



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

Distr.: General  
21 February 2013  
English  
Original: French

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**Committee on the Elimination of  
Discrimination against Women**

**Consideration of reports submitted by States  
parties under Article 18 of the Convention on the  
Elimination of All Forms of Discrimination  
against Women**

**Combined initial and second to fifth periodic reports**

**Central African Republic\***

[26 June 2012]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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## Abbreviations

<b>ACABEF</b>	Central African Association for Family Well-being
<b>ACAT</b>	Action by Christians for the Abolition of Torture
<b>ACLV</b>	Central African Association against Violence
<b>AFCLA</b>	Central African Women's Association against Violence
<b>AFJC</b>	Association of Central African Women Jurists
<b>ART</b>	Antiretroviral therapy
<b>ASSOMESCA</b>	Association for Medical Work by Churches for Health in Central Africa
<b>AVIMUT</b>	Association of Victims of Mutiny
<b>BEAC</b>	Bank of Central African States
<b>BONUCA</b>	United Nations Peace-building Support Office in the Central African Republic
<b>CBO</b>	Community-based organization
<b>CEDAW</b>	Convention on Elimination of All Forms of Discrimination against Women
<b>CIAF</b>	Inter-African Committee on Violence against Women
<b>CIFAD</b>	International Committee of African Women for Development
<b>CISJEU</b>	Information Centre on Young People's Sexuality
<b>CNJFV+</b>	National Congress of Young Women living with HIV/AIDS
<b>CNLS</b>	National Committee for AIDS Control
<b>CNSS</b>	National Social Security Fund
<b>COOPI</b>	Cooperazione Internazionale
<b>CORDAID</b>	Catholic Organisation for Relief & Development Aid
<b>CSU</b>	Urban health centre
<b>DGPF</b>	Directorate-General for the Promotion of Women
<b>DPT</b>	Diphtheria, pertussis, tetanus (vaccine)
<b>DSRP</b>	Poverty Reduction Strategy Document
<b>EDS</b>	Demographic and Health Survey
<b>ENS</b>	Teachers Training College
<b>FACSS</b>	Faculty of Health Sciences
<b>FAO</b>	Food and Agriculture Organization of the United Nations
<b>FDSE</b>	Faculty of Law and Economics
<b>FLE</b>	Family life education
<b>FLSH</b>	Faculty of Arts

<b>FOSA</b>	Health unit
<b>FS</b>	Faculty of Science
<b>GAVI</b>	Global Alliance for Vaccines and Immunization
<b>GDP</b>	Gross domestic product
<b>GNP</b>	Gross national product
<b>HEGC</b>	School of Management Accounting
<b>ICASEES</b>	Central African Institute of Statistics and Economic and Social Studies
<b>ICPD</b>	International Conference on Population and Development
<b>ICRC</b>	International Committee of the Red Cross
<b>IEC</b>	Information, education, communication
<b>IMMS</b>	Specialist Trades Institute
<b>IRC</b>	International Rescue Committee
<b>ISDR</b>	Higher Institute of Rural Development
<b>IST</b>	Higher Institute of Technology
<b>IUGE</b>	University Institute of Business Management
<b>LCDH</b>	Central African Human Rights Leagues
<b>MDDH</b>	Movement for the Defence of Human Rights
<b>MDG</b>	Millennium Development Goal
<b>MESAN</b>	Movement for the Social Evolution of Black Africa
<b>MICS</b>	Multiple indicator cluster survey
<b>MSF</b>	Médecins Sans Frontières
<b>NGO</b>	Nongovernmental organization
<b> OCDH</b>	Central African Human Rights Observatory
<b>OCHA</b>	Office for the Coordination of Humanitarian Affairs
<b>OCODEFAD</b>	Organization for the Support and Development of Families in Distress
<b>OFCA</b>	Organization of Central African Women
<b>ONC</b>	National Body for Concerted Action
<b>OPV</b>	Oral poliovaccine
<b>PIS</b>	Interim Health Plan
<b>PLWHA</b>	People living with HIV/AIDS
<b>PNDS</b>	National Health Development Plan
<b>PNDS</b>	National Health Development Plan
<b>PNPEE</b>	National Policy for Promotion of Equality and Equity
<b>PNPF</b>	National Policy for the Advancement of Women
<b>PRSD</b>	Poverty Reduction Strategy Document

<b>PTPE</b>	Mother-to-child transmission prevention
<b>RCED/VIH</b>	Central African Network on Ethics, the Law and HIV/AIDS
<b>RESEN</b>	Status Report on the National Education System
<b>RGPH</b>	General Census of the Population and Housing
<b>RH</b>	Reproductive health
<b>RS</b>	Health region
<b>TT</b>	Tetanus toxoid
<b>UNAIDS</b>	Joint United Nations Programme on HIV/AIDS
<b>UNDP</b>	United Nations Development Programme
<b>UNFPA</b>	United Nations Population Fund
<b>UNHCR</b>	Office of the United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>UNIFEM</b>	United Nations Development Fund for Women
<b>WFP</b>	World Food Programme
<b>WHO</b>	World Health Organization

## I. Introduction

1. The Universal Declaration of Human Rights of 10 December 1948 affirms, in article 1, that all human beings are equal in dignity and rights. However, women have continued to be subject to all kinds of discrimination. The General Assembly of the United Nations accordingly decided to engage the international community in efforts for the advancement of women by adopting, through its resolution 34/180 of 18 December 1979, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which entered into force on 3 December 1981.
2. Under article 18 of the Convention, all countries that have ratified it undertake to submit, within two years, an initial report on all the legislative, judicial, administrative, social and economic measures that they have adopted to promote women, and periodic reports every four years on the progress made in this respect.
3. The Central African Republic ratified the Convention without reservation on 12 July 1991, i.e. 10 years after its entry into force. Unfortunately, to date it has not submitted a report to the Secretary-General of the United Nations, for a number of reasons.
4. The social and political turmoil in the early 1990s linked to demands for democracy, followed by the recurrent military and political events experienced by the country since 1996, have prevented it from complying with the deadlines for producing the initial report and the various periodic reports as laid down in article 18 of the Convention. Successive initiatives taken by the Government to draw up a national report in 1996, 2002, 2006 and 2008 were not successful.
5. The Government of the Central African Republic, determined to honour the commitment it has made to the Committee to eliminate discrimination against women, and building on the reconciliation that has occurred as a result of the Inclusive Political Dialogue, has now commissioned a team of national consultants to draw up the present report, which covers the period from 1991 to 2009.
6. The team of national experts consisted of two lawyers and two sociologists. In their work, they followed the general guidelines laid down by the Committee on the Elimination of Discrimination against Women and cooperated closely with the Committee, thanks to financial support from the United Nations Population Fund (UNFPA).
7. In drawing up the present report, the team took account of the need for extensive involvement of and cooperation with the various actors engaged in promoting human rights. Their work therefore included consultations with central and decentralized public authorities, civil society in the form of national and international nongovernmental organizations (NGOs), international organizations and the general public.
8. The methodology used for data collection included documentary research, personal interviews, group discussions and field trips to rural areas, as well as visits to selected regions of the country, both those affected and spared by conflict.
9. The whole process concluded with a validation workshop attended by all the partners involved.
10. The present report consists of two parts:
  - Part 1, a general presentation of the Central African Republic;
  - Part 2, information concerning the substantive articles of the Convention (arts. 1 to 16).

## II. Part 1

### Presentation of the Central African Republic

#### A. General data on the Central African Republic

##### 1. Geography

11. The Central African Republic is located between 2°13' and 11°01' North latitude and between 14°25' and 27°27' East longitude. Covering an area of 623,000 km<sup>2</sup>, it is a landlocked country in the heart of the African continent, 1,800 km from Port Sudan on the Red Sea, 2,800 km from Tripoli on the Mediterranean Sea, 1,000 km from Douala and 1,600 km from the port of Pointe-Noire in the Republic of the Congo, on the Atlantic Ocean.

12. The Central African Republic is bordered to the north by Chad, to the south by the Democratic Republic of Congo and the Republic of the Congo, to the east by Sudan and to the west by Cameroon.

##### Climate and vegetation

13. The country has five climate zones and four types of vegetation:

- A Guinean forest climate covers the south-west and south-east of the country, with nine months of rainy season and three months of dry season;
- A Sudano-Guinean climate covers a band of the country running from west (Baboua, on the border with Cameroon) to east (Yalinga); it is characterized by six months of rainy season and three months of dry season;
- A Sudano-Sahelian climate stretches north of the band mentioned above. Here the dry season is longer than rainy season;
- The wettest regions are on the northern edge of the Congolese forest basin and on the Yadé massif, with heavy rainfall (more than 1,600 mm per year);
- The driest regions are in the extreme north-east of the country (average 800 mm of rain per year).
- Vegetation is characterized by:
  - Dense humid or tropical rainforest, concentrated in the south-west of the country;
  - Dense semi-deciduous tropical forest, which makes up the most extensive type of forest in the Central African Republic;
  - Savannah, covering part of the country and taking several forms (wooded, bushy and grass savannah) lying in more or less parallel bands from south to north;
  - Steppe land in the extreme north of the country, influenced by the length of the dry season.

##### Relief and hydrography

14. The relief of the country is characterized by a raised central section, the “backbone” of the Central African Republic, with a mountainous area at each end: the Dar Challa



massif (Mount Toussoro, 1,330 m) in the north-east and the Yadé massif in the north-west, where Mount Ngaoui, the highest point in the country, at 1,410 m, lies on the border with Cameroon.<sup>1</sup>

15. The drainage system of the Central African Republic consists of:

- The Ubangi in the south, formed by the Mbomou and the Ouélé, together with numerous local tributaries, which flows into the River Congo and forms the border with the Democratic Republic of the Congo;
- The Chari, whose source is the rivers Bamingui, Gribingui and Ouham and which flows north towards Chad and feeds into Lake Chad.

## 2. Population

### Sociodemographic indicators

16. The population of the Central African Republic has been growing at an increasing rate, in relative terms. In 1960, when the country became independent, it had a population of 1,423,000. This figure rose to 2,056,000 in 1975 and to 2,688,426 in 1988. According to the most recent general census of the population and housing in 2003 (RGPH03), it had reached 3,895,139 inhabitants.<sup>2</sup> The population growth rate is 2.5 per cent, which means that the population is doubling every 28 years. Women make up 50.2 per cent of the population and men 49.8 per cent. The population is extremely young and predominantly rural:

- 43.3 per cent are under 15 years of age;
- 54.1 per cent are between 15 and 64 years;
- 2.6 per cent are aged 65 years or more;
- 62.1 per cent live in rural areas (50.4 per cent women, 49.6 per cent men);
- 37.9 per cent live in urban zones (49.9 per cent women, 50.1 per cent men).

17. The average population density is 6.3 inhabitants per km<sup>2</sup>, with uneven geographical distribution. The prefectures of Basse Kotto in the south-east and Ouham Péné in the north-west are the most densely populated, with figures of 14.2 and 13.8 inhabitants per km<sup>2</sup>, respectively. The least populated prefectures are Bamingui Bangoran (0.7 inhabitants per km<sup>2</sup>) and Upper Mbomou (1 inhabitant per km<sup>2</sup>).

18. The Central African Republic has a total of 646,533 private households; their average size has remained largely unchanged, increasing from 4.7 people in 1988 to 4.9 people in 2003. A total of 519,166 households (80.3 per cent) are headed by men, while 127,367 households (19.7 per cent) are headed by women. The proportion of households headed by women is slightly higher in urban zones (24.3 per cent) than in rural areas (17.4 per cent).

19. The country has a high fertility rate, with two main features: early and late fertility. RGPH03 data show that on average a woman in the Central African Republic gives birth to 5.1 children by the end of her reproductive life. The fertility rate is slightly higher in rural areas (5.4 children per women) than in urban zones (4.7 children per woman). Overall, the fertility rate has remained stable over the past ten years. The crude birth rate in the Central African Republic was estimated to be 39.1 per cent in 2003 (38.2 per cent in urban zones, 39.3 per cent in rural areas).

<sup>1</sup> Atlas de la République Centrafricaine (Kinshasa, Enfance et Paix, 2008).

<sup>2</sup> General census of the population and housing (RGPH) 2003.

20. With regard to infertility, 10.2 per cent of women are childless at the end of their childbearing age. The infertility rate is higher in rural areas (11 per cent) than in urban zones (8.7 per cent)<sup>3</sup>. It varies markedly between prefectures: the worst affected prefecture is Upper Mbomou in the far east of the country, where one woman in four (24.4 per cent) is infertile.

21. The mortality rate in the population as a whole rose from 17 per thousand in 1988 to 20.4 per thousand in 2003. The rate is higher in males (22 per thousand) than in females (17 per thousand). This high mortality rate brought down life expectancy in the Central African Republic from 49 years in 1988 to 43 years in 2003, ranging from 40 years for men to 46 years for women.

22. The infant and child death rate is extremely worrying. It rose successively from 157 per thousand in 1995<sup>4</sup> to 194 per thousand in 2000<sup>5</sup> and to 220 per thousand in 2003, with very unequal distribution by place of residence (188 per thousand in urban zones and 228 per thousand in rural areas). However, government action with the support of bilateral and multilateral partners brought the rate down to 176 per thousand in 2006.<sup>6</sup>

23. The maternal mortality rate rose from 683 per 100,000 live births in 1988 to 948 per 100,000 live births in 1995 before reaching a record figure of 1,355 per 100,000 live births in 2003.

24. With regard to marriage, the following features are evident:

- Men almost always choose women younger than them (the age difference between spouses varies from 5 to 10.3 years);
- Early entry into marriage, especially among girls (12 years);
- The practice of polygamy, affecting some 13 per cent of men (polygamists) and 20 per cent of women (co-wives), shows considerable variations, notably depending on membership of ethnic group and religious denomination, although it has been declining since 1988.

### **Sociocultural characteristics**

#### **Ethnic groups**

25. The Central African Republic is a “mosaic” of about a hundred ethnic groups, which may be classified in 10 major groupings:

- Gbaya: 28.8 per cent;
- Banda: 22.9 per cent;
- Mandja: 9.9 per cent;
- Ngbaka-Bantu: 7.9 per cent;
- Sara: 7.9 per cent;
- Peulh Arabs: 6.0 per cent;
- Mboum: 6.0 per cent;
- Ngbandi: 5.5 per cent;

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<sup>3</sup> RGPH 2003.

<sup>4</sup> Demographic and health survey (EDS) 1995.

<sup>5</sup> Multiple indicator cluster survey (MICS) 2000.

<sup>6</sup> MICS 2006.

- Zandé-Nzakara: 3.0 per cent;
- Other local ethnic groups: 2.0 per cent.

### **Languages**

26. Apart from the dialects spoken within ethnic groups, there is one national language in the Central African Republic, Sango. This is spoken by 87.5 per cent of the population and was given the status of an official language (together with French) in 1991.

### **Religion**

27. RGPH 2003 found that there are three major religious movements in the Central African Republic

- Christianity: 80.3 per cent (Protestants 51.4 per cent and Catholics 28.9 per cent);
- Islam: 10.1 per cent;
- Other religions (sects, animism): 4.5 per cent.

## **3. Economic situation**

28. The economy of the Central African Republic is based on agriculture and the exploitation of natural resources. The primary sector predominates over the others (secondary and tertiary).

### **Primary sector**

#### *Agriculture*

29. The agricultural potential of the Central African Republic is estimated at some 15 million hectares, of which only 600,000–700,000 hectares are cultivated each year. Agriculture continues to be the predominant economic activity. It accounts for 45 per cent of gross domestic product (GDP) and provides employment and incomes for more than 95 per cent of the rural population.<sup>7</sup> Two crop types are cultivated in a rudimentary way: food crops and cash crops.

30. Of the many different food crops, cassava (manioc), the main staple food, is the predominant one, accounting for 40 per cent of the cultivated land and 70 per cent of agricultural production by volume. Other food crops are groundnuts, maize (corn), rice, sesame, marrows, millet and sorghum. Food crops made up 55 per cent of agricultural GDP in 2003.<sup>8</sup>

31. Cash crops (coffee, cotton, sugar and palm oil) are regularly subject to the adverse effects of global price fluctuations. Falling outputs and yields for all types of agricultural production affect the level of exports, which have been decreasing for more than ten years (from 22.3 per cent in 1993 to 6.5 per cent in 2003).

#### *Livestock farming*

32. Cattle raising, carried out using traditional practices by some 25,000 herders, is one of the key sectors of the economy of the Central African Republic. This activity has been severely disrupted, however, in the past few years by Mbororo herders and their herds of cattle fleeing to neighbouring countries as a result of serious security problems in the

<sup>7</sup> Rural Sector Development Strategy Document (DSDSR) 2007.

<sup>8</sup> Central African Republic Trade Policy Document, 2007.

hinterland. Meat from livestock farming and hunting currently constitutes the population's main source of animal protein. Under normal conditions, average annual meat consumption is between 15 kg and 18 kg per person.

33. In addition to cattle, small livestock (sheep, goats, pigs and chicken) are also raised. Production of cattle and small livestock accounted for 22 per cent of agricultural GDP in 2003.

#### *Forestry*

34. The Central African Republic has 5.4 million hectares of useable forests, almost all of which are Government-owned. There are two main forest zones: in the south-west of the country, where 3.8 million hectares are almost fully exploited (either under concession or as nature reserves), and in the south-east, where the Bangassou forest (1.6 million hectares) is not exploited, owing to its inaccessibility.

35. Through export duties and timber royalties, forestry represents a source of considerable tax revenues (accounting for approximately one quarter of all tax revenues excluding grants). However, the forestry sub-sector was badly affected by the 2009 financial crisis, which led to the closure of a number of logging companies.

### **Secondary sector**

#### *Mining*

36. The Central African Republic is rich in numerous mineral resources, most of which remain underexploited. Diamonds, gold, uranium, iron and calcium are found in the country. The mining sector is still characterized by small-scale production of diamonds and gold, providing around 100,000 jobs for artisans and mineworkers. Almost the whole output is exported, and diamond exports have remained relatively stable for many years, at between 400,000 and 500,000 carats per year.

37. Exploration work carried out by the mining company URAMIN from 2006 to date has revealed reserves of 23,000 tonnes of uranium, and this work is currently continuing under licence, in the hope of finding more reserves. The results are promising and could lead to a mining operation in 2010.<sup>9</sup>

#### *Manufacturing*

38. Manufacturing activity in the Central Africa Republic continues to be carried out on a modest scale, owing to the adverse effects of the social and political unrest that the country has been experiencing for more than ten years. The manufacturing sub-sector is mainly made up of agri-food industries (brewing, sugar refining, oil milling, tobacco), timber processing industries (sawmills) and industries for the production of common consumer goods (soap and mineral water). Output is solely for local consumption. The weakness of the sub-sector is due to a number of constraints:

- A lack of investment;
- The small size of the national market;
- A lack of qualified workers;

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<sup>9</sup> Working document, International Monetary Fund mission, Permanent Technical Committee for Structural Adjustment Program, 2009.

- A heavy tax burden;
- The country's landlocked location.

#### *Electricity and water*

39. The energy potential of the Central African Republic is underdeveloped owing to the large size of the country and its low population density, the repercussions of a decade of social and political unrest on network infrastructures, and the poor performance of ENERCA (Energie Centrafricaine), the responsible body.

40. In view of the inadequate services offered by ENERCA, a new electricity code was issued in 2005, under which the generation, transport, import, export, distribution and sale of electricity are open to competition.

41. The water company SODECA (Société de Distribution d'Eau Centrafricaine) supplied drinking water to 23 per cent of the population in eight major towns. However, it is faced with outdated installations (technical losses of 50 per cent in 2005) and difficulties in revenue collection.

### **Tertiary sector**

#### *Trade*

##### Domestic trade

42. Domestic trade in the Central African Republic is carried on through traditional markets and modern commercial establishments. Traditional trade occurs in local (daily), regional (weekly) and interregional (monthly) markets.

43. Distribution circuits channel food products and handicrafts from family production in rural areas to the main centres of consumption. These commercial activities are largely run by women.

44. Modern commercial establishments, on the other hand, monopolize almost all activities related to the import and distribution of goods. Several categories of establishment are found:

- Shops run by foreigners of African origin;
- Companies incorporated in the Central African Republic;
- Establishments operated by people from the Middle East and Asia (Lebanese, Syrians, Yemeni and Chinese).

##### Foreign trade

45. In general, the balance of trade is in deficit, owing to the high value of imports compared to exports. This situation can be explained both by falls in the volume of the main export products (notably lumber, diamonds and cotton) and by exchange rate effects (depreciation of the United States dollar against the Euro). In addition, import growth can be attributed to increases in the volume of imports of the main everyday consumer products and capital goods, as well as higher import prices owing to transport difficulties.

Table 1  
**Balance of trade, 2006–2009, billion CFA francs**

	2006	2007	2008	2009
Exports	116.4	123.2	102.3	99.23
Imports	169.3	184.5	194.5	208.3
Balance	- 52.9	- 61.3	- 92,2	- 109.07

*Source:* Directorate-General for Policy and Strategy/Permanent Technical Committee for Structural Adjustment Program.

46. Export products are diamonds, gold, coffee, lumber, cotton, tobacco, raw hides, gum arabic and beeswax. Imports include food products, tobacco, textiles, paper and related applications, base metals, chemical products, plastic/rubber/glass, fossil fuels, weapons and munitions, transport equipment, machines and mechanical apparatus, and electrical machines and apparatus.

47. Exports go primarily to countries of the European Union (France, Belgium, etc.) and central Africa (mainly Cameroon).

#### *Telecommunications*

48. The Central African Republic has a conventional telephone service (land lines and telex) provided by a parastatal company, SOCATEL (Société Centrafricaine des Télécommunications), which has a monopoly on supplying telecommunication services; plans to privatize the company are well advanced.

