

Central African Republic Mid-term Implementation Assessment



UPR-INFO.ORG
PROMOTING AND STRENGTHENING THE UNIVERSAL PERIODIC REVIEW

Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 6 March 2012

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

http://followup.upr-info.org/index/country/central_african_republic

We invite the reader to consult that webpage since all recommendations, all stakeholders reports, as well as the unedited comments can be found at the same internet address.

6 NGOs were contacted. The Permanent Mission to the UN was contacted. The domestic NHRI was contacted as well.

4 NGOs responded to our enquiry. The State under Review did not respond to our enquiry. The domestic NHRI did not respond to our enquiry either.

IRI: 42 recommendations are not implemented, 24 recommendations are partially implemented, and 4 recommendations are fully implemented. No answer was received for 43 out of 118 recommendations.

2. Index

Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
1	Technical assistance, Human rights education and training,	page 6	partially impl.
2	Treaty bodies, Technical assistance, Poverty,	page 25	not impl.
3	Treaty bodies, Technical assistance,	page 25	-
4	Trafficking, Rights of the Child, Public security,	page 10	partially impl.
5	International instruments, International humanitarian law, Asylum-seekers - refugees,	page 26	partially impl.
8	NHRI	page 26	not impl.
11	Impunity	page 10	partially impl.
12	Rights of the Child, Internally displaced persons,	page 26	not impl.
14	Rights of the Child, Public security,	page 10	partially impl.

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rec. n°	Issue	page	IRI
15	Rights of the Child, Right to education,	page 18	not impl.
16	Women's rights	page 19	partially impl.
	Impunity, Internally displaced persons, Extrajudicial executions,		
17	Asylum-seekers - refugees,	page 12	not impl.
18	Poverty	page 9	partially impl.
22	Technical assistance, Rights of the Child,	page 19	partially impl.
23	Technical assistance, Public security,	page 27	partially impl.
24	Human rights education and training	page 6	partially impl.
26	Human rights violations by state agents	page 12	not impl.
27	Treaty bodies, Special procedures,	page 27	not impl.
30	Technical assistance	page 27	partially impl.
31	Internally displaced persons, Asylum-seekers - refugees,	page 28	partially impl.
32	Rights of the Child, Human rights education and training,	page 19	fully impl.
33	Justice, International instruments,	page 12	partially impl.
34	Women's rights, International instruments,	page 19	not impl.
36	Technical assistance	page 28	not impl.
37	Technical assistance	page 28	not impl.
38	Human rights education and training	page 6	not impl.
39	Freedom of the press, Freedom of opinion and expression,	page 7	not impl.
40	Human rights education and training	page 7	partially impl.
41	Justice	page 13	not impl.
42	Women's rights, Sexual Orientation and Gender Identity, Minorities,	page 8	-
44	Justice	page 13	not impl.
45	NHRI	page 28	not impl.
48	Technical assistance, Development,	page 29	partially impl.
49	General	page 29	not impl.
50	Death penalty	page 13	fully impl.
52	Justice	page 14	not impl.
53	Death penalty	page 14	not impl.
55	Torture and other CID treatment, Detention conditions,	page 14	not impl.
56	Women's rights	page 21	not impl.
59	Technical assistance	page 28	not impl.
60	Death penalty	page 14	not impl.
62	NHRI	page 28	not impl.
	Women's rights, Torture and other CID treatment, Rights of the Child,		
63	Human rights education and training,	page 21	not impl.
64	Rights of the Child, Right to education,	page 21	not impl.
66	International instruments, Death penalty,	page 15	not impl.
68	Women's rights	page 22	partially impl.
69	Poverty, Elections,	page 9	not impl.
73	Rights of the Child	page 22	partially impl.
74	Public security, Justice,	page 15	partially impl.
77	Technical assistance, Development,	page 29	-

rec. n°	Issue	page	IRI
78	Treaty bodies, Detention conditions, Treaty bodies, Internally displaced persons, International humanitarian law, Asylum-seekers - refugees,	page 16	fully impl.
79	Women's rights, Treaty bodies, Right to health,	page 29	not impl.
80	Right to education, Public security, Poverty,	page 23	partially impl.
81	Justice	page 16	not impl.
82	Human rights violations by state agents	page 16	not impl.
83	International instruments, Human rights defenders,	page 17	partially impl.
84	Freedom of the press	page 17	-
86	Death penalty	page 8	not impl.
88	Death penalty	page 17	not impl.
92	Death penalty	page 17	not impl.
93	Public security	page 17	partially impl.
94	Technical assistance	page 30	-
95	Impunity	page 18	not impl.
98	Rights of the Child	page 23	not impl.
99	Death penalty	page 17	not impl.
100	Women's rights, Torture and other CID treatment, Rights of the Child,	page 23	not impl.
101	NHRI	page 30	not impl.
102	Rights of the Child	page 24	not impl.
103	Women's rights, Torture and other CID treatment, Rights of the Child,	page 24	partially impl.
104	Justice	page 18	not impl.
105	Poverty	page 9	fully impl.
112	Elections	page 8	partially impl.
113	Justice	page 18	not impl.
115	Rights of the Child	page 24	partially impl.
117	Right to education, Poverty, ESC rights - general,	page 9	not impl.

3. Feedbacks on recommendations

CP Rights

Recommendation n°1: *Consider implementing, with the assistance of OHCHR, a training and awareness raising programme on international human rights and humanitarian law for members of the security forces, law enforcement officials and judicial officials. (Recommended by Algeria)*

IRI: *partially implemented*

Action des chrétiens pour l'abolition de la torture (ACAT) response:

Pour ce qui le droit international humanitaire, les nouvelles recrues dans l'armée et la police reçoivent des bribes d'information pendant leurs formation

Groupe d'Action, de Paix et de Formation pour la Transformation (GAPAFOT) response:

La proportion des personnes formées reste faible

Recommendation n°24: *Establish a permanent coordination structure for different security forces to consistently address various issues such as the training of the military and the provision of weapons to them, and ensure that members of the security forces receive training in humanitarian and human rights law and that they follow a programme for gender awareness at all ranks. (Recommended by Belgium)*

IRI: *partially implemented*

ACAT response:

Des formations sont souvent organisées mais il se pose un problème de suivi et de coordination au niveau du gouvernement

Recommendation n°38: *Launch wide education campaigns against the phenomenon of violence against perceived witches together with concrete measures to protect victims or potential victims of such attacks. (Recommended by Czech Republic)*

IRI: *not implemented*

Internal Displacement Monitoring Centre (IDMC) response:

Despite reform of its Penal Code and abolition of the death penalty for witchcraft, the Central African Republic still criminalizes witchcraft (see Articles 149 and 150 of the new Penal Code, dated 6 January 2010). The government has yet to launch education campaigns regarding violence against people accused of witchcraft. The UN and international NGOs have implemented programs to protect people accused of witchcraft through various legal clinics.

ACAT response:

Aucune mesure concrète n'a été prise dans ce sens.

GAPAFOT response:

Le pays n'a pu formuler un document dans ce sens.

