

PRESIDENCY OF THE REPUBLIC

**HIGH COMMISSION OF HUMAN RIGHTS
AND GOOD GOVERNANCE**

**THE CENTRAL AFRICAN REPUBLIC'S
NATIONAL HUMAN RIGHTS REPORTS
DRAFTING COMMITTEE**

CENTRAL AFRICAN REPUBLIC

Unity – Dignity – Labour



**INITIAL AND CUMULATIVE REPORT OF THE
CENTRAL AFRICAN REPUBLIC ON THE
AFRICAN CHARTER ON HUMAN AND PEOPLES'
RIGHTS**

JANUARY 2006

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INTRODUCTION

Having gained independence in 1960, followed by its adherence to the Organization of the United Nations on the 20th September of the same year, the CAR marked its commitment to the promotion of human rights ideals by means of the various international and regional human rights instruments.

This commitment is manifested by the ratification of important human rights instruments including the African Charter on Human and Peoples' Rights, which was ratified on the 26th April 1986.

In conformity with the provisions of Article 62 of the African Charter on Human and Peoples' Rights, this initial and cumulative Report from the CAR is the expression of its obligations to the provisions of the said Charter to which it is signatory.

This Report is divided into eleven Sections dealing respectively with:

- A general overview of the CAR;
- CAR's commitment in the area of human rights;
- The various political regimes before and after independence;
- The implementation by the CAR of the rights protected by the African Charter on Human and Peoples' Rights;
- The measures taken by the CAR to improve the conditions of vulnerable groups, namely Women, Children, the Physically Handicapped and Minorities;
- The measures taken by CAR to protect the family and its integrity;
- The measures guaranteeing the respect for the rights of the individual;
- The difficulties encountered by the CAR in the application of the Charter;
- The implementation of human rights education by the CAR in accordance with the provisions of Article 25 of the Charter;
- The Charter as an instrument of international relations;
- Finally, some information relevant to the application and promotion of the Charter;
- Annexures

These are the contents of the present initial and cumulative Report submitted by the CAR.

I- GENERAL OVERVIEW OF THE CENTRAL AFRICAN REPUBLIC

The Central African Republic, formerly known as Oubangui-Chari, and a former French colony, is a landlocked country located at the heart of Africa. It has several aspects, notably:

① Physical Aspects:

The Central African Republic is a continental country which has common borders with the Republic of Chad in the North, the Republic of Sudan in the East, the Republic of Cameroon in the West, in the South East with the Democratic Republic of Congo and in the South West with the Republic of Congo. It has a total surface area of 623,000 sq. kms, of which 3.2% is under agricultural cultivation, 4.8% is pastureland, 57.5% constitutes forest areas and 34.5% is used for habitation and other uses.

The Central African Republic's land area is characterized by Plains in the Centre and in the South, by Plateaus in the West and two major mountainous areas (the Fertit mountain range in the North East and the Yadé range in the North West. The highest peak of these two ranges is Mount Ngaoui in the North West which has an altitude of 1,420 metres.

The Central African landscape comprises a raised median compartment or two subsided dorsal compartments: the Chad Basin in the North and the Congo Basin in the South. The two Basins constitute the basis of the hydraulic system for the country. The rivers from the two Basins which divide the CAR water the country remarkably in opposing directions. The Chari in the North with its tributaries and the Oubangui in the South with its tributaries have a very simple regimen. The waters rise during the rainy season. The Chari is navigable from Batangafo and the Oubangui whose upper reaches are intersected by rapids in the East, is navigable from Bangui.

② Climate

There are three types of climate:

- The equatorial or forest Guinean climate in the South;
- The Soudano-Guinean or inter-tropical climate in the Centre;
- The Sahelo-Soudanese or South Sahelian climate in the North.

Within each type of climate, sub climates can be observed depending on the rainfall pattern and the length of the rainy season. Therefore, there are two major seasons in CAR: the rainy season lasting from May to October and the dry season lasting from November to April.

It is important to note that the Central African climate is subjected to the influence of the two large areas of high pressure which control the climatic situation of the whole of Central and West Africa. These are the Libyan anticyclone on North and North East Africa and the St. Helen anticyclone located in the Atlantic in the South West of the Continent.

The annual average temperatures are between 23.4° in the West (Bouar) and 26.5° in the North East (Birao). The greater part of Central African territory receives more than 1,220mm of rain per year. Only the sub-Saharan area of Birao receives less than a metre of rain per year.

③ Vegetation

The Central African climate marked by strong rainfall provides the country with vegetation which is characterized by a large diversity of dense forests in the South and West of the country, with arborous and herbaceous Savannah in the North going through jungles of dry Savannah forests up to the Steppes in the extreme North East of the country.

The variety of vegetation which also gives rise to varied climatic conditions is the source of important and diversified fauna. It is possible to find species like mammals (gorillas, elephants, rhinoceros, hippopotami, giraffes, antelopes...) reptiles (the viper, crocodiles, alligators...) and all kinds of birds. The aquatic fauna is rich in fish.

With respect to the development and protection of the fauna, the Central African Republic has three national parks the most important of which include: the Avakaba Park in Bamingui-Bangoran in the North East of the country and the Zangha-Sangha Park in the Sangha Mbaéré Prefecture in the South East.

The faunal heritage of the CAR, added to the variety of its vegetation, its water resources and its climate makes the country a tourist zone par excellence. However it should also be emphasized that these riches constitute a focus of attraction for the poachers who are decimating the rare and protected species (elephants, rhinoceros...)

④ Administrative Divisions

The Central African Republic is divided into sixteen Prefectures. These are in turn sub-divided into seventy one (71) Sub-Prefectures, two (2) Administrative Offices (PCA), one hundred and seventy one (171) Administrative Districts and nine thousand (9000) villages.

Within the context of the decentralization policy, the Prefectures are divided into six (6) regions, each having between two to three Prefectures. The seventh region is made up of eight Districts which constitute the Capital, Bangui.

The major Administrative Departments are located in each region: the Military, the Health Services, the Inspectorates of Education, and of Labour, the regional Departments of the Public Service and in the near future the regional Departments of the Office of Human Rights and Good Governance.

All the cities of the Central African Republic are linked by non bituminized roads with the exception of the three road links: Bangui-M'baiki, Bangui-Sibut and Bangui-Bossembélé-Garouamboulaye where road works are currently going on.

The tracks which link the different towns in the country are quite accessible. During the rainy season traffic is made difficult due to the terrible degradation of the roads. The town of Birao in the extreme North of the country is completely cut off during the rainy season due to flooding and the absence of art works (bridges).

Besides the International Airport of Bangui M'poko, the country has airports in each Prefecture. Two harbours, one in Bangui and the other in Salo in the Sangha Mbaéré District take care of the river traffic.

In an effort to open up the country, a determined effort is being made to set up telecommunication networks gradually in all the cities of the country.

⑤ **Demography**

The last general census held in 2004 in Central Africa indicated a total population of 3,895,139 inhabitants. In 1988 total population figures stood at 2,500,000 inhabitants. Thus, in seventeen years, the population has grown by 1,395,139 representing an annual growth rate of 2.60%.

The population of Central Africa is made up of a variety of ethnic groups including the Gbaya in the West and North of the country with sub-groups consisting of the Ali, the Gbaka-mandja, Mandja, Gbanou in the centre of the country, the Banda in the Centre-East; the Zandé, the Yakoma and the Nzakara in the East; the Mboum, the Karé, the Kaba and the Dagba in the North. It is worthy to note that amongst this population there are pygmy minorities in Lobaye and Sangha-Mbaéré, the Ndris in the Boali Sub-Prefecture and the Fulani in the animal husbandry zones.

This entire population mixture communicates by means of the Sango, a language which is spoken and understood everywhere in the country. Although Sango has become an official language, only French is used in schools and offices.

5.1. **Demography**

It should therefore be spelt out that this population is unevenly distributed throughout the territory. According to the data obtained from the general population census of 2004 which is divided into:

- 1/ the overall population.
- 2/ the urban population.
- 3/ the rural population.
- 4/ the population by gender.
- 5/ the population by region.
- 6/ the population by Prefecture.

1/ **The overall population**

Out of a total of 3,895,139 inhabitants, in the entire national territory there are:

Men = 1,939,326

Women = 1,955,813

Namely, there are more women than men.

2/ **The urban population**

Out of a total of 1,475,315 inhabitants:

Men	=	738,786
Women	=	736,529

Namely, there are more men than women.

3/ The rural population (Provinces)

Out of a total of 2, 419, 824 inhabitants, there are:

Men	=	1, 939,326
Women	=	1, 219,284

Namely, there are more men than women.

4/ Population by gender

For the population according to gender, the results show:

Men	=	1,939,326
Women	=	1,955,813

Namely, there are more women than men.

5/ The population according to administrative region

* Région 1	:	603,600
* Région 2	:	699,535
* Région 3	:	799,726
* Région 4	:	512,946
* Région 5	:	185,800
* Région 6	:	470, 761
* Région 7 (Bangui)	:	622,771

6/ The population according to Prefecture

* OMBELLA-MPOKO	:	356,725
* LOBAYE	:	246,875
* MAMBERE-KADEÏ	:	364,795
* NANA-MAMBERE	:	233,666
* SANGHA-MBAERE	:	101,074
* OUHAM-PENDE	:	430,506
* OUHAM	:	369,220
* KEMO	:	118,420
* NANA GRIBIZI	:	117,816
* OUAKA	:	276,710
* BAMINGUI-BANGORAN	:	43,229
* HAUTE-KOTTO	:	90,316
* VAKAGA	:	52,255
* BASSE-KOTTO	:	249,150
* MBOMOU	:	164,009
* HAUT MBOMOU	:	57,602
* BANGUI	:	622,771

⑥ Economic and Social Perspective

The economy of the Central African Republic is based essentially on the exports of agricultural, mining and forestry products.

Industrial activity is not very developed and the tertiary sector registered remarkable progress before the crises period of 1996 to 2003.

Thus, the brief indicators outlined below can provide an idea of the problems linked to human development in Central Africa. These are, among others:

6.1 The Primary Sector

CAR exports are based on five products: coffee, cotton, timber, diamonds and gold.

Apart from timber, gold and diamonds, agricultural products are subjected to the vagaries of the climate and to world market fluctuations.

- Coffee

Coffee was introduced in the CAR in 1925. The 1925-1926 seasons realized a production of 1.5 tons for a surface area of 100 hectares. Thus, from 1925 to 1990 the rate production was positive. However, since 1991 there has been a drop in production.

And so, for the past three years, the volume of coffee registered by the Regulation and Trade Office and the Agricultural Product Control Office (ORCCPA), is as follows:

- 2001-2002 : 6,015,600 tons;
- 2003-2004 : 3,926,980 tons;
- 2004-2005 : 2,502,900 tons.