49. Mobile telephony, which is growing rapidly, is well on the way to covering the whole of the country. It is managed by four companies:

- TELECEL, 1996;
- NATIONLINK, 2004;
- Télécom Plus, which became A-CELL, then MOOV, 2005;
- Orange, 2007.

50. The conventional telephone service is finding it difficult to expand, faced with the development of mobile telephony. In 2005, SOCATEL had 9,860 subscribers, compared with 160,000 mobile telephone subscribers.<sup>10</sup>

51. Telephony is controlled by the Telecommunications Regulatory Agency, which is responsible for managing frequencies, awarding licences and collecting fees and other charges related to the various telecommunication services. Mobile telephone companies make a significant contribution to public revenue by paying for operating licences (1,000 million CFA francs (CFAF) per year) and various fees.

#### *Financial institutions*

52. The activity of banks and other financial institutions is regulated by the Bank of Central African States (BEAC) through the Central African Banking Commission (COBAC).

<sup>10</sup> Report on consideration of trade policy in the Central African Republic, 2007.

53. The banking subsector in the Central African Republic comprises four licensed commercial banks:

- ECOBANK (formerly Banque Internationale pour la Centrafrique, BICA);
- CBCA (Commercial Bank Centrafrique, Fotso Group, formerly UBAC);
- BPMC (Banque Populaire Maroco Centrafricaine);
- BISIC (Banque Internationale Sahélo-Saharienne pour l'Investissement et le Commerce).

54. All these banks are located in Bangui, the capital, with the exception of CBCA and ECOBANK, which have branches in three of the country's secondary cities (Berbérati, Bouar and Bambari). Banking institutions offer both national and international fund transfer services, notably Western Union, Money Gram, Transfert Rapide and Express Union.

55. The decentralized financing system is very underdeveloped. There are only a few microfinance structures:

- CMCA (Crédit Mutuel de Centrafrique);
- SOFIA (Société Financière Internationale de Crédit);
- UCACEC (Union Centrafricaine des Caisses d'Épargne et de Crédit);
- CMCC (Caisse Mutuelle des Cifadiennes de Centrafrique).

56. The Central African Republic has two main insurers, UAC (Union des Assureurs Centrafricains) et AGF (Agence Générale Française), now Allianz.

#### **4. Public finances and government debt**

##### **Public finances**

57. The Central African Republic's financial situation is generally characterized by an overall budget deficit. Total revenues rose slightly, however, from CFAF 58.5 billion in 2005 to CFAF 92.5 billion in 2008.<sup>11</sup> Salaries account for a considerable proportion of public expenditure. In 2005, the ratio of the total wage bill to tax revenues was 66.9 per cent. This figure showed a downward trend in the following years, falling to 50.8 per cent in 2006, 43.4 per cent in 2007 and 39.9 per cent in 2008.

##### **Government debt trends**

58. Like all developing countries, the Central African Republic has not escaped the difficulties linked to its debt burden. Despite numerous agreements with the Paris Club to restructure its bilateral debt, the country was still in 2009 in a position where its debt was unsustainable.

59. Government debt has increased steadily in the past ten years, owing to the upward trend in its main component, external debt, which accounts for 87 per cent of the total. The total stock of public debt rose from CFAF 170 billion in 1990 to CFAF 531.4 billion at the end of December 2008.

<sup>11</sup> Source: Bank of Central African States (BEAC).

*Domestic debt*

60. In the period 2001–2008, domestic debt accounted on average for 6.5 per cent of total debt. As part of the ongoing process of stabilizing public finances, the Government has affirmed its determination to find a solution to its debt problem.

61. To that end, an operation was carried out to list and validate domestic arrears incurred before 2005 and from 2005 to 2007. The outcome of that operation was that the total amount of validated domestic government debt was found to be CFAF 117.03 billion. Implementation of the arrears clearance plan will inevitably result in pressure on the government's cash position to service domestic debt.

*Foreign debt*

62. Foreign debt consists of bilateral and multilateral debt. Analysis of the structure of the foreign debt portfolio shows a marked drop in the volume of bilateral debt: from 100 per cent of government debt outstanding in 1982, it had fallen to 31 per cent by 2008 (with multilateral debt accounting for 69 per cent).

63. This fall in outstanding debt is related to the rescheduling exercises agreed with the Paris Club, debt forgiveness granted by certain countries (such as France, Denmark and Norway) and interim relief obtained under the Heavily Indebted Poor Countries (HIPC) initiative in September 2007. In addition, the proportion of creditors that are members of the Paris Club fell to 24 per cent in 2008, as against 76 per cent that are outside the Paris Club.

64. In 2009, outstanding foreign debt was estimated to amount to CFAF 151.5 billion, compared with CFAF 467.8 billion in 2008.

65. The cost of servicing the foreign debt, as a proportion of export earnings from goods and services, was estimated to be 12.4 per cent in 2009, compared with an average of 16 per cent during the period 2005–2008. It took up an estimated 10.1 per cent of domestic revenue in 2009, as against an average of 20.8 per cent in the previous four years.

**5. Development indicators**

66. The Human Development Index for the Central African Republic fell from 0.353 in 2004 to 0.352 in 2008, placing the country in 178<sup>th</sup> position in the global ranking of 179 countries.<sup>12</sup>

- GDP in local currency was CFAF 820.6 billion in 2007;
- GNP per capita was US\$ 754 in 2008.

67. The economic growth rate fell from 4.3 per cent in 2007 to 2.8 per cent in 2008.<sup>13</sup>

68. Prices rose in 2008, with an inflation rate estimated at 9.3 per cent compared with 1 per cent in 2007.

69. The proportion of the population of the Central African Republic living below the poverty line rose from 63 per cent in 1993<sup>14</sup> to 71 per cent in 2003.<sup>15</sup> The poverty rate is 60 per cent in urban zones, compared with 72 per cent in rural areas.

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<sup>12</sup> Human Development Index (New York, United Nations Development Programme, 2008).

<sup>13</sup> Poverty Reduction Strategy Document, report on first year of implementation, March 2009.

<sup>14</sup> "Profile of poverty in the Central African Republic" study report, 1993.

<sup>15</sup> RGPH 2003.



## 6. Social services

### Education and training

70. The capacity of the education system in the Central African Republic has stagnated for more than 10 years: regardless of the level of education, attendance figures have risen only very slightly during this period. This trend runs counter to what is seen in other countries of French-speaking Africa, where attendance figures have increased considerably. Whereas the Central African Republic used to score 10 points higher than other countries, with a school attendance rate of 71 per cent at the start of primary education, it was 10 points lower in 2004/2005, with a rate of 75 per cent.<sup>16</sup> This is due to a combination of factors, including the sociopolitical context of recurrent military and political crises since 1996.

71. In recent years, there has been a marked increase in the private and/or community provision of all levels of education. In Primary 1, more than 40 per cent of the teaching staff are parent/teachers, untrained and paid by the families concerned, often in the poorest areas. In secondary education, 26 per cent of students were in private establishments in 2005/2006, compared with 12 per cent in 1999/2000.

72. The production of human capital is not well aligned with the needs of the national economy, which is mainly based on two sectors. The first, predominantly agricultural and informal, provides the bulk of employment (86 per cent). The second, which may be described as modern, offers relatively little employment (8 per cent in salaried positions and 6 per cent in modern, non-salaried jobs). On the one hand, the agricultural and informal sector needs a literate workforce in order to increase its productivity; on the other, the modern sector requires a far smaller number of people who have received high-quality training. At present, most young people (70 per cent of a cohort) join the traditional (agricultural and informal) sector without being literate, because they have not completed a full cycle of primary education.

73. Conversely, the number of people completing higher education each year is six times greater than the number of management jobs available, thereby exacerbating unemployment and under-employment. Only 25 per cent of graduates from higher education find a management job, while the remainder take up employment for which they are over-qualified (50 per cent) or are unemployed (25 per cent).<sup>17</sup>

### Employment

74. The workforce is estimated at 1,615,329 people (876,852 men and 738,477 women), 71 per cent of whom live in rural areas. This working population is mainly self-employed.<sup>18</sup>

75. The job market has contracted steadily for more than ten years owing to weak economic growth and a lack of security, with adverse effects on labour force participation and a deterioration of the economic fabric. As a result, levels of unemployment remain high, especially among young people. In reality, the unemployment situation is more accurately depicted through the concept of under-employment, which affects most of the workforce.

<sup>16</sup> The education system in the Central African Republic. World Bank No. 144, 2008.

<sup>17</sup> *Idem.*

<sup>18</sup> RGPH 2003.

**Media**

76. Government monopoly of the media ended more than 15 years ago, and several private media concerns are now competing in the marketplace.

77. The 21 radio stations comprise one national broadcaster, eight private radio stations, nine local and community radio stations and three international stations (Radio France Internationale [RFI], the BBC and Africa No. 1).

78. There is one national television channel, which does not cover the whole country, and three cable television companies operated by foreign channels (Sat Com, Star Times and Tropic RTV).<sup>19</sup>

79. A dozen newspapers supply the local market for the written press.

**B. Political and administrative structure****1. Political development of the Central African Republic**

80. The political development of the Central African Republic, formerly called Ubangi-Shari, may be divided into two main periods, colonial and postcolonial.

**Colonial period**

81. The colonial period began when Europeans penetrated Ubangi and French explorers founded a post in Bangui on 26 June 1889. The colony of Ubangi-Shari was established in 1905, and in 1910 it joined Congo, Gabon and Chad to form French Equatorial Africa.

82. In Ubangi-Shari, political development was the result of two related events:

- The establishment of territorial assemblies under the (French) constitution of 1946 and the election of the first member from Ubangi, Barthélémy Boganda;
- The founding by Boganda of the first political party, the Movement for the Social Evolution of Black Africa (MESAN).

Political life in Ubangi-Shari then underwent a period of emancipation with the adoption of the so-called Loi-cadre or framework law in 1956 and the (French) Constitution of 4 October 1958. The Defferre Act gave the territorial assemblies deliberative powers and established the Government Council. Under Article 76, the Constitution of 4 October 1958 gave Ubangi-Shari the possibility of evolving towards independence. With this in view, Boganda, chairman of the Government Council, proclaimed the establishment of the Central African Republic on 1 December 1958. But he had little time to govern: he died in an aircraft accident on 29 March 1959. Independence was thus declared after his death, on 13 August 1960, by his successor, David Dacko.

**Postcolonial period**

83. The postcolonial period is marked by a succession of political regimes.

*1960–1965*

84. **Dacko** immediately proposed to the Legislative Assembly a modification of the Constitution, which was adopted on 17 November 1960. A presidential regime replaced the parliamentary system and MESAN became the sole political party. Dacko, in whom all power was vested, became very authoritarian and, aided by the Steering Committee of

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<sup>19</sup> Higher Council for Communication

MESAN, took a number of unpopular measures, which triggered the end of the regime on New Year's Day 1966, following a coup d'état by Colonel Jean-Bedel Bokassa, Army Chief of Staff.

*1966–1979*

85. On taking power, **Bokassa** dissolved the democratic institutions, suppressed the MESAN Steering Committee and abolished the Constitution. In future, he would exercise all executive and legislative powers, and there would no longer be an independent judiciary. The Central African Republic then oscillated between dictatorship and chaos. Violence became a system of government. Driven by megalomania, he proclaimed himself President for life, then Marshal and, on 4 December 1977, had himself crowned Emperor. In effect, the Constitution that he had had adopted on 4 December 1976 instituted a monarchic parliamentary regime. In 1979, Bokassa was facing an unending series of strikes and student revolts. On 20 September 1979, following the publication of a report by African lawyers on a massacre of children, France organized Operation Barracuda, which installed Dacko in power while Bokassa was out of the country on a State visit to Libya.

*1979–1981*

86. **Dacko** formed a “government of national salvation”, launched a dialogue with the various political movements and had a new constitution drawn up, which established a full multiparty system. He set up his own political party, the Central African Democratic Union (UDC) and, following elections in March 1981, was elected President. The opposition parties strongly contested the results. The third Dacko government did not manage to overcome the social tensions. In order to prevent the country from sinking into civil war, Dacko organized a transfer to power to the army, resulting in the coup d'état of 1 September 1981 by General André Kolingba.

*1981–1993*

87. **Kolingba** set up the Military Committee for National Recovery (CMNR). The Constitution of 5 February 1981 was repealed, the activities of political parties and trade unions were suspended, and executive and legislative powers were concentrated in his hands. A constitutional referendum was held on 26 November 1986, instituting a presidential regime with a single party, the Central African Democratic Rally (CMNR), and a bicameral parliament. Having linked his fate to the Constitution, President Kolingba was duly elected by universal direct suffrage.

88. In 1988, legislative and municipal elections were held throughout the country; the officials elected continued beyond their original mandates. But in 1990 the people of the Central African Republic, inspired by the flame of democracy lit at the La Baule summit (Sixteenth Conference of Heads of State of Africa and France), called in an open letter for a sovereign national conference to be held, like in other African countries. This situation led to three successive revisions of the Constitution, through Constitutional Acts No. 91.001 of 8 March 1991, No. 91.003 of 4 July 1991 and No. 91.013 of 28 August 1991, which restored political liberalization and a multiparty system. From then on, the Central African Republic entered a period of painful democratic transition, characterized by numerous episodes of social and political disorder.

89. It is worth emphasizing that the historic trial of Emperor Jean Bédél Bokassa took place during this period.

*1993–2003*

90. Following the elections organized by his predecessor, **Patasse** was elected and sworn in October 1993, marking a political change with the accession to power of the Central African People's Liberation Movement (MLPC). Political parties and trade unions observed a truce, to allow him to set the economy to rights. He took advantage of the situation to have a new constitution adopted on 14 January 1995, which established a semi-presidential system with a single-chamber parliament and implemented a judicial reform that split the former Supreme Court into three distinct bodies: the Court of Cassation, the Council of State and the Court of Audit.

91. Between 1996 and 1997, however, the Central African Republic experienced three outbreaks of rebellion that had dramatic social, political and economic repercussions. Thanks to African mediation efforts, a conference of national reconciliation held in Bangui resulted in the signing of a national reconciliation pact on 8 March 1998, and an Inter-African Mission to Monitor the Implementation of the Bangui Agreements (MISAB) was set up, later replaced by the United Nations Mission in the Central African Republic (MINURCA) and then by the United Nations Peace-building Support Office in the Central African Republic (BONUCA).

92. Meanwhile, legislative and presidential elections were held and Patasse was re-elected in 1999. A timid resumption of normal political life was shattered, however, by an attempted military coup by the former president, General André Kolingba. The country then entered a period of political instability that reached its peak with the intervention of Congolese troops under Jean-Pierre Bemba. The consequences of this intervention were particularly drastic for women in the Central African Republic: the violence and mass rape committed were deplored by nongovernmental organizations (NGOs) working to protect human rights. In order to cut short this suffering, a political and military coalition led by Major-General François Bozize seized power from Ange Félix Patasse on 15 March 2003.

*Since 2003*

93. On taking power, **Bozize** began by suspending all institutions. During a transition period marked by a national transition council and a national dialogue, he had a multiparty constitution adopted (on 27 December 2004) and organized transparent presidential and legislative elections (in March 2005), which resulted in his election.

94. The continuing military and political disorder led the Government to organize a "national seminar" on security reform in April 2008. In addition, various peace agreements were concluded with political and military movements, notably:

- The peace agreement signed at Sirte, Libya on 1 February 2006 with the Central African People's Democratic Front (FDPC);
- The peace agreement signed at Birao on 1 April 2007 with the Union of Democratic Forces for Unity (UFDR);
- The ceasefire agreement signed at Libreville, Gabon on 9 May 2007 with the People's Army for Restoration of the Republic and Democracy (APRD);
- The global peace agreement signed on 21 June 2008 at Libreville and mediated by the President of Gabon, the late Omar Bongo Odimba, which led to the organization of an inclusive political dialogue with the armed movements, one of the main recommendations of which was disarmament, demobilization and reintegration of ex-combatants.

95. When this report was written, the country was engaged in an electoral process that was due to be completed in 2010.

## 2. Administrative organization

96. The Central African Republic is currently organized into regions, prefectures, subprefectures, communes and villages/neighbourhoods.

97. Regions were set up by Act No. 96.013 of 13 January 1996, as part of a move towards decentralization, with the aim of making them centres of development. There are seven regions, each comprising two or three prefectures. The city of Bangui, the seventh region, has a special status.

98. The regions are:

- Region No. 1, comprising the prefectures of Ombella-Mpoko and Lobaye (administrative centre Bimbo);
- Region No. 2, comprising the prefectures of Nana-Mambere, Mambere-Kadei and Sangha Mbaere (administrative centre Berberati);
- Region No. 3, comprising the prefectures of Ouham and Ouham-Pende (administrative centre Bossangoa);
- Region No. 4, comprising the prefectures of Kemo, Nana-Grebezi and Ouaka (administrative centre Sibut);
- Region No. 5, comprising the prefectures of Upper Kotto, Vakaga and Bamingui-Bangoran (administrative centre Bria);
- Region No. 6, comprising the prefectures of Lower Kotto, Mbomou and Upper Mbomou (administrative centre Bangassou);
- The city of Bangui, consisting of eight districts (arrondissements).

99. These regions are not yet fully operational, owing to a lack of resources.

100. The country has 16 prefectures, 75 subprefectures, 2 administrative control areas, 175 communes and 8,663 villages/neighbourhoods, governed by Ordinance No. 88.005 of 12 February 1988.

101. The country has a policy of decentralization, carried out through the Office of the High Commissioner for Regional and Decentralization Policy attached to the Office of the Prime Minister.

## C. General legal framework for the protection of human rights in the Central African Republic

### 1. Judicial mechanisms for the protection of human rights

102. Article 78 of the Constitution of 27 December 2004 and Act No. 95.010 of 22 December 1995 on the organization of the judiciary provide for justice to be dispensed throughout the country in the name of the people of the Central African Republic by the Court of Cassation, the Council of State, the Court of Audit, and courts and tribunals.

103. The Parliamentary Court of Justice, provided for by the Constitution of 27 December 2004, has not yet been formed and the Court of Conflicts is not yet operational.

104. The justice system in the Central African Republic thus consists of administrative courts and judicial courts.

105. The judicial courts currently include the Court of Cassation, three courts of appeal, one Court of Major Jurisdiction 1st class (with its seat in Bangui), 15 courts of major jurisdiction 2nd class and eight courts of major jurisdiction 3rd class, courts of minor

jurisdiction established by decree of the Council of Ministers, one Commercial Court, one Juvenile Court and one Labour Court. A criminal court is established in each Court of Appeal, with the same seat and the same jurisdiction.

106. The administrative courts comprise the Council of State, the Court of Audit and the Administrative Court in Bangui.

### **Courts of major jurisdiction**

107. Under the provisions of articles 34 and 35 of Act No. 95.010 of 22 December 1995 on the organization of the judiciary, courts of major jurisdiction hear, at first instance, all offences and violations within their jurisdiction and all civil law actions.

108. Courts of minor jurisdiction hear, at first instance, all actions in civil and commercial law that exclusively concern personal goods and property up to a value of CFAF 100,000 (art. 47).

109. Juvenile courts hear crimes and offences attributed to minors of less than 18 years of age (art. 36).

110. Commercial courts hear disputes:

- Concerning undertakings and transactions between distributors, merchants and bankers;
- Between associates in a trading company;
- Concerning trading activities between any persons (art. 38).

111. Labour courts are courts of general jurisdiction in social matters (art. 36).

112. Outside Bangui, the courts of major jurisdiction have their jurisdiction extended to cover social, trade and childhood matters.

113. In all cases, these courts function as first-level appeal courts.

114. Administrative courts deal with administrative cases. They rule on decisions taken by quasi-judicial administrative bodies (art. 52). They function as first-level appeal courts before the Council of State.

### **Courts of appeal**

115. The three courts of appeal that have their jurisdictions at Bangui, Bambari and Bouar have sole competence to hear appeals against all first-instance judgements submitted in accordance with the procedures and time scales laid down. A criminal court is established at the seat of each court of appeal.

116. The Central African Republic is concerned to practise local-level or community justice and adopted a policy to this end in 2000 but lacks the resources (judges and courts) to implement it.

117. For that reason, litigants find it difficult to access the administrative courts: the Council of State, the Court of Audit and the Administrative Court are established only in Bangui. In addition, almost all the presidents of provincial courts of major jurisdiction find it necessary to adopt the practice of holding itinerant courts.

118. Despite the efforts made to decentralize the judiciary, a large proportion of litigants do not have access to justice, a situation attributable to distance, lack of resources and ignorance.

### **Court of minor jurisdiction**

119. Courts of minor jurisdiction, which were formerly presided over by a sub-prefect assisted by a deputy registrar or a government procurator's clerk, have gradually been abolished on grounds of efficiency; only a dozen remain. It has been proposed that some should be raised to the status of courts of major jurisdiction.

## **2. Remedies**

120. When an individual considers that his or her rights have been infringed, he or she must in principle bring a case before the competent authorities. Regardless of whether these are judicial or administrative authorities, the main remedies provided for by the Constitution, the Criminal Code, the Civil Code, the Labour Code, the Family Code and the Civil Service Regulations are as described below.

### **Direct proceedings**

121. The victim of a violation of one of the fundamental rights set forth in the various legal instruments may institute direct proceedings in the competent court to obtain redress or compensation. Depending on the subject matter in question, the courts in operation in the Central African Republic are:

- Courts of major jurisdiction, competent to hear all civil actions;
- The Commercial Court, competent in trade matters;
- The Labour Court, which hears cases of a social nature;
- The Juvenile Court, competent in matters related to serious offences, ordinary offences and minor offences or petty misdemeanours committed by a minor;
- The Police Court, which hears all cases involving petty misdemeanours;
- The Correctional Court, which hears all cases involving ordinary offences;
- The Administrative Court, which settles disputes between civil servants (after all hierarchical remedies have been exhausted) or between individuals and the administration;
- The Criminal Court, which tries all crimes;
- The Permanent Military Court, which tries offences committed by military personnel while performing their official duties or in barracks.