Recommendation n°39: Adopt further measures to ensure in practice the protection of journalists against threats and attacks, including imprisonment in contravention of their right to freedom of expression. (Recommended by Czech Republic)

IRI: not implemented

IDMC response:

In January 2012, the government of the Central African Republic convicted two journalists on charges of defamation, insult, and incitement to hatred over a series of opinion articles that were critical of Finance Minister Sylvain Ndoutingai's management of public finances, and included allegations of abuse of power and embezzlement. Under the country's 2005 press law, Mr. Ferdinand Samba, editor of the private weekly *Le Démocrate*, was sentenced to 10 months' imprisonment and fined 1 million CFA francs (US\$1,976). The judge also ordered Mr. Samba to pay 10 million CFA francs (US\$19,762) in damages to Mr. Ndoutingai and imposed a one-year suspension on *Le Démocrate*. Mr. Patrick Agoundou of the pro-government *La Plume* was convicted on similar charges. Fearing arrest, Mr. Agoundou fled the country in early January.

ACAT response:

Les journalistes continuent de subir des menaces et des arrestations arbitraires en violation de la loi sur la dépenalisation du délit de presse et certains sont encore en prison en ce moment

Reporters sans frontières (RSF) response:

Depuis 2003, les arrestations et intimidations de journalistes ont diminué, et les relations entre le pouvoir et la presse, exécrables entre 1993 et 2003, se sont améliorées. Mais les journalistes payent toujours le prix d'une justice obsolète et sont parfois la cible d'éléments "irritables" de l'armée. [...]

GAPAFOT response:

De 2011 en 2012 3 journalistes sont arrêtés dont un condamné en première instance à 10 mois d'emprisonnement et une forte amende.

Recommendation n°40: Ensure comprehensive training and education for all security forces and prison staff in human rights and international humanitarian law, and adopt legal and other necessary measures to ensure their full accountability for any violations of these norms. (Recommended by Czech Republic)

IRI: partially implemented

ACAT response:

C'est le PNUD à travers le programme de renforcement de l'Etat de droit qui assure des formations dans ce sens

GAPAFOT response:

Les gardiens de prisons reçoivent la formation en DH.

Recommendation n°42: *Review all national legislation relating to the principle of non-discrimination, particularly as it applies to women and minorities, including sexual minorities, so that it complies fully with international instruments that prohibit all forms of discrimination.* (Recommended by Czech Republic)

IRI: -

ACAT response:

Les pesanteurs socio culturelles continuent d'influencer les décideurs dans ces reformes législatives.

Recommendation n°86: *Take the necessary steps to ensure that journalists are able to operate without intimidation or interference.* (Recommended by Norway)

IRI: *not implemented*

IDMC response:

See response to recommendation n°39.

ACAT response:

Les journalistes sont emprisonnés en violation de la loi sur la dépenalisation du délit de presse sans compter les menaces qui pèsent sur eux dans l'exercice de leur profession

RSF response:

Malgré une amélioration de la liberté de la presse en République centrafricaine, des arrestations arbitraires et des suspensions de parution ont eu lieu. Suite à leurs articles relatant le détournement par le ministre délégué à la Défense de fonds octroyés par l'Union européenne, deux journalistes ont été arrêtés en mai et juin 2011 et ont été accusés d'"incitation à la haine et à la violence" avant d'être relâchés après un mois et demi de harcèlement procédurier. Alexis Remangai, journaliste au quotidien privé Le Confident, a été arrêté trois jours en septembre 2010 suite à une plainte en "diffamation" déposée par un responsable du ministère centrafricain des Mines. L'année précédente, en 2009, les journaux privés L'Hirondelle et Le Citoyen avaient été suspendus temporairement et accusés de mettre en cause la souveraineté du pays.

GAPAFOT response:

Les journalistes continuent d'être emprisonnés en RCA.

Recommendation n°112: *Take tangible and concrete steps to conduct free and fair Presidential elections without undue delay.* (Recommended by United Kingdom)

IRI: *partially implemented*

GAPAFOT response:

Les élections se sont bien déroulées mais toutes les conditions de transparences ne sont pas réunies.

ESC Rights

Recommendation n°18: *Continue to put in place effective strategies to reduce poverty, particularly in rural areas.* (Recommended by Azerbaijan)

IRI: *partially implemented*

ACAT response:

Il existe un département charge des pôles de développement mais qui ni dispose pas des ressources humaines et matérielles pour mener sa politique

GAPAFOT response:

Le pays mise beaucoup sur le [Document de stratégie de réduction de la pauvreté (DRSP)] mais les ressources mobilisées restent faibles. Il y a urgence de mettre en place un fonds pour accélérer la croissance dans les zones rurales où plus de 70% de la population vit.

Recommendation n°69: *Continue to address reinstating of the rule of law through a fair and transparent electoral process and governance reform, reducing poverty which has caused worsening security, establishing basic infrastructure and creating jobs, with the support of the United Nations and the international community.* (Recommended by Japan)

IRI: *not implemented*

ACAT response:

Les élections organisées en 2011, ont été contestées par l'opposition qui s'est retirée du processus et n'est pas représentée à l'assemblée nationale tout comme dans le gouvernement.

Recommendation n°105: *Continue to implement its poverty reduction strategy paper as a framework for dialogue and reference for all questions regarding national development policies.* (Recommended by Tunisia)

IRI: *fully implemented*

GAPAFOT response:

Les ressources mobilisées pour la première phase restent faible.

Recommendation n°117: *Accord the greatest priority to measures aimed at better ensuring the economic and social rights of its population, particularly by devoting more resources to programmes to combat poverty and illiteracy.* (Recommended by Viet Nam)

IRI: *not implemented*

IDMC response:

To date, the government has invested very little in providing social services, including education. It spends less than 1.5 per cent of its gross domestic product on education, which is below the African continent's average (UNICEF, In Central African Republic, Newly Settled Nomadic Children go to School, May 13, 2010). Access to primary education is remarkably low. Armed conflict and violence have destroyed an already fragile education system where primary enrollment rates have not improved in 15 years. School buildings have been looted, burned, or destroyed, and qualified teachers have left their towns for the safety of the capital, Bangui. In its

2010 report, the Global Campaign for Education, a network of organizations that includes Save the Children Alliance, CARE International, Oxfam International, Plan International, and VSO International, among others, ranked CAR as one of the ten worst places in the world to be a student, citing chronic under-investment in education. Even before the outbreak of the most recent armed conflict in 2005, social services were virtually non-existent in the north of the country. The education sector serves as a case in point: prior to the conflict, 40 per cent of children in the north were enrolled in school. In 2007, in the middle of the conflict, humanitarian organizations found that only ten per cent of children were still going to school (Humanitarian and Development Partnership Team-HDPT, News Bulletin, June 9-16, 2008). Today, UNICEF estimates that nearly half of all primary school-aged children in CAR are not enrolled in school (OCHA, Consolidated Appeal Mid-Year Review for CAR, July 14, 2010). Girls in particular are victims of ongoing discrimination that impedes their ability to go to school, a violation of their basic rights. Child labor and cultural practices such as early marriage and resulting pregnancies force girls to stay at home to care for young children and conduct household duties. For children who are enrolled in school, the lack of teachers and school materials, including books, is an ongoing obstacle to education. The current ratio for the country is about two books for every nine students, and an average of 90 children per teacher (Afrol News, "UNICEF brings books to CAR," March 17, 2010; Global Campaign for Education, The Worst Places in the World to be a Student, September 2010).

Justice

Recommendation n°4: *Continue applying strategies to reduce criminality, address sexual abuse and child trafficking, and protect civilians from criminals.* (Recommended by *Angola*)

IRI: *partially implemented*

ACAT response:

Des efforts sont entrepris par le gouvernement mais beaucoup reste à faire

GAPAFOT response:

En dehors de la mission classique de maintien de la paix, le Gouvernement n'a pas mis en place un programme claire pour lutter contre ces fléaux.

