

# UPR MONITOR

International Service for Human Rights



Human Rights Monitor Series

## UNIVERSAL PERIODIC REVIEW, 5<sup>TH</sup> SESSION CENTRAL AFRICAN REPUBLIC REVIEWED ON 4 MAY 2009, MORNING

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### Overview

The review of the Central African Republic by the Working Group on the universal periodic review (UPR) was characterised by the laudatory comments made by a majority of States from the region and other developing countries. The delegation was headed by Mr Henri Naidou, Counsellor to the head of state, responsible for human rights and good governance. Regrettably, the delegation did not answer the majority of the written questions submitted in advance of the review. Many of the questions raised during the dialogue also went unanswered.

While around 40 States took part in the review many confined their comments to complimenting the Central African Republic on its efforts to reform laws and policies, establish relevant institutions and programmes in relevant areas and merely recommended that it continue these efforts.<sup>1</sup> Many States also recommended that the international community provide technical support to the Central African Republic for its efforts to promote and protect human rights.<sup>2</sup>

Notably, the Central African Republic accepted more than 60 recommendations and took 35 recommendations under consideration until the September 2009 session of the Council dealing with important issues such as ratification of international conventions, torture, non-discrimination and the death penalty.

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<sup>1</sup> Burkina Faso, Congo, Chad, China, Viet Nam, Egypt, DRC, Cote d'Ivoire, Senegal, Tunisia, Cameroon

<sup>2</sup> Algeria, Brazil, Nigeria, Djibouti, Burkina Faso, Mexico, Congo, Chad, China, Morocco, South Africa, Cote d'Ivoire, Senegal, Tunisia, Cameroon.

## General information on the Central African Republic

- The Central African Republic is not a member of the Human Rights Council
- The members of the troika for the examination of the Central African Republic were Gabon, Bolivia, and Bosnia and Herzegovina.<sup>3</sup>
- The Central African Republic did not convene a national consultation to prepare the national report.

## Information submitted to the Working Group

The **national report** of the Central African Republic<sup>4</sup> is rather superficial mainly containing listings of international treaties to which the State is a party and of relevant national laws, policies and institutions. It acknowledges that human rights violations were committed during the 1960s to 1990s. The report also sets out some measures in place or being taken with regard to women, children, persons with disability, minorities but without describing any challenges faced in this regard or the actual situation of these groups. Although the report briefly describes political, economic and social challenges faced by the Central African Republic, it generally provides little specific or concrete information.

The OHCHR **compilation of UN information** focuses on: persistent discrimination against women with regard to political rights, marriage and inheritance; displacement due to conflicts and insecurity; disappearances and extrajudicial executions; widespread torture by the police and in prisons; recruitment and reintegration of child soldiers; sexual violence and violence against women; appalling prison conditions; independence of the judiciary; impunity; harassment of journalists and human rights defenders; poverty; high level of maternal mortality; prevalence of HIV/AIDS; and low education levels.<sup>5</sup>

Six non-governmental organisations (NGOs), submitted information for the OHCHR **summary of stakeholders' information**.<sup>6</sup> NGOs highlighted the following issues: lack of conformity of the Family Code with international standards; prevalence of insecurity and lawlessness; internal conflicts between government forces and rebel groups resulting in human rights violations; recruitment of child soldiers; sub-standard detention facilities; sexual violence; female genital mutilations; corporal punishment; impunity for violations committed by the security forces and rebel groups; intimidation of human rights defenders; poverty; HIV/AIDS; reproductive health; IDPs;

## Interactive dialogue<sup>7</sup>

### Presentation by the State

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<sup>3</sup> State under review did not request that a member of its regional group be among its troika. There were no objections by the State under review or by the members of the troika to the selection. For a full summary of the selection of troikas, see ISHR's *Daily Update* of 8 September 2008, available at [www.ishr.ch](http://www.ishr.ch).

<sup>4</sup> A/HRC/WG.6/5/CAF/available at [http://lib.ohchr.org/HRBodies/UPR/Documents/Session5/CF/A\\_HRC\\_WG6\\_5\\_CAF\\_1\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session5/CF/A_HRC_WG6_5_CAF_1_E.pdf). (CHECK <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>).

<sup>5</sup> A/HRC/WG.6/5/CAF/2, available at [http://lib.ohchr.org/HRBodies/UPR/Documents/Session5/CF/A\\_HRC\\_WG6\\_5\\_CAF\\_2\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session5/CF/A_HRC_WG6_5_CAF_2_E.pdf)

<sup>6</sup> A/HRC/WG.6/5/CAF/3, available at [http://lib.ohchr.org/HRBodies/UPR/Documents/Session5/CF/A\\_HRC\\_WG6\\_5\\_CAF\\_3\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session5/CF/A_HRC_WG6_5_CAF_3_E.pdf)

<sup>7</sup> Most statements made at the UPR Working Group can be found at <http://portal.ohchr.org/portal/page/portal/UPR>. Fill in the form at [www.ohchr.org/english/bodies/hrcouncil/form.htm](http://www.ohchr.org/english/bodies/hrcouncil/form.htm) to receive username and password. Audiovisual archives of the meetings of the Working Group 'webcast' are available at [www.un.org/webcast/unhrc/index.asp](http://www.un.org/webcast/unhrc/index.asp).