### **Second hearing principle**

122. This is the principle whereby, when a case is tried at first instance by a court and one of the parties is not satisfied with the decision, that party may appeal to a higher court, consisting of several judges, to have the case reexamined in fact and in law by a court of appeal (for cases of an administrative nature, by the Council of State). A party who is dissatisfied with the judgement delivered can apply to the Court of Cassation for its review.

### **Objection of unconstitutionality**

123. Article 73 clause 7 of the Constitution provides that: "Any person who considers that his or her rights have been infringed may bring a case concerning the constitutionality of laws before the Constitutional Court, either directly or by lodging an objection on grounds of unconstitutionality in a court case involving him or her. The Constitutional Court shall give its ruling within one month. In an emergency, this period is reduced to eight days".

### 3. Non-judicial mechanisms

124. Alongside the courts and tribunals, there are various administrative structures and civil society organizations in the Central African Republic charged with ensuring that human rights are respected.

#### **Administrative structures**

125. There are a number of administrative structures, including those described below.

##### *Office of the High Commissioner for Human Rights*

126. Decree No. 01.174 of 30 March 2001 specifies the organization and operation of the Office of the High Commissioner for Human Rights. Under the terms of article 1, one of the tasks of the Office is to oversee and implement Government policy on human rights and to help promote a culture of peace.

127. The article goes on to specify that one of the powers of the Office of the High Commissioner for Human Rights is to make the various strata of the population aware of the importance of respecting citizens' rights and duties, as well as their freedoms, and of the Universal Declaration of Human Rights and the African Charter on Human and People's Rights.

##### *National Human Rights Commission*

128. The National Human Rights Commission, established by Act No. 91.009 of 25 September 1991, replaced by Act No. 96.003 of 10 January 1996, has the functions of:

- Ensuring respect, throughout the country, for fundamental human rights as laid down in the Universal Declaration of Human Rights, the African Charter on Human and People's Rights and the Constitution of the Central African Republic;
- Promoting these rights by all available means ...;
- Pronouncing on any question or draft document affecting human rights.

#### **National Committee to Curb Traditional Practices Harmful to the Health of Women and Girls and Violence against Women**

129. This committee was set up by an interministerial decree in 2001 and brings together representatives of a number of ministerial departments, including those for social affairs, health, home affairs, justice, education, planning and the environment.

130. The Committee is empowered to: (i) collect all data on harmful practices and violence affecting the health of women and girls; (ii) initiate studies and research to shed light on the causes, occurrences and repercussions of such various harmful practices and instances of violence; (iii) list, assess and disseminate all existing legal instruments that protect women and girls against such harmful practices and violence; (iv) make the population aware of, and inform and education them about, such harmful practices and violence; (v) put forward measures designed to eradicate such harmful practices and violence; (vi) condemn all forms of, or attempts to commit, harmful practices or violence on women and girls; (vii) make the population aware of, and inform and education them about, the links between HIV infection/AIDS and certain forms of violence against women and girls; (viii) draw up and carry out a national plan of action against harmful practices and violence against women; (ix) coordinate the efforts of NGOs, community-based organizations and religious faiths to eliminate such practices and violence.

131. The Committee has carried out awareness-raising campaigns in Bangui and certain rural areas where harmful practices are prevalent, and it has decentralized its work by



setting up regional committees and going on to train members of these regional committees, as well as media professionals and artists.

132. A national plan of action against traditional practices harmful to women's health and gender-based violence has been drawn up with the support of the World Health Organization (WHO).

**Committee to monitor implementation of the Convention on the Elimination of all Forms of Discrimination against Women**

133. This committee, set up by Ministerial Decree No. 012 of 13 June 2007, is charged with:

- Monitoring the effective application of the Convention by the Government;
- Building up a database of current information on all actions aimed at implementation of the Convention at national level;
- Supporting initiatives aimed at disseminating and popularizing the provisions of the Convention among the population;
- Drawing up an initial report and regular reports on the implementation of the Convention in the country, for submission by the Government to the Secretary-General of the United Nations;
- Ensuring that reports are in fact transmitted by the Government to the Secretary-General of the United Nations.

**Human rights NGOs**

134. NGOs are involved in defending human rights by raising people's awareness, providing information, defending and giving support to victims, and reporting violations to the competent judicial authorities. These organizations include:

- The Bar Association of the Central African Republic;
- The Central African Human Rights League (LCDH);
- The Association of Central African Women Jurists (AFJC);
- The Organization for the Support and Development of Families in Distress (OCODEFAD);
- The Central African Human Rights Observatory (OCDH);
- Action by Christians for the Abolition of Torture (ACAT);
- The Movement for the Defence of Human Rights (MDDH);
- The Central African Network on Ethics, the Law and HIV/AIDS (RCED/VIH);
- The network of organizations for the promotion and defence of human rights;
- The national branch of the Inter-African Committee on Violence against Women (CIAF-Central African Republic);
- The International Committee of African Women for Development (CIFAD/Central African Republic);
- Privately owned newspapers;
- The Central African Association against Violence (ACLV);
- The Episcopal Justice and Peace Commission.

#### **4. The place of international instruments in the legal system of the Central African Republic**

135. Article 72 of the Constitution of the Central African Republic states that “treaties or agreements lawfully ratified or approved shall, upon publication, take precedence over domestic legislation, provided that those agreements or treaties are reciprocally applied”. As a result of this provision, lawfully ratified and published conventions have legal effect and accordingly acquire binding force in the domestic legal system. International human rights instruments ratified by the Central African Republic are consequently recognized and incorporated in the national legal system through implementing regulations.

136. All the rights recognized in the various international human rights instruments are thus recognized and protected in the Central African Republic and may, in principle, be invoked before the courts and administrative authorities. Admittedly, no international human rights text has yet been invoked in a court in the Central African Republic; this may be explained in part by ignorance of the existence of these rights, lack of a clear recourse procedure, and feelings of mistrust or resignation.

#### **D. Information and publicity**

137. Having ratified the international legal instruments on human rights, the Central African Republic took steps to implement them by adopting national texts, including the Labour Code, the Criminal Code and the Nationality Code, in 1961. Two ordinances were adopted in 1996, one prohibiting the practice of excision and the other promoting the schooling of girls. In addition, the various constitutions that have been adopted and enacted reaffirm the main principle of equality for all before the law. The Family Code, adopted in November 1997, is the core document relative to several aspects of women’s life. The legal “arsenal” thus built up, if it is to be applied, must be known by all. Unfortunately, there are real problems with disseminating and popularizing these texts.

138. An official gazette, established in 1959, is responsible for disseminating official texts, but financial difficulties and problems with organizing and managing this organ have prevented it from appearing regularly, to such an extent that the texts are still almost unknown by the public.

139. Nonetheless, the Family Code, the Convention and Act No. 06.032 on the protection of women against violence have been disseminated increasingly widely. As soon as the Family Code came into force in 1998, action was taken to make it widely known among decision-makers, judges, lawyers and court officials, civil society, social workers and teachers, with the support of development partners including the United Nations (United Nations Development Programme [UNDP], United Nations Peace-building Support Office in the Central African Republic [BONUCA], United Nations Population Fund [UNFPA] and United Nations Children’s Fund [UNICEF]).

140. For the Convention, dissemination activities began in earnest in 1996 with the organization of a national workshop. They were then stepped up through awareness-raising campaigns and workshops held both in Bangui and in the outlying areas, with support from UNDP, UNICEF, UNFPA, BONUCA and the Office for the Coordination of Humanitarian Affairs (OCHA).

141. Act No. 06.032 on the protection of women against violence in the Central African Republic was the subject of immediate and increasing outreach action by the Government and women’s organizations.

142. In general, legal texts on the protection of human rights are disseminated and popularized by the Government and civil society, and in particular by NGOs for the

protection of human rights, trade union organizations and international humanitarian NGOs doing field work in emergency programmes.

143. Despite the efforts being made, the general public and women in particular are very poorly informed about their rights. The outreach services deployed do not cover the whole of the country, because few resources are mobilized. People in rural areas (especially women) remain ill informed, owing to the low literacy rate. There is thus a need to translate the various legal instruments into the national language, Sango, and to find strategies and resources for relaunching work to enhance functional literacy.

### **III. Part 2**

## **Information on articles 1 to 16 of the Convention**

### **Article 1**

#### **Definition of discrimination**

144. For the purposes of the present Convention, “the term ‘discrimination against women’ means any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”.

#### **1. Laws and regulations on non-discrimination against women**

145. The Constitution of the Central African Republic of 27 December 2004 reaffirms, in its preamble, the acceptance by the people of the Central African Republic of the international legal texts listed below:

- The Charter of the United Nations;
- The Universal Declaration of Human Rights of 10 December 1948;
- The international covenants of 16 December 1966, on economic, social and cultural rights and on civil and political rights;
- The African Charter on Human and Peoples’ Rights;
- The Convention on the Elimination of All Forms of Discrimination against Women;
- The Convention on the Rights of the Child, as well as all conventions and international treaties duly ratified by the Central African Republic.

146. Article 5, clause 1 of the same Constitution ensures that “all human beings are equal before the law, without distinction as to race, ethnic origin, region, gender, religion, political affiliation or social position”.

147. Article 5, clause 2 guarantees men and women equal rights in all fields.

148. Article 6, clause 3 protects women and children against violence and insecurity, exploitation and moral, intellectual and physical neglect, and obliges the State and public bodies to provide such protection.

149. Article 7, clause 4 makes schooling compulsory for all girls and boys up to the age of 16 years.

150. Article 61, paragraph 1, clause 2 requires an act to be passed setting the quota for women in decision-making bodies.

151. Article 74, clause 1 provides that “the Constitutional Court shall consist of nine members, at least three of whom shall be women”. The Constitution of the Central African Republic enshrines the equality of men and women before the law.

## **2. Definition of discrimination and positive law in the Central African Republic**

152. No legislative act or legal text in the Central African Republic expressly defines “discrimination” against women. However, discrimination based on gender or marital status is implicitly prohibited.

153. This prohibition encompasses discrimination against women resulting from a public or private institution or from natural persons, and it also covers all gender-based violence against women.

154. A number of laws and regulations enshrining the prohibition of discrimination and violence against women have accordingly been adopted by Parliament:

- Ordinance No. 66/16 of 22 February 1966 prohibiting the practice of female genital mutilation (excision);
- Ordinance No. 66/26 of 31 March 1966 on the advancement of girls and their continuation in the education system until the age of 21 years;
- Act No. 06/032 of 15 December 2006 protecting women against violence in the Central African Republic;
- Act No. 97/013 of 11 November 1997 on the Family Code. This act requires the consent of both spouses for a marriage to be lawful, it bans early marriage and it provides that divorce may be granted at the request of either spouse. On the other hand, it also contains discriminatory provisions against women; in particular, it recognizes polygamy as an option and only at the wish of the male spouse alone. The husband is the sole head of the family and chooses the marital home; the wife is obliged to reside with him.;
- The Labour Code guarantees that all workers, regardless of origin and gender, receive an equal wage for equal work, qualifications and output.;
- The Criminal Code protects women and men alike against physical and mental harm. It condemns the abandonment of the marital home by the husband and the practice of keeping a concubine in the marital home, as well as polygamy without prior dissolution of the monogamous marriage.;
- Act No. 09.004 of 29 January 2009 on the Family Code and the Civil Service Regulations require family allowances to be paid to the (male) head of the family. Employed wives are considered to be unmarried women without children and are heavily taxed.;
- The Act establishing the pension scheme;
- Act No. 63.406 of 17 May 1963 establishing the nationality of children born to a mother from the Central African Republic where the parents have not contracted a lawful civil marriage;
- Act No. 64.23 of 5 November 1964 on the legal declaration of paternity in cases of rape, abduction or fraudulent acts against the mother.

155. The Central African Republic has several texts with provisions favourable to women, but for the most part they are not applied because people are not familiar with them

and there are no mechanisms for monitoring their application. Certain provisions are sometimes contradictory.

## **Article 2**

### **Obligations to eliminate discrimination**

#### **1. Positive law and discrimination**

156. The legislation and regulations of the Central African Republic still contain provisions that constitute discrimination against women. These include:

- Decree No. 67/130 of 17 April 1997, under which any pregnant schoolgirl is returned to her family, while the schoolboy or man who has made her pregnant goes calmly about his studies or work;
- Article 230 of the Family Code whereby, when a marriage is celebrated, the male spouse may opt for monogamy or polygamy. The registrar offers the option to the husband alone, to the detriment of the wife's opinion;
- Article 254 of the same Code, under which the husband is the sole head of the family, with the wife replacing him only when he is prevented from fulfilling his duties. This provision is a vestige of the former French matrimonial authority;
- Article 275 of the Family Code, which empowers the husband alone to choose the matrimonial home, while the wife is obliged to reside with him and the husband is obliged to receive her;
- Act No. 221 of 25 June 1961 on the Labour Code and Act No. 99.016 of 16 July 1999 on the Civil Service Regulations, which require family allowances to be paid to the (male) head of the family. Employed wives are considered to be unmarried women without children and are thus heavily taxed.

157. The Government has set up a team to revise the Family Code and bring it into line with the provisions of the Convention.

#### **2. Discrimination in daily life**

158. In practice, women are discriminated against in daily life in the areas of administration, education, health, employment, etc. These instances of discrimination are described below in the sections on articles 7, 10, 11 and 12.

#### **3. Measures taken to eliminate discrimination**

159. The Government has taken legislative and regulatory measures to eliminate discrimination against women and to promote their development and fulfilment. These aspects are further explored below in the analysis of article 3 of the Convention.

160. No action on grounds of discrimination has yet been brought because social and cultural constraints prevent women who are subject to discrimination from launching proceedings.

161. In addition, no study has yet been made of the discriminatory effects of legislation in the Central African Republic. This situation means that those laws which do take account of women are often contradictory and unclear, thereby making it difficult for them to be applied.

### **Article 3**

#### **Development and advancement of women**

162. Despite the difficulties, the Government and the public have become genuinely aware of the need for the development and advancement of women.

#### **1. Legal framework for development and advancement of women**

163. Article 2 of the Constitution stipulates that “All persons shall have the right to free development of their personality, provided that they do not violate the rights of others or infringe on the constitutional order. The Republic proclaims inviolable respect for development of the personality.”

164. United Nations Security Council resolution 1325 (2000) concerns the protection of women during armed conflicts.

165. Act No. 97.13 of 11 November 1997 on the Family Code establishes:

- Each person’s right to marriage and freedom to divorce;
- The celebration of marriage;
- The exercise of parental authority jointly by both spouses;
- The woman’s capacity to inherit as a widow or child;
- Legal capacity to perform all acts of civil life;
- Enjoyment of reciprocity in relations between spouses;
- Freedom of choice of the matrimonial regime;
- Protection in case of dissolution of a marriage;
- Equal access by women and men to the political, economic and social authorities, health care, education and employment, as well as to private property.

166. Act No. 06.032 of 15 December 2006 protecting women against violence in the Central African Republic. This act is regarded as a legislative stride forward that is essential to avoid women being victims of violence on a daily basis just because they are women. It defines violence in article 1: “Violence specifically directed against women is defined as including all acts of violence directed against females and which cause or might cause an adverse effect or physical, sexual or psychological suffering, including the threat of such acts and constraint or arbitrary deprivation of liberty, whether in public or private life”. Actions such as rape, paedophilia, incest, harassment, procuring and deprivation of minors are thus regarded as acts of violence and defined in the Act under consideration. This Act guarantees women two types of protection against violence: social protection provided by social workers and legal protection guaranteed by a judge.

167. Act No. 06.005 of 20 June 2006 on reproductive health. This Act defines reproductive health as a person’s state of general physical, mental and social well-being with regard to all aspects of the genital tract, its functions and operation, and not merely the absence of disease or infirmity. It gives women access to health services so that they can have a healthy pregnancy and delivery, and so that couples have the opportunity to have healthy children. Abortion is thus prohibited, except in cases specifically defined in law.

168. Act No. 06.030 of 12 September 2006 establishing the rights of people living with HIV infection/AIDS. This Act enshrines the principle of non-discrimination against people living with HIV infection/AIDS. It protects them against stigmatization and invasion of

privacy, as well as obliging them not to deliberately spread the infection, a duty legally enforced by sanctions.

## 2. Institutional framework for the advancement of women

### Structures for the advancement of women

#### *State structures*

Ministry of Social Affairs, National Solidarity and the Family

169. This ministry implements government policy on the advancement of women through the following technical departments:

- (a) *Directorate-General for the Advancement of Women, responsible for:*
- Coordinating and overseeing implementation and evaluation of the national policy on promotion of equality and equity, and of the related action plan;
  - Initiating studies and research designed to promote a greater understanding of the situation of women and families in the Central African Republic and their effective participation in the social and economic development process;
  - Initiating communication and information programmes among urban and rural populations aimed at upgrading the status and role of women and safeguarding the family;
  - Promoting the dissemination and popularization, at national and regional levels, of legal texts related to women's rights;
- (b) *Directorate for Women's Programmes and Projects, comprising three departments;*
- (c) *Directorate for Women's Information and Education;*
- (d) *Regional directorates of social affairs.*

170. The seven regional directorates cover the whole country, i.e. the seven regions that make up the Central African Republic. Each directorate consists of three departments, including a regional department for the advancement of women that is responsible for:

- Designing and proposing to the Regional Director all actions aimed at improving women's conditions at regional level, ensuring a gender-based approach;
- Identifying practices that are harmful to women at regional level and proposing measures to counter them;
- Coordinating the activities of NGOs and community-based women's organizations at regional level.

Ministry of National Education

171. This Ministry initiated Act No. 97.014 of 10 December 1997 on national education policy, which gives priority to basic education and sets the enrolment of girls in school and their continuation in the education system as one of its main objectives. In addition, the Ministry has a unit responsible for girls' school enrolment.

Ministry of Public Health

172. Women's health has been a constant concern of the State. The national health policy gives priority to women's health, and it figures prominently in the National Health

Development Plan (PNDSII 2006–2015). The Ministry has a Directorate of Family Planning and Population, which carries out reproductive health programmes.

Ministry of Rural Development

173. This ministerial department has drawn up the rural development strategy document that is aimed at fostering agriculture and stock-raising and which assigns a prominent role to women. It also has a gender promotion unit.

Ministry of Justice, Minister of Justice

174. The number of assistant judges was increased in 2008, in order to improve the performance of the legal system. An extensive project to build courts in all prefectural capitals was adopted in the strategic poverty reduction document, with the aim of bringing justice closer to the people throughout the country.

National Committee to combat traditional practices harmful to the health of women and girls and violence against them

CEDAW Monitoring Committee

*Private structures*

175. Government action on the ground in favour of women is strengthened and supplemented by the work of NGOs and international institutions for the defense of human rights.

176. Some of these NGOs train paralegals and peer educators who make people aware of human rights in general and the rights of women and children in particular.

- AFJC helps women with judicial proceedings, providing them with the following services: free legal aid, assistance and advice, and procedural guidance in relations with administrative bodies (pensions, widowhood, referral of cases to the courts, child custody, etc.);
- CIFAD/Central African Republic works on empowering women by granting microcredits to women's economic groups;
- The Central African Women's Association for the Fight against Illiteracy (AFCLA) is involved in efforts to counter illiteracy among women and girls who have dropped out of school;
- CIAF/Central African Republic fights against traditional practices that are harmful to the health of women and girls;
- The Organization of Central African Women (OFCA), the oldest national women's association, mobilizes women throughout the country.

177. It should be noted that the work of these NGOs and national associations is constrained by a lack of resources.

178. Agencies of the United Nations system in the Central African Republic also provide substantial support to the Government in its efforts to promote women. These include BONUCA, UNDP, UNFPA, UNICEF, WHO, the World Food Programme (WFP), the Food and Agriculture Organization of the United Nations (FAO), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Development Fund for Women (UNIFEM).



## **Article 4**

### **Measures to accelerate equality between men and women**

179. Concerned to respect its commitments to the international community (United Nations International Conference on Population and Development, Cairo, 1994; Fifth African Regional Conference on Women, Dakar, 1994; Fourth World Conference on Women, Beijing, 1995), the Central African Republic has drawn up a national policy to promote gender equality and equity, and a multisectoral action plan to accelerate equality between men and women. This policy, which has a 10-year time frame, is essentially based on the following broad approaches:

1. Promotion and maintenance of boys/men, and especially of girls/women, in education and training. Promotion of men's, and especially women's, access to and maintenance in education and training at all levels;
2. Improvement of access to health services, and especially to high-quality reproductive health services, for men and women, as well as to disease prevention, health promotion and welfare services, with emphasis on access to health care for all;
3. Improvement of the economic situation of men and, above all, of women;
4. Improvement of the legal, social and cultural status of men and, above all, of women;
5. Optimization of local potential and equitable treatment of men's and women's labour;
6. Enhancement of traditional cultures and practices favourable to the respect of human rights and the self-fulfilment of men and women.

#### **1. Legislative and administrative measures**

180. This section will merely recall the various measures taken, most of which have been analysed under Article 2 of the Convention above:

- Establishment of the Directorate-General for the Advancement of Women;
- The Labour Code and the Civil Service Regulations;
- The Criminal Code (arts. 201, 212 and 213) which prohibit the sexual exploitation of under-age girls;
- Act No. 06/032 of 15 December 2006 on violence against women;
- Act No. 06/005 of 20 June 2006 on reproductive health;
- The Constitution of 27 December 2004;
- etc.