Recommendation n°11: *Immediately investigate all cases of grave human rights violations and end impunity of perpetrators.* (Recommended by *Austria*)

IRI: *partially implemented*

ACAT response:

Aucun n'effort n'est fait pour mettre un terme a l'impunité en dehors de quelques rares cas de poursuites devant le tribunal militaire permanent.

Recommendation n°14: *Take concrete measures to abolish self-defence militias, to maintain order through regular security forces and to facilitate the end of forced child recruitment by all armed groups.* (Recommended by *Austria*)

IRI: *partially implemented*IDMC response:

In the absence of a functioning national security force, the local population in conflict-affected areas in CAR has had no choice but to create community self-defense militias to protect themselves from attacks by armed groups, Zaraguina (criminal gangs), and foreign armed groups like the LRA. The role of the self-defense militias is to patrol their areas and alert the army (Forces Armées Centrafricaines or FACA) if there is danger, but they are not supposed to participate in direct combat. International NGOs, including IDMC and the Watchlist on Children and Armed Conflict, have reported that self-defense militias are backed by local authorities and representatives of the Ministry of Defense, who see them as auxiliaries of the army. While diplomats in Bangui have played down the government support of self-defense militias as negligible because the government does not provide the militias compensation or weapons, international NGOs have gathered evidence that the government is not only encouraging the creation of these groups, it is also attributing titles and name badges to them, and providing them with ammunition for their homemade hunting weapons, which they use to defend themselves. This is the case of the Self-Defense Group in Bozoum, whose management committee received name badges from the sous-préfet of the region. The President of the Self-Defense Group in Obo affirmed that his group was visited by high-ranking officials from the Ministry of Defense and was given ammunition for their hunting weapons and materials for conducting night patrols, including flashlights, coffee, and sugar. In President Bozizé's 2010 speech in Obo celebrating World Food Day, he praised the bravery of the local self-defense militia and encouraged them to continue the work of defending their communities from attacks by the LRA. Self-defense militias are listed in the 2010 UN Secretary-General's annual report on children and armed conflict as groups that recruit or use children in violation of relevant international law. The fact that self-defense militias are operating in a region already saturated with arms only intensifies the protection problems already facing civilians. The recruitment of children by community self-defense militias is only one problem; another is that self-defense militias have the potential to become parties to the conflict if there is renewed fighting between FACA and armed opposition groups. Also, self-defense militias are operating outside of the law as both the constitution and the penal code of the Central Africa Republic contain provisions that criminalize the activities of self-defense militias as well as the fabrication of homemade weapons (see Articles 12 and 61 of the 2006 Constitution, and Articles 97, 259, 264, and 265 of the 2010 Penal Code). As of February 2012, humanitarian organizations working in CAR have begun implementing programs for the demobilization of children from community self-defense militias in the northwest provinces of Ouham and Ouham-Pendé, where the UN and international NGOs have identified more than 2000 children within the ranks of such groups. While the government has yet to take part in these programs, the Ministry of Defense created a "Comité de pilotage du projet de prevention de recrutement, demobilisation et reintegration socio-économique des enfants associés aux forces et groupes armés" on 30 May 2011 in order to monitor children's DDR by humanitarian organizations. To date, the committee has met only a handful of times in the capital Bangui and has requested updates from humanitarian organizations on their work. While children have also been recruited by self-defense militias in the LRA-affected areas located in the southeast provinces of Mbomou and Haut-

Mbonou, no demobilization programs for children have been implemented in these provinces.

ACAT response:

Les groupes rebelles continuent d'utiliser les enfants soldats et les autodéfenses ne sont pas encore démobilisés dans les zones de conflits

GAPAFOT response:

Compte tenu du faible effectif de l'armée et la présence des groupes rebelles, les groupes d'auto défense sont encore utilisés à certains endroit dont certains sont armés

Recommendation n°17: *Continue to firmly fight arbitrary executions and impunity, assure the protection of the civilian population and promote the return of refugees and displaced persons to their regions of origin.* (Recommended by Azerbaijan)

IRI: *not implemented*

ACAT response:

Aucun responsable d'exécution extrajudiciaire n'a jamais été poursuivi et les conflits se poursuivant il est difficile de favoriser le retour des personnes déplacées.

Recommendation n°26: *Ensure that members of the security forces suspected of violations of human rights or humanitarian law be rapidly handed over to justice for investigation and judgment, severe vetting action linked to recruiting and promotion is encouraged.* (Recommended by Belgium)

IRI: *not implemented*

ACAT response:

Aucun n'effort n'est visible dans ce sens

GAPAFOT response:

Plusieurs officiers, auteurs des violences et meurtres circulent en toute liberté

Recommendation n°33: *Adopt within its domestic legislation a law based on the Statute of the International Criminal Court criminalizing war crimes, the crime of genocide and crimes against humanity in the Criminal and the Military Justice Codes.* (Recommended by Canada)

IRI: *partially implemented*

IDMC response:

Articles 152-162 of the new Central African Penal Code, dated 6 January 2010, define genocide, crimes against humanity, and war crimes, citing international conventions to which the Central African Republic is signatory, including the Rome Statute of the International Criminal Court and Common Article 3 of the four Geneva Conventions of 12 August 1949. Articles 152-162 also stipulate how genocide, crimes against humanity, and war crimes are to be punished, including by using the death penalty.

ACAT response:

Le code pénal et le de procédure ont pris en compte ces mesures mais le texte sur la justice militaire n'a pas encore été adopté par le gouvernement

Recommendation n°41: *Delete the crime of witchcraft from the penal code.* (Recommended by *Czech Republic*)

IRI: *not implemented*

IDMC response:

Despite reform of its Penal Code and abolition of the death penalty for witchcraft, the Central African Republic still criminalizes witchcraft (see Articles 149 and 150 of the new Penal Code, dated 6 January 2010).

ACAT response:

Le crime est plutôt maintenu dans le nouveau code pénal

GAPAFOT response:

L'opinion n'y est pas favorable

Recommendation n°44: *Continue its policy of national reconciliation and implement the decisions of the inclusive political dialogue.* (Recommended by *Democratic Republic of Congo*)

IRI: *not implemented*

ACAT response:

L'une des recommandations du Dialogue Politique Inclusif était l'organisation des élections démocratiques qui malheureusement n'a pas été inclusive et aujourd'hui l'opposition n'est pas représentée à l'assemblée nationale tout comme dans le gouvernement L'autre recommandation porte sur la mise en place d'un cadre de concertation permanente qui n'a jamais été mise en œuvre

GAPAFOT response:

Le Gouvernement ne s'attache presque plus à la mise en œuvre des recommandations du Dialogue Politique Inclusif. Cette situation est illustrée par la privation du Comité de Suivi des Recommandations du Dialogue Politique Inclusif de moyens financiers et matériels pour assurer son fonctionnement.

Recommendation n°50: *Continue exercising its sovereign right of implementing its penal code in conformity with universally agreed human rights standards, including the application of the death penalty.* (Recommended by *Egypt*)

IRI: *fully implemented*

IDMC response:

Despite reform of its Penal Code, the Central African Republic has not abolished the death penalty. The new Penal Code, dated 6 January 2010, defines which crimes are punishable by death and sets out the conditions under which the death penalty is applied in the following articles: 17, 25, 26, 41, 47, 50, 58, 59, 61, 62, 74, 77, 88, 101, 144, 158, 167, 262, 414, 415, 419.