This drop in registered production is largely due to the sluggishness of world market prices. Furthermore, the problems of accessing the production zones due to the dilapidated state of the rural roads, the insecurity of the hinterland and the slump in prices all contributed to creating unfavourable conditions for exportable products.

- Cotton

Cotton was introduced in CAR in 1925. The 1925/1926 cotton season yielded a production of 93 tons of fibre and 585 tons of grain from a surface area of 2,073 hectares.

The production for 1985-1988 was 19,350 tons of fibre and 460,307 tons of grain out of a surface area of 63,697 hectares, for 114,269 planters. Data is not yet available for 2000 to 2005, in view of the serious militaro-political events that took place in the cotton producing areas. However, it should be pointed out that the drop in production is also attributable to the fall in prices and to market slumps.

- Forestry

In CAR, the dense, humid forest covers a surface area of about 5 million hectares divided into two blocks:

- the South-Western block covering 3.8 millions hectares;
- the South-Eastern block covering 1.2 millions hectares.

From 1993 to 2000, logging steadily increased by 702,994 m³.

From 2001, forestry has become the principal growth sector for the Central African Republic. In 2002 it represented 4.2% of GDP compared to 3.2% in 1997.

At the end of December 2002, yields in forestry products registered mitigated results in production terms, whilst exploitation operations improved notably. In effect, total production was pegged at 737,544m³, compared to 782,342m³ at the same period of the previous year, namely a reduction of 6.1%. This drop in production can be attributed to both logging (-3.3%) and sawn timber (-27.4%), whilst plywood recorded an increase of 11.9%.

A- PRODUCTION TABLE FROM 1998 TO 2003

YEARS	1998	1999	2000	2001	2002	2003
Logging	529,655m ³	552,808 m ³	702,994 m ³	671,239 m ³	663,714 m ³	516,166 m ³
Sawn Timber	91,344 m ³	144,000 m ³	102,353 m ³	109,327 m ³	97,314 m ³	68,550 m ³
Plywood	1,414 m ³	1,682 m ³	1,500 m ³	1,776 m ³	2,016 m ³	1,531 m ³

B- TABLE OF EXPORTS FROM 2000 TO 2003

YEARS	2000	2001	2002	2003
Logging	108,000 m ³	112,500 m ³	290,000 m ³	226,050 m ³
Sawn Timber ex CEMAC	64,800 m ³	67,500 m ³	68,000 m ³	42,043 m ³
Sawn Timber towards CEMAC	8,400 m ³	8,775 m ³	17,000 m ³	15,873 m ³
Total Sawn Timber	73,200 m ³	76,275 m ³	85,000 m ³	57,917 m ³
Plywood	432 m ³	450 m ³	1700 m ³	863 m ³

It is to be pointed out that in 2003, the entire industry was made up of 16 Forestry Companies.

Among these export crops **Tobacco** can be noted which occupies an important place.

Tobacco was introduced in CAR in 1948. Thus, the first season of 1948-1949 yielded a production of 9 tons.

It is worthy to note that at the end of the 2001/2002 season, tobacco production rose from 239 tons in 2001 to 172 tons a year later (of which 130 was full leaf tobacco and 42 was shredded tobacco), namely a drop of 28%. This drop resulted from the voluntaristic policy of the Central African tobacco exploitation Company (CETAC) which gives priority to quality rather than quantity.

- **Food Crop Production**

The principal contributor to the GDP of Central Africa (32.2% in 2002) and highly diversified, the food production sector comes as the principal hub of growth and competitiveness of the Central African economy, so long as production, processing and export mechanisms are put in place.

The Food Crops which are cultivated consist of cassava, millet, sorghum, maize, potatoes, tarots, bananas, yams, groundnuts, rice, marrows, vegetables, sesame...

- **Animal Husbandry**

In Central Africa, animal husbandry contributes significantly to GDP (10.4%) in 2002.

Livestock statistics estimated by the Department of Livestock Services totaled 11,736,000 heads of cattle in 2002, compared to 11,293,000 heads in 2001, namely an increase of 4%.

In 2005, it was estimated that there were 3,500,000 cattle for about 20,000 livestock breeders.

In spite of the efforts deployed by the Government to promote this sector, the difficulties persisted. These are:

- Lack of security in the livestock breeding zones;
- A reduced stock of animals in the country resulting in overbidding;
- Lack of appropriate technical support;
- A total lack of means for traveling around to monitor activities in the field;
- The clandestine fraud and slaughtering which is a problem to be dealt with.

The primary sector owes its dynamism to the sub sectors (cash cropping, animal husbandry and forest nurseries). This performance is due to the motivating measures: increased producer prices and higher prices for various products on the international markets, but this appears to have been frustrated by the social problems experienced in the country.

6.2 **The Secondary Sector**

The main activities which make up the industrial fabric in the CAR are: brewery, oil production, soap making, sugar industry, coffee roasting, cotton ginning, sawmill, gas production (oxygen, acetylene) and painting.

- **Energy**

At the end of 2002, gross production of electrical energy declined by 1.4%, dropping from 121,139.7 thousand KWH on the 31st December 2001 to 119,466 thousand KWH in 2005. Since 2002, expectations for the diversification of energy products have been taking shape gradually. Seismic research has shown the existence of large reserves of petrol and gas.

- **Mines**

Mining commenced in the CAR in 1958. The extractive industries in Central Africa were essentially based on two products, diamonds and gold.

This table shows the data relative to diamond and gold production from 2000 to 2004.

Year	Diamonds		Gold
2000	Weight	461,004.22 carats	15,914.20 grammes
	Value	43,953,590,578FCFA	79,090,950FCFA
	Tax	2,637,215,435 FCFA	3,001,089FCFA
2001	Weight	449,270.03 carats	333,871.08 grammes
	Value	41,216,740,836FCFA	169,481,880FCFA
	Tax	2,473,004,450FCFA	6,678,,283FCFA
2002	Weight	414,787.94 carats	15,914.20 grammes
	Value	36,316,456,854FCFA	79,090,950FCFA
	Tax	2,178,987,411FCFA	3,001,089FCFA
2003	Weight	332,679.67 carats	2,221.30 grammes
	Value	28,332,439,759FCFA	10,301,330FCFA
	Tax	1,699,946,386FCFA	206,021FCFA
2004	Weight	353,484.55 carats	12,168.51 grammes
	Value	27,763,308,312FCFA	61,760,045FCFA
	Tax	1,705,053,391FCFA	1,554,090FCFA

Due to smuggling and bad management this sector provides no benefits to the country. However, the Government is putting reforms in place upgrade the sector.

Other listed mineral ores include limestone, uranium, lignite, copper and iron which have not yet been exploited.

6.3 The Tertiary Sector

This sector relates to trade, transport, transit and telecommunications.

- **Trade**

In the past ten years, trade has suffered seriously from the repercussions of the socio-political problems in the country.

- **Transport**

Concerning transport, during 2002, development in this sector was characterized by a revival of river transport activities, and a marked increase in road cargo, whilst air cargo continued the decline it had started in the past few years due to its prohibitive costs and the low levels of purchasing power, as well as the inertia of national economic activity.

- **Transit**

Activities in this sector were marked by relative stability in relation to the various militaro-political crises experienced by the country.

- **Telecommunications**

The telecommunications sector boasts four Companies, namely, SOCATEL which takes care of the national entry and exit communications network, TELECEL, A. CELL and NATION LINK which cover the mobile telephone system, in Bangui in particular.

The combination of the above mentioned three sectors highlights the Central African Republic development context which is marked by extreme poverty and bad governance.

- **Extreme poverty**

The militaro-political crises which perturbed the country throughout 1996 and early in the 3rd millennium are largely responsible for the pauperization of a major segment of the population and its increased vulnerability.

According to the 2003 World Human Development Report the country is classed as the 168th among 173 countries. In 2004, it was 169th among the 177 pays observed in the area of human development with Human Development Indicators (HDIs) of 0.363 in 2001 and 0.361 in 2002, and as having the lowest social indicators in the world.

More than 66.6% of the 3,895,139 Central Africans live on less than one US dollar per day. Life expectancy at birth which was 49 years for a Central African at the end of the 80s, was 40.4 years in 2001 and 39.8 years in 2002. Certainly, the mortality rate of children of less than 5 years has dropped from 248 to 180 per thousand, but the CAR still remains the country where the largest number of women die during delivery (1100 women per 100,000 live births).

The poverty level increased from 62% in 1992 to 75% in 2003. This situation is due to the continued downward trend of the national revenue.

In effect, GDP per capita dropped from 349 \$US in 1995 to 255 \$US in 2001. Among the categories of the population most affected by poverty figure women,

children, the populations of the outlying regions of the East and the North, the physically handicapped and senior citizens. In this category also figure public servants whose cumulative salary arrears have now amounted to forty (40) months.

- **Bad Governance**

All these factors combined are the root cause of the serious crises experienced by the country and which brought about political instability followed by insecurity. The humanitarian consequences of these factors gave rise to the Emergency Appeal launched by the United Nations for the CAR in April 2003.

And so it is important to emphasise that one of the consequences of the poverty which results from bad governance is the high prevalence of HIV/AIDS.

⑦ **Education**

In the area of Education, the years following independence were marked by a spectacular increase in primary school enrollment, and the same was true for secondary schools.

This increase was undoubtedly linked both to the uncontrolled population explosion and the education democratisation policy. Thus, the Table below provides some data relating to the primary education situation.

Years	Pupils	Schools	Classrooms	Teachers
1960	61,428	340	840	1,040
1970	170,000	778	1,164	2,169
1980	243,419	812	3,117	4,010
1988	286,422	1,014	3,665	4,563
2002	368,027	1,493	5,421	4,824
2004	361,261	1,217	4,719	5,021

It must however be underlined that the above important quantitative results are unfortunately accompanied by a decline in teaching standards, the main causes of which are the paucity of material and financial resources, the absence of a good, rigorously planned policy for the management of human resources and the perennial non-payment of salaries, which results in failed years, countless strikes and the growing apathy of the teaching cadre.

The growing awareness by the State of this degradation led it to organize, with UNESCO's support, a National Seminar on Education and Training and on the Estates General of Education in 1982, at the end of which major changes in the Central African education reform system were called for.

In spite of the major changes and the efforts which were accomplished, the Education system in the Central African Republic remains a cause for concern. The country has only one University and a single technical school. Furthermore, certain areas of the country severely lack schools and/or the schools exist but there are no teachers. The consequence of this situation is characterized by:

- The very high teacher/pupil ratio (1/120P) which hardly favours efficient teaching or good assimilation;
- The high rate of uneducated children of school going age, in particular with respect to girls;
- The high rate of school drop outs;
- The demotivation of teachers due to the persistent non-payment of salaries;
- The prostitution in the school and University environment.