#### **2. The quota system**

181. Article 61 of the Constitution of 27 December 2004 established a quota system for women in decision-making bodies in the Central African Republic. Unfortunately, no implementing legislation has been adopted by the National Assembly.

182. Article 74 of the Constitution lays down a quota for women in the Constitutional Court (three women among the nine members of the Court).

183. It may be seen that when quotas are clearly defined by law, the authorities feel obliged to respect them. Unfortunately, no quotas for women have been set in other areas of national life.

## **Article 5**

### **Sexual roles and stereotypes**

#### **1. The status of women in the Central African Republic**

184. Society in the Central African Republic, like most societies in Africa, is patrilinear. Descent passes through men, and inheritance is also from the father to the eldest son. Authority is essentially held and exercised by the oldest men in the group, to which younger people (notably children and, in particular, women) must subject themselves. A woman has no voice because she can be married at a very young age, often against her will. Her fertility, too, may become evident very early, and her value is measured only in terms of her marital status, the number of children she can bear her husband and the services she renders to him. She can be mistreated and subjected to the worst kinds of humiliation, owing to her inferior status. The children she gives birth to do not belong to her because she has no right to them and, in case of separation or death of the husband, she can lose everything. She is recognized in society only as a spouse, a mother and a housewife.

185. By tradition, the man heads the family and has the power to make decisions. This privileged position is confirmed by the Family Code: under articles 254 and 255, the husband is the head of the family and chooses the family residence. On the strength of this privileged social position, men enjoy a degree of freedom of expression and action that women do not have. A woman is frequently obliged to submit, in total resignation, to decisions taken by the man that may have unfortunate consequences, such as those about the number of children in the family.

#### **2. Social organization of work**

186. In the society found in the Central African Republic, tasks are allocated on the basis of stereotypes. Generally speaking, productive activities that require greater physical strength are reserved for men, while domestic work and reproduction are specifically women's activities.

187. In rural areas, as regards agricultural work, men mainly carry out the tasks of clearing and burning the land and taking care of livestock. They are more involved in producing cash crops.

188. Women, on the other hand, are mainly engaged in food production. Tasks entrusted to them include tilling, sowing, weeding, harvesting, transportation, processing and marketing of products.

189. Nonetheless, while women contribute extensively to farming activities, economic power over the units of production is held by men. In many cases, the man is the head of the farming operation. It is he who decides what crops will be grown, what proportion of the crops produced will be for the family's consumption and what proportion will be sold, and how the income generated will be used.

190. In urban zones, persistent stereotyping is also seen in the allocation of tasks within households. In general, men are wage-earners and contribute financially to meeting the family's needs, while women carry out all domestic and household activities, with the help of their daughters. Where both husband and wife are wage-earners, the woman has to find time after work to look after the house or cook. In households where the couple's income is

high enough, the services of a domestic may be sought, but this situation applies only to a very small number of urban households.

### 3. Depiction of women

#### Women in textbooks

191. Despite the efforts made to promote the education of girls, textbooks, especially those used in primary and lower secondary classes, display sociocultural stereotypes when depicting relations between men and women and their respective place in society. The reading book “Mariam et Hamidou” that is used in primary schools, for instance, contains stereotypes showing women in their traditional roles as housewife, spouse and mother. Outside school, girls are portrayed either helping their mother in the kitchen, looking after younger children or getting water from the well. Boys, on the other hand, are often shown playing with their friends or helping their father or grandfather with handicrafts or other activities.

192. In French grammar, too, it is the case that when several nouns are found in the same phrase, the masculine takes precedence over the feminine. This situation mirrors that of conventional education, which has unconsciously laid the foundations for it. It arises from a world view that forms the cultural context in which men and women are fashioned and whose clichés and prejudices they reproduce.

#### Women and the media

193. It is worth noting that the media are not at odds with the social realities in which they operate. Women are under-represented in the media at all levels.

Table 2

#### Gender distribution of Ministry of Communication personnel, by category

Body	Office of the Minister		Central African Press Agency		Radio Centrafrique		Télé Centrafrique		Support services and other	
	M	F	M	F	M	F	M	F	M	F
A	8	1	7	0	45	6	29	8	14	1
B	0	0	0	0	3	3	1	3	1	0
C	0	2	0	1	2	2	3	2	1	3
D	1	1	0	0	1	1	0	0	0	1
<b>Total</b>	<b>9</b>	<b>4</b>	<b>7</b>	<b>1</b>	<b>51</b>	<b>12</b>	<b>33</b>	<b>13</b>	<b>16</b>	<b>5</b>

Source: Human Resources Department, Ministry of Communication, 2008.

194. It is evident that there are very few women in senior positions in the Government media (radio, television or the written press). The same is true of private sector media, where there are almost no women in senior positions. None of the dozen private sector newspapers published in the country is managed by a woman; only one private radio station is. This is partly explained by the general problem of a lack of facilities for management training in journalism. However, steps have been taken to solve that problem with the opening of a communications training institute at Bangui University in 2008.

195. In terms of the content of articles and other forms of information, women are always spoken about in one of two types of “discourse”:

- A sensationalist discourse, presenting brief news items about dramatic events originating with women, such as illegal abortion or infanticide;
- A propaganda-like discourse, where the importance of women's actions and accomplishments is magnified. Priority is given here to dramatic events, political struggles, sports victories and all types of activities successfully carried out by women in areas that are generally considered to be the prerogative of men.

196. Articles and broadcasts that convey positive and meaningful information about women, their actions and their real place in society are disconcertingly rare. Generally speaking, articles and broadcasts that break with discriminatory and trivialized images of women are produced only on the occasion of special events or women's days.

197. Musicians' performances and some popular songs in the Central African Republic show women as having to stay at home, in order to do their family and their husband proud. Wage-earning women have always been the subject of criticism by their husbands' family, claiming that they profit from their husbands' wealth. All these songs help to strengthen the discriminatory image of women in the country's collective consciousness.

198. In order to prevent the spread of a negative image of women in the media, a ministerial order was issued in 2006 banning radio broadcasts of songs judged to demean women in the Central African Republic.

#### **Family education**

199. The education of children is the responsibility of their parents first and foremost. Article 254 of the Family Code stipulates that "The wife and husband are jointly responsible for the moral and material guidance of the family and the upbringing of their children."

200. The law also states that parents have a legal obligation to feed, maintain, bring up and educate their children. The State intervenes only where the parents have not adequately discharged that obligation.

201. However, education in the family is still marked by the stereotyped division of responsibilities, especially in rural areas. In the countryside, a girl is educated by her grandmother, mother and aunts, while a boy is educated by his grandfather, father and uncles. The content of this education also differs: girls learn how to do housework and look after children, while boys (if they do not attend school) carry out tasks reserved for men (handicrafts, trapping, fishing, etc.). In urban areas, even if this practice is dying out, especially in households where the parents are relatively well educated, tasks are still allocated on the basis of gender.

#### **4. Customary practices that are obstacles to the advancement of women**

##### **The role of the dowry**

202. The dowry is legal and is one of the formal conditions of marriage; that is, it is symbolic only.

203. Article 208 of the Family Code specifies that the dowry consists in the transfer of items and/or a sum of money by the future husband or his representative to the family of the future wife, with a view to marriage.

204. In fact, the dowry represents compensation that the future husband pays to the wife's family in order to "fill the gap" that will be created when the wife leaves that family setting. In rural areas, the dowry sometimes consists of an offer of services, and in particular of work that the future husband can do for the benefit of the wife's family.

205. Given the financial difficulties currently being experienced in the country, people frequently come together as couples, but it is only when the future husband meets the conditions of the dowry that he applies to the registry office for a legal marriage. Since it is nothing more than a symbol, the dowry is not reimbursed in the event of divorce.

206. In practice, however, given that the amount of the dowry varies depending on custom and the social status of the future family-in-law, an escalation of the dowry is sometimes seen, which might be equated with the market value of the woman. As a result, young people cannot enter into lawful matrimony and a man who has paid a large dowry for his wife believes he has the right to treat her as his property.

### **Violence and other acts of aggression**

207. No law in the Central African Republic gives a husband the right to inflict punishment on his wife. Nonetheless, a husband is frequently seen to physically assault his wife once he believes that she is behaving in a way that injures his male pride (unreasonable outings from or late return to the family home, adultery or suspected adultery, abusive language, poor performance of domestic duties). A multiple indicator cluster survey carried out in 2006 (MICS 2006) found that 17.5 per cent of women were victims of physical violence (slapped, shaken, knocked down, had an object thrown at them or their arm twisted, etc.), 81.5 per cent were victims of emotional violence, and 11.5 per cent were victims of sexual violence (physically forced to have sexual relations or obliged to engage in other sexual acts).

208. It is only when such acts of violence cause physical damage and the wife submits a complaint that the husband can be punished under the Criminal Code of the Central African Republic. In some cases, the husband's violent behaviour is seen by the wife, her peers and her family as an expression of love and hence as normal.

209. Furthermore, the practice of female genital mutilation (excision) is formally prohibited by Ordinance No. 66/16 of 22 February 1966 and Act No. 06.032 of 15 December 2006. In reality, however, this practice still persists in rural areas, owing to some people's conservative attitudes. According to MICS 2006, the proportion of genitally mutilated women has markedly declined in recent years, from 43 per cent in 1995 to 28 per cent in 2006.

210. It was only once the Convention on the Elimination of All Forms of Discrimination against Women had been ratified that isolated activities began to be undertaken to make people aware of violence against women and female genital mutilation. It must be acknowledged that these activities are still tentative and limited to the major cities, since not all prefectural committees dealing with harmful practices against women and girls have yet been set up.

### **Food taboos**

211. Pregnant women, especially in rural areas, continue to be prohibited from eating certain foods that are mistakenly regarded as having negative effects on pregnancy.

### **Rites of widowhood**

212. Rites of widowhood are linked to belief in the spirit of death, which must be driven away from the surviving spouse, and especially from the wife on the death of her husband. The ritual, which varies depending on the customs observed, generally consists of acts ranging from physical and mental violence to dispossession of the widow.

213. The sway of beliefs related to custom and tradition is very strong, and this is not conducive to abandonment of these practices. An additional factor is the rigidity of people's

mentalities: women are still regarded as inferior beings who are subordinate to men, despite the equality prescribed by the law. In some instances the persistence of these practices is the result of ignorance.

### **Polygamy**

214. Polygamy is recognized and permitted by law: under article 16 of the Family Code, it is an option during the marriage ceremony.

215. In a situation of polygamy, each wife is entitled to equal treatment, but this equality is difficult to enforce in practice. Polygamy gives rise to various economic and social consequences in families, including jealousy between wives, unequal distribution of matrimonial property, inheritance problems and domestic squabbling, which may have a negative impact on children.

## **5. Action against sexual stereotypes**

216. In 1990, with support from UNFPA, the Government launched two projects on family life education (FLE): one on FLE in communities, managed by the Ministry of Social Affairs (no longer operational), and the other on population-based FLE in schools (EVF/MP), run by the Ministry of National Education. The aim of both projects was to make people aware of the many population-based problems faced by the country, especially those related to reproductive health, responsible parenthood, gender equity and obstacles to the advancement of women.

217. In the EVF/MP project, efforts were made to introduce FLE into the curricula of primary and lower secondary classes.

218. With regard to the media, the Department of Social Affairs (with financial and technical support from UNFPA) trained journalists in gender issues and gender-based violence, which undoubtedly gave them a positive view of women.

219. However, programmes to raise the general public's awareness of women's rights are produced only in connection with special events concerning the advancement of women, or at the request of government bodies or NGOs working to protect and promote women's rights. In general terms, all these activities are still not enough to have a real impact on people's behaviour.

## **Article 6**

### **Suppression of the exploitation of women**

#### **1. Exploitation of women**

##### **Trafficking and prostitution of women and girls**

220. There is very little evidence of trafficking of women in the Central Africa Republic. Prostitution, on the other hand, remains a reality, both in urban and in rural areas, but unfortunately there are no reliable statistics by which to identify and measure the extent of the problem. Nonetheless, two categories of women in prostitution may be distinguished.

221. The first category mainly consists of young women and girls, often poorly educated, who sell their bodies at night along highways, in bars or in brothels.

222. The second category is women and girls who engage in prostitution on a one-off basis or occasionally, in a clandestine manner, for economic reasons. In both cases, the main causes of prostitution are:

- Poverty;
- The desire for easy profit;
- Moral depravity, under the influence of foreign culture;
- A pronounced taste for money and luxury.

223. From observation of the real-life situation, it is clear that these sex workers act alone: there are no networks of procurers. There are, of course, middlemen, who act clandestinely for timid clients. Areas to which prostitutes are attracted include Bangui, diamond-producing areas, timber and industrial zones, as well as some major cities.

#### **Customary view of prostitution**

224. In general terms, the dominant social attitude towards prostitution is one of disdain. This position has begun to soften, however, to the extent that the proceeds of this type of work give families the minimum they need to live on, in the context of the economic crisis. Some parents do not hesitate to encourage their daughters in this direction, but this trend is still a very tentative one.

#### **Positive law and prostitution**

225. Prostitution is not regulated by law, but neither is it an offence, so prostitutes are not subject to any controls, even of their health. Procuring or living off immoral earnings, on the other hand, is prohibited by law.

226. Indeed, article 199 of the Criminal Code of the Central African Republic states that “Shall be considered a procurer of sex workers and be liable to a penalty of three months’ to one year’s imprisonment or a fine of CFAF 10,002 to CFAF 1,000,000 any person who:

1. Habitually and knowingly provides aid, assistance or protection in the prostitution of another person or in solicitation with the intent of prostitution;
2. By whatever means, shares in the earnings of the prostitution or receives payments from a person habitually engaged in prostitution;
3. Knowingly living with a person habitually engaged in prostitution, cannot demonstrate sufficient resources to provide for his or her own needs;
4. Recruits, entices or retains a person, even with that person’s consent and even if the person is of legal age, for purposes of prostitution, or leads the person to prostitution or debauchery of another person;
5. Acts as an intermediary, in whatever capacity, between persons engaging in prostitution or debauchery and the individuals taking advantage of or remunerating another person’s prostitution or debauchery”.

227. The penalty incurred shall be one to five years’ imprisonment or a fine of CFAF 200,000 to CFAF 2,000,000 in cases where the offence has been committed against a minor or has been committed through coercion, abuse of authority or deceit (art. 200).

228. Article 201 of the same Code stipulates that “Subject to the stricter penalties established by the provisions punishing soliciting, any person who commits an offence against public morals by habitually inciting, promoting or encouraging the debauchery or corruption of a young person of either sex under 15 years of age shall be punished by the penalties set out in the previous article”.

**Actions for the benefit of prostitutes**

229. There are not really any policies or organized activities on sex work. Instead, the Department of Health has targeted prostitutes (or “filles libres”) through the national response to HIV infection/AIDS. The actions carried out are mainly preventive, promoting the use of (male and female) condoms.

230. A study of sex tourism is being made and will perhaps yield an accurate assessment of the extent of the problem. Appropriate legislation could then be enacted.

**Obstacles to the elimination of prostitution**

231. The many obstacles to the elimination of prostitution include:

- Poverty;
- Insufficient regulation;
- Migration from rural areas;
- Illiteracy and ignorance;
- Proliferation of cinemas and video clubs.

**2. Violence against women in the Central African Republic**

232. Women in the Central African Republic face violence on a daily basis, which affects their physical, mental and cultural well-being and development.

233. Violence against women and girls takes many and varied forms. While some are known, others still are not, owing to the lack of a national survey covering both non-conflict areas and conflict zones.

234. Nonetheless, comparative analysis of the reports of a number of subject-specific surveys<sup>20</sup> reveals the following types of violence against women:

- Physical violence with assault and battery, even during pregnancy;
- Sexual violence (forced sexual relations);
- Rape;
- Public insults;
- Spousal infidelity;
- Sexual harassment;
- Adverse/harmful customary practices (female genital mutilation, early marriage, forced marriage, etc.);
- Control by the husband/partner as a result of jealousy or suspicion of infidelity;
- Accusation of witchcraft;
- Mistreatment during widowhood;
- Confiscation of the woman’s personal goods during widowhood;
- Levirate and sororate marriage;
- Abandonment of the matrimonial home.

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<sup>20</sup> Study of community violence (UNICEF, 2009); Domestic violence, 2008; Report of a study on violence in schools in the Central African Republic, 2008; MICS 2006.



**Violence against women in conflict zones**

235. In conflict zones, reports and eyewitness accounts from humanitarian workers testify to the following types of violence against women, committed both by the population and by armed groups and foreign forces:

- Sexual violence;
- Rape;
- Sexual exploitation;
- Accusations of witchcraft;
- Extortion/racketeering of goods and money;
- Forced enrolment;
- Overwork related to men taking refuge in the bush;
- Unsupervised pregnancy;
- Promiscuity in camps for displaced persons.

**Factors favouring violence**

236. Factors favouring violence include:

- The collective representation of women as inferior to men;
- Internalization by women themselves of their inferiority to men;
- Women's very low income, which makes them economically and financially dependent on men;
- Women's level of education since, generally speaking, educated women are better able to defend themselves against violence and ultimately are more respected by men;
- Promiscuity: most acts of violence (rape, incest, assault and battery, insults) are committed within households;
- Work: sexual harassment mainly occurs in the work environment, schools and universities;
- Armed conflicts and social and political unrest.

**Violence against women**

237. Violence against women has various repercussions:

- Unwanted pregnancy;
- Contamination with sexually transmitted infections (STIs), HIV and AIDS;
- Serious injury and haemorrhage;
- Prolapse of genital organs and obstetric fistulas;
- Physical injury: in Kaga Bandoro (a conflict zone), a woman's lips were completely ripped off in a fight with her husband.
- Stigmatization and rejection by the family and the community: some husbands feel so humiliated by the rape of their wives that they simply abandon them. These women then live in shame and can no longer lead a normal life. Other husbands, for

fear of being singled out, prefer to keep the rape of their wives secret, but this often creates an unhealthy climate of silent hostility;

- Psychosis: most acts of violence go unpunished, and the victims may even be living with their aggressors and be afraid of denouncing them. The women concerned have neither the courage nor the resources to institute legal proceedings.

### **Initiatives to protect and care for victims of violence**

#### *By the Government*

238. No functional structures are yet in place to care for women who are victims of violence. A number of initiatives have been taken, however:

- A National Committee to Curb Traditional Practices Harmful to the Health of Women and Girls and Violence against Women was set up by Interministerial Decree No. 010;
- Adoption of Act No. 06.032 of 15 December 2006 protecting women against violence in the Central African Republic. This Act makes violence an offence punishable by law, with penalties ranging from a fine to forced labour for life;
- With support from UNFPA, the Government has adopted a document setting out the national policy to promote gender equality and equity, accompanied by a plan of action;
- A national plan against traditional practices harmful to women's health and gender-based violence has been drawn up with the support of WHO;
- Awareness-raising campaigns have been carried out in the capital and some sites in the hinterland, and prefectural committees have been set up.

239. These initiatives have not yet borne fruit. Coverage does not extend to the whole country, and female genital mutilation continues to be carried out, openly and publicly: community development volunteers recorded 300 cases, for instance, in Kaga Bandoro in the second quarter of 2009.

240. In addition to these institutional and legal measures, the Government has implemented a number of projects, with the support of partners, to care for the victims of sexual violence, including:

- A UNDP-supported project to assist the victims of sexual violence in 2002, which identified victims in Bangui and Bimbo and provided them with emergency medical aid and material support;
- A Low-Income Countries Under Stress (LICUS) project funded by the World Bank in 2005 and managed by national NGOs, with the aim of providing the victims of sexual violence with medical care, legal aid and financial support for their economic initiatives;
- A WHO-supported project for assistance to victims of sexual violence in zones affected by armed conflict in 2006, which identified victims in the hinterland and provided them with medical care as well as economic support.

#### *By NGOs/national associations*

241. Many NGOs and national associations, such as the Monam ("common good") group of rape survivors, the Association of Victims of Mutiny (AVIMUT), the Organization for the Support and Development of Families in Distress (OCODEFAD), the Inter-African Committee on Violence against Women, Central African Republic section (CIAF-

Centrafrique), the International Committee of African Women for Development, Central African Republic (CIFAD/RCA) and the Association of Central African Women Jurists (AFJC) are actively present on the ground, working with the support of international organizations. As a result of their work, civil society is beginning to become aware of the need to report instances of violence against women and to provide psychological support to victims. This has been particularly noteworthy in Bossangoa (post-conflict zone) and Bambari (non-conflict zone).

*By specialized agencies of the United Nations system and international NGOs*

242. Specialized agencies of the United Nations system present in the Central African Republic are providing comprehensive support for the protection (BONUCA, Office of the United Nations High Commissioner for Refugees, OCHA) and care (FAO, UNDP, UNFPA, UNICEF, UNIFEM, WFP, WHO) of women who are victims of violence.

243. International NGOs (Médecins Sans Frontières (MSF), the International Committee of the Red Cross (ICRC), the International Rescue Committee (IRC), etc.) are also working on the ground, in partnership with specialized agencies of the United Nations system.

244. It should be noted that the activities carried out to care for the victims of violence need to be strengthened and institutionalized before they can be expanded to cover the whole country. The Government must be more fully engaged not only in taking direct action but also in regulating the initiatives of organizations operating at community level.