The delegation was headed by Mr Henri Naidou, Counsellor to the head of state, responsible for human rights and good governance and also consisted of Mr Samba the ambassador to the UN in Geneva, Mr Nyakanda high commissioner for human rights and good governance, M Diba of the country's permanent mission to Geneva, Ms Nzapaoko a magistrate, and Ms Mbelet a lawyer representing civil society. The delegation only used around ten minutes for its initial presentation, in which it highlighted various positive developments in very general terms and made some voluntary commitments for future action to improve the human rights situation.

It underlined that the previous conflicts have been resolved and that the Government is engaged in an ongoing dialogue to peacefully resolve all social conflicts. It is also seeking to restructure the armed forces and reported a reduction in the number of robberies by members of armed forces as a result of reintegration programmes.

It made the following short term commitments that it stated would require international support for their implementation: re-establishment by 2010 of the National Commission for Human Rights; ratification of ILO Convention 169 on indigenous peoples; adoption of a national action plan on the promotion and protection of human rights; review of the penal code and the criminal procedure code; and fighting impunity for human rights violations and economic crimes.

The delegation did not reply to the written questions submitted in advance by Germany, the Netherlands, Sweden, the United Kingdom, Argentina, Denmark, Hungary, and Latvia.

### Themes and issues

States focused on the following key issues during the review.

Many States asked questions and made recommendations regarding the situation of **women**. Some States were concerned about laws that discriminate against women, including the Family Code, and recommended that these laws be brought in line with international instruments.<sup>8</sup> Spain recommended that the Central African Republic abolish polygamy. Djibouti called for strengthened efforts to combat discrimination, in particular against women and children. France, Slovenia and Japan commented on the low level of representation of women in decision making positions with Japan recommending that the Government improve the situation. Slovenia and Brazil asked about the steps taken to prevent all forms of violence and discrimination against women. Canada, Portugal and Spain expressed concern about gender based violence, including domestic violence. In this regard, Canada recommended that the Central African Republic implement the *Convention on the Elimination of Discrimination against Women*. Several States urged the State to prohibit and eradicate the practice of female genital mutilation,<sup>9</sup> with Brazil merely asking for its reduction. France and Angola asked about discrimination against girls in access to education. While Brazil commended the Central African Republic for its health policies and its efforts to reduce pre-natal and maternal mortality, the Netherlands and Japan expressed concern about the continuing high rate of maternal mortality and recommended that the Government do more to reduce it.

Some States focused on the situation of **internally displaced persons (IDPs)**. They asked for further information as to how CAR was protecting the rights of IDPs and dealing with their safe return and settlement.<sup>10</sup> The Netherlands recommended that the Government step up its efforts to protect IDPs and implement the recommendations of the Representative of the Secretary-General on the situation of IDPs.

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<sup>8</sup> Italy, Portugal, France.

<sup>9</sup> Italy, Sweden, Portugal, Spain, Germany.

<sup>10</sup> Brazil, Netherlands, South Africa, Germany.

Several States addressed the issue of **past violations of human rights and impunity**. France, Austria and Norway recommended that all allegations of human rights violations be investigated with France and the UK also recommending that those responsible be held to account and victims receive compensation. The UK, the Republic of Korea and France recommended an end to the culture of impunity and suggested that the Government publicly condemn each human rights violation. Slovenia recommended that the Government cooperate with the International Criminal Court. On the other hand, the Democratic Republic of the Congo recommended that the State continue its process of national reconciliation.

Many States focused on the alleged **human rights abuses by security forces** in the Central African Republic. States were concerned about extrajudicial executions by the military,<sup>11</sup> torture, and arbitrary arrest.<sup>12</sup> Belgium underlined that members of the security forces suspected of violations must be investigated and prosecuted, while the UK recommended that the Government implement thorough training programmes in international human rights and humanitarian law for members of the armed forces. Belgium recommended that the Central African Republic follow up on the recommendation by the Special Rapporteur on extrajudicial executions and establish a permanent coordination structure for the different security forces.

States were also concerned about the **recruitment of child soldiers**.<sup>13</sup> Portugal called for the release of child soldiers, while Spain, the US and Azerbaijan recommended their speedy reintegration into society. The US and Mexico enquired about prevention measures and Canada recommended that training on child protection should be part of the Government's preventative measures. Austria recommended that self-defense mechanisms be abolished.

