



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Initial report submitted by the Central African
Republic under article 19 of the Convention, due
in 2017***

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* The present document is being issued without formal editing.



I. Introduction

1. The Central African Republic acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 11 October 2016. Under article 19 (1), States Parties are required to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under the Convention, within one year after the entry into force of the Convention for the State Party concerned. The submission of the initial report of the Central African Republic following accession has been delayed owing to circumstances beyond its control.
2. The present initial report is submitted to the Committee for review thanks to the multifaceted support of the country's technical and financial partners.

II. Context

3. The Central African Republic is a landlocked country sharing borders with Chad to the north, the Sudan to the north-east, South Sudan to the east, Cameroon to the west, the Democratic Republic of Congo to the south-east and the Congo to the south-west. It covers an area of 623,000 km², of which 3.2 per cent is farmland, 4.8 per cent pasture, 57.5 per cent forest and 34.5 per cent is used for dwellings and other purposes.
4. The Central African Republic is divided into 7 regions, 20 prefectures, 85 sub-prefectures and 175 communes.
5. Each region has its own administrative structure: courts, a military authority, a health authority, school inspectorates and, in the near future, regional human rights departments.
6. For some thirty years, the political history of the Central African Republic has been punctuated by unprecedented conflicts and military and political crises, resulting in political, institutional, social and economic instability and a deterioration in the human rights situation, particularly with regard to torture and other cruel, inhuman or degrading treatment or punishment, which has been detrimental to the country's development.
7. The constitutions and laws adopted by the different regimes that have governed the Central African Republic reaffirm the country's commitment to the Universal Declaration of Human Rights, of 10 December 1948, the International Covenants on Human Rights – on Economic, Social and Cultural Rights and on Civil and Political Rights – of 16 December 1966, and other relevant human rights instruments.
8. With the holding in 2016 of democratic, free and transparent combined elections (presidential and legislative), constitutional order was restored, allowing the Central African Republic to rejoin the community of nations. The return of constitutional order also enabled the Central African Republic to strengthen its legal arsenal and further reaffirm its commitment to international human rights instruments by ratifying the Convention against Torture and the Optional Protocol thereto on 11 October 2016, thus becoming the 160th State Party to the Convention and the 83rd State Party to the Optional Protocol.

III. Methodology

9. The process of drawing up this initial report took into account the need for broad consultation with and participation by the various actors involved in the promotion and protection of human rights.
10. In the course of this work, the public administration at the central and local levels was consulted, along with civil society through national and international non-governmental organizations (NGOs), international organizations and the general public.
11. The methodology adopted for data collection includes documentary research, individual interviews, group discussions and visits to places of deprivation of liberty throughout the country.

12. The whole process culminated in a validation workshop attended by experts from the National Committee for Report-Writing and Follow-up of Recommendations.

IV. Legal and institutional framework

13. To ensure the promotion and protection of human rights, the Central African Republic has not only ratified international, regional and sub-regional legal instruments, but has also established a national legal and institutional framework.

A. Legal framework

14. International legal instruments:

- International Covenant on Civil and Political Rights, of 16 December 1966, accession on 8 May 1981
- International Covenant on Economic, Social and Cultural Rights, of 16 December 1966, accession on 8 May 1981
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of 10 December 1984, in force since 26 June 1987, accession on 11 October 2016
- Optional Protocol to the International Covenant on Civil and Political Rights
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, concerning the mechanism for the prevention of torture, of 18 December 2002, in force since 22 June 2006, accession on 11 October 2016
- International Convention for the Protection of All Persons from Enforced Disappearance, of 20 December 2006, in force since 23 December 2010, accession on 11 October 2016
- Convention on the Elimination of All Forms of Discrimination against Women, of 18 December 1979, in force since 3 September 1981, accession on 21 June 1991
- International Convention on the Elimination of All Forms of Racial Discrimination, of 21 December 1965, ratification on 16 March 1971
- Convention on the Rights of the Child, of 20 November 1989, in force since 2 September 1990, ratification on 23 April 1992
- Convention on the Rights of Persons with Disabilities, of 13 December 2006, ratification on 11 October 2016
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, of 25 May 2000, in force since 12 February 2002, ratification on 11 October 2016
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, of 25 May 2000, in force since 18 January 2002, ratification in 2012
- Optional Protocol to the Convention on the Rights of Persons with Disabilities
- United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), contained in resolution 70/175 of 17 December 1975

15. Regional legal instruments:

- African Charter on Human and Peoples' Rights, adopted by the eighteenth Assembly of Heads of State and Government in Nairobi in June 1981, ratification on 26 April 1986
- African Charter on the Rights and Welfare of the Child, adopted in July 1990, ratification on 6 July 2002
- African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, of 2006
- African Charter on Democracy, Elections and Governance, adopted on 30 January 2007
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted in June 1995