## **Article 7**

### **Participation of women in political and public life**

#### **1. Legal framework**

245. The legal framework for the participation of women in political and public life consists of:

- The Constitution of 27 December 2004 which, in article 5, enshrines the principle of equality and non-discrimination: “All human beings are equal before the law, without distinction as to race, ethnic origin, region, gender, religion, political affiliation or social position. The law guarantees men and women equal rights in all fields”;
- Article 61, clause 1 of the Constitution concerning respect for the principle of a quota for women in decision-making bodies (although no implementing legislation has yet been adopted);
- Act No. 09.016 of 14 October 2009 on the Electoral Code of the Central African Republic. Article 3 of this Act provides that “electors are persons of either sex who are nationals of the Central African Republic and have attained the age of 18 years, who are entitled to exercise their civic rights and who are duly registered on the electoral roll or in possession of a decision by the court of major jurisdiction ordering their inclusion on the electoral roll”.

246. There is thus no discrimination in principle between men and women with regard to the right to vote or stand as a candidate.

- Ordinance No. 05.007 of 2 June 2005 on political parties and the status of the opposition in the Central African Republic, which lays down the principle of non-discrimination when political parties are formed: “During their formation, organization and operation, political parties and groups shall not institute or

encourage any discrimination based on clan, ethnic group, region, religion, gender, wealth, social status or any other discriminatory criterion.”<sup>21</sup>

247. In view of all these provisions, any woman from the Central African Republic may stand as a candidate and be elected to any elective post under the same conditions as a man, provided she meets the legal requirements concerning age and is not prevented from standing on grounds of legal incapacity or inequality.

248. Nonetheless, the proportion of female to male candidates in legislative elections is still tiny. According to the customs of the Central African Republic, women are not allowed to hold decision-making positions, since they do not have the right to speak and say certain things in public.

249. In addition, onerous household duties, pregnancy and childbirth, social and cultural constraints, poverty, illiteracy, a lack of political instruction and leadership, a lack of self-confidence, fear of facing up to men, of failing and of appearing ridiculous, and disorganization are all factors that prevent women from asserting themselves during elections to various bodies.

250. Society in the Central African Republic is built on the model of male supremacy, and people therefore find it difficult to accept issues of gender and equity in the management of public life. The few women who stand as candidates in elections do not have sufficient training and resources, as a result of which they prefer to give up at the first sign of defeat. Other women, despite making up a large part of the total population, would often rather vote for men because they do not have confidence in women.

251. The Convention and the platform for action adopted at the Fourth World Conference on Women (Beijing, 1995) and its African regional preparatory conference (Dakar 1994), as well as legislative and regulatory provisions favouring women, are not applied in practice, and this *de facto* prevents women in the Central African Republic from participating effectively in political and public life.

252. In addition to these obstacles, the number of women candidates is also limited by provisions in the electoral law that make eligibility conditional on holding a title deed to a built-up property. A system of alternative guarantees for women would be a solution.

## **2. Women’s participation in public life**

253. Women make up 50.2 per cent of the population while men account for 49.8 per cent, but their representation in political and public life does not reflect their real importance in society. They can exercise the right to vote but very few of them stand as candidates, and women prefer to vote for men in the political parties they support. These political parties use their active women members mainly in subordinate roles for outreach activities or domestic tasks, and only rarely in decision-making bodies.

254. Women are active in trade unions but do not hold positions of responsibility owing to the fact that they are poorly informed, lack leadership training and face prejudice by men.

255. Most women who stood as candidates in the 2005 legislative elections in the Central African Republic did so as alternates, because they were not given enough time to compete with men and stand for election as full members. They engaged fully in campaigns to get their member elected. Once an election has taken place, however, the alternate is forgotten, both in terms of funding and from the point of view of a public profile. During elections, male adversaries often run sexist campaigns against women, using negative stereotypes to

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<sup>21</sup> Ordinance No. 05.007, article 5.

destroy their credibility among an electorate that is already predisposed to adopt this attitude by social and cultural constraints.

256. As provided for by the Electoral Code currently in force, measures should be taken to raise awareness of the need for mutual respect by candidates during election campaigns.

Table 3

**Representation of women in decision-making bodies**

<i>Decision-making position or body</i>	<i>Women</i>	<i>Men</i>
Office of the President	2	-
Minister	5	23
Ambassador	2	-
Principal Private Secretary	3	23
Member of National Assembly	10	105
Constitutional Court	4	9
Mayor	11	168
Leader of a political party	3	48
Prefect	1	16
Sub-prefect	5	75
Audiovisual and Communications Regulatory Authority	3	9
Committee for Monitoring the Inclusive Political Dialogue	2	18
Bar	8	125
Judiciary	8	-
Economic and Social Council	8	74
Council of State	2	8

*Source: Report of G23 workshop/BONUCA, November 2008.*

257. From these statistics, compiled in connection with several forums organized by national NGOs, it is evident that women are clearly under-represented in decision-making bodies.

### **3. Trends in women's participation**

258. In the recent past, a number of NGOs and associations for the defence of women's rights have emerged in the political and public arena, engaging in social mobilization for the participation of women in public life.

259. A BONUCA-supported platform known as G23, for instance, brings together women's associations who organize forums and workshops to train women leaders and encourage them to stand as candidates in various elections (presidential and legislative). In addition, they carry out social mobilization activities aimed at persuading women to vote for their peers.

260. To help overcome the lack of funding experienced by women candidates, BONUCA gave them financial support during the 2005 legislative elections. There is a need to continue this type of support, in order to maximize women's chances in the next elections.

## Article 8

### Representation and participation at international level

#### 1. Legal framework

261. The Constitution of the Central African Republic of 27 December 2004 guarantees men and women equality before the law and equal employment opportunities. It accordingly affirms:

- In article 5, clause 1, that all human beings are equal before the law, without distinction as to gender, in particular ...;
- In article 5, clause 2, that the law guarantees men and women equal rights in all fields ...;
- In article 9, clause 2, that all citizens enjoy equal employment opportunities ...;
- The international conventions to which the Central African Republic is a party enshrine the principle of equality of men and women before the law. These conventions include:
  - The Charter of the United Nations, which reaffirms faith in fundamental human rights and in the equal rights of men and women;
  - The International Covenant on Civil and Political Rights, which obliges States parties to ensure that their citizens have access to public service on general terms of equality;
  - The Convention on the Elimination of All Forms of Discrimination against Women.

262. Both under the fundamental law of the Central African Republic and in the international legal instruments recognized by it, there are numerous provisions that ensure the representation of and participation by Central African women in international bodies.

263. In addition, there is no legislative or regulatory text in existence that prohibits women from being nominated or appointed or which limits their numbers in the diplomatic service of the Central African Republic. Furthermore, it should be noted that when specialized agencies of the United Nations system in Bangui issue post vacancy notices, they systematically encourage women applicants. This implies that, in such agencies, women can represent their country on an equal footing with men and take part in the work of international organizations.

#### 2. In reality

264. The real situation of women in the diplomatic service of the Central African Republic is marked by clear shortcomings, both in terms of numbers and with regard to the exercise of authority and senior executive functions.

265. At the time this report was written, the representation of women at international level was as follows:

##### *Female diplomatic representatives serving abroad*

266. The following female diplomatic personnel were serving abroad:

- One female Ambassador Plenipotentiary of the Central African Republic in the Congo;

- One female Chargé d’Affaires a.i. at the Embassy of the Central African Republic in Côte d’Ivoire;
- One female Cultural Attaché at the Embassy of the Central African Republic in Morocco;
- Six female economic or cultural counsellors;
- Four secretaries (financial);
- Two consular or protocol attachés.

*In international organizations*

267. In international organizations, there are:

- One female representative of FAO in Burkina-Faso;
- One female adviser at UNAIDS in Geneva, Switzerland;
- One female adviser at WTO in Geneva, Switzerland;
- One female deputy representative of UNDP in the Comoros;
- One female delegate of the Office of the United Nations High Commissioner for Refugees (UNHCR) in the Democratic Republic of the Congo;
- One female programme manager with UNHCR in Burundi;
- One woman at the Regional Office of the Global Fund against AIDS, Tuberculosis and Malaria in Gabon.

*In the Ministry of Foreign Affairs*

268. At central level, there are:

- One female ambassador responsible for joint committees;
- One female Deputy Director-General for State Protocol;
- Five female departmental directors.

269. In terms of the proportion of female experts assigned to attend meetings, there is clear evidence of discrimination in almost all institutions, since women are in a minority (barely 10 per cent) or not represented at all.

270. In the international organizations accredited in the country, a few women (some 10 per cent) occupy programme manager posts, while the remainder are confined to support functions (administrative assistant).

- In UNDP, one woman is in charge of the UNAIDS programme;
- In UNFPA, one woman is a programme manager and one is an expert in reproductive health;
- In WHO, one woman is an adviser in family health;
- In UNICEF, there are two female programme managers, one responsible for basic education and the other for protection of the rights of women and children.

271. As a matter of fact, although the principle of equality is recognized in all the country’s institutions, stereotyping gives rise to numerous restrictions: the relevant authorities prefer to select a man, who is judged to be more suited to carrying out the duties that go with diplomatic and international positions. It must also be acknowledged that very few women can apply for these high-level posts: many do not have the required

qualifications in diplomacy. In addition, they face social and cultural constraints in the form of low self-confidence, a lack of competitiveness among women leaders and the obligation to obtain the husband's consent.

272. To foster the advancement of women in the diplomatic service, the Government should not only promote the training of national officials (especially women) in international relations but also apply the quota principle recognized by the Constitution.

## **Article 9 Nationality**

273. Nationality is the link by which a natural or legal person "belongs" to a given State, and which enables the State to exercise its authority over that person on its territory. In the Central African Republic, nationality is regulated by Act No. 61.212 of 27 May 1961 on the Nationality Code of the Central African Republic and by Ordinance No. 70/31 on compulsory inclusion of nationality on all birth certificates.

274. Under the abovementioned Act, nationality of the Central African Republic is gained or lost after birth through the effects of the Act itself or by decision of a public authority taken under the conditions laid down by the Act. Nationality is granted to men and women under the same conditions.

275. From these provisions, it is clear that nationality is determined in one of two ways.

### **1. Nationality by birth**

276. Nationality by birth is determined by the Act on the basis of two criteria: place of birth (*jus soli*) and parentage (*jus sanguinis*). The following articles in the Nationality Code stipulate that:

- Article 6: "Any person born in the Central African Republic is a national of the Central African Republic";
- Article 7: "A person born in the Central African Republic of foreign parents is not a national of the Central African Republic";
- Article 8: "A person born outside the Central African Republic and one of whose parents is Central African is a national of the Central African Republic".

### **2. Nationality acquired after birth**

277. Nationality may be acquired after birth in several ways, the most important of which are by marriage and by naturalization.

#### **Acquisition of nationality by marriage**

278. Under articles 13 to 17 of the Nationality Code, a foreign woman who marries a Central African man acquires Central African nationality upon solemnization of the marriage. She may, however, decline that nationality where the law of her country allows her to retain her original nationality. Nonetheless, within a period of six months from solemnization of the marriage, the Government of the Central African Republic may, by decree based on a report by the Ministry of the Interior, reject the acquisition of Central African nationality by the foreign woman. In addition, it should be noted that a foreign woman does not acquire Central African nationality if her marriage with a Central African man is declared null and void by a decision issued by a Central African court or given the force of law in the Central African Republic, even if the marriage was contracted in good faith.



279. Contrary to the provisions of article 46 of the Nationality Code, under which a man who has acquired nationality of a foreign country loses his Central African nationality, article 49 grants a woman the right to retain her Central African nationality upon marriage with a foreigner. The effect of this latter provision is to protect Central African women.

280. Lastly, it should be noted, with regard to women, that article 69 of the Family Code provides that a child born in wedlock shall bear the name of the father or the name chosen by the parents; if paternity is denied, the child shall bear the name chosen by the mother.

### **Acquisition of nationality by naturalization**

281. No one under the age of 18 years may become a naturalized Central African. In addition, a number of conditions must be met:

- Be resident in the Central African Republic;
- Have made sufficient agricultural investments in perennial crops;
- Have made significant investments in property;
- Have been decorated with a national order.

282. Nonetheless, exceptions to these conditions may be made under certain circumstances, notably that of a foreign minor born outside the Central African Republic and one of whose parents acquires Central African nationality in the lifetime of the other, or that of a foreigner whose naturalization would be of exceptional benefit for the Central African Republic.

283. Any person who has acquired Central African nationality enjoys, from the date of acquisition, all the rights attached to the quality of citizenship. Nonetheless, for a period of five years from the date on which the naturalization decree is issued, a naturalized foreigner may not discharge a function or hold an elected office whose exercise requires the incumbent to be a national of the Central African Republic.<sup>22</sup>

### **3. Married women and passports**

284. Obtaining a passport is linked to holding Central African nationality. A woman of Central African nationality may obtain a passport and travel freely under the conditions laid down by law. However, the law specifies that only Central African children over the age of 15 years may hold a passport. Under the age of 15 years, minors may be included in the passport of their mother or father, depending on the circumstances of travel.

## **Article 10 Equality in education**

### **1. Legal framework**

285. Under article 7 of the Constitution of 27 December 2004, the Central African Republic recognizes that all citizens have the right of access to the sources of knowledge. The State guarantees children and adults access to instruction, culture and vocational training. Clause 2 of this article specifies that provision shall be made for the education and instruction of young people by public or private establishments. In clause 4, parents are required to provide for the education and instruction of their children up to the age of at least 16 years. The final clause in this article stipulates that education is free of charge at all levels of the education system.

<sup>22</sup> Nationality Code, article 41.

286. Act No. 97.014 of 10 December 1997 on the national education system specifies that basic education is a national priority, and that the aim is to increase the school enrolment of girls in order to achieve universal schooling.

287. Girls and boys in the Central African Republic study the same subjects at primary and secondary school, as well as in higher education establishments. They follow the same timetables and are governed by the same rules. The curricula and examinations are the same in all schools (co-educational or girls only). The criteria for the award of scholarships do not discriminate on grounds of gender, either.

## 2. Organization of the education system

288. The education system in the Central African Republic is organized in four main levels:

- Preschool education in kindergartens or nursery schools for children aged between 3 and 5 years;
- Primary education or Basic 1, consisting of 6 years of study for pupils theoretically aged between 6 and 11 years, and leading to the award of the Basic 1 Study Certificate (CEF1);
- Secondary education, consisting of two “cycles”: Basic 2, which corresponds to secondary school, lasts 4 years and is for pupils theoretically aged between 12 and 15 years; it leads to award of the Secondary School Certificate (BC). The second “cycle”, known as general secondary (SG), last 3 years and leads to award of the Baccalauréat. Secondary education is also split into two branches: general education and technical training. The latter is delivered in secondary schools through a 3-year course leading to award of the Vocational Aptitude Certificate (CAP), as well as in technical high schools through a course (also of 3 years’ duration) leading to award of the Technical Baccalauréat;
- Higher education, with courses varying in length from 2 to 7 years (for medical studies).<sup>23</sup>

## 3. School enrolment rates

289. The statistical data available show that the education system in the Central African Republic is still characterized by gender differences with respect to access to education, school retention and success at all levels of education.

### Preschool education

290. It is difficult to obtain information about this level of education, since it depends either on public or private nursery schools that come under the Ministry of Education, or on kindergartens for which the Ministry of Social Affairs is responsible. In 2006, the gross rate of enrolment in preschool education was some 9 per cent, with little difference between the sexes (8.4 per cent among boys and 8.8 per cent among girls). The rate was 12 per cent in urban zones, compared with 7 per cent in rural areas.<sup>24</sup>

### Basic 1

Table 4

#### Trends in gross and net primary school enrolment rates, 2000–2006

<sup>23</sup> The education system in the Central African Republic (World Bank working document, 2008).

<sup>24</sup> MICS 2006.

<i>Gender, residence</i>	<i>Gross</i>			<i>Net</i>		
	<i>2000</i>	<i>2003</i>	<i>2006</i>	<i>2000</i>	<i>2003</i>	<i>2006</i>
Whole country	68.4	68.7	100.2	42.9	40.7	51.4
Gender						
Male	86.2	78.3	115.3	46.5	44.3	55.8
Female	65.3	58.7	90.3	42.9	36.9	46.7
Residence						
Urban	84.7	106.5	160.3	60.4	64.3	66.1
Rural	51.3	82.5	86.6	32.0	26.7	41.5

*Source:* Data from MICS 2000, RGPH03 and MICS 2006.

291. The gross school enrolment rate has shown a positive trend, rising from 68.4 per cent in 2000 to 100.2 per cent in 2006. Distribution by gender, however, shows a gap of more than 20 percentage points between boys and girls.

292. The net school enrolment rate remains low, despite rising slightly between 2003 (40.7 per cent) and 2006 (51.4 per cent). It is some 56 per cent among boys, compared with 47 per cent among girls. The rate is lower in rural areas (41.5 per cent) than in urban zones (66.1 per cent).

293. In addition, data on gender equity show that, in the education system, girls experience discrimination compared with boys. In primary education, for instance, 84 girls aged 6 to 11 years are enrolled in school for every 100 boys in the same age group. The gap widens in secondary education: only 73 girls for every 100 boys have the opportunity of attending secondary school. Discrimination against girls may be attributed to persistent social and cultural constraints in rural areas, where just 71 girls for every 100 boys have the opportunity of attending school.

### **Basic 2 and general education**

294. At national level, the gross rate of enrolment in secondary education was estimated to be 21 per cent in 2003 (RGPH 03), with figures of 26.5 per cent for boys and 15.7 per cent for girls. The net rate was estimated to be 10.8 per cent (12.6 per cent boys, 9.0 per cent girls).

### **Technical and vocational education**

295. The yearbook of school statistics for 2008/2009 shows a total of 4,259 pupils in technical and vocational education, 2,677 boys (63 per cent) and 1,582 girls (37 per cent). This disparity may be explained both by the scarcity of public technical and vocational educational establishments and by girls' lack of enthusiasm for technical subjects (carpentry, masonry, mechanics, electricity, refrigeration, etc.) that are generally regarded as areas reserved for men.

**Higher education**

Table 5

**Distribution of students by educational establishment and gender (2007/2008)**

<i>Type of establishment</i>		<i>Gender</i>		<i>Total</i>	<i>% women</i>
		<i>Male</i>	<i>Female</i>		
Public	Faculty of Arts (FLSH)	1 503	647	<b>2 150</b>	30 %
	Faculty of Law and Economics (FDSE)	2 183	356	<b>2 543</b>	14 %
	Faculty of Science (FS)	907	90	<b>997</b>	9 %
	Faculty of Health Sciences (FACSS)	620	291	<b>911</b>	32 %
	Higher Institute of Technology (IST)	251	33	<b>284</b>	12 %
	Higher Institute of Rural Development (ISDR)	167	40	<b>207</b>	19 %
	University Institute of Business Management (IUGE)	71	20	<b>91</b>	22 %
	Teachers Training College (ENS)	397	47	<b>444</b>	11 %
<b>Total public</b>		<b>6 103</b>	<b>1 524</b>	<b>7 627</b>	<b>20 %</b>
Private	CEFIMO	60	40	<b>100</b>	40 %
	School of Management Accounting (HEGC)	300	450	<b>750</b>	60 %
	Specialist Trades Institute (IMMS)	211	21	<b>232</b>	9 %
	New Tech I	298	466	<b>764</b>	61 %
<b>Total private</b>		<b>869</b>	<b>977</b>	<b>1 846</b>	<b>53 %</b>
<b>Total</b>		<b>6 972</b>	<b>2 501</b>	<b>9 473</b>	<b>20 %</b>

*Source:* Statistics and Archives Service, University of Bangui, 2009.

296. The proportion of women in higher education is very low. Women make up only 20 per cent of the total student body of the University of Bangui. In the various public educational establishments, the proportion of women is above average only in the Faculty of Arts (FLSH) (30 per cent) and the Faculty of Health Sciences (FACSS) (32 per cent). Compared to the other university establishments, the Faculty of Science has the lowest percentage of women students. It is in private educational establishments that a high proportion of women students is seen (53 per cent). In point of fact, very few girls go beyond the level of the Baccalauréat and those that have the opportunity to do so generally tend towards short vocational courses (in management, accounting, office work, etc.) that are mainly provided in private establishments.

Table 6

**Distribution of students by rate of admission and gender**

<i>Establishment</i>	<i>Admission</i>		<i>Total</i>	<i>% women</i>
	<i>Male</i>	<i>Female</i>		
FLSH	1 197	331	<b>1 528</b>	22 %
FDSE	673	146	<b>819</b>	18 %
FS	312	76	<b>388</b>	38 %

<i>Establishment</i>	<i>Admission</i>		<i>Total</i>	<i>% women</i>
	<i>Male</i>	<i>Female</i>		
FACSS	207	48	<b>255</b>	19 %
IST	168	26	<b>194</b>	13 %
	50	10	<b>60</b>	17 %
ISDR	68	23	<b>91</b>	25 %
IUGE	64	20	<b>84</b>	37 %
ENS	274	29	<b>303</b>	10 %
<b>Total</b>	<b>3 013</b>	<b>709</b>	<b>3 722</b>	<b>19 %</b>

*Source:* Statistics and Archives Service, University of Bangui, 2009.

297. The overall rate of admission of women to the University of Bangui in the academic year 2007/2008 was practically the same as their proportion of the total student body (20 per cent).

#### 4. Weaknesses in the sector

##### High drop-out rate

298. The MICS 2000 survey found a school drop-out rate of 28 per cent in rural areas and 18.4 per cent in urban zones. The main causes of school drop-out were identified as being domestic duties, distance, marriage and early pregnancy, poverty and delayed school enrolment.

299. According to the 2007 Status Report on the National Education System (RESEN), the school retention rate in Basic 1 in 2004/2005 was 64 per cent: of 100 children admitted to the entry class of the “cycle”, only 64 reached the last year. This is a low figure in the light of international goals for education, where the aim is to attain a rate of 100 per cent by 2015. The greatest losses are also seen in the transition from primary to lower secondary education, and they concern girls in particular.

