention and would include the relevant legislative texts.

116. The Committee gave particular attention to the suspension of the Constitution by the Military Committee for National Recovery. It was noted that the Military Committee legislated in the matter of civil rights and fundamental freedoms. In that connection the Committee asked for clarifications as to whether, in spite of the suspension of the Constitution, the laws governing human rights continued to apply and inquired whether the Military Committee was obliged to respect the principle of equality of all under the law. It was also asked whether the Military Committee had full discretionary powers, whether the civil and penal legislation were still in force and how the judicial system operated.

117. In the context of the implementation of article 2, the Committee, while noting that the practice of recording the ethnic origin of children had been abolished in 1975, insisted in the need to receive information on the demographic composition of the population. It also wished to have information on the socio-economic situation of the various ethnic groups, whether the Government recognized and protected the rights of minorities to have their own language and develop their own culture, and what specific measures had been taken to that effect, particularly to improve the living conditions of the pygmies.

118. Regarding article 3, it was asked whether technical co-operation relations with South Africa were still maintained.

119. In relation to article 4, the Committee expressed the hope that the Government would take appropriate measures to fill the gap in its legislation concerning the incorporation of the provisions of that article of the Convention into domestic law.

120. With reference to article 5, the Committee wished to know whether political rights were guaranteed and what rights or freedoms were enjoyed by the country's nationals as well as foreign residents other than those from the countries of the European Economic Community and the Central African Customs and Economic Union mentioned in the report. The Committee also about the legislative measures adopted by the Government to protect refugees and the policy of granting asylum.

121. With regard to article 6, the Committee requested additional information on the right of recourse and whether the local or customary laws encouraged recourse to conciliation in cases of alleged racial discrimination. It also asked for clarifications concerning the jurisdiction and functions of the Special Court set up in 1981 to hear charges against the perpetrators of a bomb attack in a Bangui cinema and wished to know whether the Special Court continued to operate.

122. Concerning article 7, the Committee underlined the importance of providing information on general conditions in the country in the fields covered by that article of the Convention.

123. Replying to the questions raised, the representative of the Central African Republic assured the Committee that his Government would provide the additional information requested. With regard to the composition of the population of his country, where Christians, Muslims and animists lived together in harmony, he said that there was no law or provision prohibiting members of an ethnic group from using their own language among themselves. In order to improve the living conditions of the pygmies, his Government had established a budget to cover their needs and ensure that they would enjoy the same rights as other citizens in matters of health, education and participation in national life.

124. In reply to the concern expressed by the Committee regarding the suspension of the Constitution, he said that the Military Committee had stated that it considered itself bound to respect all the undertakings contracted by the Central African Republic with friendly countries and international institutions and that during the transition period the nightmare of the Bokassa regime would not be repeated.

125. In connection with the implementation of article 3, the representative of the reporting State said that the position of his country in relation to South Africa was a clear and emphatic condemnation of apartheid; the Committee could rest assured that the present Government maintained no relations whatsoever with South Africa.

126. In reply to questions raised concerning article 5, he stated that political parties in the Central African Republic had been suppressed in order to save the country from the threat of civil war: the parties used to operate for their own self-interests and their proliferation had made mutual understanding impossible. He also pointed out that all nationals enjoyed the same freedom of movement as foreigners living in the country. With reference to the question of refugees, he informed the Committee that, though the presence of refugees created economic problems, they were treated in the same manner as nationals and an effort was being made to provide them with the best possible conditions.

127. In connection with article 6, he informed the Committee that the Special Court had been set

up for the sole purpose of judging the perpetrators of the bomb attack in a Bangui cinema in 1981.

## **CERD A/42/18 (1987)**

63. The seventh periodic report of the Central African Republic (CERD/C/117/Add.5) was considered by the Committee at its 751<sup>st</sup> and 752<sup>nd</sup> meetings on 4 March 1986 (CERD/C/SR. 751-SR. 752).

64. The report was introduced by the representative of the Central African Republic, who said that the document contained replies to questions asked during the consideration of the previous reports. He added that texts of laws and regulations which had been requested by the Committee would be provided in a future report as soon as circumstance permitted.