ACAT response:

La peine de mort n'est pas appliquée depuis trois décennies mais elle est maintenue dans le nouveau code pénal.

Recommendation n°52: *Remove any reference to the crime of witchcraft from the penal code. (Recommended by France)*

IRI: *not implemented*

IDMC response:

Despite reform of its Penal Code and abolition of the death penalty for witchcraft, the Central African Republic still criminalizes witchcraft (see Articles 149 and 150 of the new Penal Code, dated 6 January 2010).

ACAT response:

Le nouveau code pénal maintien des peines pour des personnes présumées de pratiques de charlatanisme ou de sorcellerie

GAPAFOT response:

L'opinion publique nationale y est opposée.

Recommendation n°53: *Remove any reference to the death penalty from the penal code. (Recommended by France)*

IRI: *not implemented*

IDMC response:

See response to recommendation n°50.

GAPAFOT response:

Le nouveau Code Pénal maintient la peine de mort

Recommendation n°55: *Put an end to cases of torture and ill-treatment in prisons and police stations. (Recommended by France)*

IRI: *not implemented*

IDMC response:

The Central African Republic has not signed or ratified the Convention against Torture (CAT) or its Optional Protocol OP-CAT.

ACAT response:

La torture et les mauvais traitements cruels inhumains ou dégradants sont des pratiques courantes dans les prisons

GAPAFOT response:

La France et les Nations Unies ont eu à réhabiliter certains centres de détention à Bangui et dans les Chefs lieux des Préfectures mais des efforts restent à faire et les conditions de détention restent précaires dans tous les centres.

Recommendation n°60: *Abolish definitively the death penalty. (Recommended by Germany)*

IRI: *not implemented*

IDMC response:

See response to recommendation n°50.

ACAT response:

Des réflexions sont en cours

GAPAFOT response:

Elle est confirmée dans le nouveau Code pénal

Recommendation n°66: *Seize the opportunity raised by the ongoing review of the Penal Code to consider abolishing capital punishment and acceding to ICCPR-OP 2. (Recommended by Italy)*

IRI: *not implemented*

IDMC response:

Despite reform of its Penal Code, the Central African Republic has not abolished the death penalty. The new Penal Code, dated 6 January 2010, defines which crimes are punishable by death and sets out the conditions under which the death penalty is applied in the following articles: 17, 25, 26, 41, 47, 50, 58, 59, 61, 62, 74, 77, 88, 101, 144, 158, 167, 262, 414, 415, 419. The Central African Republic has not signed or ratified ICCPR-OP 2.

ACAT response:

Le code est révisé sans abolir la peine de mort et le 2e protocole facultatif au Pacte n'est pas ratifié.

Recommendation n°74: *Continue national efforts in the area of disarmament, demobilization and reintegration and in the reform of institutions involved in security and promotion of the rule of law (Recommended by Mexico)*

IRI: *partially implemented*

IDMC response:

In June 2011, the government launched the first phase of its disarmament, demobilization and reintegration (DDR) process of former combatants. With the support of UNDP and the Peacebuilding Fund, the government hopes to demobilize some 8,000 former combatants in total. The first phase took place in the northwest of the country, with the demobilization of 4,800 former APRD combatants. The second phase will take place in the northeast of the country with the demobilization of former CPJP and UFDR combatants. However, the UN Integrated Office for Peacebuilding in CAR (BINUCA) has warned that a lack of funding to complete the second phase could result in the resurgence of violence and further undermine security in a region. CPJP and UFDR leaders have already called for rapid implementation of the DDR process for their ranks. BINUCA estimates that the government still needs US\$3 million to complete the DDR process and an additional US\$19 million for its reintegration program. The UN and partner NGOs launched a children's DDR program in 2009 to release children from APRD ranks. Financed by the Peacebuilding Fund, this children's DDR program was not in any way connected to the DDR program for adults. A total of 525 children were demobilized, all of whom received reintegration assistance including training in agricultural and pastoralist skills, as well as in trades such as carpentry and sewing, or temporary support in returning to school. However, these activities were too short in length and in scale to provide demobilized children with the sustainable, long-term solutions that would prevent them from re-enlisting if there is a return to violence, protect them from other forms of exploitation, and prepare them to contribute to their country's future economic development. The activities also failed to account for the limited job

opportunities in a country whose socio-economic structures have been destroyed by armed conflict. The development and implementation of sustainable reintegration programs remains a challenge for the children who have been demobilized from APRD ranks. Significant targeted funding is needed to develop and implement livelihoods programs that will have a long-term positive impact on the lives of demobilized children. Donors need to be made aware that DDR programs are not successful unless the reintegration component of DDR is adequately funded. In November 2011, the UN signed a formal action plan with CPJP for the release and reintegration of children from CPJP ranks. The UN has called for funding to begin this process, which has yet to begin as of February 2012.

ACAT response:

Depuis le lancement du programme de désarmement, démobilisation et réinsertion, des efforts ont été faites mais le processus reste fragile car l'un des acteurs en la personnes de M Jean Jacques DEMAFOUTH leader d'un groupe de rébellion est en ce moment en détention ainsi que d'autres responsables des mouvements rebelles ce qui peut engendrer d'autres problèmes sur le terrain

GAPAFOT response:

Le programme piétine depuis un certains temps faute de contributions internationales.

Recommendation n°78: Strengthen efforts to guarantee minimum conditions for those held in police custody and detention centres in accordance with international standards, and follow up the specific recommendations of United Nations bodies in this regard. (Recommended by Netherlands)

IRI: *fully implemented*

ACAT response:

Des efforts ont été entrepris par l'adoption par l'assemblée nationale d'une loi portant régime carcéral en RCA au regard de l'ensemble des règles minima

Recommendation n°81: Continue its extensive reforms with a view to addressing institutional shortcomings and weaknesses, and develop an integrated agenda of human rights and public security as well as the development agenda towards poverty and illiteracy eradication. (Recommended by Nigeria)

IRI: *not implemented*

ACAT response:

Le gouvernement ne pense pas à intégrer l'enseignement des droits de l'homme dans le système éducatif qui devait contribuer à l'éducation citoyenne et au développement.

Recommendation n°82: Continue strengthening its Court of Justice with a view to its carrying out its constitutional role without fear or favour. (Recommended by Nigeria)

IRI: *not implemented*

ACAT response:

Depuis sa création, cette cour n'a jamais mis en examen une personnalité malgré certains faits constatés et décriés.

GAPAFOT response:

Les membres de la haute court de justice bien que désignés n'ont pas encore prêté serment et elle n'est pas opérationnelle.

Recommendation n°83: *Ensure that all reported human rights violations are investigated and that those responsible for such violations, including police officials and personnel within the security forces, are prosecuted and punished.* (Recommended by Norway)

IRI: *partially implemented*

ACAT response:

Les responsables de ces violations ne sont pas inquiétés sauf des rares cas de poursuites devant le Tribunal militaire permanent.