16. National legal instruments:

- Constitution of 30 August 2023 (art. 16-4)
- Act No. 10.001 of 6 January 2010 on the Criminal Code
- Act No. 10.002 of 6 January 2010 on the Code of Criminal Procedure
- Act No. 06.005 of 26 June 2006 on reproductive health
- Act No. 06.032 of 15 December 2006 on the protection of women from violence
- Act No. 12.003 of 12 April 2012 establishing the fundamental principles governing the prison system
- Act No. 20.016 of 15 June 2020 on the Child Protection Code
- Decree No. 16.0087 of 16 February 2016 establishing the structure and regulating the functioning of the country's prisons and defining how they are administered
- Act No. 22.015 of 20 September 2022 on trafficking in persons
- Decree No. 02.205 of 6 August 2002 setting out the arrangements for implementing Act No. 00.007 of 20 December 2000 on the status, protection and promotion of persons with disabilities
- Code of Conduct for Law Enforcement Officials, contained in resolution 34/169 of 17 December 1979

B. Institutional framework

17. The institutional landscape has evolved considerably in the area of human rights, particularly with regard to torture.

1. State institutional framework

18. The State institutional framework is made up of ministries and national institutions.

19. The following ministries are involved in preventing and providing protection against torture:

- Ministry of Justice, Human Rights Promotion and Good Governance
- Ministry for Gender Promotion and the Protection of Women, the Family and Children
- Ministry of Public Health and Population
- Ministry for Humanitarian Action, Reconciliation and National Solidarity
- Ministry of Education

- Ministry of the Interior and Public Safety
- Ministry of Defence and Army Reconstruction
- Ministry for Disarmament, Demobilization, Reintegration and Monitoring of the Political Agreement for Peace and Reconciliation

20. The following national institutions are involved in preventing and providing protection against torture:

- National Assembly
- Constitutional Council
- High Council for Communication
- High Authority for Good Governance
- National Mediation Council
- National Commission on Human Rights and Fundamental Freedoms

2. Non-State institutional framework

- Civil society organizations (NGOs, platforms, networks promoting and defending human rights)
- Ligue Centrafricaine des Droits de l'Homme (Central African Human Rights League)

V. Information and comments on the implementation of the Convention

Article 1

21. Although it does not replicate the definition of torture contained in article 1 of the Convention, the legislation of the Central African Republic criminalizes and provides for the punishment of acts of torture. The offence of torture appears in the following laws:

- Act No. 10.001 of 6 January 2010 on the Criminal Code (arts. 118–120)
- Act No. 17.012 of 24 March 2017 on the Code of Military Justice (arts. 105 and 106)
- Act No. 20.016 of 15 June 2020 on the Child Protection Code (art. 13)

22. As the Central African Republic has a monist system, the Convention became applicable immediately upon accession. Moreover, national criminal legislation goes beyond the definition of torture contained in article 1 of the Convention by including barbarous acts and citing aggravating factors that result in harsher penalties.

23. It should be noted that the revisions to the Criminal Code currently in progress contain a definition of torture.

Article 2

24. The Central African Republic has taken a series of legal, institutional and administrative measures to prevent acts of torture in its territory. By way of illustration, the Government has taken a number of steps to reform the prison system; this ongoing reform has prompted progressive demilitarization of places of deprivation of liberty and the construction and renovation of detention centres.

25. In addition, prison staff are subject to a code of ethics and internal regulations intended to govern their work and prevent and punish any acts of torture and cruel, inhuman or degrading treatment committed by them or with their involvement. For example, the prison staff handbook prohibits the use of torture as a disciplinary measure.

26. The Constitution of 30 August 2023, the current Criminal Code, the Child Protection Code, the law laying down the fundamental principles of the prison system and the Code of Military Justice all contain provisions on inhuman, cruel or degrading treatment. In addition,

national institutions for the protection and promotion of human rights are working to combat torture, including relevant ministries such as the ministries for justice and gender, the National Commission on Human Rights and Fundamental Freedoms, the High Authority for Good Governance, the National Assembly, non-State institutions, platforms and networks of human rights organizations.

27. Article 118 of the current Criminal Code and article 105 of the Code of Military Justice criminalize torture and other cruel, inhuman or degrading treatment or punishment and provide for penalties including hard labour and life imprisonment.

28. This demonstrates the State's determination to prevent and punish torture and all forms of cruel, inhuman or degrading treatment.