65. Members of the Committee regretted that the report did not provide information regarding the many ethnic groups composing the population of the Central African Republic. Referring to the adequate development and protection of ethnic groups (art. 2, para. 2, in conjunction with art. 5), members wished to receive demographic information on the various ethnic groups, including the number, life expectancy and infant mortality rate of the Pygmies, and on the standing of those groups in the social hierarchy as well as their political importance. Concern was expressed that coercion might be used by the Government on Pygmies in trying to make them abandon their way of life and introduce them to "civilization". It was asked whether there any procedures for ascertaining the wished of the Pygmies. Members of the Committee wished to receive information about measures that were being taken to improve the living conditions of those groups.

66. The following questions were also asked: what the country's land tenure system was and what reforms were being introduced to bring about a more equitable distribution of land; what measures the Government had taken to reduce the emphasis on cash crops and to bring more land under cultivation for food corps; how the Government was distributing international emergency aid; how the country's mineral wealth was being used to accelerate economic development; which groups had been most adversely affected by the expropriation of land for mining activities, and what measures had been taken to compensate them; what percentage of administrative and executive posts were occupied by Africans and what measures were being taken to enhance the representation of the indigenous population in all sectors of employment; what agreements had been concluded with the Government Zaire to facilitate movement across the border by members of the Baya group, which lived in both countries. Members also asked whether the right of each group to speak its own language was guaranteed and whether the courts provided interpreters in the various languages.

67. With regard to article 3, members asked whether the Central African Republic maintained any trade, economic or other relations with South Africa.

68. As far as article 4 was concerned, members of the Committee requested more specific information on the types of offences involving racial discrimination referred to in the report as well as on the existing machinery to deal with such cases. They noted that the current report did not renew the promise made by the Government in the preceding report that the necessary legislative measures would be taken to implement article 4 of the Convention. They pointed out that only a small part of the requirements under article 4 were satisfied under the existing provisions of penal law. The Government should consider the possibility of enacting specific provisions to deal with

cases not covered by the existing laws.

69. With regard to article 5, members pointed out that the suspension of the Constitution seemed to affect the right enumerated in that article, in particular the political rights under letter (c). Concern was expressed at the tendency to concentrate civilian power in the hands of the military. Members sought clarification regarding the statement in paragraph 15 of the report that the Military Committee for National Recovery would decide the future of democratic institutions and political life. Reference was made to the contradiction between that statement and the assertion, also made in the report, that every citizen had a recognized right to take part in the conduct of public affairs. Additional information was requested on the rights and status of the naturalized groups referred to in paragraph 8 of the report.

70. Concerning the implementation of article 6, members asked whether the “Special Court” had been dismantled since the report was written and requested information about how it differed from the ordinary courts. It was also asked whether any recourse was available to individuals who had been punished by the police for certain minor offences.

71. Members of the Committee endorsed the request made in the report by the Central African Republic for assistance from the United Nations or UNESCO to establish a library or center that could receive and distribute books and propagate audio-visual material relating to questions of racial discrimination in order to facilitate access to information and stimulate public awareness.

72. Responding to requests for statistics on the composition of the population, the representative of the Central African Republic said that, in accordance with its policy of national unity, the Government had prohibited any reference to ethnic origin on birth certificates. The last census had been taken along geographical and not ethnic lines.

73. He stated that the Pygmies posed a delicate problem for his Government. It was often difficult to involve them in efforts aimed at integrating them into the mainstream of society. The Government’s aim was not to force Pygmies to abandon their way of life, but rather to improve it. There was no discrimination whatsoever against Pygmies. There was no hierarchy among the ethnic groups in the country. While French was one of the two national languages, an individual had the right to express himself in the language of his choice. International emergency aid was distributed among the various ethnic groups for development projects of benefit to all.

74. Regarding article 3, he reassured the Committee that, since the fall of the Bokassa regime, there had been no diplomatic, trade, cultural or sporting relations with South Africa.