Recommendation n°84: *Give human rights defenders legitimacy and recognition through supportive statements and ensure that they are protected in accordance with the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.* (Recommended by Norway)

IRI: -

ACAT response:

Il y a des cas d'intimidation et de menaces souvent anonymes sur les défenseurs des droits de l'homme

Recommendation n°88: *Abolish definitively the death penalty.* (Recommended by Portugal)

IRI: *not implemented*

+

Recommendation n°92: *Use the revision of the Criminal Procedure and Criminal Codes to tackle the question of the death penalty.* (Recommended by Portugal)

IRI: *not implemented*

+

Recommendation n°99: *Abolish definitively the death penalty.* (Recommended by Spain)

IRI: *not implemented*

IDMC response:

See response to recommendation n°50.

GAPAFOT response:

La peine de mort est confirmée dans le nouveau code pénal

Recommendation n°93: *Poursuivre les efforts visant à mettre fin au banditisme et à atténuer les souffrances en réformant les services de sécurité.* (Recommended by Republic of Congo)

IRI: *partially implemented*

GAPAFOT response:

À Bangui la capitale, la quiétude est assurée en grande partie mais l'insécurité reste criante en provinces.

ACAT response:

A Bangui, il y a un semblant de sécurité contrairement à l'arrière-pays où les populations vivent pour une bonne partie dans la peur.

Recommendation n°95: Focus its attention more on the serious issues of combating impunity. Investigate human rights violations systematically and prosecute and punish those responsible for such violations, without exception. (Recommended by Republic of Korea)

IRI: not implemented

ACAT response:

L'impunité est entretenue par la hiérarchie et rend difficile l'application des lois et règlements en vigueur.

Recommendation n°104: Increase efforts to investigate and prosecute the individuals known to be responsible for the serious human rights violations that took place in the north of the Central African Republic between 2005 and mid-2007. Ensure that victims are guaranteed remedy, including the right to compensation and reparation. And continue efforts to improve the protection of the civilian population. (Recommended by Sweden)

IRI: not implemented

ACAT response:

Les victimes sont laissées pour compte après l'amnistie des auteurs des violations des droits de l'homme et au nom de la réconciliation nationale.

Recommendation n°113: Amend the Penal Code to decriminalize witchcraft. (Recommended by United Kingdom)

IRI: not implemented

IDMC response:

Despite reform of its Penal Code and abolition of the death penalty for witchcraft, the Central African Republic still criminalizes witchcraft (see Articles 149 and 150 of the new Penal Code, dated 6 January 2010).

GAPAFOT response:

Le code pénal a confirmé le délit de sorcellerie et l'opinion est défavorable à sa suppression.

Women & Children

Recommendation n°15: Given the low level of children's education and the illiteracy rates, implement measures necessary to change the landscape in this area and promote the reintegration of child soldiers in society. (Recommended by Azerbaijan)

IRI: not implemented

ACAT response:

Les conflits qui se poursuivent et les difficultés ne permettent pas la mise en œuvre de cette recommandation

GAPAFOT response:

Il n'existe pas un plan d'accélération d'alphabétisation en cours dans le pays. Avec le système exclusif du système éducatif, le problème ne fait que s'empirer

Recommendation n°16: *Continue efforts to combat violence against women and to eradicate negative traditions.* (Recommended by Azerbaijan)

IRI: *partially implemented*

ACAT response:

Des lois ont été adoptées et il reste la vulgarisation

GAPAFOT response:

Des efforts considérables restent à faire .Les ONG sont disponibles pour ce travail mais la rareté des ressources constitue un frein.

Recommendation n°22: *With the assistance of the international community, undertake a multi-pronged approach to improve the situation of children with greater focus on ensuring universal primary education, reducing infant and child mortality and rehabilitating child combatants.* (Recommended by Bangladesh)

IRI: *partially implemented*

ACAT response:

La RCA étant un pays post conflit éprouve de sérieuses difficultés à prendre en charge l'éducation des enfants malgré l'existence d'un document cadre de l'éducation et la survivance des groupes rebelles dans certaines régions rendant difficiles la mise en œuvre

Recommendation n°32: *In the context of reforming the security sector, review training materials used by security forces in order to include child protection as a preventive measure against recruiting children in the armed forces.* (Recommended by Canada)

IRI: *fully implemented*

GAPAFOT response:

Les droits de l'homme font partie du curricula de formation dans les forces armées;

Recommendation n°34: *Take necessary measures to implement CEDAW, especially with emphasis on issues of violence and abuse based on gender.* (Recommended by Canada)

IRI: *not implemented*

IDMC response:

The problem in CAR is not the lack of legal norms but the failure to respect, protect and fulfil these rights. The Constitution (2004) provides for the adherence to all international conventions duly ratified, most notably those relating to the prohibition of all forms of discrimination against women and those regarding the protection of the rights of the child. It also provides that the state and other public institutions are obligated to protect women and children against violence and insecurity. The Law governing the protection of women against violence (2006) criminalises all forms of female genital mutilation, as well as rape and attempted rape. The new Penal Code of 2010 prohibits rape, as well as the assault and battery against children, and the abduction of minors. In 2008, CAR also adopted a national policy document for the

promotion of equality and equity. The objectives of this policy are to: (1) promote the participation of men and especially women in the sustainable development of their society as decision-makers and on an equal footing; (2) reduce inequality between women and men in access to resources and the benefits of development and the control of these resources and benefits; (3) encourage, through a transversal approach, recognition of situations and needs of women and men in the development, implementation, monitoring and evaluation of national policy; (4) set specific measures to encourage specific categories of women and of men, with targeted objectives to reduce inequalities; (5) eradicate individual and collective tolerance of acts of violence; (6) take appropriate measures to ensure coherence between existing and future legal texts and their application; and (7) support women and girls in the promotion, protection, and full exercise of their basic rights. The national, regional and international commitments made by CAR to protect and assist women and girls who are survivors of sexual violence are of little consequence if they are not properly enforced. The UN High Commissioner for Human Rights visited CAR in February 2010 and urged the government to take more measures and concrete actions to provide assistance to victims and to prosecute perpetrators. She expressed deep concern about the widespread sexual violence that women and girls are facing (UN News Service, 19 February 2010). According to the International Federation for Human Rights (IFHR), sexual violence affects more than 15 per cent of women and girls in the north of the country. Women and girls have suffered sexual violence committed by government forces and rebel groups in conflict areas, and many have suffered domestic violence committed by members of their own families. Adding to their physical and psychosocial injuries, CAR's survivors of sexual violence are often denied justice and face rejection from their communities. In 2009 and 2010, human rights researchers from the University of California in Berkeley interviewed almost 2,000 adults in five different regions in CAR, including two conflict-affected regions in the north of the country, to document the devastating human impact of violence in the country. Twenty-one per cent of all respondents reported witnessing acts of sexual violence by armed groups, six per cent of the women interviewed reported an experience of sexual violence committed by armed groups, and six per cent reported sexual violence committed by perpetrators other than armed groups. Sexual violence was most frequently reported by women in the north province of Ouham Pende (14%), a rate comparable to that found in the eastern Democratic Republic of Congo. In addition to conflict-related violence, the researchers found that domestic violence is pervasive. Twenty-two per cent of the women reported having been physically beaten by a household member, most frequently for disobeying or arguing (Human Rights Center / University of Berkeley, 4 August 2010). The Strategic Framework for Peacebuilding in the Central African Republic, adopted by the government and the Peacebuilding Commission in May 2009, includes commitments for the prevention of sexual and gender based violence, including the provision of human rights training for security forces, identification and support to victims of violence, and a call to bring perpetrators of crimes of sexual violence against women and children to justice. While international humanitarian organizations and national NGOs are responding to the problem of sexual violence, it remains a prevalent issue. The Organization for Compassion and Development for Families in Distress (OCODEFAD), a national NGO, has created a network of survivors of sexual violence in CAR and has trained them to collect testimonies. The collection of

