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African Commission on Human & Peoples'
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Consideration of Reports Submitted by States Parties under Article 62 of the African Charter on Human and Peoples' Rights

Concluding Observations and Recommendations on the Initial Report of the Central African Republic

I. Introduction

1. The present Concluding Observations follow the submission of the Initial/Periodic Report of the Central African Republic (CAR), State Party to the African Charter on Human and Peoples' Rights (the African Charter) having ratified the latter on 26 April 1986.
2. This Report was presented and considered during the 39th Ordinary Session of the African Commission on Human and Peoples' Rights (the African Commission), held in Banjul, The Gambia, from 11 to 25 May 2006.

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Republic

3. The present Report, which combines all the ten outstanding Reports (1988 – 2006) of the CAR, was received at the Secretariat of the African Commission on Human and Peoples' Rights on the 17 January 2006 from H.E. Mr. Thierry Maleyombo, High Commissioner for Human Rights and Good Governance of the CAR.
4. The CAR Report was presented to the African Commission by a Delegation led by H.E. Mr. Henri Maïdou, Minister of State, Minister of Justice and Human Rights, Special Adviser to the President of the Republic.
5. These Concluding Observations give an account of the positive aspects identified in the Report as well as the factors restricting the enjoyment of human and peoples' rights as stipulated in the African Charter.
6. The Concluding Observations also deal with the areas of concern and the recommendations of the African Commission to the Government of the CAR.
7. The African Commission notes with satisfaction that the presentation of the CAR Report took place in a public session, in an atmosphere of frank and constructive exchanges between the Delegation of the CAR and the African Commission.
8. The African Commission thanks H.E. the Minister of State Mr. Henri Maïdou and his delegation for having provided the detailed responses and clarifications to the questions and requests for clarifications from the Members of the African Commission.

II. Positive Aspects

The African Commission:

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9. Congratulates the CAR for having presented its Initial/Periodic Report in conformity with Article 62 of the African Charter. The Report was prepared and presented in accordance with the African Commission Guidelines for the Preparation of Periodic Reports;

10. Appreciates the efforts deployed by the Government of the CAR to guarantee the enjoyment of the rights and freedoms prescribed by the African Charter on Human and Peoples' Rights, notably:
 - a. The return to institutional constitutionality and the beginning of a process of democratization and national reconciliation;

 - b. The harmonization of the provisions of domestic legislations with the African Charter;

 - c. The ratification of international and regional human rights instruments;

 - d. The implementation of the process of national reconciliation aimed at restoring peace and security;

 - e. The decriminalization of offenses by the media which is a positive step towards the enjoyment of the right to information;

III. Factors Restricting the Enjoyment of the Rights Enshrined in the African Charter

11. The politico-military situation which characterizes CAR's history was at the root of the often massive and serious human rights violations and the offshoot of this history of violence constitutes an obstacle to the enjoyment of human rights;
12. The poverty and impoverishment of the populations also constitute an obstacle to the implementation of the rights and liberties protected and guaranteed by the African Charter especially regarding economic, social and cultural rights.

IV. Areas of Concern

While recognising the efforts of the CAR to promote and protect human rights and to promote awareness of the principles and provisions of the African Charter, the African Commission remains concerned that:

13. The Report does not indicate the measures taken to effectively guarantee the independence of the Judiciary;
14. The situation of vulnerable groups in general and in particular that of women, children and indigenous populations/communities and human rights defenders remains precarious and the Report does not also give enough information on the measures actually taken for the promotion and protection of the rights of these vulnerable categories of the CAR population;
15. The revival of violence and insecurity in some regions of the country is likely to threaten peace and security;

16. There is a consistent lack of organization of the judiciary and the difficulties of access to justice notably for women and vulnerable groups. Difficulties in access to education, the low level of participation in decision making processes as well as the situation of rural women, remain preoccupying.

Part III – Recommendations

The African Commission recommends to the Government of the CAR to:

17. Pursue institutional reforms aimed at establishing or strengthening all the republican institutions;
18. Create a National Human Rights Institution whose composition and mandate conforms to the Paris Principles and to the Resolution of the African Commission on Affiliate Status;
19. Put in place the necessary reforms and to mobilize financial, material and human resources to strengthen the judiciary;
20. Take into account the consequences of the serious, massive and generalized human rights violations committed during the periods of violent and armed conflicts by identifying and sanctioning the perpetrators of the violations and ensuring that the victims are adequately compensated;
21. Ensure that the conditions of arrest, preliminary interrogation and detention of the presumed perpetrators respect the principles of the Robben Island Guidelines and the right to a fair hearing;
22. Take adequate measures in combating insecurity and violence and ensuring their implementation whilst maintaining respect for the provisions of the African Charter;

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23. Take the necessary steps towards the ratification of the Protocols to the African Charter on Human and Peoples' Rights on the Rights of Women and on the Establishment of an African Court on Human and Peoples' Rights as well as the African Charter on the Rights and Welfare of the Child;
24. Carry out the necessary reforms to guarantee rapid and sustainable human development, favorable to the full enjoyment of human rights in CAR;
25. Carry out reforms to strengthen judicial assistance and the independence of the judiciary;
26. Improve the living conditions in the prisons;
27. Put in place a prison for juvenile offenders;
28. Facilitate access to education especially for girls and their stay in school;
29. Improve the socio-economic conditions of rural women and the participation of women in the decision making process;
30. Transmit to the Secretariat the written responses to the questions posed by the African Commission during the presentation of the Report;
31. Inform the African Commission, in its next Periodic Report, of the steps it has taken to address the areas of concern, as well as how it has implemented the recommendations in this Concluding Observations.

Adopted at the 39th Ordinary Session of the African Commission on Human Peoples' Rights held from 11 to 25 May 2006, Banjul, The Gambia