75. Concerning the measures taken by the Central African Republic to comply with article 4, he said that, in considering cases of racial discrimination, the courts were guided by Ordinance No. 66/32 and Decree No. 66/264. Serious acts of racial discrimination were viewed as incitement to public disorder threatening the life of the nation. Less serious cases were treated as insolence and were punished accordingly. Although racial discrimination was not a serious problem and the courts had not often been called on to take action in that area, his Government was studying the possibility of adopting new provisions or supplementing existing ones.

76. Responding to questions regarding the implementation of article 5, he stated that the suspension of the Constitution affected the activities of political parties. Basic rights and freedoms, however, had not been affected. The Military Committee for National Recovery was composed of both military and civilian members who discussed decisions taken regarding the running of the country. There was no concentration of power in the hands of the military. The Military Committee had promised that the Constitution would be restored once the factors that had led the country to the brink of civil war were eliminated. The Supreme Court had been asked to set up a body to review the Constitution and revise it in the light of past errors. He stressed that all citizens enjoyed the rights guaranteed by the Convention and that naturalized citizens and citizens by birth enjoyed equal rights.

77. With regard to article 6, he said that the Special Court had been set up specifically to try those responsible for serious crimes, such as bomb attacks. That Court would be abolished when the circumstances that had led to its establishment no longer existed. He added that person tried in the Special Court enjoyed all the same rights as those tried in other courts.

## **CERD A/48/18 (1993)**

147. At its 972<sup>nd</sup> and 983<sup>rd</sup> meetings, held on 11 and 18 March 1993 (see CERD/C/SR.972 and 983), the Committee reviewed the implementation of the Convention by the Central African Republic, based on its previous report (CERD/C/117/Add.5) and its consideration by the Committee (see CERD/C/SR.751 and 752). The Committee noted that no report had been received since 1984.

148. Members of the Committee observed that approximately 80 ethnic groups made up the population of the Central African Republic, but it primarily comprised the Baya, Banda, Babinga, Baka and Zanda groups. However, members of the Yakoma group dominated the administration even though they accounted for less than 5 per cent of the population. In particular, the forest-dwelling Bayaka, or pygmies, were often victims of discrimination and exploitation. The Government had done little to correct that situation.

149. The revised Constitution should ensure respect for human rights and the principle of equality before the law. More information was needed as to how legislation implemented the provisions of the Convention. Additional information was also required as to the social and economic situation of the various ethnic groups. Members of the Committee wished to know whether there were any integrationist or multiracial organizations; whether there were any human rights organizations actively combating racism and racial discrimination; what measures had been taken to criminalize racial discrimination and provide appropriate punishment under the law; what measures had been taken to protect refugees in the country; and what mechanisms existed to ensure the right to recourse under article 6 of the Convention. Members also wished to have information on recent developments concerning the evolution toward pluralist democracy, including the scheduling of elections and modification of the Constitution.

### Concluding observations

150. In concluding the review, the Committee expressed its regret that the Central African Republic had not submitted a report since 1984 and had not responded to its invitation to participate in the meeting and to furnish the relevant information. The Committee wished to draw the attention of the State party to the possibility of requesting technical assistance from the United Nations Center for Human Rights in the preparation of its reports.

151. The Committee hoped to receive a new report shortly together with a core document in accordance with the guidelines contained in document HRI/1991/1. That was particularly important in view of the changes that had taken place in the Central African Republic since 1984.

## **CERD A/54/18 (1999)**

362. At its 1344<sup>th</sup> meeting, on 9 August 1999 (see CERD/C/SR.1344), the Committee reviewed the implementation of the Convention by the Central African Republic on the basis of its previous review of the implementation of the Convention (see A/48/18, paras. 150-151, and CERD/C/SR.972 and 983). The Committee noted with regret that no report had been submitted to the Committee since 1986.

363. The Committee regretted that the Central African Republic had not responded to its invitation to participate in the meeting and to furnish relevant information. The Committee decided that a communication should be sent to the Government of the Central African Republic setting out its reporting obligations under the Convention and urging that the dialogue with the Committee should resume as soon as possible.

364. The Committee suggested that the Government of the Central African Republic avail itself of the technical assistance offered under the advisory services and technical assistance program of the Office of the United Nations High Commissioner for Human Rights, with the aim of drawing up and submitting as soon as possible a report drafted in accordance with the reporting guidelines