The combination of all of these factors constitutes the basis of the phenomenon of illiteracy which is highly prejudicial to the development of the country.

⑧ Historical Perspective

A former French Colony, the Central African Republic has experienced major social changes for which Man, in all his aspects, has been entirely responsible throughout his History.

II/ COMMITMENT OF THE CENTRAL AFRICAN REPUBLIC IN HUMAN RIGHTS ISSUES

The Central African Republic's commitment in relation to Human Rights is indicated by its adherence to several, if not almost all the international and regional human rights instruments:

- 1- The Universal Declaration of Human Rights;
- 2- The International Convention on the Elimination of all forms of Racial Discrimination, ratified on the 16th March 1971;
- 3- The International Convention on Civil and Political Rights, ratified on the 8th May 1981;
- 4- The International Convention on Economic, Social and Cultural Rights, ratified on the 8th May 1981;
- 5- The Optional Protocol to the International Convention on Civil and Political Rights, ratified on the 8th May 1981;
- 6- The African Charter on Human and Peoples' Rights, ratified on the 26th April 1986;
- 7- The International Convention on the Elimination of all forms of Discrimination against Women, ratified on the 21st June 1991 ;
- 8- The Convention on the Rights of the Child, ratified on the 23rd April 1992;
- 9- The Statutes of the International Criminal Court, ratified on the 3rd October 2001;
- 10- The Convention against Torture and other cruel, inhuman or degrading treatment, ratified on the 3rd July 2002.

Arrangements are in progress for the ratification of those instruments which have not yet been signed.

All in all, a general overview of the Central African Republic reveals that the country has major and important assets and good material conditions to offer the Central African people, to enable it improve its existence and satisfy its basic needs.

Thus, the following details should allow an appreciation of the efforts undertaken by the country in relation to the provisions of the African Charter on Human and

Peoples' Rights which it ratified, to outline the constraints encountered and to identify possible solutions which require intense socio-educational activities.

III/ THE POLITICAL REGIMES BEFORE AND AFTER INDEPENDENCE

Even before the triggering of the pro-independence movements, the Oubanguians, today known as Central Africans, engaged in struggle against slavery and inhuman treatment which was being meted out to them by the Colonialists. One may recall here the **KONGO-WARA** war from 1928 to 1931.

With the pro-independence movement, the Founder President, **Barthélemy BOGANDA** was to raise national awareness through his idealist struggle based on Human Rights « **ZO KWE ZO** » that is, all Men are equal (one Man is as good as another), inscribed in the Great Seal and the motto which summarises all the fundamental Human Rights principles, namely: « **Unity – Dignity – Labour** ».

After the death of Barthélemy BOGANDA on the 29th March 1959 and from the proclamation of independence on the 13th August 1960 by the President **David DACKO** who led the country up to the 1st Coup d'Etat in 1966, the Central African Republic has undergone a cycle of political regimes marked by regimes brought about through the force of arms or elections.

- On the 1st January 1966, Colonel **Jean Bedel BOKASSA** takes over power through the use of arms and transforms the country into an Empire in 1976 where he would remain until 1979. His regime would be characterized by serious human rights violations, namely: assassinations, arbitrary arrests, rape... ;
- On the 21st September 1979, following insurrectional movements contesting BOKASSA's regime, President **David DACKO**, with the help of Operation Barracuda, takes over power by armed force;
- In March 1981, after the pluralist elections won by President **DACKO**, a democratic regime is put in place on the basis of the 1981 Constitution;
- On the 21st September 1981, following political protests, the Army General **André KOLINGBA** takes over power. The latter, after five years got himself elected President of the Republic at the same time that the population was adopting the Constitution on the 21st November 1986;
- In 1993, under the pressure of consecutive social unrest and with the advent of multiparty democracy, free elections were organised which brought President **Ange Félix PATASSE** to power. The latter succeeded in renewing his mandate through elections in 1999 and governed until March 2003. However, it has to be emphasized that this regime was marked by serious cases of human rights violations, notably:
 - Summary executions, kidnappings, crimes against humanity, genocide, extermination crimes, intelligence dealings with non conventional forces, corruption, impunity, non-payment of salaries (35 months), division of the people, the politicization and the introduction of tribalism

within the armed forces and the Public Service... All this brought about muntinys and social unrest.

On the 15th March 2003, the Divisional General **François BOZIZE** abrogated **Ange Félix PATASSE's** (democratic) regime by a Coup d'Etat which obtained the total support of the dehumanised Central African population.

It is worthy to underscore here that the 15th March 2003 change of Government, although accepted by the population, committed human rights violations. A consensual transitional programme was put in place with a Transitional Government, and a National Transitional Council. The organization of National Dialogue and the setting up of an Independent and Mixed Electoral Commission allowed the Central Africans to reconcile.

Following the elections of March and May 2005, General **François BOZIZE** was elected President of the Republic. A new National Assembly was set up, and all the Institutions provided for by the new Constitution are currently operational, including a broad based Government in which even the Members of the Opposition are represented.

Furthermore, the instability of the political regimes characterised by the constant alternating of arms against the ballot box is an indication of under development whilst revealing the absence of a genuine national political programme.

This deficiency, magnified by the advent of multipartism with no training or education in the country with at least forty six (46) Political Parties, appears to be a handicap to all initiatives for sustainable development.

1- HISTORICAL CONTEXT

The Central African Republic formerly called Oubangui-Chari, was an integral part of the French Colonial Empire under the 4th Republic. It became an OverSeas Territory of the French Union with the promulgation of the Constitution of the 27th October 1946.

This OverSeas Territory was provided with a Teritorial Assembly in conformity with the General Law of the 23rd June of 1956, known as the DEFFERRE Law and had deliberative powers.

The reform introduced a parliamentary regime which resulted in a political initiative with regard to the functioning of the metropolitan institutions.

For the first time Universal Suffrage was introduced in the Colonies, notably in Oubangui-Chari and it eliminated the dual college.

On the 17th May 1957, the first Government Council became functional and the Territorial Assembly was elected on the 23rd March 1957.

Within the French Constitution of 1958 under General DE GAULLE, colonial territories had the possibility to engage in activities which would lead gradually to independence.

On the 1st December 1958, the Territorial Assembly of Oubangui-Chari proclaimed the Republic of Central Africa. On the 8th December the Government Council was transformed into a provisional Government with BOGANDA at its head.

This Government was given the responsibility of drafting the first Central African Constitution which would be promulgated on the 16th February 1959.

From this date, the Central African Republic was to have several Constitutions and Constitutional Decrees, as a result of political instability.

These Constitutions and Constitutional Decrees gave rise to the promulgation of Laws and Administrative Acts which recognised Human Rights.

In effect, the CAR ratified the African Charter on Human and Peoples' Rights on the 26th April 1986.

In the light of the Constitutions and Laws promulgated by the CAR, an analysis was to be carried out on the manner in which our country applied the provisions of Article 62 of the African Charter on Human and Peoples' Rights.

2- The Legal Context

The Constitutions and the organic Laws adopted by the various regimes in the CAR re-affirm attachment to the Universal Declaration of Human Rights of the 10th December 1948, to the International Conventions on Economic, Social and Cultural Rights, to the International Conventions on Civil and Political Rights of the 16th December 1966 and to the African Charter on Human and Peoples' Rights.

These same national legal instruments re-affirm that universal suffrage is the sole source of the political power's legitimacy.

The Constitutions and Laws recognise the equality of human beings before the Law, employment without distinction of race, ethnic origin, region, gender and religion.

They recognise the right to vote and to be elected, to have access to public office and to participate in the direction of public affairs without any legally sanctioned restriction.

2.1. The Constitutions

a) The 1959 Constitution

The Executive Power is held by the President of the Government vested in him by the Legislative Assembly for five (5) years. This Legislative Assembly is elected by ballot on the basis of lists drawn up in the regional Constituencies.

b) The Constitution of 1964 established the universal suffrage on the basis of a single ballot for the election of the President of the Republic, whereas the National Assembly is elected on the basis of a single national list presented by the MESAN Party (Movement for Social Development of Black Africa).

c) **The 4th December 1977 Constitution**

The Head of State is declared Emperor by the MESAN extraordinary Congress, whilst the National Assembly is made up of elected Members of Parliament who enjoy all immunities.

d) **The Constitution of the 1st February 1981** reestablished the universal suffrage for the election of the President of the Republic, Members of Parliament and their Deputies.

The mandate of the President of the Republic is 6 years and he is re-eligible for a single term only, whereas the Members of Parliament and their Deputies are elected for a five year term.

e) **The Constitution of the 26th November 1986** renewed the direct universal suffrage for the President of the Republic with a mandate of 6 years, and made provision for him to be re-eligible for an indefinite period. The Parliament consists of two Chambers: the National Assembly made up of Members elected by universal suffrage and the Economic and Social Council, made up partly by elected Councillors and partly by Councillors nominated by the Authorities. Their mandate is for a five year term.

f) **The 14th January 1995 Constitution**

This Constitution which remained in force up to 15th March 2003, confirms in its Preamble that the ballot box is the sole source of the political power's legitimacy.

g) **The 27th December 2004 Constitution**

Under this Constitution, the Republic re-affirms its attachment to the Universal Declaration of Human Rights, to the International Conventions relative to these Rights, to the African Charter on Human and Peoples' Rights and to the duly ratified International Conventions.

2.2. The Constitutional Decrees/Acts

The Constitutional Acts were passed in 1966, 1979, 1981 and in 2003.

- **The Constitutional Act n°1 of the 1st January 1966** dissolved the Constitution of 1964 ;
- **The Constitutionnel Act n°2 of the 8th January 1966** established the provisional organization of the Authorities:

Article 19 stipulates that the President of the Republic assumes total executive power. He legislates by Decree;

- **The Constitutional Act of the 21st September 1979** re-established the Republic;

The President of the Republic, assisted by a Vice-President, assumes total public authority.

- **The Constitutional Act of the 1st September 1981** set up a National Recovery Military Committee (CMRN) which assumed Executive and Legislative Powers, and the functions vested in the Head of State were entrusted to the Head of the CMRN.
- **The Constitutional Act n°1 of 1985** dissolved the National Recovery Military Committee and conferred the office of Head of State and Government on the Head of this Committee. It allowed him to assume total executive power;
- **The Constitutional Act n°1 of the 15th March 2003** suspended the 1995 Constitution, dissolved the National Assembly and put an end to the office of the President of the Republic and of Government.
The author of the Coup d'Etat assumed the duties of President of the Republic and Head of State. He legislated by Decree during the Council of Ministers.
- **The Constitutional Act n°2 of the 15th March 2003** introduced a provisional organization of the Powers of the State;
- **The Constitutional Act n°3 of 12th December 2003** created a post of Vice-President of the Republic.