Several States welcomed the Central African Republic's *de facto* moratorium on the **death penalty** and encouraged it to consider abolishing the death penalty.<sup>14</sup> Others suggested that it ratify the second optional Protocol to the International Covenant on Civil and Political Rights.<sup>15</sup> On the other hand, Egypt put forward its standard recommendation that the State uphold its sovereign right to maintain the death penalty.

France welcomed the Central African Republic's support for a joint statement by 66 States at the General Assembly in December 2008. On the other hand Egypt encouraged the State to continue to 'resist attempts to promote non-universally agreed human rights standards'.

Spain, Argentina, the DRC and Ghana recommended the establishment of a **national human rights institution** in line with the Paris Principles as soon as possible.

Many States encouraged the Central African Republic **to strengthen its engagement and cooperation with the international human rights system** by ratifying the *Convention on Enforced Disappearances and its optional protocol*; the Optional Protocol to the African Charter, the *Convention on the Prevention of Genocide*,<sup>16</sup> the *Convention against Torture* and its Optional Protocol;<sup>17</sup> the Optional Protocols to the *Convention on the Rights of the Child*;<sup>18</sup> the Optional Protocol to the *Convention on the Elimination of Discrimination against Women*;<sup>19</sup> and the Optional Protocol to the *International Covenant on Economic*,

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<sup>11</sup> US, Azerbaijan, Austria.

<sup>12</sup> Belgium, Canada, South Africa.

<sup>13</sup> Austria, US; Canada, Mexico, Portugal, Belgium, Azerbaijan.

<sup>14</sup> Italy, Portugal, France, Germany.

<sup>15</sup> Brazil, Italy, Portugal, Azerbaijan, Argentina.

<sup>16</sup> DRC.

<sup>17</sup> France, UK, Argentina, Mexico, Turkey.

<sup>18</sup> Djibouti, Mexico, Turkey, Austria, Belgium, Japan.

<sup>19</sup> Turkey.

*Social and Cultural Rights*.<sup>20</sup> States also recommended that it increase its cooperation with the treaty bodies and the special procedures,<sup>21</sup> including by issuing a standing invitation to all special procedures,<sup>22</sup> submitting its reports to the treaty bodies<sup>23</sup> and implement the recommendations of the Human Rights Committee.<sup>24</sup> The Republic of Korea also recommended that it cooperate with the Office of the High Commissioner for Human Rights.

Other issues covered during the review included: prison conditions,<sup>25</sup> functioning of the judiciary and the rule of law,<sup>26</sup> press freedom and the situation of journalists,<sup>27</sup> protection of human rights defenders,<sup>28</sup> criminalisation of witchcraft,<sup>29</sup> access to education,<sup>30</sup> and the need for free and fair election process.<sup>31</sup>

### Adoption of the report

The Working Group on the UPR adopted the draft report on 6 May 2009.<sup>32</sup> The Central African Republic accepted 64 of the recommendations made to it. It took 35 recommendations under consideration until the September 2009 session of the Council. These recommendations dealt with:

- ratification of the Convention against Torture and its optional protocol, the Convention on the protection of All Persons from Enforced Disappearances, the second optional protocol to the ICCPR, the protocol to the African Charter on the establishment of an African Court on Human and Peoples' Rights;
- the establishment of a national human rights institution in accordance with the Paris Principles
- cooperation with the treaty bodies and the special procedures
- reviewing legislation to ensure respect for the principle of non-discrimination
- abolishing the death penalty
- preventing extrajudicial killings by the military
- ending torture
- prohibiting female genital mutilation
- de criminalising witchcraft
- reintegrating child soldiers
- abolishing self-defence militias
- ensuring a safe environment for journalists.

The Central African republic pledged to: re-establish the national human rights commission by 2010; ratify ILO Convention no. 169 by the end of 2009 elaborate a national action plan on human rights by 2010; adopt new laws (criminal code, and the code on criminal procedure) by the end of 2009; and fight against impunity for human rights violations and economic crimes.

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<sup>20</sup> Portugal, Azerbaijan, Gabon.

<sup>21</sup> Azerbaijan, Brazil.

<sup>22</sup> Norway, Latvia.

<sup>23</sup> Turkey, Republic of Korea.

<sup>24</sup> Ghana.

<sup>25</sup> Turkey, Netherlands.

<sup>26</sup> Nigeria.

<sup>27</sup> Czech Republic, Norway.

<sup>28</sup> Norway.

<sup>29</sup> Czech Republic, UK.

<sup>30</sup> Italy, Morocco, DRC.

<sup>31</sup> Mexico, UK, Japan.

<sup>32</sup> A/HRC/WG.6/5/L.1.

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