testimonies by OCODEFAD was started to provide evidence for the trial of Jean-Pierre Bemba by the International Criminal Court (ICC). OCODEFAD has gathered more than 2,000 testimonies from women and men across the country. However, OCODEFAD has ended victim registrations because they cannot provide Victims with assistance. The ICC has charged Bemba, the former vice-president of the Democratic Republic of Congo (DRC), with command responsibility for crimes against humanity (rape and murder) and war crimes (rape, murder and pillaging), committed in CAR from October 2002 to March 2003 by his militia, Movement for the Liberation of Congo (MLC), sent to support the former Central African President Ange-Félix Patassé. Bemba is currently being tried in The Hague. In April 2010, the Association of Women Jurists (AFJC) launched a counseling centre in Bangui for women who are survivors of violence, including sexual violence. The centre provides legal and psychosocial assistance, and is supported by the European Union and implemented by Mercy Corps. The Bangui centre is one of four such centres, including the ones in Bambari, Bouar, and Bangassou. AFJC reported that women in CAR are subjected to physical, sexual and emotional violence on a daily basis. The centre aims to fight impunity by bringing legal cases against perpetrators.

ACAT response:

Des lois ont été votées par l'assemblée nationale sur cette question mais il se pose un problème de vulgarisation.

Recommendation n°56: *Rapidly review the Family Code to abrogate all discriminatory provisions against women.* (Recommended by France)

IRI: *not implemented*

ACAT response:

L'examen ou la relecture du code de la famille continue de ne pas tenir compte de certaines discriminations à l'égard de la femme

Recommendation n°63: *Enhance awareness-raising campaigns to combat and eradicate female genital mutilation and other traditional practices harmful to young women.* (Recommended by Italy)

IRI: *not implemented*

ACAT response:

Seules les ONG sont actives dans la sensibilisation

GAPAFOT response:

Le problème de ressources se pose avec acuité.

Recommendation n°64: *Guarantee the right to education of all children and take effective measures to substantially increase the rate of attendance in primary schools.* (Recommended by Italy)

IRI: *not implemented*

IDMC response:

To date, the government has invested very little in providing social services, including education. It spends less than 1.5 per cent of its gross domestic product on education, which is below the African continent's average (UNICEF, In Central African Republic, Newly Settled Nomadic Children go to School, May 13, 2010).

Access to primary education is remarkably low. Armed conflict and violence have destroyed an already fragile education system where primary enrollment rates have not improved in 15 years. School buildings have been looted, burned, or destroyed, and qualified teachers have left their towns for the safety of the capital, Bangui. In its 2010 report, the Global Campaign for Education, a network of organizations that includes Save the Children Alliance, CARE International, Oxfam International, Plan International, and VSO International, among others, ranked CAR as one of the ten worst places in the world to be a student, citing chronic under-investment in education. Even before the outbreak of the most recent armed conflict in 2005, social services were virtually non-existent in the north of the country. The education sector serves as a case in point: prior to the conflict, 40 per cent of children in the north were enrolled in school. In 2007, in the middle of the conflict, humanitarian organizations found that only ten per cent of children were still going to school (Humanitarian and Development Partnership Team-HDPT, News Bulletin, June 9-16, 2008). Today, UNICEF estimates that nearly half of all primary school-aged children in CAR are not enrolled in school (OCHA, Consolidated Appeal Mid-Year Review for CAR, July 14, 2010). Girls in particular are victims of ongoing discrimination that impedes their ability to go to school, a violation of their basic rights. Child labor and cultural practices such as early marriage and resulting pregnancies force girls to stay at home to care for young children and conduct household duties. For children who are enrolled in school, the lack of teachers and school materials, including books, is an ongoing obstacle to education. The current ratio for the country is about two books for every nine students, and an average of 90 children per teacher (Afrol News, "UNICEF brings books to CAR," March 17, 2010; Global Campaign for Education, The Worst Places in the World to be a Student, September 2010).

Recommendation n°68: *Further work to improve women's political participation, educational opportunities and status in marriage and to reduce the maternal mortality rate.* (Recommended by Japan)

IRI: *partially implemented*

GAPAFOT response:

Elle reste très faible.

Recommendation n°73: *Take all necessary measures to combat the recruitment and use of children in hostilities, including by releasing children associated with the conflict.* (Recommended by Mexico)

IRI: *partially implemented*

IDMC response:

The Central African armed forces (FACA) no longer recruit or use children in hostilities, and the government has allowed the UN to sign action plans with various rebel groups, including APRD and CPJP, to end the recruitment and use of children. However, the government has yet to take action to end the recruitment of children by self-defense militia. International NGOs, including IDMC and the Watchlist on Children and Armed Conflict, have reported that self-defense militias are backed by local authorities and representatives of the Ministry of Defense, who see them as auxiliaries. While the government has yet to take part in demobilization programs of children from self-defense militias, the Ministry of Defense created a "Comité de pilotage du projet de prevention de recrutement, demobilisation et reintegration

socio-économique des enfants associés aux forces et groupes armés” on 30 May 2011 in order to monitor the work being done by humanitarian organizations. To date, however, the committee has met only a handful of times in the capital Bangui and has asked for updates from humanitarian organizations on their work. Children have also been recruited by self-defense militias in the LRA-affected areas located in the southeast provinces of Mbomou and Haut-Mbonou, but no demobilization programs for these children have been implemented. In addition, the government has not invested in training and equipping its armed forces to provide security for civilians in LRA-affected areas, which would protect children from abduction and recruitment by the LRA, and would also end the need for communities to form self-defense militias.

ACAT response:

Dans les zones de conflits, le recrutement d'enfants soldats continue par les groupes rebelles.

Recommendation n°80: *Take further measures to combat maternal mortality and, among others, give specific follow-up to the recommendation of the Committee on the Rights of the Child concerning availability of free medical assistance to pregnant women.* (Recommended by Netherlands)

IRI: *partially implemented*

ACAT response:

Il existe un cadre de politique nationale sur la santé mais il y a un déficit en personnel et les moyens de travail sont limités.

Recommendation n°98: *Take appropriate action to adopt and amend domestic legislation, including the Penal Code, and effectively implement this legislation to protect children from all forms of violence.* (Recommended by Slovenia)

IRI: *not implemented*

IDMC response:

The Central African Republic developed a national plan of action to protect children from violence and abuse (Politique nationale de protection de l'enfant, 2010). However, this national plan of action has yet to be implemented. Besides child protection provisions in the Constitution (2004), Family Code (1997), Labor Code (1961), Law governing the protection of women against violence (2006), Nationality Code (1961), Penal Code (2010), and Criminal Procedure Code (1962), two other laws govern the protection of children: Law number 63.406 (1963), establishing the nationality of children born from parents who are not married where the mother is Central African (1963), and Law number 02.011 (2002) establishing the Children's Tribunal. The problem in CAR is not the lack of legal norms but the failure to respect and implement them.

Recommendation n°100: *Abolish polygamy and adopt a plan to fight the scourge of female genital mutilation, criminalizing this practice and mobilizing public opinion against it, and adopt measures to reduce violence against women, both rape and domestic violence.* (Recommended by Spain)

IRI: *not implemented*

ACAT response:

La polygamie est toujours pratiquée car le code de la famille n'est pas encore révisé malgré la mise en place d'un comité de relecture.