2.3. Laws and Regulations

Law n°61/221 relative to the Labour Code in CAR stipulates in its Article 1 that the notion of “**Worker**” is indispensable and specifies that this notion makes no distinction either by gender or nationality.

This Code applies to workers in the private and para-public sectors.

Concerning public officials:

- Law n°61 provides fundamental guarantees for the Public servants. The provisions of this Law would be modified and completed by :
- The Decree n°93.008 of the 14th June 1993 which established the General Statutes of the Public Service. Article 4 of this Decree stipulates that no distinction is to be made between the two sexes and no distinction on ethnic or regional grounds or on the basis of political or religious opinion would be allowed in the application of this Decree. Any prejudicial act resulting from this distinction should be considered null and void.

The Decree n°94.041 of the 2nd February 1994 ensures application of this Law.

- Law n°99.016 of the 16th July 1999 modifies and completes certain provisions of the above mentioned Law. Nonetheless, its Article 4 repeats the same provisions as those outlined in Decree 93.008 of the 14th June 1993.
- Decree n°00.172 of the 10th July 2000 establishes the conditions of application of the Law 99.016, it stipulates in its Article 3 that « **access to employment in the Public Service is open, with no discrimination whatsoever, to Central Africans under the conditions outlined in Article 4 of the Law 99.016 of 16th July 1999** ».

These are the provisions which relate to public and private employment.

**Concerning participation in the direction of public affairs
either directly or through freely chosen representatives.**

- Law n°98.004 of the 27th March 1998 establishing the CAR's Electoral Code stipulates in its Article 1 that « election is a choice made by the People through universal suffrage ».
to designate citizens called to participate in the management of public affairs of the Nation and of Local Authorities;
for consultations through referendum.

The 1998 legislative and 1999 presidential elections were organised by the CEMI (Joint Independent Electoral Commission).

- Decree n°04.014 of the 11th August establishing the Electoral Code of the Central African Republic, modified and completed by Decree n°04.016 of the 21st October 2004 and Decree n°04.018 of the 24th December 2004 in its Article 1, 2, 3 ... confirm Articles 1, 2, 4 and 4 of the 1998 Electoral Code. These elections were again organized by the CEMI:
- The Constitutional Referendum;
- The legislative and presidential elections.

According to the terms of Article 4, voters should be individuals of both sexes, of Central African nationality, over 18 years of age and enjoying their civic rights and are lawfully registered on the electoral list.

For the preparation, organisation, supervision and management of presidential, legislative, regional, municipal elections and consultations by referendum, the Electoral Code created in its Article 7 « a Joint Independent, Electoral Commission » (CEMI).

To be able to vote, individuals must be registered on the electoral lists in their Constituencies and must hold a voter's card (Article 9).

To avoid electoral fraud, **Article 10 stipulates that « No one can be registered on several electoral lists» .**

To be elected, a candidate has to prepare a dossier for candidature in conformity with Article 29 and show justification of his/her nationality. A deposit is indicated and the amount varies according to the mandate.

Thus, one can observe some differences between the 1998 and 2004 Electoral Codes:

- In 1998 each candidate had his/her own ballot paper whereas that of 2004 provided a single ballot paper for all the candidates (Article 51: « voting is to be done with a single ballot... »);
- For the 2005 legislative elections, the Authorities, on the basis of demographic and geographic criteria on the recommendations of the National Dialogue organised in September 2003, divided up the Constituencies, which now number 105 (four less than in the previous division).

In view of the Constitutional provisions outlined above, the CAR has the legal instruments in conformity with Article 62 of the African Charter on Human and Peoples' Rights. However, deficiencies in relation to their application still exist.

2.4. Deficiencies observed

Concerning access to employment and positions in the public service:

During the period extending from 1960 (Independence) to 1983, the intake into the Central African Public Service as well as appointments to political positions, to senior administrative and technical positions were effected without discrimination , without distinction as to ethnic, tribal, regional and political origin.

With the advent of the multiparty system, and in particular during the period from 1983 to 2003, divisions and discrimination appeared in the Central African Public Administration, more pronounced under the rule of President PATASSE.

Certain terms were created, for example: "the Great East or the Great North".

Selection exams for access into professional teaching establishments, entry into the Public Service, appointments to positions of responsibility and entry into the Government were done on the basis of ethnic, tribal, regional, religious or political affiliation under the deposed regime.

Some senior officers were relieved of their duties because of their political convictions or their ethnic or regional origin. It was « a witchhunt ».

Furthermore, another system of entry for Graduates appeared in the Public Service. It was the "quota" system, for lack of resources.

Instead of appointing all Graduates of the same class, a quota was allocated to each Ministerial Department. A limited number of young Graduates were admitted at entry, whilst the others had to wait for several years more.

Sometimes new Graduates were appointed before the old ones. Some individuals whether appointed or not received unjustifiable salaries.

All this created various types of discrimination which were prohibited by law.

Thus, Junior Officers, because of their ethnic or political affinity, are appointed to high positions, thereby instilling administrative discontent.

With regard to the election of citizens to positions of management of public affairs, the provisions of the Constitutions and Laws are often violated as a result of the numerous Coups d'Etat that have taken place in the CAR.

1966: Jean Bedel BOKASSA

1979: David Dacko

1981: André KOLINGBA

2003: François BOZIZE.

In spite of the existing legal provisions governing the creation of local Authorities, the Local Government Officers and Regional Mayors are appointed by presidential Decree.

IV/ IMPLEMENTATION BY THE CAR OF THE RIGHTS PROTECTED BY THE CHARTER

IV.1 The implementation by the CAR of Civil and Political Rights

In expressing its political will in the context of the defense of the civil and political rights protected by the African Charter on Human and Peoples' Rights, the Central African Republic applies the provisions of the Charter as follows:

1- The principle of non-discrimination : Art. 2. Charter

The principle of non-discrimination was applied by the Central African Republic by means of measures taken at the legislative and regulatory level (Constitutions, Constitutional Acts – various Law and Codes).

The 16th February 1959 Constitution, in its preamble, re-affirms that: « **the Republic recognises the existence of inviolable Human Rights as the basis of all human community, of peace and justice in the world. It has fought against discrimination by re-affirming that « all human beings are equal before the Law. Men and Women are equal in law** » .

The 26th November 1964 Constitution, in its Article 1 stipulates: « **The Republic recognises the existence of Human Rights as the basis of all human community, of peace and justice in the world** » .

Article 3 stipulates that: « **all human beings are equal before the law without distinction of origin, race, gender or religion** ».

The Imperial Constitution of the 4th December 1976 solemnly proclaims in its preamble its attachment to the fundamental rights and liberties as well as to democracy. It solemnly re-affirms that: « **the Monarchy recognizes the existence of inviolable human rights as the basis of all human community, peace and justice in the world**».

The 5th February 1981 Constitution, in its Article 3, parag. 1 stipulates: « **all human beings are equal before the Law without distinction of race, ethnic origin, region or religion**».

The 28th November 1986 Constitution re-affirmed in its preamble, its firm determination to combat discrimination in these terms: « **no discrimination will be made for reasons of fortune, affiliation to a race or cult which is being freely exercised by all** ».

Article 5 of the 14th January 1995 Constitution stipulates: « **all human beings are equal before the Law without distinction as to race, gender, ethnic, regional, religious origin, political affiliation and social position. The Law guarantees equal rights in all areas to both Men and Women**».

A thorough study of all the provisions in force of the 27th December 2004 Constitution does not show anywhere mention of a discriminatory policy in the country.

This means that civil and political rights are not subjected to any discrimination whatsoever anywhere in the entire country.

It is pertinent to recall that the Constitution of the 14th January 1995 and the Constitutional Act n°1 of the 15th March 2003 which clearly specify that: « **any remarks or act tending to establish or give rise to racial or ethnic discrimination, any remarks or act intended to provoke or foster regionalist propaganda, any news propaganda tending to undermine the unity of the nation, and the credit of the State, any demonstration which is contrary to the freedom of conscience and the freedom of cult likely to make the citizens rise against each other will be punished. .** »

2. The Right to Equality: Article 3 of the Charter

Prompted and guided by the concern to guarantee man's dignity, the Founder President of the Central African Republic **Barthélemy BOGANDA** formulated the principle of « **zo kwé zo** », adopted by all the Presidents who succeeded him in this highest Office of the State by using other terms which meant the same thing, « **zo ayeke zo** » of the Emperor **Jean-Bedel BOKASSA** (from 1966 to 1979) and « **so zo la,**» of President **André KOLINGBA** (from 1981 to 1993): all men are equal.

The principle of equality also finds its peerage literature in various legislative and regulatory texts, namely in the Codes, Laws, Constitutions. From 1959 to 1976 the various Constitutions have always advocated equality of citizens.

Thus, the preamble of the 5th February 1981 Constitution outlines a firm wish to establish ties of friendship with all Peoples on the basis of the principles of equality.

Title 1 of the Constitution of 5th February 1981 relative to society's fundamental bases stipulates in its Article 3 that: « **All individuals are equal before the Law... .** »

The preamble to the 28th November 1986 Constitution solemnly re-affirms that « **man and woman are born and live free and equal before the Law** » and that « **the equality of citizens confers on each the right to apply, in all dignity, for employment and activities, in conformity with the relevant laws**».

Regarding the 14th January 1995 Constitution, Title 1 pertaining to society's fundamental bases, in its Article 5 stipulates that: « **all human beings are equal before the Law... .** »

And so, the 27th December 2004 Constitution stipulates in its Article 5: « **All human beings are equal before the Law without distinction of race, ethnic origin, region, gender, religion, political affiliation or social position. The Law guarantees to men and women equal rights in all areas. In the Central African Republic there is neither subject, nor privilege of ties, of birth, of the individual or of the family**».

The principle of equality has also been raised by the Family Code which is in force, notably Law n°97.013 of the 11th November 1997 which places and grants natural children the same rights as those of legitimate children. This principle also entails concrete action including the promotion of the concept of gender in the Republic of Central Africa.

3. The Rights to respect for life and the protection of the individual: Articles 4 and 5 of the Charter

The very first Constitution of the 16th February 1959, followed by those of 1964 and 1976, placed the human being and his/her life under the protection of the State whilst guaranteeing respect for it.

The 5th February 1981 Constitution, in its Article 1 stipulates: « **the human being is sacred. All officials of the Public Service are under absolute obligation to respect and protect it. Everyone has a right to life, to physical integrity and to the development of his/her personality... .** ».

The preamble to the Constitution of the 28th November 1986 re-affirms its attachment to the human being as well as to his/her rights in these terms: « **the human being is sacred and inviolable... .** ».

With regard to the 14th January 1995 Constitution, Article 2 stipulates: « **the Republic proclaims the respect and guarantee which is sacrosanct for the development of the individual** ».