300. In Basic 2, the retention rate is 56 per cent, or lower than in Basic 1. In other words, a child entering the first year of junior secondary school has only a 56 per cent chance of reaching the final year of that “cycle”.<sup>25</sup>

301. Lastly, with a rate of 69 per cent, retention in the general secondary school is higher than that in Basic 1 and Basic 2. Even if the report does not specify the retention rate for girls, it may be assumed from the everyday practices of parents, especially in rural areas, that girls do not last as long as boys in the Central African Republic’s school system.

##### Lack of qualified teachers

302. Owing to budgetary constraints, not enough qualified teachers are being recruited to meet requirements. The education system then adjusts to this situation in that families recruit untrained “parent teachers”, who currently make up more than half of all classroom teachers.

<sup>25</sup> The education system in the Central African Republic. World Bank working document, 2008.

**Difficult working conditions**

303. The majority of schools are operating under adverse conditions: far too many pupils, shortages of textbooks, and ramshackle or shed-like buildings where schoolwork is constantly disrupted by the weather. Most of these schools have no water supply or latrines for either teachers or pupils.

304. Higher education is facing similar problems. The University of Bangui suffers from inadequate infrastructure, inadequate student support and guidance services, and inadequate social and research facilities.

**Budgetary constraints**

305. The budgetary priority given to education in the past has been lowered very sharply in recent years. Expenditure on education accounted for 28 per cent of public spending, excluding debt, in 1996, compared with an estimated figure of only 14 per cent in 2005. No more than 1.45 per cent of GDP goes to public expenditure on education, the lowest figure on the continent and well below the African average of 3.7 per cent.<sup>26</sup>

**5. Government efforts in the field of education**

306. The Government is paying particular attention to education, since it is one of the Millennium Development Goals (MDGs). The objective set in the national policy on education for all by the year 2015 is that “all children of both sexes, whatever their housing conditions, will have access to comprehensive, high-quality education in Basic 1”. To this end, the main approaches adopted are:

- To increase the supply of education;
- To create conditions that will attract the largest possible number of boys and girls;
- To increase the percentage of pupils completing primary education;
- To improve school retention rates;
- To heighten awareness and mobilize all partners.

307. The following actions have been taken to promote education:

- Construction, refurbishment and equipment of school infrastructure, especially in conflict-affected zones;
- Accelerated training of qualified teachers;
- Recruitment of qualified and trained teachers;
- Continuing education and retraining of government-employed teachers and parent teachers;
- Provision to schools of textbooks and school kits;
- Provision of latrines and water points in schools;
- Installation of canteens in schools;
- Campaigns to make parents aware of the need to enrol their children, especially girls, in school.

308. Incentives have been introduced to support the school enrolment of girls, in particular. Initiatives to grant girls fellowships and award them “encouragement prizes” are

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<sup>26</sup> Poverty reduction strategy document (DSRP) 2008 (Ministry of Planning, 2010).

being supported by some diplomatic missions accredited to the Central African Republic (China, France, United States of America). Girls attend school free of charge, they may enrol without presenting a birth certificate, and there is no age limit for enrolment.

309. The Government is supported in its efforts by various bilateral and multilateral partners, as well as by international NGOs in the context of the UNDP-coordinated emergency programme. These include UNICEF, UNFPA, WFP, the World Bank and the French cooperation agency, as well as international NGOs such as the International Rescue Committee (IRC) and Cooperazione Internazionale (COOPI).

## **6. Education of single mothers and girls who have dropped out of school**

310. In order to encourage girls to attend and stay at school, Decree No. 67/130 of 17 April 1967 on returning pregnant schoolgirls to their family is no longer applied, but it should be repealed by another text. However, while there is nothing to prevent a schoolgirl mother from continuing to attend school, she does not receive any material or moral assistance from public institutions.

311. For girls who leave school before the end of compulsory education and without a diploma, the Ministry of National Education (with support from UNICEF) is piloting community schools in areas where UNICEF activities are concentrated. These schools enable pupils to rejoin the formal education system after a gap of several years but, even here, males still predominate. The teachers generally come from the villages concerned, have as a minimum completed the second "cycle" of Basic 2 and undergo prior training.

## **7. Physical education and sports**

312. Physical education and sports are compulsory at school for both boys and girls, except for pupils who are officially exempt on health grounds. The conditions of access to sports facilities are the same for boys and girls, but there are still some cultural barriers which mean that older girls, especially if they are already married, refuse to take part in physical education lessons on the grounds that it is shameful for those categories of women to show their bare legs in public.

## **8. Literacy**

313. At national level, a Directorate of literacy and informal education is responsible for carrying out and coordinating national programmes. However, activities are concentrated in Bangui, owing to a lack of resources and shortages of personnel. From 1963 to date, the Directorate has developed nine programmes, in cooperation with partners. Since the end of most of these programmes, the Directorate's activities have been more limited. Apart from private centres run by missionaries, there are only a few literacy centres in the rest of the country, with no trainers.

314. According to RGPH 2003, the literacy rate was 68 per cent in women and 46 per cent in men. The MICS 2006 survey found that 31 per cent of children had never been to school (32 per cent of boys and 42 per cent of girls). Rural areas (42 per cent) were more severely affected than urban zones (17 per cent).

315. Generally speaking, more women than men attend the few literacy centres still operating in the country. Men are still characterized by their traditional status of superiority and would be less inclined to participate in an adult learning process together with women.

## **Article 11 Employment**

### **1. The right to work**

316. Article 9 of the Constitution guarantees all citizens the right to work. The State ensures equality of opportunity of employment and guarantees each worker a fair and equitable wage. No one may suffer prejudice at work or in employment on account of his or her origins, sex, opinions or beliefs.<sup>27</sup>

317. The Labour Code of the Central African Republic defines a worker as “any individual, regardless of sex, race, religion and nationality, who undertakes to pursue his occupation, in return for remuneration, under the supervision of another natural or legal person, whether public or private, known as the employer”.<sup>28</sup>

318. Article 62 of the Act of 10 August 2009 on the general civil service regulations states that no one may be appointed to a public service post unless he or she is of Central African nationality, in full possession of his or her civil rights and of good character, in compliance with the Military Service Act or the Army Act, meets the physical or mental requirements for performing his or her functions, and is aged not less than 18 years or more than 40 years.

### **2. Recruitment practices**

319. The civil service regulations have always provided for a competitive recruitment examination, but this provision was never respected: recruitment was always done merely by reviewing applicants’ files. That situation persisted until 2007, when the first competitive examination was organized.

320. Civil servants have since been recruited by administrative competitions open to applicants of both sexes and organized to meet the civil service’s specific or general needs. Applicants all take the same tests, set in accordance with the regulations applicable to the various professional categories. Notices of competitive examinations for recruitment or promotion are widely disseminated in the form of posters or through the media; applicants must then meet the requirements for admission to the competitive examination and pay the registration fee laid down in the regulations.

321. In the private sector, hiring is done on the basis of an employment contract freely concluded in accordance with the formal requirements that the contracting parties agree to adopt.

322. While equal access to employment is guaranteed by law, this does not preclude the gender-based forms of discrimination that may occur during recruitment. In any case, the law makes no provision for redress for persons (men or women) who have been subjected to discriminatory hiring practices.

323. Despite the equality in recruitment conditions provided for in the relevant texts, women are still underrepresented in terms of numbers of employees in the formal sector.

### **3. Working hours**

324. Article 248 of the Labour Code specifies that in all non-agricultural public or private, lay or religious establishments, even those of an educational or charitable nature, the working hours of salaried employees or workers employed on the basis of time worked

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<sup>27</sup> Article 9 of the 2004 Constitution.

<sup>28</sup> Act No. 09.004 on the Labour Code of the Central African Republic, 2009.



or work carried out (piece wage) may not exceed 40 hours per week. Hours worked beyond the weekly limit laid down or an equivalent duration shall give rise to a wage supplement.

325. Conversely, article 249 sets 48 hours as the length of the work week in agricultural and related establishments. Hours worked beyond this limit give rise to a wage supplement.

326. Apart from working hours, article 252 provides that no woman may be made to remain in a job accordingly recognized as being beyond her strength and must be assigned to another appropriate job. If that is not possible, the contract must be annulled by the employer and indemnities paid in lieu of notice and, where appropriate, for dismissal (when the woman meets the relevant conditions), as well as any damages and interest.

#### **4. Work by pregnant women**

327. Article 253 states that a pregnant woman whose condition has been medically certified or who is visibly pregnant may leave her work without notice and without having to pay a fine for breach of contract. This privilege is granted for a period of 14 consecutive weeks, including six weeks before and eight weeks after delivery.

328. Such absence from work may be extended by three additional weeks in case of illness that has been duly certified by a registered medical practitioner and is the result of pregnancy or childbirth. During this period, an employer may not terminate a woman's contract of employment.

329. Under article 254, a pregnant employee may be temporarily reassigned to another job, on her initiative or that of her employer. This change of assignment shall not lead to a reduced wage.

#### **5. Work by breastfeeding women**

330. Women are entitled to one hour of rest each working day to breastfeed their infant. These rest periods are paid as working time, for 15 months from resumption of work (art. 256).

#### **6. Heavy work by women**

331. The Labour and Social Welfare Inspector may require a woman to be examined by a registered medical practitioner in order to ascertain that the work assigned to her is not beyond their strength (art. 258). Interested parties are entitled to such an examination on request.

#### **7. Equality of remuneration**

332. The principle of equality of remuneration is enshrined in law (article 222 of the Labour Code): "For the same conditions of work, professional qualifications and performance, remuneration shall be equal for all workers, irrespective of origin, sex and age".

333. This equality is not applied in the case of a married woman, owing to the fact that her wages are taxed at the same rate regardless of whether she has children or not (children are deemed to be the husband's dependants). She may claim the offspring in part, however.

#### **8. Women entrepreneurs**

334. Most women in the Central African Republic live in rural areas: they make up more than 65 per cent of the working population and are present in all agricultural value chains.

335. They lack adequate qualifications and are found solely in traditional roles as housewives, hairdressers, seamstresses, secretaries, housemaids, saleswomen, etc.

336. In a context of widespread poverty, women in the Central African Republic are very active in the area of informal trade, in order to support their families. Unfortunately, the development of their economic initiatives is still limited by a lack of support with respect to management training and access to microfinance.

#### **9. Sexual harassment**

337. Sexual harassment at the workplace does exist in the Central African Republic, but its extent has not yet been determined. Nonetheless, article 25 of Act No. 06.032 of 15 December 2006 cited above makes it an offence in the following terms: “The fact of harassing a woman by using orders, threats or constraints with the aim of obtaining sexual favours by a person abusing the authority conferred on him by his functions or position shall be punished by six months’ to one year’s imprisonment and a fine of from CFAF 50,000 to CFAF 500,000.” This is an important step in the fight against sexual harassment at the workplace, since even the Labour Code does not make specific mention of this offence in its provisions.

#### **10. Child care facilities**

338. There is no network of child care facilities in the Central African Republic that enables parents to combine family obligations with professional responsibilities. There has been no real discussion along these lines, and the State has provided absolutely no financial and/or material support. It is up to each family to look after its children, either through the voluntary services of grandparents, nephews and nieces or through the paid services of domestic servants.

### **Article 12**

#### **Equality of access to health services**

339. The State recognizes its citizens’ right to health through article 6 of the Constitution and Act No. 89.003 of 23 March 1989 laying down general principles in health matters. It is therefore working to promote health.

#### **1. Health policies**

##### **National health development plans**

340. As part of efforts to promote the population’s health, the Central African Republic has drawn up a number of health development policy and strategy documents:

- A first-generation national health development plan (PNDS 1) covering the period 1994–1998;
- The National Health Policy, drawn up in 2000 and revised in 2004;
- The Interim Health Plan 2000–2002 (PIS)
- The second-generation National Health Development Plan (PNDS 2) covering the period 2006–2015.

##### **National reproductive health policy**

341. The national policy on reproductive health (RH) was drawn up and adopted in 2003. The priority components defined in this policy are not only those specific to the four strands of RH (children, adolescents and young people, women and men) but also common ones such as measures against practices that are harmful to sexual and reproductive health

(domestic violence, genital mutilation, etc.). The policy also gives a prominent place to women's health, including aspects of safe motherhood.

## 2. Organization of the health system

### Organization and operation

342. The organization and operation of the Ministry of Public Health and the Population as defined by Decree No. 05.121 of 6 May 2005 reveal a dual system:

- A decentralized administrative system with three levels: (a) the central level, responsible for defining national health policy and providing strategic support; (b) the intermediate level or health region, responsible for providing technical support to health prefectures; (c) the peripheral or prefectural level, responsible for providing operational support;
- A care system consisting of health units where programmes are translated into curative, preventive and health promotion activities. This system is also organized into three levels: (a) central referral establishments; (b) regional teaching hospitals and prefectural hospitals providing consultations or general medical activities in paediatrics, gynaecology and obstetrics, and surgery; (c) prefectural hospitals, health centres and health posts.

### Health infrastructure

343. The Central African Republic currently has:

- 4 central hospitals;
- 5 regional hospitals;
- 13 prefectural hospitals;
- 31 category A health centres;
- 22 category B health centres;
- 104 category C health centres;
- 11 category D health centres;
- 13 category E health centres;
- 445 health posts and other facilities.

344. Categories A, B and C health centres are found in sub-prefectures and communes; the difference lies in the minimum package of activities carried out in each one. Categories D and E health centres are urban health centres (CSUs) located in the eight boroughs ("arrondissements") in Bangui and its suburbs, as well as in some provincial towns. CSUs with maternity units are classified as category D and those without as category E. Most health facilities offer prenatal and postnatal care. The quality of prenatal care may contribute to preventing maternal deaths. Prenatal care gives women the opportunity to identify the danger signs related to pregnancy and childbirth, to be vaccinated against neonatal tetanus, to learn about the care of infants and to be treated for diseases such as malaria or anemia.

345. Geographical access to health services within a radius of 5 km increased from 45 per cent in 1995<sup>29</sup> to 65.2 per cent in 2000 (MICS). This improvement masks disparities

<sup>29</sup> Demographic and Health Survey (EDS) 1995.

in terms of place of residence (98 per cent in urban zones, 47 per cent in rural areas). At least 25 per cent of the population in the hinterland have to travel more than 10 km on foot and by any available means of transport to reach a health facility.

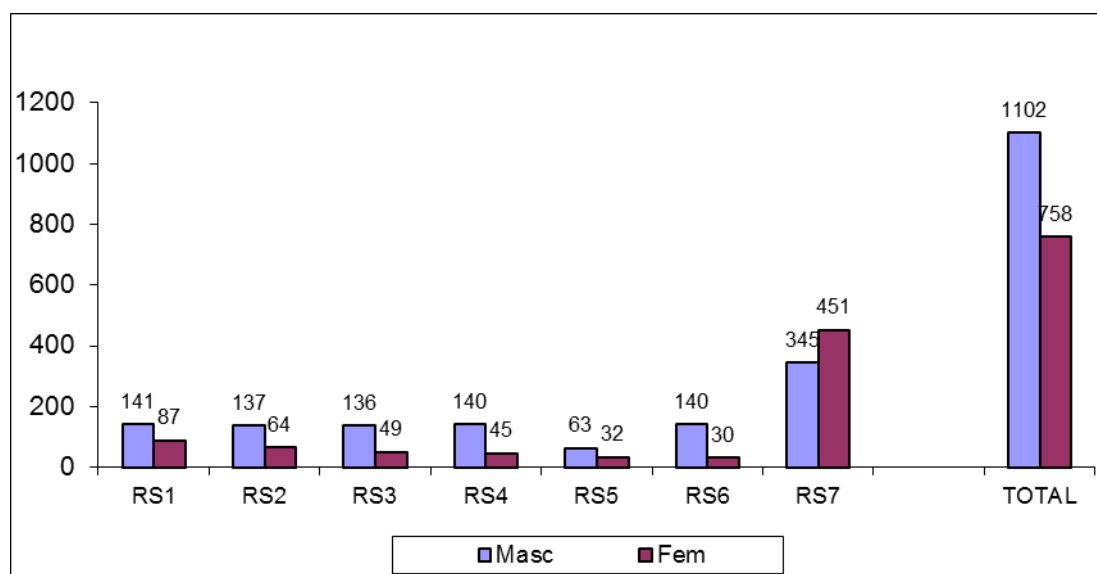
### Health personnel

346. There are a total of 1,915 health personnel in government-run health facilities, but their distribution by professional category shows very large disparities: there are almost no personnel in certain professional categories, such as pharmacists (eight) and dental surgeons (five). The breakdown of personnel in other categories is as shown below:

- General practitioners and specialist physicians: 104 (5.40 per cent);
- Specialist paramedics: 87 (4.52 per cent);
- Midwives and nurse/birth attendants: 241 (12.52 per cent);
- Nurses and State-registered nurses: 270 (14.03 per cent);
- Public health and environmental health personnel: 227 (11.79 per cent);
- Health assistants and assistant birth attendants: 615 (31.96 per cent);
- Community health workers: 259 (13.46 per cent).<sup>30</sup>

Fig. 1

**Public sector health personnel, by sex and health region (RS) (N = 1860)**



Source: PNDS2.

347. Health regions RS1 (the capital, Bangui) and RS7 (the prefectures closest to Bangui) alone account for almost half (47.03 per cent) of all public sector health personnel, for 1,226,370 inhabitants (31.5 per cent of the total population). Conversely, health regions RS3 and RS2, which are the most heavily populated (1,499,262 inhabitants or 38.5 per cent of the population), only have slightly more than one quarter (26.34 per cent) of the total number of public sector health personnel.<sup>31</sup>

<sup>30</sup> PNDS2, Ministry of Public Health, 2006.

<sup>31</sup> PNDS2.

### 3. The health status of women and adolescent girls

#### Fertility and pregnancy in adolescent girls

348. Social and health surveys conducted in the country show that adolescent girls experience reproductive health problems. More than half (57.7 per cent) have their first sexual relations before 15 years of age (MICS 2000) and some 36 per cent of those aged from 15 to 19 years have already had a child or become pregnant for the first time (EDS 1994/1995). Early sexual relations are more frequent in rural areas (52 per cent) than in urban zones. Poor control of sexual behaviour results in unwanted pregnancies and clandestine abortions, which are major causes of maternal deaths in this age group.

#### Infant and young child mortality

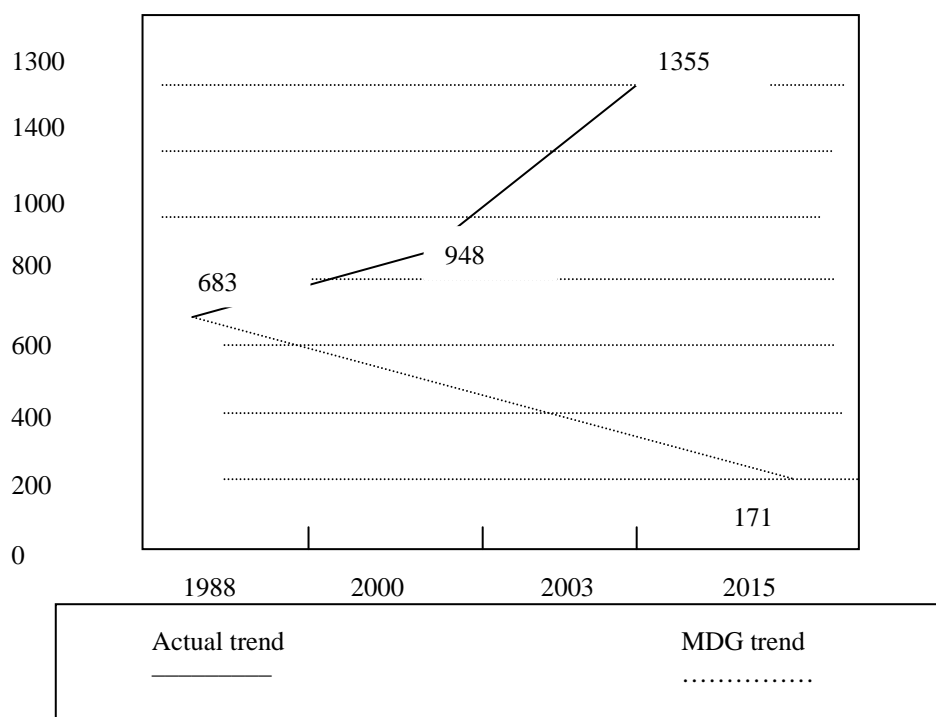
349. According to the 2003 General Population and Housing Census, the infant and young child mortality rate was 220 per 1,000 live births at national level (228 per 1,000 in rural areas). The rate subsequently fell to 176 per 1,000 live births (MICS 2006). Acute respiratory infections, malaria, diarrhoeal diseases, HIV/AIDS and severe protein energy malnutrition are the leading causes of death among children aged less than five years.

#### Maternal mortality

350. The maternal mortality rate rose from 948 per 100,000 live births in 1995 to 1,355 per 100,000 live births in 2003; this is one of the highest rates in sub-Saharan Africa.

Fig. 2

#### Maternal mortality rate



Source: MDG implementation report 2007.

351. The causes of high maternal mortality are related to low coverage with prenatal care, mothers' poor health status, poor conditions for management of pregnancy and childbirth, and difficulties with referral and counter-referral of pregnant women.

352. Coverage with prenatal care remains very low: only 34 per cent of pregnant women made at least four prenatal visits in 2000, and one third of pregnancies were considered to be at risk in 2001, both in the capital and elsewhere in the country. The proportion of births attended by qualified personnel fell from 49.8 per cent in 1995 to 44 per cent in 2000. The leading medical causes of maternal death are haemorrhage (37.7 per cent), prolonged/obstructed labour (24 per cent), uterine rupture (11 per cent) and postpartum infections (6.6 per cent).<sup>32</sup>

353. Additional indirect causes are related to the prevalence of HIV/AIDS, parasitic diseases (especially malaria), nutritional diseases and deficiencies, and genital mutilation in women of child-bearing age.