29. The abolition of the death penalty in the Central African Republic is part of this commitment.

Article 3

30. National legislation addresses the issue of extradition to another country where there is a risk of torture. Article 382 of the Code of Criminal Procedure prohibits extradition when the requesting State does not offer fundamental guarantees with regard to procedure and the protection of the rights of the defence.

31. There has thus been significant progress in national legislation on the prevention of torture in that the relevant laws provide for torture and other cruel, inhuman or degrading treatment or punishment to be punished with the utmost rigour.

Article 4

32. The legal framework includes a number of provisions to punish the various offences regarded as torture, in article 118 of the current Criminal Code and article 105 of the Code of Military Justice.

Article 5

33. National criminal legislation establishes the jurisdiction of the country's courts over any offence, including torture, committed in or outside its territory, as set out in article 7 of the Convention and article 320 of the Code of Criminal Procedure. Furthermore, the ongoing reform of criminal policy includes the necessary provisions to strengthen the jurisdiction of the country's courts, in keeping with the spirit of article 5 of the Convention.

Article 6

34. No provision of the country's legislation stands in the way of the full and effective implementation of article 6 of the Convention. On the contrary, the Central African Republic has strengthened its criminal cooperation with States and international courts by taking measures at the domestic level to give effect to article 6. The competent authorities of the Central African Republic have arrested, detained and transferred persons suspected of having committed international crimes in other territories, and some are currently being prosecuted – in national courts, in the Special Criminal Court in the Central African Republic or at the International Criminal Court.

Article 7

35. Act No. 10.002 of 6 January 2010 on the Code of Criminal Procedure provides that the country's authorities may extradite or try any person suspected of having committed any offence under ordinary law, including crimes against the person. Public prosecutions may be initiated by the prosecution service or the criminal investigation department on the basis of either a complaint or a simple report, or directly before the investigating judge through a complaint accompanied by a civil claim.

Article 8

36. Extradition agreements are referred to in article 377 of Act No. 10.002 of 6 January 2010 on the Code of Criminal Procedure (see title XV, chap. 3). This article not only lays down the conditions, procedures for and effects of extradition, but also sets out alternatives in cases where international legal instruments are intentionally silent on the matter. Under this article, the Central African Republic recognizes torture as an extraditable offence and sets out the prerequisites for the extradition procedure.

Article 9

37. Generally speaking, the Central African Republic has always supported the strengthening of international cooperation in the areas of mutual legal assistance and extradition.

38. Regarding mutual legal assistance, the Code of Criminal Procedure, in chapter I of title XV, sets out the arrangements for mutual legal assistance between the competent authorities of the Central African Republic and foreign judicial authorities.

39. There are a number of international and bilateral instruments approving various judicial cooperation arrangements with the Central African Republic, for example:

- Decree No. 67-402 of 27 April 1967 on the convention on judicial cooperation between France and the Central African Republic
- Sub-regional agreement on judicial cooperation between the countries of the Central African Economic and Monetary Community
- Economic Community of Central African States convention on judicial cooperation

Article 10

40. The provisions of article 10 have been given effect in the Central African Republic through, for example, the teaching of human rights in various training courses and the establishment of a human rights module. Another example is the master's degree in human rights and democratic governance created at the University of Bangui. The human rights module is taught in vocational training schools, gendarmerie schools and in the police.

41. The Government has undertaken a number of capacity-building initiatives under its National Human Rights Policy, which includes various strategic areas of focus, 75 priority actions and over 268 activities for the promotion and protection of human rights.

42. In addition, the State has trained prison officers to deal with anyone arrested, detained or imprisoned. These officers have received multidisciplinary training, including in human rights and international humanitarian law.

Article 11

43. The Central African Republic has made encouraging efforts in this area, with the adoption of legislative measures. These include Act No. 12.003 of 12 April 2012 establishing the fundamental principles governing the prison system and its four implementing decrees. These texts constitute legal benchmarks, providing criminal justice professionals with the necessary information on the operation of the prison system. This has enabled prison staff and the various actors of the public justice system to comply more fully with national and international rules on preventing and providing protection against torture and other cruel, inhuman or degrading treatment or punishment.

44. In the same vein, the Code of Criminal Procedure provides for mechanisms to oversee the activities of the criminal investigation department, as set out in article 11 of the Code, the third and fourth paragraphs of which state that the activities of the criminal investigation department are to be carried out under the direction of the Public Prosecutor, by the officials, officers and other persons designated in articles 13, 18 and 21 of the Code. The department is placed under the supervision of the Public Prosecutor and under the oversight of the indictment division of the local Court of Appeal. It comprises criminal investigation officials

and officers, and other public officials and officers to whom certain criminal investigation functions are assigned by law.