Article 3 of the same Constitution stipulates: « **each individual has a right to life and to physical integrity... No one shall be subjected to either torture, or inhuman, cruel, degrading or humiliating treatment. Any State Official who is found guilty of such acts shall be punished in accordance with the Law** ».

The 27th December 2004 Constitution pays close attention to the respect for life and the protection of the individual, notably:

- Article 1: « **The human being is sacred and inviolable. All State Officials, all organizations are under the absolute obligation to respect it** »;
- Article 3 clearly specifies that: « **Every person has a right to life and to physical integrity. These rights cannot be violated except where the Law is to be applied. No one shall be subjected to torture, rape, or to cruel, inhuman, degrading or humiliating treatment. Any individual, State Official, or Organisation guilty of such acts shall be punished in conformity with the Law** ».

The Central African Republic, in showing its firm determination to consolidate the rule of law and the development of the individual, condemns the exploitation of man in all its forms by ratifying several international human rights instruments.

4 / The Principle of the Right to Liberty: Art. 6. Charter

In order to combat injustice in all its forms and to restore liberty to the individual, the CAR re-affirmed its attachment to the principle of Liberty enshrined in Article 6 of the Charter. It is in this sense that from 1959 to 1976 the principle of the right to liberty had been recognised by all the previous Constitutions.

The 5th February 1981 Constitution, in its Article 2, parag. 2 stipulates: « **the liberty of the individual is inviolable** »

The principle of liberty had been solemnly re-affirmed in the preamble to the Constitution of the 28th November 1986 in the following terms: « **Man and Woman are born free and equal before the Law** »

« **the Republic is determined to develop the rule of law which would guarantee its inhabitants the security of their persons and their property, which would protect the weakest and allow each individual to freely exercise his/her rights** ».

The Constitution of the 14th January 1995, for its part, solemnly proclaimed in its preamble: « **...resolved, to develop the rule of law based on genuine pluralist democracy... and with the full exercise of fundamental rights and liberties** ».

The principle of liberty is outlined in Article 2, parag. 2 of the same Constitution in the following terms: « **every individual has a right to the free development of his/her personality... .** »

The Constitution of the 27th December 2004, in its Article 2, parag. 2 and Article 4, raised the principle of liberty.

- ➔ Article 2, parag. 2 stipulates: « **every individual has the right to the free development of his/her personality on condition that he/she does not violate another person's rights, nor break the law** ».
- ➔ Article 4, parag. 1 stipulates « **the liberty of the individual is inviolable**».

5/ the right to a fair hearing: Article 7 of the Charter

Justice is what best characterizes the rule of law for which the Central African Republic aspires so deeply. Thus the necessary guarantees for a fair judgement which are enshrined in the Charter are recognized by the Central African Republic.

From 1959 to 1976, the various Constitutions paid special attention to the right to a fair hearing.

The Constitution of 5th February 1981, in its Article 2, parag. 2 stipulates: « **the freedom of the individual is inviolate. Therefore, no one can be condemned except by virtue of a law which entered into force before the act was committed; defense is an absolute right in all situations, at all stages and under all forms of the proceedings** » ;

Article 3 stipulates: « **all human beings are equal before the law. ..** »

The 28th November 1986 Constitution re-affirms in its preamble that: « **free access to justice should enable every individual to defend his/her rights in conformity with the laws in force. No one can be charged except by virtue of a law which existed prior to the offence committed** ».

The 14th January 1995 Constitution, in its Article 1, parag.2 stipulates: « **No one can be detained arbitrarily. Any defendant is presumed innocent until his/her guilt is established following proceedings which have provided the guarantees indispensable for his/her defense** ».

Article 5 stipulates: « **All human beings are equal before the law** ».

The 27th December 2004 Constitution, in its Article 3, parag.4, stipulates « **No one can be arbitrarily arrested or detained. Any defendant is presumed innocent until his/her guilt is established following proceedings which have provided the guarantees indispensable for his/her defense. The legal detention period should be respected – No one can be condemned except by virtue of a law which entered into force before the committed act – the rights to defense should be freely exercised before all the jurisdictions and administrative services of the Republic** ».

Equality before justice is a general principle of law which today has a constitutional value. However, this principle is better clarified by the Penal Code and the Criminal Law Code harmonised with the OHADA Code.

The separation of powers constitutes a guarantee for the independence and impartiality of the Central African justice system.

Equality before justice as enshrined in the Charter is recognized by the Central African Republic through the various national texts, among which figures the provision of legal assistance to individuals without means, in accordance with the conditions

provided for by law, but the procedure is slow and lengthy due to lack of resources. However, during criminal hearings, a lawyer is appointed by the Court.

→ **6/ The freedom of Conscience, of Profession and of Religion:**
Article 8 of the Charter

The freedom of conscience, of profession and of religion as enshrined in the Charter forms the group of the freedom of opinion. The Central African Republic subscribed to this particular provision by re-affirming its support for this liberty in its various Constitutions.

Thus, the Constitution of the 5th February 1981, in its Article 5 stipulates: « **the freedom of conscience, of assembly and the free exercise of cult are guaranteed to all, subject to the conditions established by the law** ».

The Constitution of the 28th November 1986 re-affirms solemnly in the preamble which stipulates: « **There shall be no discrimination for reason of fortune, of membership of a race or of cult being freely exercised by any individual** ».

The Constitution of the 14th January 1995 stipulates in its Article 8, « **the freedom of conscience, of assembly, the free exercise of cults are guaranteed to all, subject to the conditions established by the law** ».

The 27th December 2004 Constitution stipulates in its Article 8: « **the freedom of conscience, of assembly, the free exercise of cults are guaranteed to all under the conditions established by the law. All forms of religious fundamentalism and intolerance are prohibited** ».

Thus, mindful of the need to give the freedom of opinion its practical meaning, the Central African Republic:

- Authorized the creation of 41 Political Parties which animate the political life of the country. This liberty was concretized by the presence of 11 Candidates at the last presidential elections and close to one hundred Members of Parliament.
- Allowed a full array of religions and religious denominations which practice in total freedom.

→ **7/ The freedom of the Press: Article 9 of the Charter**

The media, which is considered as one of the organs that animate the democratic life of the Central African Republic today occupies a very important place in the country. The Central African Constitutions of 1959 to 2004 accorded special importance to the freedom of the press.

The Constitution of the 5th February 1981, in its Article 6 stipulates: « **the freedom to express and disseminate one's opinions through speech, writing or images, subject to respect for the rights of others.... is inviolable** ».

The preamble to the Constitution of the 28th November 1986 solemnly re-affirms that: « **the right ... to express oneself... to exercise freely in conformity with the relevant laws and regulations** ».

Article 13 of the 14th January 1995 Constitution stipulates: « **The freedom to inform, to express and disseminate one's opinions through speech, writing and images, subject to respect for the rights of others, is guaranteed. The freedom of the press is recognized and guaranteed** ».

The Constitution currently in force, that of the 27th December 2004, in its Article 13 stipulates: « **the freedom to inform, to express and disseminate one's opinions through speech, writing and images, subject to respect for the rights of others, is guaranteed** ».

This guarantee of the freedom of the press is translated into fact by the recognition of newspapers, the public and private media which are operational today and which regularly report cases of human rights violations.

Article 103 of this Constitution provided for the creation of a Supreme Communications Council which has the mandate of guaranteeing the enjoyment of the freedom of expression and equal access for all the State media subject to respect for the law in force.

The Supreme Communications Council was created by Decree on the 31st December 2004.

Like all Transitional Institutions, a Decree n°05.399 of the 31st December 2005 has just put an end to the mandate of the members of the said Council in conformity with Article 37 establishing the said Institution which specifies that « **the mandates of the designated members of the the Supreme Communications Council will cease as of right after the new President of the Republic and the Speaker of the National Assembly take office** ». Consultations are in progress for the appointment and election of new members.

Current analysis of the Central African media landscape adequately proves that the Central African State no longer holds the monopoly of Communications as the media sector is shared between the public and private sectors. Today there are dozens of independent newspapers and some FM radio stations in the Central African Republic.

The CAR is one of the rare countries in Africa to enact a law on the decriminalization of offences by the media, notably, Decree n°05.002 of the 22nd February 2005 on the freedom of Communication.

→ **8/ The freedom of Association: Art. 10 of the Charter**

The freedom of Association is an active reality in the Central African Republic. The previous Constitutions of 1959 to 1995 as well as the one in force from the 27th December 2004, provided special protection for the freedom of Association.

Article 4 of the Constitution of the 5th February 1981 stipulates: « **All citizens have the right to freely form Associations, Groups, Societies and public utility institutions, subject to respect for the laws and regulations** » .

The preamble to the Constitution of the 28th November 1986 proclaims its attachment to the freedom of Association in the following terms: « **the right to assemble in public can be freely exercised in conformity with the relevant laws and regulations** ».

Concerning the Constitution of the 14th January 1995, Article 12 stipulates: « **All citizens have the right to form Associations, Groups, Societies and public utility institutions subject to respect for existing laws and regulations** ».

The 27th December 2004 Constitution stipulates in its Article 12 « **All citizens have the right to form Associations, Groups, Societies and public utility institutions subject to respect for existing laws and regulations** ».

Law n°61/233 of the 27th May 1961 governing Associations and Law n° 02.004 of the 21st May 2002 governing NGOs, specifically guarantees the freedom of Association in the Central African Republic.

The Ministry of the Interior is however legally empowered to impose restrictions on the freedom of Association if these registered Associations turn away from fixed objectives.

→ 9/ The Freedom of Assembly: Article 11 of the Charter

The rights to the freedom of Assembly as stated by Article 11 of the Charter are protected by the Central African Republic in various manners in all its Constitutions.

The Constitution of the 5th February 1981 in its Article 5 stipulates: « **the freedom of conscience, of assembly... is guaranteed to all subject to the conditions established by the law** ».

With regard to the Constitution of the 28th November 1986, this freedom had been proclaimed in the preamble of the said Constitution in the following terms: « **the right ... to assemble in public, can be freely exercised in conformity with existing relevant laws and regulations** »

In the same manner the 14th January 1995 Constitution, in its Article 8 stipulates that: « **the freedom of conscience, of assembly... is guaranteed to all subject to the conditions established by law** ».

The Constitution of the 27th December 2004 stipulates in its Article 8 that « **the freedom of conscience, of assembly and the free exercise of cults are guaranteed to all, subject to the conditions established by law** ».

However, the Mayor, the Commissioner, the Deputy Commissioner and in the last instance the Minister of the Interior and of Public Security can prohibit all meetings or demonstrations where these are likely to disturb public order.

→ 10/ The freedom of Movement : Article 12 of the Charter

The freedom of movement is regulated and protected by all the Constitutions of Central Africa from 1959 to 2004.