#### **4. Health care programmes for women and adolescent girls**

##### **Safer motherhood**

354. A plan has been drawn up in the Central African Republic to speed up the reduction of maternal and neonatal mortality in the period 2004–2015. This plan, inspired by the Roadmap and Vision for 2010, includes elements of the “safe motherhood” initiative.

355. The operational plan is based on four strategic approaches:

- Improve the availability, access and uptake of high-quality services by women and children, especially in rural areas;
- Strengthen institutional capacities for planning, implementation, resource management and leadership in maternal and child health;
- Strengthen the role of individuals, families and communities in improving maternal and child health;
- Create/strengthen national partnerships and strengthen links with regional and international networks working to reduce maternal and neonatal mortality.

356. The main actions taken to implement this plan are the following:

- Between 2006 and 2007, with support from UNFPA, UNICEF, MSF/France, COOPI and Merlin, 103 health units (formations sanitaires – FOSA) were rehabilitated and 94 others were equipped/furnished;
- Full emergency obstetrical care is provided by 1.7 per cent of the functional health units and basic emergency obstetrical care by 4.2 per cent; 15 ambulances and 26 encoding radios have been donated to health units; and the referral system is 50 per cent operational;
- Since 2008, new WHO guidelines on managing complications of pregnancy, childbirth, the postpartum and the neonatal period, as well as on decision-making in family planning and on the management of sick children, have been drawn up with the support of the strategic partnership between WHO and UNFPA;
- In 2009, health workers from 8 of 16 health prefectures were trained in the guidelines and protocols, and the corresponding documents were made available in the health units concerned;
- Forty-two midwives from maternity clinics were trained in active management of the third stage of labour (GATPA) in 2009 and 103 reproductive health personnel were trained in the use of the partogram;

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<sup>32</sup> Assessment report on the availability, uptake and quality of emergency obstetrical care (UNFPA).

- A survey carried out in 2005 found 71 cases of obstetric fistula in eight prefectures in the country. Three campaigns were organized to treat the cases identified: the first, by MSF/Spain in health region RS3 in May 2009, enabled repair to be carried out in 34 cases; the second (May 2009) and third (November 2009), by the Ministry of Public Health with the support of UNFPA, led to repair of 93 cases;
- A safe motherhood week has been established and is celebrated each May.

### **Family planning**

357. In 1995, the contraceptive prevalence rate was 3 per cent for modern methods and 12 per cent for traditional methods (EDS 1995). The MICS 2000 survey found that 27.9 per cent of women were using contraception (6.9 per cent modern methods and 21.1 per cent traditional methods). Information, education and communication (IEC) activities in this field carried out by the Central African Association for Family Well-being (ACABEF) and by maternal and child health services are targeted primarily at women. There are very few initiatives to provide information and raise awareness among men, who still have the power to make decisions concerning the couple's sexuality.

### **Nutrition**

358. Malnutrition affects 39 per cent of pregnant women and 41 per cent of breastfeeding mothers (MICS 2006). With the armed conflicts, the drop in agricultural production has led to a certain degree of food insecurity, evident as generalized malnutrition within the vulnerable population, namely women and children.

359. A programme of nutrition support for children has been developed with the support of UNICEF and MSF, by setting up nutrition recovery centres located in areas with high prevalence of nutritional deficiencies.

360. Eighty-five per cent of households have access to iodized salt, and 39.8 per cent of women have received vitamin A supplementation during immunization campaigns.

### **Malaria control**

361. Malaria is one of the main causes of mortality in mothers and children. It is also a factor in the occurrence of anaemia in children under five years of age in the Central African Republic. To reduce malaria mortality, the Government is using the preventive strategy of distributing insecticide-treated mosquito nets. On the curative front, trials are under way of the strategy of promoting home treatment supported by community health workers. This programme has been made possible in the Central African Republic by contributions from the Global Fund to Fight AIDS, Tuberculosis and Malaria. The challenge still to be tackled in this area is to promote environmental health, with the aim of improving the population's living conditions. This must be accompanied by other measures giving priority to IEC, as well as mass access by households to impregnated mosquito nets.

### **Immunization**

362. The Expanded Programme on Immunization was launched in 1979, as part of efforts to promote measures aimed at preventing the common diseases that are at the origin of infant mortality in the country.

Table 7  
**Vaccination coverage, routine EPI, 1995–2004**

<i>Antigens</i>	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
BCG	77	94	68	59	53.6	46.5	38.3	72	55	69
DTP3	48	53	35	31	27	29	23.3	23	28	43
OPV3	46	51	37	32	33	31.3	22	12	26	42
Measles	52	46	40	38	37.5	33.5	29	30	35	61
Yellow fever	58.5	58.3	28	34	33	19.2	24	37	33	50
TT2+	32	60	9	19	28.6	20	17.7	15.4	28.3	N/A

*Source:* EPI unit, Ministry of Public Health and Population.

353. Despite the political will evidenced by the implementation of a number of measures to promote health for all at low cost, and above all to eliminate discrimination in health care, there are still legal barriers to reproductive health. Even if the texts advocate equality of access to health care, in reality women's lack of economic power makes it difficult for them to secure such access, especially to reproductive care. This explains in part the critical situation with regard to the maternal mortality rate (1,535 per 100,000 live births).

#### **Adolescent health**

354. Reproductive health is a Government concern, as evidenced by the development of two national plans in 1998 and 2008 mainly aimed at health education, family planning, HIV/AIDS control, oral health, and control of female genital mutilation and sexual violence.

355. Actions carried out to improve adolescent health include:

- Preparation of textbooks on AIDS control for Basic 1 and 2, with support from UNICEF;
- Implementation of a project on support for the reproductive health of adolescents and young people, with support from UNFPA;
- Implementation of a project on support for information and education activities for behaviour change in reproductive health, with support from UNFPA;
- Implementation of a project on support for the activities of model clinics operated by ACABEF in Ouham and Ouaka;
- Implementation of a project on support for responsible sexuality among young people and establishment of the Information Centre on Young People's Sexuality (CISJEU), with support from the German technical cooperation agency.

#### **5. Action by other ministries**

##### **Ministry of National Education**

356. The project on Education for Family Life and Population, aimed at promoting reproductive health, responsible parenthood and gender equality at school, has been under way for several years and has led to a marked reduction in the school dropout rate linked to unwanted pregnancies.



### **Ministry of Youth, Sport, Arts and Culture**

357. The project on Reproductive Health of Adolescents and Young People is being carried out in youth clubs, to inform young people and make them aware of the need to manage their own sexuality and prevent HIV/AIDS.

### **Ministry of Social Affairs**

358. The Gender project, on strengthening the institutional and technical capacities of the Directorate-General for the Promotion of Women (DGPF) and of NGOs with a view to reducing gender-based inequalities, has enabled technical units and NGOs to carry out activities to counter violence against women, including medical treatment of victims.

### **Ministry of the Economy, Planning and International Cooperation**

359. The project on Coordination of Population and Development Programmes has made it possible to coordinate, monitor and evaluate activities related to implementing the Programme of Action that was adopted at the International Conference on Population and Development (ICPD).

## **6. AIDS control programme**

### **Prevalence of HIV/AIDS**

360. HIV/AIDS is one of the leading causes of morbidity and mortality in the Central African Republic. According to its 2008 report, UNAIDS/Central African Republic estimated that 160,000 people were living with HIV/AIDS, including 140,000 adults aged from 15 to 49 years and 91,000 women aged 15 years or more.<sup>33</sup> The same source noted that most of these people did not know their HIV status. The HIV/AIDS prevalence rate is increasing, rising from 2 per cent in 1984 to 6.2 per cent in 2006 (MICS 2006). Mapping of HIV status in pregnant women showed a median rate of 15 per cent in 2002. Children, women and young people are the favourite “targets” of this disease. The mother-to-child HIV transmission rate is approximately 35 per cent.

### **HIV/AIDS control activities**

361. Given the serious nature of the pandemic and its repercussions on the country’s economic and social development, AIDS control is being tackled using a multisectoral approach.

362. A National Committee for AIDS Control (CNLS) was set up in 2001 and placed under the direct authority of the Head of State. Its standing body is the CNLS National Coordination Council, responsible for coordinating control activities throughout the country.

363. The new National Strategic Framework for AIDS Control (2006–2010), adopted in July 2006, is the baseline document underpinning AIDS control activities in the country. The main lines of intervention are:

1. To step up prevention, in order to reduce HIV transmission;
2. To ensure comprehensive support for infected or affected people;
3. To promote a favourable environment for a multisectoral approach and for improved management, follow-up, evaluation and coordination.

<sup>33</sup> Epidemiological Fact Sheet on HIV and AIDS (UNAIDS, 2008).

364. With regard to the first line of intervention (prevention), an HIV/AIDS control programme among young female sex workers (“filles libres”) is being planned.

365. In the context of social mobilization against AIDS, awareness-raising campaigns are being carried out, with support from community-based organizations (CBOs) and NGOs, targeted at specific groups such as users of main roads and inland waterways, “filles libres”, men in uniform, Pygmies, Peulhs, those working in the private and public sectors, and the populations of mining regions.

366. The mother-to-child transmission prevention (PTPE) programme ensures case-finding and medical treatment of seropositive pregnant women, in order to prevent transmission of the virus from mother to child. This programme has been made much more widely available in health facilities in recent years (30 health facilities were strengthened in this regard in 2008). Nonetheless, despite the availability of the programme, the proportion of cases managed remains low, compared to the actual numbers of women affected.

367. With regard to the management of people living with HIV/AIDS (PLWHA) (antiretroviral therapy (ART) and nutrition, including treatment of opportunistic infections), decentralization of management facilities has led to increased access to ART by PLWHA. In 2008, a total of 9,550 PLWHA were on ART (4,321 men and 5,229 women).<sup>34</sup>

368. Under the third line of intervention, the National Congress of Young Women living with HIV/AIDS (CNJFV+) is a major partner in AIDS control programmes at national level, especially for raising awareness of the need for voluntary testing, counselling and psychological support for HIV-positive people.

#### **Government partners**

369. The various health development programmes are implemented with support from bilateral partners (China, Egypt, France, Germany, Italy, the United States of America and Japan), multilateral partners (the European Union, FAO, the Global Alliance for Vaccines and Immunization (GAVI), the Global Fund, UNAIDS, UNDP, UNFPA, UNHCR, UNICEF, WHO and WFP), some national NGOs (Caritas, the Association for Medical Work by Churches for Health in Central Africa (ASSOMESCA), the Central African Republic Red Cross) and international NGOs (the Catholic Organisation for Relief and Development Aid (CORDAID), Cooperazione Internazionale (COOPI), Emmaus Switzerland, ICRC, IRC, MSF, Première Urgence – Aide Médicale Internationale, etc.).

#### **Health sector constraints**

370. Health sector development in the Central African Republic is facing a variety of constraints. The main ones are:

- Insufficient and dilapidated health infrastructure and equipment;
- Insufficient qualified personnel and concentration of female staff in the capital;
- Shortcomings in the drug procurement and distribution system;
- The low level of disbursement of Government allocations to meet public health expenditure;
- Low uptake of services by the population owing to a lack of professional ethics on the part of some health workers (poor reception, slow treatment of emergency cases, extortion of patients);
- Inadequate mobilization of additional resources.

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<sup>34</sup> WHO statistical data, 2008.

## **Article 13**

### **Economic and social benefits**

#### **1. Right to family benefits**

371. In the Central African Republic there are two family benefit schemes for men and women alike, one for civil servants and the other for private sector workers.

##### **Family benefits for civil servants**

372. In the civil service scheme, family benefits are calculated at the Payments Directorate and paid directly to civil servants as a supplement to their monthly salary. Since the reform and stabilization of public finances imposed by the IMF in 2004, the number of dependent children for whom family benefits are paid is limited to five.

373. Family benefits are paid to civil servants at the following rates, which would appear to be insignificant relative to the cost of living:

1st and 2nd child: CFAF 1,400 per child;

3rd to 5th child: CFAF 2,500 per child.

374. Family benefits are payable to one of the spouses for each dependent child. They are generally added to the husband's salary, as provided for by article 254 of the Family Code, which confers on him the status of head of the family. A woman civil servant may receive family benefits for her children only once it has been proved that the father of those children is not working or if he renounces his entitlement in favour of the mother. An unmarried woman civil servant may claim family benefits only if she has custody of the children.

##### **Family benefits for private sector workers**

375. In the private sector, family benefits are managed by the National Social Security Fund (CNSS), formerly the Central African Social Security Office (OCSS), which provides benefits for families with dependent children.

376. There is a single monthly family benefit in the private sector, set at CFAF 1,200 and paid quarterly (CFAF 3,600 per quarter). The age limit for a child is set at 20 years, but there is no limit to the number of dependent children.

377. The new Social Security Code, however, that was adopted by Act No. 06.035 establishing the CNSS and which will come into force in 2014, limits the number of dependent children to six, with the possibility of replacing those who have reached the age limit of 21 years; the new monthly family benefit is set at CFAF 1,800.

378. It should be noted that women who are not wage-earners are not entitled to receive any benefit. This situation is harmful to the interests of women, especially given that they are largely responsible for the upbringing and care of children; it is even more regrettable when, following a separation, the husband no longer concerns himself with meeting the children's needs and they are often abandoned to their mother.

##### **Maternity benefits**

379. The following maternity benefits are paid in the civil service:

- CFAF 3,500 on presentation of a pregnancy certificate by a woman civil servant or legitimate female spouse of a civil servant;

- CFAF 12,000 after the birth of the child, on presentation of the document establishing a maternal or paternal relationship with the child;
- CFAF 10,000 six months after the birth of the child;
- This benefit is granted for a period of 14 weeks, from 6 weeks before the presumed date of birth to 8 weeks after the birth.

## 2. Right to bank loans, mortgages and other forms of financial credit

380. The conditions for obtaining credit from banks and microfinance institutions are the same for men and women. However, women's lack of information and guarantees makes it difficult for them to access credit. The lack of guarantees is linked to the fact that women in the Central African Republic conduct most of their activities in the informal sector and are accordingly limited to being low-income subsistence entrepreneurs. In addition, women themselves are not ready to take risks by submitting credit applications, as shown in Table 8 below:

Table 8  
Credit applications, by sex

Year	Members		Credit applications	
	Men	Women	Men	Women
2008	26 131	28 816	1 947	704
2009	9 775	10 783	2 113	889

Source: Crédit Mutuel de Centrafrique (CMCA).

381. Table 8 shows that women are less motivated to apply for credit. In 2008, for instance, of 28,816 women members, only 704 submitted an application to CMCA, compared with 1,947 men. The difference was even more marked in 2009, when 889 applications were registered from women as against 2,113 from men. In general, women are very cautious about engaging in business and submitting credit applications, despite the facilities that CMCA offers them by making staff advisers available to help them put together an application. The circumstances for which women apply for loans are frequently related to the start of the school year, holidays and investment in small businesses.

382. Delays in payment of salaries mean that no local bank or company is prepared to offer credit to salaried women, especially in the public sector. The situation is even more worrying for rural women, who produce more than 70 per cent of food crops but derive little profit from their efforts, because lack of access to modern agricultural technologies and difficulties with storage, processing and marketing of their products prevent them from having access to credit. Apart from these difficult conditions, which do not facilitate access to credit, there are no constraints on married women, who can apply for credit without their husbands' assent. For some systems, however, such as the credit granted under development projects supported by certain bodies, the assent or approval of a third party may be required. Since access to credit is offered on an equitable basis, women should not be unfairly treated, in principle. Where this is not the case, human rights NGOs could offer women a remedy on grounds of injustice.

## 3. Right to participate in recreational activities, sports and all aspects of cultural life

383. There are no legal barriers preventing women in the Central African Republic from participating in sporting, recreational and cultural events, so they take part on an equal footing with men.

384. In the 1960s and 1970s sports were compulsory for boys and girls in secondary and high schools, and the country had some great women athletes competing in the Jeux de l'Amitié (bringing together French-speaking countries) and Coupes Tropic.

385. Nowadays women are practising sports less intensively, but there are still female teams in almost all disciplines: football, basketball, volleyball, handball, athletics, etc. There are female physical education trainers and women martial arts practitioners. In order to revitalize and promote women's national sports, the Department of Youth and Sport has set up a Directorate of Women's Sport.

386. There are four women and eight men on the executive of CNOSCA, the country's national Olympics committee. Women are also members of referees' committees.

387. In addition, women are involved in recreational and cultural activities:

- Dance groups: of 50 groups, 3 are run by women;
- Theatre companies: of 20 recognized companies, 3 are run by women;
- Orchestras or bands: of 30 recognized orchestras, none is run by a woman.

388. There are, however, some obstacles to the participation of women in sports and cultural activities, notably the loss of a sporting culture, social and cultural constraints, poor conditions for practising sports, the lack of public libraries (there is only one audiovisual library in the whole country, run by Alliance Française) and poverty.

389. Only working women and female students are interested in having access to new information and communication technologies, in the context of their education and training, professional development and research. Most women do not appreciate the importance of these new technologies, which the general public have difficulty in accessing.

## **Article 14**

### **Rural women**

#### **1. Rural women and knowledge of women's basic rights**

390. Generally speaking, rural women are poorly or almost not at all informed about the rights conferred on them by the Convention. It was only in the period between 1995 and 2000 that Government bodies (such as the Directorate-General for the Advancement of Women) and some women's NGOs began to talk of outreach work to foster awareness of the Convention, but these activities were mostly carried out in the capital and a few other cities.

391. Outreach work on international legal instruments and national legislation to protect women's rights features prominently in various action plans drawn up by the Government, such as those from 2002 on the National Policy for the Advancement of Women (PNPF) and from 2007 on the National Policy for Promotion of Equality and Equity (PNPEE), but implementation of these action plans generally suffers from difficulties with resource mobilization. Nonetheless, outreach activities with rural populations are carried out in a piecemeal fashion by the Directorate-General for the Advancement of Women, civil society and international humanitarian organizations. Stepping up and extending these activities remains a challenge in the area of public information.

392. Women are also treated differently in rural areas on account of their status: married women, with or without children, are better treated and more highly respected by the community. However, married women who do not have children sometimes experience difficulties in the husband's family and even from the husband himself. Widows are often abandoned to their fate. They are most likely to lose their husband's inheritance to the

relatives of the dead man and may be sent back to their original family. Single or divorced women are also mistrusted by other women and are regarded by men as free to be courted.

## **2. Rural women and their contribution to the national economy**

393. Women in rural areas carry out many different household tasks and play a decisive role in the economy: they do almost 70 per cent of the agricultural work. Generally speaking, in addition to tasks such as cooking, cleaning, fetching water and caring for children, almost all the activities involved in maintaining fields and much of the work of harvesting crops and transporting products to market are assigned to women. In addition, they are involved in processing and marketing food crops, to meet the needs of the (normally large) family.

394. Even though women's contribution to GDP is recognized, it is subsumed into the overall contribution by rural areas: their input is not specifically taken into account. Economic and agricultural policies are mostly developed without rural women's knowledge and their views are not generally sought, since there are very few of them in Government and other decision-making bodies.

## **3. Rural women and family planning**

395. The contraception prevalence rate is lower in rural areas (13 per cent) than in urban zones (28 per cent). Conversely, the general fertility rate is higher in rural areas (166.6 births per thousand women of childbearing age) than in urban zones (152.7 births per thousand women). Difficulties of access to family planning information and services are related to the lack of provision in rural areas. Where such services are available, however, the main obstacle remains the reluctance of the husband, who has the power to decide as he wishes on the number of children to have in the family.

396. According to RGPH03, the maternal mortality rate at national level was 1,355 deaths per 100,000 live births. Although there are no statistical data on differential maternal mortality by place of residence, it may be assumed that maternal mortality is higher in rural areas, given the difficulties of access to prenatal consultations and emergency obstetrical care, which increase the risks related to pregnancy in rural women.

397. The nutritional status of urban women is better than that of rural women. In rural areas, pregnant women and children under five years of age, in particular, are affected by malnutrition as a result of food practices based on an unbalanced diet and the existence of food taboos. Despite the availability of nutritious locally produced foods, rural women prefer (from necessity or ignorance) to sell them for money and make do with an unbalanced diet.

## **4. Rural women and education/training**

398. The gross school enrolment rate is 106.6 per cent in urban zones (MICS 2000), compared with 82 per cent in rural areas. In 2003, the net school enrolment rate was 64 per cent in urban zones and only 26.7 per cent in rural areas. The gender difference seen at national level is accentuated in rural areas: fewer girls than boys are enrolled in school in rural areas (59.1 per cent) compared with urban zones (87.7 per cent).

399. Illiteracy is more pronounced in rural areas and affects 81.9 per cent of the female population (MICS 2000). In point of fact, the proportion of women who are illiterate is 20.3 per cent in urban zones, compared with 37.7 per cent in rural areas.

400. The functional literacy programme developed by the Government, some NGOs and faith-based organizations has not been very intensively implemented in rural areas, owing to a lack of resources (financial, material and human). According to the MICS 2006

survey, 46 per cent of women in urban zones were literate, compared with 6 per cent in rural areas. Greater efforts need to be made to tackle the situation in this area.

401. With regard to training, there are no technical high schools in the cities outside Bangui: the country's two public technical education institutions are located in the capital. This creates a problem in terms of technical training facilities for pupils and school dropouts from the country's secondary cities. Furthermore, the few vocational training centres set up on the initiative of faith-based organizations are limited in the subjects they offer and the numbers of pupils they can accommodate. Rural women do not therefore have enough opportunities for training, apart from the few activities carried out by development workers in the context of technical training of women's production units.