Article 12

45. The Central African Republic has criminalized torture. Under article 14 of Act No. 10.002 of 6 January 2010 on the Code of Criminal Procedure, criminal investigation officers exercise the powers defined in article 13 of the Code. They receive complaints and reports. They carry out preliminary investigations under the conditions set out in article 44 of the Code. The authorities competent to initiate and carry out investigations, both criminal and disciplinary, are:

- The Ministry of Justice, Human Rights Promotion and Good Governance, through its various services, courts and tribunals, as well as criminal investigation officers
- The Ministry of the Interior and Public Safety, the police and the gendarmerie
- The Ministry of Defence and Army Reconstruction
- Various bodies set up by the Government and attached to these ministries, such as the joint rapid response unit to prevent sexual violence against women and children and the searches and investigations section

46. Once a case is referred to them, these institutions carry out investigations to establish responsibility for torture and other cruel, inhuman or degrading treatment or punishment suffered by victims throughout the country. On conclusion of the proceedings, if the alleged perpetrator is found guilty, article 118 of the Criminal Code applies: “Subjecting a person to torture or cruel, inhuman or degrading treatment or barbarous acts shall be punishable by hard labour.”

Article 13

47. In the Central African Republic, the right of access to justice is guaranteed. Thus, victims of torture and other cruel, inhuman or degrading treatment or punishment, like any other victims, can apply to the competent authorities to have their cases promptly and impartially investigated.

48. Victims of torture also benefit from procedural guarantees: the right to be assisted by a lawyer, the right to be heard by an impartial and independent judge, the right to take part in and be informed of the progress of proceedings and the right to avail themselves of remedies (Code of Criminal Procedure, arts. 48 and 123).

49. Data are available on the number of complaints of torture and inhuman or degrading treatment or punishment. Since the Central African Republic acceded to the Convention, 142 complaints have been recorded.

50. A legal aid mechanism to facilitate access to justice was set up very recently, enabling victims who are indigent to benefit from State support in exercising their rights before the courts.

Article 14

51. National legislation provides for compensation procedures for victims and their families. This is the purpose of articles 2 et seq. of the Code of Criminal Procedure. Under article 2, civil proceedings to seek reparation for damage caused by a serious, ordinary or minor offence may be brought by anyone who has personally suffered damage directly caused by the offence. The register of court decisions includes judgments in which convictions have been handed down in torture cases and damages awarded to the victims.

52. There are also rehabilitation programmes for torture victims in the Central African Republic. These programmes are implemented by various government departments, notably the Ministry of Justice, the Ministry for Humanitarian Action and the Ministry for Gender Promotion and the Protection of Women, the Family and Children, in partnership with civil society organizations and national and international NGOs.

53. In terms of ongoing reparation programmes, the Government, through the Ministry of Justice, has been working on setting up a compensation fund that also includes victims of torture.

Article 15

54. The Code of Criminal Procedure deems null and void any statement or testimony obtained as a result of torture or inhuman or degrading treatment.

Article 16

55. The aspects mentioned in article 16 of the Convention are taken into account in the fourth paragraph of article 16 of the Constitution of 30 August 2023. Under this provision: “No one may be subjected to cruel, inhuman or degrading treatment anywhere in the country.” Furthermore, the first paragraph of the article states: “The human person is sacred. The State has an obligation to respect and protect it.”

56. Before the Central African Republic acceded to the Convention, there were no special detention facilities for minors. Since accession, however, the Government, pursuant to its policy of improving prison conditions, has made efforts to separate minors from adults and to separate the most violent prisoners from those who are vulnerable. In addition, inmates now wear uniforms and receive proper health care and their food rations have been reviewed. There has been a substantial increase in the budget allocated to the Directorate General of Prison Services, in particular the Prison Administration Department, in order to improve prison conditions and the quality of food for inmates. In addition, efforts are already being made to relieve prison overcrowding. Besides the issuance of the latest presidential decree granting pardons to a number of prisoners, new prisons have been built in Mbaïki and Bouar and others renovated in Bossembele, Ndélé, Bouar and Carnot. Furthermore, 295 prison officers have been trained at the National Civil Service and Judiciary Training School and have just been deployed in order to demilitarize prisons in the Central African Republic (art. 10).

VI. Conclusion

57. Decades of military and political crises have shaken the foundations of the State in the Central African Republic, and this has been accompanied by human rights violations. However, since the restoration of the constitutional order in 2016, constant efforts have been made to improve the rule of law and the living conditions of the population. Concerning compliance with the country’s international commitments under the various legal instruments relating to human rights, including the Convention, in addition to the measures already taken, an action plan for the implementation of the National Human Rights Policy has been drawn up and is currently being implemented. It places particular focus on the fight against torture and other cruel, inhuman or degrading treatment.