Thus, the Constitution of the 5th February 1981, in its Article 2, parag.3 recognises the freedom of movement for all citizens in the following terms: « **the freedom to come and go, of residence and establishment anywhere in the country is guaranteed to all under the conditions established by law** »

The preamble to the Constitution of the 28th November 1986 proclaims its attachment to the freedom of movement in the following terms: « **the right to come and go... can be exercised freely subject to respect for the laws and regulations in force** ».

The 14th January 1995 Constitution, in its Article 4 stipulates: « **the freedom to come and go, of residence and establishment anywhere in the country is guaranteed to all under the conditions established by law** »

The same is true for the Constitution of the 27th December 2004 which recognizes the freedom of movement for all citizens. Article 4, parag.2 stipulates that « **the freedom to come and go, of residence and establishment anywhere in the country is guaranteed to all under the conditions established by law** »

The principle of coming and going is not absolute and can be subject to exemptions. In accordance with the terms of Article 9, parag.1 of the Decree n°85.017; « **foreigners are free to move everywhere in Central African territory. This movement is not subject to any restriction so long as they satisfy the conditions of entry and residence** ».

The freedom of movement for strangers is subject to two restrictions:

- The first arises out of the non respect for the conditions of entry and residence;
- The second is justified by concern to preserve public security. It is in this respect that Article 9 of the aforementioned Decree stipulates «**Nonetheless, for reasons of security, of public order or of the protection of the nations's economic interests, the movement of foreigners can be regulated through collective or individual measures and residence in certain areas can be denied them by Decree or by law, where it is a case of individual measure** ».

However, the measures restricting the freedom to come and go imposed against foreigners are brought to their notice and are published in the official gazette, or through the media depending on whether it is a collective or individual measure.

In order to consolidate this freedom of movement, the High Commission on Human Rights and Good Governance, in collaboration with the Central African Armed Forces Chief of Staff, carries out surprise missions on all the roads in the country to check on the applicability of this right. That is why recently, an operation has just been carried out demolishing all the illegal barriers erected by certain law enforcement officers along our roads.

→11/ The right to participate in the direction of Public Affairs: Article 13 of the Charter

The Central African Republic has always recognised the exercise of the political right stated in Article 13 of the Charter. The recent presidential and legislative elections allowed each Central African citizen to exercise his/her political rights, notably:

- The right to vote;
- The right to be voted for or elected;
- The participation of citizens in the direction of public affairs at various levels.

IV.2/: The implementation of economic and socio-cultural rights

→ 1/ The right to employment and to security: Article 15 of the Charter

According to the terms of Article 15 of the Charter, all individuals have a right to work under equitable and satisfactory conditions and to receive equal pay for equal work. Article 13, parag.2 of the same Charter stipulates « all citizens shall also have the right of equal access to the public service of their country».

All the previous Constitutions of the CAR from 1959 to 1995 as well as the one in force from the 27th December 2004 protected the right to employment and the conditions linked to employment.

The texts established in the Central African Constitution of the 27th December 2004 relating to the right to employment are quite advanced in this subject.

In effect, Article 9 stipulates: **“The Republic guarantees to each citizen the right to employment, a healthy environment, to rest and recreation subject to respect for national development requirements. It guarantees favourable conditions for his/her development by means of an efficient employment policy.**

All citizens are equal with regard to employment. No one can be harmed in his/her work or his/her employment as a result of his/her origin, gender, opinions and beliefs.

All workers participate through the intermediary of his/her representatives in the determination of the conditions of work. There are laws which establish the conditions of assistance and protection accorded to workers and more particularly, to the very young, the elderly, the physically handicapped and those who have health problems due to their working conditions”.

And so, the Central African Republic has certain laws relating to the right to employment and security, notably:

- Law n°61/221 establishing the Labour Code in the Central African Republic;
- The collective Convention of the 18th March 1959;
- Law n°99.016 modifying and completing certain provisions of the Decree 93.008 of 14th June 1993 creating the General Rules of the

Central African Public Service and Application Decree n°00.172 of the 10th July 2000 establishing the rules for the application of this law.

The Central African Republic, in acceding to international sovereignty in 1960 adhered to the Universal Declaration of Human Rights. It stipulates in its Article 23 that: **« All individuals have a right to employment, to the free choice of their employment, to equitable and satisfactory working conditions and of protection against unemployment. All have the right, without any discrimination, to equal pay for equal work ».**

Whosoever is working has a right to equitable and satisfactory remuneration guaranteeing him/her and his/her family an existence conform to human dignity and supplemented, should the need arise, by any other means of social protection.

The Central African Republic also ratified the International Convention on Economic and Socio-cultural rights of the 16th December 1966 on the 8th May 1981. In effect, Article 6 of the Convention stipulates: « The State Parties to the present Convention recognise the right to employment which includes the rights of all individuals to get an opportunity to earn their living through a job which is freely chosen or accepted, and will take appropriate measures to safeguard this right ».

In the same manner the International Conventions on Employment signed within the framework of the International Labour Organisation (ILO) are respected.

In the light of the foregoing, it can be observed that the provisions of the African Charter on Human and Peoples' Rights and other international instruments relative to the right to employment and to security are well and truly integrated in Central African positive law.

However, as a result of the bad management of the economy by the various regimes which succeeded each other, the State experiences major difficulties in paying officials' salaries regularly. Thanks to the various reforms which are currently being carried out, the new Authorities hope to solve this problem.

→ 2/ The Right to enjoy good Physical and Moral Health: Article 16 of the Charter

Article 16 of the Charter stipulates « every individual has the right to enjoy the best attainable state of physical and mental health. The State Parties to the present Charter undertake to take the necessary measures to protect the good health of their populations and guarantee medical attention for them in case of illness »

Article 12 of the International Convention on economic, social and cultural rights stipulates that: « The State Parties to the said Convention recognize the right of every individual to enjoy the best attainable state of physical and mental health....».

The Republic of Central Africa, in signing the relevant regional and international instruments manifests its solemn commitment for the respect of this right which is so vital for the development of the individual.

In effect, the Constitution of the 27th December 2004 paid special attention to the health of its citizens. Thus, Article 6, parag.2 stipulates: **« The State and Public Authorities have the collective responsibility to watch over the physical and moral**

health of the family and to encourage this to be done socially by the appropriate institutions ».

And so, certain measures are in the pipeline for the protection of individuals living with HIV/AIDS in the Central African Republic. Medical assistance is granted to destitute individuals infected by HIV/AIDS.

With an infection rate of 15%, the CAR occupies the tenth position among the most infected countries in the world, and the first position among the most infected countries in the Central African sub-region.

However, genuine political will is manifested through the putting in place of a programme of access to health care for individuals with anti-retro viral drugs (Law n°094/MSP/CAB of the 23rd August 2004) establishing the National Programme of access to treatment by anti-retro viral drugs.

It is important to point out that:

- 240,000 individuals infected of whom 40,000 require anti-retro viral drugs;
- 1,800 patients are under anti-retroviral treatment without counting those who are obtaining this treatment privately, estimated at 400;
- 15,000 individuals benefit from treatment for opportunistic infections;
- 13,000 infected patients who have undergone biological tests for the purpose of receiving anti-retroviral treatment.

This mechanism has the objective of contributing to the improvement of the quality of life of individuals living with HIV/AIDS in the Central African Republic.

A draft Bill for the protection of individuals living with HIV/AIDS is currently on the National Assembly's Agenda for consideration.

The organic text of the National Department of Public Health has been harmonised with the standards of the World Health Organisation to respond to this expectation.

→ **3/ The Right to Education and Culture: Article 17 of the Charter**

The present Charter, in its Article 17 stipulates « **every individual has a right to education. Every individual can take part freely in the cultural life of the community... .** »

Article 13 of the International Convention on economic, social and cultural rights confers on each individual the right to culture and advocates the direction of the latter towards the global development of man's personality and his sense of dignity; as well as towards the strengthening of the respect for human rights and fundamental freedoms.

According to the provisions of this instrument, culture should enable everyone to participate effectively in the activities of a free society, to re-affirm understanding, tolerance and friendship among all nations, races and ethnic or religious groups and to reinforce the efforts of the United Nations in the maintenance of peace.

Concerning the right to Education, Article 13 of the said Convention puts emphasis on:

- The need to ensure that primary education is compulsory and free for all;
- The need to ensure that education in all its forms is easily accessible to all;
- The need to encourage higher education and to facilitate access to it for everyone according to their means;
- The need to encourage and intensify basic education in the case of individuals who have not been able to benefit from the entire primary education cycle or who did not complete it.

There is conformity between the national positive law and the above mentioned instruments in general and the African Charter on Human and Peoples' Rights in particular.

The 16th February 1959 Constitution, while recognising the human values based on the respect for human rights, proclaims in its preamble that: « **The State and the Local Authorities have the responsibility of creating the necessary conditions and public institutions which guarantee the education of the children. Provision should be made for the education of the youth by public schools. Their establishment is the responsibility of both the State and the Local Authorities** ».

The 26th November 1964 Constitution, in its Article 7, parag.3 stipulates: « **The State and the Local Authorities have the right and responsibility to create public institutions guaranteeing the education of the children** ».

The imperial Constitution of the 4th December 1976 proclaims in its preamble: « **Everyone has a right to gain access to the sources of knowledge. The State guarantees to both child and adult legal access to education, to professional training and to culture. It has the responsibility of providing free and neutral public education** ».

The 5th February 1981 Constitution, in its Article 3, parag.2 stipulates: « **Everyone has the right to gain access to the sources of knowledge. The Republic guarantees to both child and adult access to education, to professional training and to culture. ..** ».

The preamble to the Constitution of the 28th November 1986 solemnly proclaims its attachment to the right to education and culture in the following terms: « **access to education is an indefeasible right to which each citizen should benefit freely in order to be able to contribute to the development of the entire country** »

The Constitution of the 14th January 1995 in its Article 7 stipulates: « **everyone has the right to gain access to the sources of knowledge. The Republic guarantees to both child and adult access to education and professional training. Provision should be made for the education and instruction of the youth by the public institutions ...** »

The Constitution of the 27th December 2004, in its Article 7 stipulates: « **everyone has the right to gain access to the sources of knowledge. The State**

guarantees to both child and adult access to education, to culture and professional training. Provision should be made for the education and instruction of the youth by the public or private institutions ... »

Thus, education is free in the public institutions for the various levels of education.

In short, the right to education and to culture is guaranteed by Constitution in force and by specific laws in this domain. Among these laws the following can be quoted:

- The Decree n°66.26 of the 31st March 1966 relative to the promotion of the girl child;
- The imperial Decree n°78.034 of the 19th May 1978 establishing physical and moral protection of the young people of the community in an educational institution or in a boarding school;
- The imperial Decree n°79.037 of the 2nd June 1979 establishing the protection of the Central African youth.

The various crises, the persistent non-payment of salaries contributed to the degradation of the quality of education.