GAPAFOT response:

Seules quelques ONG font des campagnes contre la mutilation génitale des femmes.

Recommendation n°102: *Speed up measures to ensure reintegration into the community of minors giving up their weapons, making it possible to comply with the agreements undertaken by the Government and the Union of Democratic Forces for Unity with the United Nations. and conclude and implement these agreements in the case of other remaining irregular forces. (Recommended by Spain)*

IRI: *not implemented*

IDMC response:

See response to recommendation n°74.

Recommendation n°103: *Prohibit female genital mutilation and take further steps to prevent and address the occurrence of female genital mutilation. (Recommended by Sweden)*

IRI: *partially implemented*

IDMC response:

The Law governing the protection of women against violence (2006) criminalises all forms of female genital mutilation. The problem in CAR is not the lack of legal norms but the failure to respect and implement them.

Recommendation n°115: *Demonstrate firm commitment to preventing the unlawful recruitment of child soldiers by directing the Ministry of the Interior to systematically monitor self defense militias. (Recommended by United States)*

IRI: *partially implemented*

IDMC response:

In the absence of a functioning national security force, the local population in conflict-affected areas in CAR has had no choice but to create community self-defense militias to protect themselves from attacks by armed groups, Zaraguina (criminal gangs), and foreign armed groups like the LRA. The role of the self-defense militias is to patrol their areas and alert the army (Forces Armées Centrafricaines or FACA) if there is danger, but they are not supposed to participate in direct combat. International NGOs, including IDMC and the Watchlist on Children and Armed Conflict, have reported that self-defense militias are backed by local authorities and representatives of the Ministry of Defense, who see them as auxiliaries of the army. While diplomats in Bangui have played down the government support of self-defense militias as negligible because the government does not provide the militias compensation or weapons, international NGOs have gathered evidence that the government is not only encouraging the creation of these groups, it is also attributing titles and name badges to them, and providing them with ammunition for their homemade hunting weapons, which they use to defend themselves. This is the case of the Self-Defense Group in Bozoum, whose management committee received name badges from the sous-préfet of the region. The President of the Self-Defense Group in Obo affirmed that his group was visited by high-ranking officials from the

Ministry of Defense and was given ammunition for their hunting weapons and materials for conducting night patrols, including flashlights, coffee, and sugar. In President Bozizé's 2010 speech in Obo celebrating World Food Day, he praised the bravery of the local self-defense militia and encouraged them to continue the work of defending their communities from attacks by the LRA. Self-defense militias are listed in the 2010 UN Secretary-General's annual report on children and armed conflict as groups that recruit or use children in violation of relevant international law. The fact that self-defense militias are operating in a region already saturated with arms only intensifies the protection problems already facing civilians. The recruitment of children by community self-defense militias is only one problem; another is that self-defense militias have the potential to become parties to the conflict if there is renewed fighting between FACA and armed opposition groups. Also, self-defense militias are operating outside of the law as both the constitution and the penal code of the Central Africa Republic contain provisions that criminalize the activities of self-defense militias as well as the fabrication of homemade weapons (see Articles 12 and 61 of the 2006 Constitution, and Articles 97, 259, 264, and 265 of the 2010 Penal Code). As of February 2012, humanitarian organizations working in CAR have begun implementing programs for the demobilization of children from community self-defense militias in the northwest provinces of Ouham and Ouham-Pendé, where the UN and international NGOs have identified more than 2000 children within the ranks of such groups. While the government has yet to take part in these programs, the Ministry of Defense created a "Comité de pilotage du projet de prévention de recrutement, démobilisation et réintégration socio-économique des enfants associés aux forces et groupes armés" on 30 May 2011 in order to monitor children's DDR by humanitarian organizations. To date, the committee has met only a handful of times in the capital Bangui and has requested updates from humanitarian organizations on their work. While children have also been recruited by self-defense militias in the LRA-affected areas located in the southeast provinces of Mbomou and Haut-Mbonou, no demobilization programs for children have been implemented in these provinces.

Other

Recommendation n°2: As recommended by CRC, solicit and receive technical and financial assistance from the international community, particularly from United Nations bodies and programmes, to give tangible form to various sections of the poverty reduction strategy paper, especially restoration of security, consolidation of peace and prevention of conflict, promotion of good governance, reconstruction of the economy and diversification and development of human capital. (Recommended by Algeria)

IRI: not implemented

ACAT response:

Rien n'a été fait dans ce sens

Recommendation n°3: Avail itself of technical assistance offered by OHCHR to submit its overdue reports. (Recommended by Algeria)

IRI: -

ACAT response:

Les rapports ne sont jamais présentés dans les délais.

Recommendation n°5: *Take all possible measures to ensure respect and promotion of international human rights law, international humanitarian law and international refugee law. (Recommended by Argentina)*

IRI: *partially implemented*

ACAT response:

Le gouvernement et le HCR font des efforts dans ce sens en dépit de certains éléments de l'armée régulière et des mouvements rebelles tant nationaux qu'étrangers.

Recommendation n°8: *Adapt internal legislation to international standards regarding national human rights institutions, including the Paris Principles. (Recommended by Argentina)*

IRI: *not implemented*

IDMC response:

The government created the National Human Rights Commission in November 2006 with a mandate to promote and protect the rights of vulnerable groups. However, the Commission is not independent and is believed to be under-resourced and unable to carry out human rights functions effectively. After the Human Rights Council review in May 2009 of the human rights situation in CAR, the government made commitments to strengthen the National Human Rights Commission by allocating adequate funding, and by making the necessary changes to its statute and mandate to bring it into line with the Principles Relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles); and to adopt a National Plan of Action on Human Rights by the end of 2010. However, both commitments are far behind schedule and have yet to be implemented.

ACAT response:

Le projet de loi portant réhabilitation de Commission Nationale des droits de l'homme est toujours en souffrance devant les organes de l'Etat et n'est même pas déposé devant l'Assemblée Nationale.

GAPAFOT response:

Le code pénal et le Code de procédure pénale sont révisés

Recommendation n°12: *Implement the Guiding Principles on Internal Displacement, enact a national law on internal displacement with provisions for protecting displaced children, effectively address the basic needs of persons affected by internal displacement, and take every measure to ensure the protection of civilians. (Recommended by Austria)*

IRI: *not implemented*

IDMC response:

The Central African Republic has signed and ratified the Pact on Security, Stability and Development in Africa's Great Lakes Region (Great Lakes Pact) and the Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), two binding regional instruments that protect the rights

of internally displaced persons (IDPs). However, the government has yet to enact national legislation to protect IDPs. A draft law for the protection of IDPs has not yet been reviewed by the Central African parliament. Article 6 of the Great Lakes Pact's Protocol on Protection and Assistance to IDPs commits member states not only to enact national legislation to implement the Guiding Principles into domestic law, but also to create a practical implementation framework. States have different ways of introducing international law into their national legal systems. Under Article 72 of the Central African Constitution (2004), the provisions of any international instrument ratified by CAR become binding and have precedence over national laws. This constitutional provision will make the enactment of a national law on internal displacement much easier to achieve. By incorporating the Guiding Principles into national law, CAR would be creating an explicit framework for implementing its legally binding international obligations to protect and assist IDPs.