402. The ineffectiveness of the national education system, when combined with sociocultural constraints, means that education of the population in general, and of rural women in particular, continues to be a cause for concern.

## **5. Rural women and social security**

403. Wage-earners (predominantly male) are mainly concentrated in the cities. Twenty-one per cent of workers in urban zones are wage-earners, compared with three per cent in rural areas. At national level, only three per cent of female workers are wage-earners, compared with 12 per cent of males. In addition to that of wage-earner, the status of employer also shows evidence of flagrant inequalities to the disadvantage of women. It is worth noting that, despite the many arduous tasks allocated to women, especially in rural areas, there is no form of social security for rural women unless they themselves are wage-earners or are married to men who are.

## **6. Rural women and production groups**

404. There are no obstacles to the organization of women in pre-cooperative groups or production cooperatives. In rural areas, women generally organize themselves in groups around agricultural or commercial activities. These organizations allow them to produce more and hence to increase their income, but they face problems of storage and marketing of their products, as well as with regard to financial support, notably in the form of access to credit in order to develop their various economic initiatives.

405. Some action is being taken, especially in conflict zones, by specialized agencies of the United Nations system and international NGOs to support the economic activities and production of women's groups. Elsewhere, women have few opportunities in terms of technical, material and financial support.

406. Nonetheless, enhancement of the role of women in agricultural production is one of the priorities in the strategic document on rural development that has been drawn up as part of efforts to reduce rural poverty. Implementation of this document will shortly be the subject of a round-table discussion with donors, in order to mobilize the necessary resources.

## **7. Rural women and access to land**

407. There is no problem with access to land in the Central African Republic, given the low population density (6 inhabitants per km<sup>2</sup>). Rural women generally have the right to use their husbands' land for their agricultural activities, or they inherit land from their parents. It is worth noting, however, that while land in the Central African Republic belongs to the State, the problem of land ownership does not arise because it is so abundant.

## 8. Rural women and participation in national planning

408. The village council and the municipal council are the decision-making and planning bodies in rural areas. Despite the fact that women play a vitally important role in the rural economy (ensuring that families are fed, household chores are done, children are educated, etc.), they remain marginalized in decision-making processes concerning management of the community and the family. Women are very rarely executive members of village development committees and municipal councils: their responsibilities are often limited to those of a treasurer or councillor.

409. Women's services are requested primarily for actions of benefit to the community.

## 9. Living conditions of rural women

410. The living conditions of rural women may be assessed through those of rural households in general, which were analysed in the 2008 well-being survey report.<sup>35</sup> The main elements of that report are described below.

### Housing

411. Rural households generally (94 per cent) live in simple houses built of natural and non-durable materials, with a very limited number of rooms (two at most):

- 90 per cent of rural households live in houses with roofs of thatch, straw or bamboo;
- 86 per cent of rural households live in houses with rudimentary walls (straw, clay or mudbricks).

### Household amenities

412. Very few rural households have access to water supplies and sanitation:

- 40 per cent of rural households have access to drinking water, with boreholes as still the principal source;
- Only 34 per cent of households in rural areas have improved sanitation;
- 38 per cent of rural households do not have a latrine and their inhabitants defecate in the open air.

413. Firewood is still the main source of fuel used by rural women (in 100 per cent of households), with hurricane lamps and wood fires most used for lighting.

414. The proportion of rural households with the household appliances required to improve the family's living condition in general, and those of women in particular, is very low:

- Radio 25.5 per cent;
- Rickshaw 3.5 per cent;
- Telephone 1.9 per cent;
- Television 0.7 per cent;
- Mill 31.4 per cent;
- Bicycle 13.1 per cent.

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<sup>35</sup> Central African survey for monitoring and evaluation of well-being (Central African Institute of Statistics and Economic and Social Studies (ICASEES), 2008).



415. These data confirm the precarious living conditions of rural households, the majority of whose members are women.

## **Article 15**

### **Equality before the law and in civil matters**

416. This question is governed in the Central African Republic by the following legal documents:

- The Constitution of the Central African Republic;
- The Family Code;
- The Civil Proceedings Code;
- The Criminal Proceedings Code;
- The French Civil Code, applicable in the Central African Republic under the ordinance of 6 October 1958 signed by the then Minister for the Colonies, Mr Plantey, stating that, in the absence of texts adopted by the local government, the former texts shall continue to apply.

417. Article 5 of the Constitution states that all human beings are equal before the law, without distinction as to gender, in particular. This means that all the abovementioned texts treat men and women equally with regard to the following:

- Legal capacity to act in civil matters;
- Right to administer property;
- Equal treatment by the courts;
- Freedom of movement and freedom to choose a place of residence.

#### **1. Legal capacity to act in civil matters**

418. In accordance with the texts cited above, as well as the Convention on the Rights of the Child (which the Central African Republic has ratified), at the age of 18 years, every person of either sex is an adult and as such has the legal capacity to act in all civil matters.

419. A woman accordingly has the right to enter on her own behalf into contracts relating to credit and the acquisition of property, or to engage in commercial transactions.

420. She may also enter into contracts by giving her authorization or by appointing someone to act as her agent. This capacity may be restricted only by her matrimonial regime.

421. With regard to employment, a woman may engage in an occupation that is distinct from her husband's occupation, unless her husband objects in the family's interest. Where such objection is unfounded, the woman may be authorized by a court to disregard it.

422. The Central African Republic has given practical form to freedom of action in the health field with the adoption of Act No. 06.005 of 20 June 2006 on reproductive health (the "Bangayassi Act"), under which a woman may receive medical care or obtain contraceptives without the authorization of her husband.

## 2. Right to administer property

423. In view of the fact that the administration of property depends upon the legal capacity of every human being, women enjoy the same rights as men in this area, except in so far as a married woman's capacity may be restricted by her matrimonial regime.

424. A woman may be an executor or administrator of an estate. She may thus be designated an executor of her children's property.

425. Despite the fact that this principle is laid down in law, women find it difficult to perform the duties of an administrator of property or an executor, owing to the persistence of existing customs.

## 3. Equal treatment before the law

426. Equal justice for men and women is guaranteed by the Constitution. Women have access to the judicial system on the same basis and under the same conditions as men.

427. A woman may lodge a complaint and be tried in her own name as a person having legal personality.

428. Women are part of the judicial system. Their evidence is taken into account and given the same value as that of men. There are women lawyers, judges and registrars. Although in a minority, they may be members of the jury of a tribunal or court (Constitutional Court, lay jury in criminal proceedings).

429. For a married woman, however, the right to equal treatment by the courts is somewhat restricted; from a cultural standpoint, a woman who has her husband prosecuted for any reason whatever is regarded with disapproval.

430. Women have equal access to legal services (provided by a lawyer, solicitor or notary, or enforcement officer). They may receive free legal aid. If a woman is an indigent, a lawyer is appointed to assist her. On the other hand, illiterate women are given little information about access to legal services, a situation that is more pronounced in rural areas.

431. Courts in the Central African Republic make no distinction between men and women who are brought before them. Both sexes are entitled to the same rights under comparable circumstances. A woman may be awarded damages on the same basis as a man, and if found guilty of an offence she may be given the same sentence as a male defendant. She may also be sentenced to pay damages to a man. However, her sex may allow her to claim extenuating circumstances: a pregnant woman who is sentenced to death may not be executed until her child has been born.

## 4. Freedom of movement and freedom to choose a place of residence

432. Only marriage can restrict a woman's freedom to choose her place of residence. The Family Code provides that the family's place of residence shall be chosen by the husband. However, where that choice is such as to endanger the wife and children physically or morally, the wife may be authorized to have a residence determined by a judge for herself and her children.<sup>36</sup>

433. Where a woman is divorced or separated from her husband, her legal domicile ceases to be her husband's home. She may return to her original domicile, where she retains her right to do so, or select another domicile.

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<sup>36</sup> Article 255 of the Family Code.

434. An unmarried woman is free to choose her place of residence, no less than a man. She may also travel as she sees fit, both within the country and abroad.

435. In a polygamous marriage, a woman is not under any obligation to live under the same roof as her husband. This situation is not conducive to a harmonious life for the couple and their children, nor does it promote family solidarity or the welfare of children and women.

436. Immigrant women who live and work on a temporary basis in the Central African Republic have the same rights as men to have their spouses, partners or children join them, provided they comply with the procedures and provisions governing residence in the Central African Republic and do not contravene the law.

## **Article 16**

### **Equality in marriage and the right to a family**

437. Family relations are governed by the following legal texts:

- Act No. 97.013 of 11 November 1997 on the Family Code;
- The French Civil Code, applicable in the Central African Republic under the ordinance of 6 October 1958.

438. Equality in marriage and the right to a family concerns the matters treated below.

#### **1. Age of marriage and free choice of spouse**

439. No one may contract marriage before the age of 18 years, unless a dispensation is granted by the Public Prosecutor or the authorization of the persons exercising parental authority is obtained.<sup>37</sup> The Registrar of births, marriages and deaths may not solemnize a marriage without prior proof of consent by duly empowered persons or the dispensation granted by the Public Prosecutor.<sup>38</sup>

440. Since marriage is the legal union of a man and a woman resulting from a statement of their free and informed intent to take each other as spouse, there can be no marriage without the consent of the future spouses<sup>39</sup>. It follows from these provisions that the two parties to a marriage have a free choice of spouse. Consent is contained in a written document addressed to the Registrar or diplomatic official who will solemnize the marriage. The State ensures that the marriage is contracted with the free and full consent of the woman by requiring that it is publicly solemnized in the prescribed manner, during which the Registrar publicly obtains the consent of the future spouses.<sup>40</sup>

441. Men and women have the same rights and responsibilities during their marriage.

442. In accordance with the Family Code, a woman takes her husband's name upon marriage, supplementing her maiden name.

443. Women have the right to decide on the number and spacing of their children, to receive family planning information and services, and to take decisions concerning the education of their children. In reality, however, men have the last word.

<sup>37</sup> Articles 209 and 211 of the Family Code.

<sup>38</sup> Article 215 of the Family Code.

<sup>39</sup> Articles 200 and 210 of the Family Code.

<sup>40</sup> Article 227 of the Family Code.

444. Under article 238 of the Family Code, omission or violation of the rules governing the marriage contract is punishable as follows: “relative nullity of a marriage may be pronounced on grounds of:

- defect of consent by one of the spouses, if his or her agreement was obtained by violence or given in error;
- lack of family authorization;
- non-payment of the marriage settlement, when the spouses have agreed to make such payment a condition of their union;
- impotence of the husband.”

## **2. Polygamous marriage**

445. Polygamy is recognized by law, in that it is permitted under the country’s Family Code. It is the outcome of an option officially subscribed to by the future spouses in the presence of the Registrar during solemnization of the marriage. In a polygamous marriage, the parties’ rights and responsibilities are governed by the Family Code.<sup>41</sup> Polygamy is more common in rural than in urban areas, and among uneducated women than in those of a certain intellectual level.

## **3. Matrimonial regimes**

446. Spouses are free to choose one of the four types of matrimonial regime provided for by law:<sup>42</sup>

- Community of after-acquired property, which comprises the separate property of the husband and the wife, as well as the common property of both spouses, even where the latter has not been jointly acquired;
- Contractual community of property: the spouses may enter into all types of agreements concerning their property; they may, for instance, agree to depart from the rules governing the administration of assets;
- Sharing of after-acquired property comprises only two estates, separate and distinct from each other from the point of view of both assets and liabilities;
- Separate property: each spouse retains the right to administer, use and dispose of his or her own property.

447. Where the future spouse is an unemancipated minor, the consent of those holding parental authority is required for the choice of matrimonial regime.

448. Where there is no marriage contract or no matrimonial regime has been chosen, the spouses are governed by ordinary law, i.e. the statutory regime under which spouses may jointly acquire property during the marriage.

## **4. Rights and obligations of spouses during marriage**

449. By entering into marriage, the man and the woman commit themselves to conjugal life (consortium and cohabitation). They owe each other mutual respect, affection, fidelity, care and assistance in safeguarding the moral and material interests of the household and the children.<sup>43</sup>

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<sup>41</sup> Articles 216, 230 and 251 of the Family Code.

<sup>42</sup> Article 359 of the Family Code.

<sup>43</sup> Articles 251 and 252 of the Family Code.

- During the marriage, the father and mother exercise their parental authority in common. Each parent has obligations toward the children, arising from their status as their parents. Parental authority over a child born out of wedlock is exercised only by the parent, father or mother, who has voluntarily recognized the child; where both parents have recognized the child, parental authority is exercised by the father.

450. This is a serious form of discrimination against the woman in cases where both the father and the mother have recognized the child born out of wedlock yet parental authority is entrusted to the man alone, since as a practical matter a child born out of wedlock is usually cared for by the mother rather than the father.

451. A woman has the right to adopt a child through the same procedures and subject to the same conditions as a man.

- The man is the head of the family; husband and wife contribute to the support of the household according to their respective capacities. It is the husband who is primarily responsible for that support. The wife joins with the husband in providing the family with moral and material guidance, bringing up the children and preparing them for independence. The exclusive preserve of the regime of community of property is seen in the fact that legal administration is entrusted to the husband, who acts alone in transactions concerning all of the spouses' property. The husband is thus in a predominant position, to the disadvantage of the wife. Important legal restrictions are imposed, however, since the husband is obliged to exercise his authority in the interests of the family and without fraud. Furthermore, the husband may not assign property that is owned in common without his wife's consent. While the wife does not manage the property, she must state her views in order for property that is owned in common and her husband's property to be disposed of. Acting through the courts, she can block the exercise of a power or invalidate an act on the grounds of fraud by her husband or his disregard of the family's interests;
- The wife may be the head of the family when the husband is not in a position to express his will. In a polygamous marriage, the first wife is responsible for providing moral and material guidance.<sup>44</sup> All the rights and obligations resulting from monogamous marriage apply in a polygamous marriage as well, i.e. between the polygamous husband and each of his wives. Every wife is entitled to equal treatment.

A woman's legal capacity is not curtailed by marriage; her rights of ownership and acquisition remain intact, but her rights of administration and disposal depend upon the matrimonial regime. If her husband becomes bankrupt, her rights may or may not be affected, depending on the regime. In practice, even though a wife's property is not affected by her husband's bankruptcy, very often she will unhesitatingly contribute her own possessions to help him cope with the situation.

Most marriages in the Central African Republic are concluded without a marriage contract.

- Article 257 of the Family Code stipulates that "each spouse may freely pursue the occupation of his or her choice, receive earnings and salaries and dispose of them, after settling household expenses. The assets that the spouses acquire through earnings and salaries from the pursuit of their occupation, after deduction of their contribution to household expenses, are for their administration, enjoyment and disposal". Article 260 specifies that "each spouse may authorize the other to

<sup>44</sup> Article 254 of the Family Code.

represent him or her in exercising the powers attributed by the relevant matrimonial regime ...”<sup>45</sup>

Under the provisions of these articles, women are free to choose a profession or occupation and to open a bank account. They may possess, acquire, administer and dispose of property.

According to the law, the obligations arising from marriage are to a large extent reciprocal, but in practice it is apparent that many men evade their responsibilities, leaving women alone to bear the burden of family expenses.

#### **5. Rights and responsibilities of partners in informal unions**

452. The Family Code does not recognize informal unions. They are, however, very common. An informal union is based on a simple verbal contract (the content of which is usually vague) between the partners, and their respective rights and responsibilities depend on their wishes. Nonetheless, cohabitation may give a right to redress and compensation if the break-up of the relationship has been initiated by one of the cohabitantes with no likelihood of fault on the part of the other, and especially if the cohabitation has been open, public and lasting and if it is shown that the female cohabitee has made a considerable contribution to acquisition of her partner’s property.

#### **6. Women in divorce and death**

453. In divorce, men and women are treated without discrimination. A marriage may be dissolved at the request of one of the spouses, for the same causes that may be cited by the other spouse. These causes include:

- Adultery;
- Misconduct or moral and material neglect compromising the life or safety of the children;
- Having been charged with a criminal offence the maximum penalty for which is death, imprisonment or loss of civil rights;
- Having been charged with practising witchcraft, charlatanism or fetishism of the other spouse;
- De facto separation of more than three years;
- Prolonged and unjustified refusal to consummate the marriage;
- Incompatibility of temperament making the marital relationship intolerable.

454. The decree of divorce is issued by a court, and the fact of the divorce must be entered on the birth certificate of each of the former spouses, and also on their marriage certificate. This requirement is seldom complied with, however, owing to a lack of coordination between the courts and the Civil Registrar’s office.

455. Movable and immovable property should be divided in accordance with the matrimonial regime selected. As noted above, however, in the Central African Republic most spouses do not conclude a marriage contract and accordingly choose the statutory regime, i.e. that of community of property. Under this regime, each party recovers his or her own property, provided he or she can prove ownership; property that is owned in common is divided equally between the man and the woman. In reality, however, the man frequently claims that most of the property has been obtained through his efforts and he

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<sup>45</sup> Articles 257, 258 and 260 of the Family Code.

therefore wants the regime of separate immovable property to be applied. In this case the woman would be the loser, because during the marriage it was she who saw to the family's welfare. It should be further noted that the courts often find it difficult to enforce decisions concerning divorce.

456. A women may receive a maintenance allowance if she meets the conditions laid down in the Family Code or if she has custody of a child aged less than seven years.<sup>46</sup> Where a woman has been awarded custody of the children, her former husband is required to pay her an allowance for their support; the amount of such allowance is based on his income.

457. Following the death of one of the married spouses, the surviving spouse (provided he or she is not divorced and is not the subject of a past final decree of judicial separation) has a right of usufruct over one quarter of the assets of the estate.<sup>47</sup> No problem arises when the man is the survivor, but in the case of a woman the situation is disastrous, not to say pathetic, since society in the Central African Republic is still living under a burden of tradition. It is no simple matter to renounce custom and may even be said to be impossible in many cases, inasmuch as most married couples have never heard of the Family Code.

458. In a number of traditions, a woman cannot be sure of inheriting anything at all by custom. A woman seldom has a share in her late husband's estate; his property is frequently deemed to belong to his original family. Widowhood rites are still regularly observed in the Central African Republic, and are tolerated. In this connection, it should be noted that the Family Code prohibits cruelty to or maltreatment of a widow or widower on the occasion of death and funeral ceremonies; they are punished in accordance with the provisions of the Criminal Code.<sup>48</sup> Furthermore, in judicial practice, judges frequently take account of the woman's unpaid work in the home or the fields as having contributed to the value of the property held in common.

459. A married woman retains her name and acquires the right to use her husband's name during her marriage and while a widow. Increasingly, women are using both their own names and their late husbands' names.

#### **IV. Conclusion and recommendations**

460. This report is the outcome of a process based on extensive consultation at national level. It takes stock of the situation with regard to the rights of women in the Central African Republic 18 years after the country ratified the Convention.

461. This situation assessment shows that the Government and its development partners have made tangible efforts to enable women to access and legitimately exercise their rights.

462. These efforts have resulted in the adoption of a wide range of measures designed to improve the social and legal status of women in the Central African Republic.

463. The Government's desire to build up an institutional framework that is favourable to the advancement of women is evident from the fact that the former Secretariat of State for Social Affairs had its status raised to that of the Ministry for the Advancement of Women and Social Work in 1994, that strategy documents have been drawn up (notably the National Policy for the Advancement of Women in 1999 and the National Policy on Promotion of Equality and Equity in 2005, together with their corresponding action plans)

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<sup>46</sup> Articles 306 and 307 of the Family Code.

<sup>47</sup> Article 173 of the Family Code.

<sup>48</sup> Article 1054 of the Family Code.

and that the National Body for Concerted Action (ONC) and CEDAW Monitoring Committee have been established.

464. It is also clear that efforts have been made to improve the judicial framework, marked by the adoption of the Family Code in 1997 and of the Health and Reproduction Act and the Act for the Protection of Women against Violence in 2006. There is no doubt that these actions are strong points in promoting and protecting women's rights in the country.

465. Nonetheless, it is noteworthy that only very limited progress has yet been made in implementing development programmes and projects on the social and economic advancement of women, owing to difficulties in mobilizing resources.

466. In addition, the population has been given very little information, education and training with regard to the Convention and national legislation for the protection of women's rights, and this has hindered social mobilization on a national scale to counter discrimination against women.

467. Despite the efforts made, there are still many challenges to be tackled in order to promote and protect women's rights by giving effect to the Convention. That calls for mobilization and synergy in the activities of all partners, namely the Government, development partners and civil society, to whom the following recommendations are addressed.

#### **The Government**

- Operationalize the CEDAW Monitoring Committee that was set up by Ministerial Decree No. 012 of 13 June 2007, by providing it with substantial resources. This Committee should be decentralized throughout the country;
- Take judicial measures to give effect to the constitutional provisions concerning the quota system for women in decision-making bodies;
- Translate the Convention into Sango, in order to spread its message and make it easier for people to understand;
- Take the necessary steps to revise national legislation whose provisions discriminate against women;
- Relaunch the women's literacy programme;
- Provide for the collection of data on the situation of women from ethnic minorities (Peuhl and pygmy women), for inclusion in regular reports.

#### **NGOs and national associations**

- Cooperate and work in synergy with the CEDAW Monitoring Committee on various activities in support of women;
- Become more involved in countrywide outreach and training activities for women about their rights.

#### **Development partners**

- Continue to provide support of all kinds for the advancement of women, implementation of the national policy for the promotion of equality and equity, and preparation of the country's periodic reports to the United Nations Secretary-General;



- Make provision in their budget for participation by the delegation from the Central African Republic in the session of the Committee for the Elimination of Discrimination Against Women at which this report is presented and discussed;
- Consider training members of the CEDAW Monitoring Committee in report-writing at the offices of the United Nations Secretary-General.

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