→ **4/ The right to protection of the Family: Article 18 of the Charter**

Article 18 of the Charter stipulates: « **the Family is the natural unit and basis of society. It should be protected by the State which should take care of its physical and moral health. The State has the duty of assisting the Family and responsibility of guaranteeing the protection of the rights of the women and children** ».

This right is also mentioned in Article 10 of the International Convention on economic and socio-cultural rights under the terms of which the State Parties recognise that:

- Protection and assistance on as broad a scale as possible should be given to the Family which is the natural and fundamental unit of society, particularly for its training and for as long as it has the responsibility of taking care of and educating the children under its care;
- Measures for protection and assistance should be taken for the benefit of all children and adolescents with no discrimination whatsoever for reasons of filiation or other. Children and adolescents should be protected against economic and social exploitation... »

In the CAR, this right is implemented by the provisions of Article 6 of the Constitution of the 27th December 2004. In effect, this Article stipulates that: « **Marriage and the Family constitute the natural and moral base of the human community. They are placed under the protection of the State** ».

The State and the other local authorities have the collective duty to watch over the physical and moral health of the Family and to urge this to be done socially by the appropriate institutions.

The protection of women and children against violence and insecurity, exploitation and moral, intellectual and physical abandonment is an obligation for the State and for the other local authorities. ...

An so, in the area of legislation, the Republic of Central Africa has a Law n°97.013 of the 11th November 1997 establishing the Family Code which devotes wide-ranging provisions to the protection of the Family and to children.

IV.3/ The implementation of the Rights of Vulnerable Groups

The Central African Republic re-affirms the protection of Vulnerable Groups in the preamble of the Constitution of the 27th December 2004 in the following terms: « **Determined to construct a State founded on pluralist democracy guaranteeing the security of individuals and their property, the protection of the weakest, notably vulnerable persons, minorities and the full exercise of the fundamental rights and liberties** ».

Several laws had been voted by the National Assembly to legalise the protection of these groups of individuals.

The 27th December 2004 Constitution makes special mention in its Articles 6 and 7 of the protection of the rights of women and children.

- 1/- The rights of women and children constitute two concepts with a common vision whose principles have served to protect their rights.

The CAR pays particular attention to these two most vulnerable groups. In this regard, the Government has set up a Ministry responsible for managing the affairs of these two groups whilst taking care of physically handicapped persons, namely the Ministry of the Family, Social Affairs and National Solidarity. The activities of this Ministry are supported by the United Nations Global Fund for Women's Development (UNIFEM) and the United Nations Children's Fund (UNICEF).

The other aspect of the attention accorded to Women is the existence of Thematic NGOs on Women's Rights, the organisation of a series of seminars and workshops by the Government in collaboration with its development partners for the purpose of raising women's awareness and providing her with the necessary tools to improve her living conditions in all areas.

Since the advent of the ideal relating to Women's emancipation, the BEIJING conference and BEIJING + 5 as well as the promotion of the concept of gender are current news.

The representation of women in Government and in all the constituted Departments of the State also constitutes elements of recognition of the rights of women in the CAR.

Pertaining to the issue of the youth in particular, the Ministry of Youth and Sports takes care of youth matters and works in collaboration with UNICEF for the improvement of this group.

- The question of the education and instruction of children had been addressed in the Constitution of the 27th December 2004 in its Article 7. In order to make the legislative and regulatory texts in this domain more effective, the Government ceaselessly deploys efforts to improve the situation of children by reminding each Central African Family to respect the five (5) verbs of the Founder President of the CAR: **To nourish, clothe – treat – accomodate – educate.**
- 2- The rights of the physically handicapped which constitute another vulnerable group are determined by the Law n°00.007 of the 20th December 2000 establishing the Statute, protection and promotion of physically handicapped persons and its applicative Decree n°02.205 of the 6th August 2002.

The Constitution of the 27th December 2004 stipulates in its Article 9, parag.3: « ... **laws establish the conditions for the assistance and protection provided ... to handicapped persons who have problems due to their working conditions** ».

For this reason, the Central African Government has always taken into account, within its Action Programmes, the problems of physically handicapped persons depending on their category (physical, mental, auditory, visual....)

- 3- The rights of ethnic and religious minorities, the elderly, of foreigners, migrant workers are also not forgotten or marginalised in the Central African Republic. Pygmies currently benefit from remarkable training in the areas of health, education, culture and religion.

It is important to point out that the Government makes efforts in the area of protection and promotion of the rights of vulnerable groups by means of various legislative and regulatory texts as well as through social policies favourable to them. As evidence of this the minority Fulani and pygmies were represented in the National Transitional Council.

V THE MEASURES TAKEN BY THE CAR TO IMPROVE THE CONDITIONS OF VULNERABLE GROUPS

The following statement made the Government of the Republic of Central Africa take special measures in favour of certain vulnerable groups, namely:

V.1 / WOMEN

The situation of the Central African woman remains a cause for concern as it is characterized by acute poverty, a high rate of illiteracy, a high rate of school girl drop-outs and an ever increasing rate of natural mortality. The issue of women's under representation at the decision making levels, not to talk about rural women's difficult working conditions as well as other problems they encounter daily, made the Government look for adequate solutions to improve the conditions of women.

- **Health:**

Women's heavy workload, their inability to control their sexuality and their procreation, their lack of access to health services are all due to the lack of resources to enable them take care of costs on the one hand, and on the other, the insufficiency of health services at the grassroots level.

- **Education:**

The Central African educational system is characterised by a general lack of resources. The school enrollment rate is 45% for the whole country. For the entire educational system (primary, secondary...) 51% are boys and 49% girls.

The State of Central Africa which is signatory to most of the international instruments for the protection and promotion of women including the African Charter on Human and Peoples' Rights, pays special attention to Women's Affairs.

Thus, in the Constitution of the 27th December 2004, the same rights are accorded to both men and women. Other concepts which protect women's interests are recognized by the CAR, notably:

- The concept of women's emancipation;
- BEIJING and BEIJING +5 ;
- The Gender Concept;

All this proves that Government has the political will to promote the condition of women.

The CAR, State Party to the Convention on the rights of Women in 1991, in August 1996 organised a seminar on the popularization of the Convention on the rights of Women as well as several workshops under the aegis of the Ministry of Social Affairs for Women and for studies, research and other promising activities related to Women's Affairs.

- On the 16th December 2005, the Central African Government put in place a policy programme for the promotion of the Central African Woman which includes the priorities contained in the Convention on the Rights of Women, notably:

- The promotion of equal rights;
- The participation of Women at all levels of decision making;
- The consolidation of the legal status of Women.

The procedure of ratification of the Protocol of the African Commission on Human and Peoples' Rights on the Rights of Women is in progress.

V.2/ The Children

Any individual aged less than 18 is considered as a child. In the CAR, the use of legal instruments and to a certain extent the existence of institutional structures facilitates the efforts to improve the conditions of children.

In effect, the Criminal Code and the Criminal Procedure Code of the CAR devote quite broad measures to this group. As example, the Criminal Procedure Code, in its Article 145, parag. 2 stipulates that: « minors of 14 years cannot be jailed. The Penal Code, in its Articles 211 to 214 condemns crimes and offenses against children.

And so, the CAR has shown its goodwill to improve the conditions of children by ratifying, on the 23rd May 1992, the Convention on the Rights of the Child of the 20th November 1989. This ratification resulted in the recognition of the condition of the Central African child through the Law n°97.013 of the 11th November 1997 establishing the Central African Family Code which provides comprehensive protection to children.

The Constitution of the 27th December 2004 which is in force grants an important place to the Rights of the Child through the relevant provisions, notably Articles 6, parag.3, 4, 5, and 6 and Article 7 of the said Constitution:

- The protection given to the Child against violence, insecurity, exploitation, moral, intellectual and physical abandonment (Article 6, parag. 3) ;
- The obligation imposed on Parents to educate their children (Article 6, parag.4);
- Recognition of equality of rights between natural and legitimate children (Article 6, parag.5);
- Duty of the State and other Local Authorities to guarantee education for children (Art. 6, parag.6).

In effect, the Ministry for Social Affairs, in partnership with the national NGOs (Fondation Voix du Cœur, Sara Mbi Ga Zo, Bimbo Orphanage, Demain la vie...) and certain Agencies of the United Nations system (UNICEF, WHO, SOS Children's Village) work to assist children in difficult situations (street children, children made orphans by AIDs).

However, the CAR does not yet have a children's detention centre despite the creation of a children's court.

V.3/ The Physically Handicapped

The physically handicapped constitute one the categories of vulnerable persons who have retained the attention of the Central African Government.

Article 18, parag.4 clearly specifies that State Parties to the present Charter are under the obligation to take specific measures for the protection of physically handicapped persons.

1/ The CAR, by subscribing to the relevant provisions of the Charter solemnly re-affirmed in the preamble to the Constitution of the 27th December 2004 that, **determined to build a State with the rule of law based on pluralisty democracy guaranteeing the security of individuals and their property, the protection of the weakest, notably vulnerable persons...**

Article 9, parag.4 of the Constitution guarantees, through laws, the conditions for the assistance and protection given to physically handicapped persons;

Special efforts have been made by the Government for physically handicapped persons as well as towards the creation of a legal framework.

In addition to the Constitution in force, several laws have been enacted to regulate the condition of the physically handicapped.

Within the framework of the moral protection of individuals in general, including physically handicapped persons in particular, law n°60/95 of the 20th June 1960 and Decree n°61/107 of the 20th June 1961 establishing the protection of individuals.

Within the framework of the physical protection of individuals in general including physically handicapped persons in particular, law 64/26 of the 20th November 1964.

Within the context of the promotion of individuals in general including physically handicapped persons:

* Law n°61/233 of the 27th May 1961 governing Associations in general and Law 02.004 of the 21st May 2002 governing NGOs in particular. These two Laws have drawn up a framework allowing the physically handicapped to assemble in Association to defend their interests. Thus, this Law has allowed the creation of Organisations for handicapped persons among others:

- That of the Blind in 1979 ;
- That of the Deaf in 2000 ;
- That of Albinos in 2004.

* The promulgation of the Law n°00.007 of the 20th December 2000 establishing the Statute, protection and promotion of physically handicapped persons and its applicative Decree n°02.205 of the 6th August 2002 which stipulates in its Sections I, II, III, IV, V of the bodies responsible for the promotion of the physically handicapped, of special assistance and the granting of benefits to them, of special provisions for children, pupils and physically handicapped students for their socio-economic integration and the prevention of early screening of handicapped persons.

b/ **The Institutional Framework**

1/ The introduction of Decree n°02.237 of the 25th September 2002 within the Ministry of the Family, of Social Affairs and National Solidarity in the Department of Social Reintegration, but above all of a Department for the Promotion of Physially Handicapped Persons responsible for the promotion, protection and organisation of physically handicapped persons towards their socio-economic re-integration in society;

2/ The institutionnalization of the Centre for the Education and Training of the Deaf and Blind;

3/ The institutionnalization of a national day for physically handicapped persons celebrated every year on the 20th December;

4/ The promotion of sports by physically handicapped persons;

- 5/ The granting of subventions to Organisations of Physically Handicapped Persons.