ACAT response:

Des efforts sont faits par le gouvernement pour la mise en œuvre de cette recommandation mais les moyens n'accompagnent pas.

Recommendation n°23: *With the support of the international community, further strengthen the national security forces and law enforcement agencies through various capacity-building measures. (Recommended by Bangladesh)*

IRI: *partially implemented*

ACAT response:

Dans le cadre de la réforme du secteur de sécurité, des résolutions ont été prises et sont appliquées avec l'aide des partenaires dans les zones qui ne sont pas occupées.

Recommendation n°27: *Progressively accomplish human rights goals as set forth in Human Rights Council resolution 9-12, in particular increased cooperation with all mechanisms of the United Nations human rights system, including special procedures and treaty bodies. (Recommended by Brazil)*

IRI: *not implemented*

ACAT response:

La coopération est timide

GAPAFOT response:

Il n'existe pas de stratégie nationale en la matière.

Recommendation n°30: *Continue its efforts to ensure human rights, despite the variety of real constraints facing it, with the support of OHCHR and the whole international community. (Recommended by Burkina Faso)*

IRI: *partially implemented*

GAPAFOT response:

Les ressources mises à la disposition du pays restent faibles.

Recommendation n°31: *Take measures as necessary to ensure free circulation of humanitarian workers so that they may access refugees and displaced persons.* (Recommended by Canada)

IRI: *partially implemented*

ACAT response:

Les travailleurs humanitaires circulent facilement et coopèrent aussi bien avec les forces gouvernementales que les rebelles, en dépit de quelques dérapages constatés du côté des groupes rebelles qui saisissent les biens des ONG humanitaires.

Recommendation n°36: *Ask for further support from the international community to improve its human rights situation through technical assistance as appropriate.* (Recommended by Chad)

IRI: *not implemented*

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Recommendation n°59: *Seek technical assistance in various areas from the international community, particularly OHCHR.* (Recommended by Gabon)

IRI: *not implemented*

GAPAFOT response:

Le pays n'a pas formulé un document dans ce sens.

Recommendation n°37: *Seek from the international community, and especially from United Nations programmes and agencies, support for strengthening or, if not already available, for creating capacity-building and technical assistance programmes, especially in the areas of human rights education, child labour, security, assistance to families and communities in fighting the effects of poverty and HIV-AIDS, education and juvenile justice.* (Recommended by Cote d'Ivoire)

IRI: *not implemented*

ACAT response:

Cette politique reste dans les déclarations de bonnes intentions mais non traduits dans les faits.

GAPAFOT response:

Le pays n'a pas formulé un document dans ce sens.

Recommendation n°45: *Give tangible form to its wish to refurbish the National Human Rights Commission.* (Recommended by Democratic Republic of Congo)

IRI: *not implemented*

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Recommendation n°62: *Speed up its efforts to ensure the proper functioning of the National Human Rights Commission in accordance with the Paris Principles.* (Recommended by Ghana)

IRI: *not implemented*

IDMC response:

The government created the National Human Rights Commission in November 2006 with a mandate to promote and protect the rights of vulnerable groups. However, the Commission is not independent and is believed to be under-resourced and unable to carry out human rights functions effectively. After the Human Rights Council review in

May 2009 of the human rights situation in CAR, the government made commitments to strengthen the National Human Rights Commission by allocating adequate funding, and by making the necessary changes to its statute and mandate to bring it into line with the Principles Relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles); and to adopt a National Plan of Action on Human Rights by the end of 2010. However, both commitments are far behind schedule and have yet to be implemented.

ACAT response:

Malgré l'appui technique et financier du Bureau intégré des Nations Unies, cette Commission Nationale des droits de l'homme n'est pas réhabilitée

GAPAFOT response:

La Commission fonctionne au ralenti.

Recommendation n°48: Seek technical and financial support from the international community to achieve the MDGs and overcome its economic difficulties exacerbated by the current financial crisis. (Recommended by Djibouti)

IRI: partially implemented

ACAT response:

L'Etat vient d'élaborer le Document de Stratégie de Réduction contre la Pauvreté 2e génération et il reste l'application et la prise en compte des besoins de la population.

GAPAFOT response:

Les ressources mobilisées pour la mise en œuvre du DSRP I sont faible et plus d'un an après la table ronde sur le DSRP II les projets retenus ne sont pas mis en œuvre faute de ressources.

Recommendation n°49: Continue efforts to promote all universally agreed human rights and fundamental freedoms. (Recommended by Egypt)

IRI: not implemented

ACAT response:

Il y a encore dans le pays des entraves à la liberté d'aller et venir et des violations des droits de l'homme subsistent encore par des arrestations arbitraires, des bavures policières et des cas de tortures dans les prisons

Recommendation n°77: Ask the international community for assistance to strengthen its capacity, thereby supporting it in its actions, particularly to attain the MDGs. (Recommended by Morocco)

IRI: -

GAPAFOT response:

La mobilisation des ressources pour la mise en œuvre des projets reste problème majeure du Gouvernement centrafricain

Recommendation n°79: Take as soon as possible the necessary measures to safeguard the rights of internally displaced persons and refugees, ensure the protection of the civilian population in accordance with international standards and give follow-up to the specific recommendations in this regard of the Human Rights

Committee and the Representative of the Secretary-General on human rights of internally displaced persons. (Recommended by Netherlands)

IRI: *not implemented*

IDMC response:

The Central African Republic has signed and ratified the Pact on Security, Stability and Development in Africa's Great Lakes Region (Great Lakes Pact) and the Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), two binding regional instruments that protect the rights of internally displaced persons (IDPs). However, the government has yet to enact national legislation to protect IDPs. A draft law for the protection of IDPs has not yet been reviewed by the Central African parliament. Article 6 of the Great Lakes Pact's Protocol on Protection and Assistance to IDPs commits member states not only to enact national legislation to implement the Guiding Principles into domestic law, but also to create a practical implementation framework. States have different ways of introducing international law into their national legal systems. Under Article 72 of the Central African Constitution (2004), the provisions of any international instrument ratified by CAR become binding and have precedence over national laws. This constitutional provision will make the enactment of a national law on internal displacement much easier to achieve. By incorporating the Guiding Principles into national law, CAR would be creating an explicit framework for implementing its legally binding international obligations to protect and assist IDPs.

Recommendation n°94: Seek technical and financial support from the international community so that efforts undertaken for good governance are not compromised. (Recommended by Republic of Congo)

IRI: -

ACAT response:

Il y a un problème de gouvernance sur tous les plans et le coût de la vie ne permet pas à la population de vivre au seuil de la pauvreté fixé à un dollar par personne et par jour.

Recommendation n°101: Establish a national commission for human rights, with sufficient guarantees of independence and adequate material and human resources, which would work in close cooperation with the United Nations. (Recommended by Spain)

IRI: *not implemented*

IDMC response:

The government created the National Human Rights Commission in November 2006 with a mandate to promote and protect the rights of vulnerable groups. However, the Commission is not independent and is believed to be under-resourced and unable to carry out human rights functions effectively. After the Human Rights Council review in May 2009 of the human rights situation in CAR, the government made commitments to strengthen the National Human Rights Commission by allocating adequate funding, and by making the necessary changes to its statute and mandate to bring it into line with the Principles Relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles); and to adopt a National Plan of Action on Human Rights by the end of 2010. However, both commitments are far behind schedule and have yet to be implemented.

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the

recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

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