VI/ THE MEASURES TAKEN BY THE C.A.R. TO PROTECT THE FAMILY AND ITS INTEGRITY

The measures for protecting the Family and its integrity are of an institutional and legal nature.

1/ The institutional framework for the protection of the Family and its integrity is placed under the Ministry of the Family, of Social Affairs and National Solidarity which has a Department for carrying out promotional activities in this field;

2/ The legal framework comprises several legislative and regulatory texts, among others:

- The Constitution of the 27th December 2004 in its Article 6, parags. 1 and 2 which stipulate: « **marriage and the Family constitute the natural and moral base of human community. They are placed under the protection of the State. The State and the other local Authorities have the collective duty of watching over their physical and moral health and of encouraging the same by the appropriate institutions** ».
- Law n°97.013 of the 11th November 1997 establishing the Family Code through its 1116 Articles is the specificity devoted to the protection of the Family and its integrity in the CAR.

VII/ THE MEASURES GUARANTEEING RESPECT FOR INDIVIDUAL RIGHTS

The efforts deployed by the CAR to guarantee respect for individual rights are numerous and varied depending on the different rights to be protected, whether they relate to civil and political rights or economic and socio-cultural rights.

1/ Legal Framework

The 27th December 2004 Constitution, in its Title 1 relative to the fundamental bases of society clearly indicates that: « **the human being is sacred and inviolable. All public officials and all organizations are under the absolute obligation to respect and protect him/her** ».

→ Article 2 stipulates: « **the Republic proclaims the inviolate respect and guarantee for the development of the personality** ».

→ Article 3 specifies: « **every individual has a right to life and to physical integrity. These rights can only be violated through the enforcement of a law** ».

« **No one shall be subjected to torture, rape, or cruel, inhuman, degrading or humiliating treatment. Any individual, State officer or organisation found guilty of committing such acts will be punished in accordance with the Law** »

- Article 17 stipulates: « **any individual, victim of the violation of Articles 1 to 15 of this Title has a right to compensation.**
- Title XII relative to the National Mediation Council, in its Article 104, parag. 2 defines the role of Ombudsman of the Republic which consists in improving relations between citizens, for the protection and promotion of their rights.

That is to say considerable constitutional guarantees have been created for the respect of individual rights as enshrined in the African Charter on Human and Peoples' Rights.

→ Different Codes (the Penal Code, the Criminal Procedure Code, the Family Code and the Labour Code), as well as other Laws, guarantee respect for individual rights in the CAR.

2 / The Institutional Framework

Several institutions responsible for the protection and promotion of Human Rights have been created to guarantee the respect for individual rights. The efforts being deployed by the CAR towards this are evidenced by the existence of the following institutions:

- The High Commission for Human Rights and Good Governance;
- The Ministry of Justice;
- The National Mediation Council;
- The Ministry of Communication, of National Reconciliation, of Democratic Culture and the Promotion of Human Rights.

It is to be noted that arrangements are being made to reactivate the National Human Rights Commission whose activities had been frozen since 1996.

3/ THE NGOs

The principal Human Rights NGOs operate legally in the CAR:

ACAT-RCA (Christian Action for the Abolition of Torture);
 MDDH (Movement for the Defense of Human Rights);
 AFJC (Central African Women Jurists' Association);
 LCDH (Central African Human Rights League);
 OCDH (Central African Human Rights Observatory);
 CEJP (Episcopalian Justice and Peace Commission);
 ACLV (Central African Association for the Control of Violence).

All these NGOs defend the individual rights of citizens and at every instance denounce any known case of Human Rights violation, thereby drawing the attention of the Government.

The High Commission on Human Rights and Good Governance, although it is a Governmental institution, maintains positive partnership relations with the NGOs by associating them in several human rights defense and promotion activities in the country. This collaboration is confirmed by the drafting of this report in which the NGOs in the Drafting Committee created for this purpose, participated massively.

VIII/ THE DIFFICULTIES ENCOUNTERED BY THE C.A.R. IN THE APPLICATION OF THE CHARTER

1 / Political Problems

Any viable political system should contribute towards providing a meaningful life for its citizens.

From independence to date, the CAR has had different regimes: Single Party, Dictatorship and Multiparty systems.

The political history of the country had been marked by a succession of dictators and single party regimes, the consequences of which had been the seizure of the political power by the Rulers, the deprivation of the fundamental rights and liberties of the citizens, the non participation of the population in the management of the nation's affairs.

Since the advent of democracy in the CAR in 1993, the country has known a series of militaro-political crises:

- April 1996, first mutiny of the soldiers demanding the payment of their salaries;
- May 1996, new mutiny of the soldiers accompanied by rioting, looting and destruction;
- 15th November 1996, third mutiny by a section of the Central African Armed Forces (CAAF), demanding the deposition of the President;
- 27-28 May 2001, Coup attempt;
- 25-30 October 2002, Failure of the Coup attempt;
- 15th March 2003, toppling of the regime by a Coup d'Etat putting an end to the suffering of the Central African people.

In effect, throughout all of the above listed gloomy and turbulent periods, there was restriction of the rights protected by the Charter in the country.

Thus, blatant cases of human rights violations took place, which were deplored by the Government and human rights defenders. To the detriment of peace and social cohesion, several perpetrators who had been brought to justice and condemned benefited from an amnesty and presidential pardon.

2/ Economic Difficulties

The economic problems experienced by the CAR had negative repercussions on human rights. The country undoubtedly has enormous potential in terms of resources (ground and under ground) but the lack of appropriate infrastructure to exploit them is a problem.

Furthermore, the recurrent militaro-political crises in the CAR have brought about the deterioration of some of the economic fabric of the country. In effect, the national and international investors can be counted on the fingers of one hand. All the resources channelled towards the CAR are used to manage the conflicts that are generated and do not contribute in any way to the development of the country so as to ensure the well being of the citizens.

To this is added the problems caused by bad governance, the embezzlement of public funds and corruption making it difficult for the State to deal with its royal obligations.

Thus, it is important to point out that the devaluation of the CFA Franc in 1994 did not have any results for the CAR. The country did not benefit from any accompanying measure, whereas other countries benefitted from the measures accompanying the devaluation of the CFA Franc.

The CAR appears to be weary of the negotiations aimed at obtaining sizeable investments for its economic development from the international financial institutions (IMF/WB).

3/ Social Problems

At the social level, the Government is faced with the problem of the regular payment of the salaries of Public Servants, of scholarships and pensions.

In effect, there are repeated strikes by the beneficiaries who often demand the payment of their salaries which were due and the settlement of their salary arrears from the rulers (12 months under the regime of President **KOLINGBA**, 24 months under the regime of President **PATASSE** and some months under the current regime). However, the problem of salaries, scholarships and pensions has been a matter of constant concern for the Government which is endeavouring to take the necessary measures to solve it.

Several reforms are being started by the Government to eradicate the evils which are corrupting the CAR. Thus, an operation checking on the salaries of Public Servants and State Officials resulted in the exposure of cases of the fraudulent receipt of several salaries by one official, of salaries and family allocations paid out unjustifiably.

In order to discourage impunity, several hundreds of Public Servants and State Officials including three members of the Government had been sanctioned and brought to justice. The result of this checking was a reduction of the salaried masses by more than two thousand officials.

Another social problem is the HIV/AIDS pandemic. The CAR is currently placed among the top group of countries with a high prevalence of AIDS.

The Government is constrained by a lack of resources which prevents it from providing care to a large number of AIDS patients. Anti-retroviral drugs (ARV) are available in the hospitals but the insufficient quantity is a problem for all the patients. To this is added other illnesses like malaria and tuberculosis which continue to kill people in the country.

Finally, the problem of unemployment is becoming more and more worrisome and a cause for concern in the CAR, as, at this point in time, the State can no longer reintegrate the youth in society.

IX/ THE IMPLEMENTATION OF HUMAN RIGHTS EDUCATION BY THE CAR IN CONFORMITY WITH ARTICLE 25 OF THE CHARTER

In accordance with Article 25 of the African Charter on Human and Peoples' Rights pertaining to human rights education, the CAR has made it a duty which is translated in practice by:

1/ The creation of a High Commission for Human Rights, a parastatal institution, responsible for implementing the policy for the promotion and protection of human rights;

2/ The organisation of a series of activities promoting human rights (education, conference-debates, sensitization, popularization of the human rights documents....);

3/ The project for the integration of human rights education in the Central African education system.

XI/ THE CHARTER AS AN INSTRUMENT OF INTERNATIONAL RELATIONS

The CAR, within the context of its diplomatic activities signs Agreements and International Conventions in conformity with Article 69 of the Constitution in force.

Its participation in regional and international meetings and seminars on human rights, as well as the ratification of the related instruments, is testimony of the goodwill of the political Authorities to make Human Rights issues a priority among their activities.

Thus, the presentation of these initial and cumulative Reports on human rights to the United Nations Human Rights Commission, and to the African Commission on Human and Peoples Rights are a means of guaranteeing respect for Human Rights to which the CAR subscribes.

XI/ OTHER INFORMATION USEFUL FOR THE APPLICATION AND PROMOTION OF THE CHARTER

State Party to the Charter, the CAR has not yet ratified the African Convention on the Rights of Women and of the Child. However, in practice, the provisions of the said Conventions are respected. The ratification procedure is in progress.

Thus, the CAR has not yet ratified the optional protocol establishing the African Court on Human and Peoples' Rights. However, the new Authorities that came to power after the recent elections are tackling the matter.

CONCLUSION

State Party to the African Charter on Human and Peoples' Rights since 1986, the CAR has unfortunately registered serious delay in the drafting and presentation of the Reports required by Article 62 of the present Charter.

In effect, the production of the present initial and cumulative Report in conformity with Article 62 of the Charter is evidence of the firm political will of the current regime to make the promotion and protection of human rights one of its priorities, thereby rectifying the lapses of the former regimes in this area.

The comments and observations of the African Commission on Human and Peoples' Rights on the present Report will be welcomed for a better influence of the issue of human rights in the CAR.

Thus, the CAR wishes to seize this opportunity to launch a vibrant appeal to the African Community through the intermediary of the African Union and its specialised Agencies to support the Central African Authorities in their efforts to ensure that the protection and promotion of human rights becomes an actual reality in the country.

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IN THE DRAFTING OF THIS REPORT**

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- NOUDJOUTAR Faustin	High Commission for Human Rights and Good Governance	General Report
- DOUNIA Armand	Christian Action for the Abolition of Torture	General Report
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