



**International Convention for
the Protection of All Persons
from Enforced Disappearance**

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Committee on Enforced Disappearances

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Consideration of reports of States parties to the Convention

**Replies of the Central African Republic to the list
of issues in the absence of its report due under
article 29 (1) of the Convention***

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* The present document is being issued without formal editing.



I. Introduction

1. The International Convention for the Protection of All Persons from Enforced Disappearance was adopted by the General Assembly on 20 December 2006. It was signed and ratified by the Central African Republic on 11 October 2016.
2. The present report is submitted to the Committee on Enforced Disappearances, established pursuant to article 26 of the Convention, in accordance with article 29, which provides that States parties must submit a report on the measures taken to give effect to their obligations under the Convention within two years of the entry into force of the Convention for the State party concerned.
3. The Central African Republic hereby submits its initial report, in accordance with the reporting guidelines adopted by the Committee on Enforced Disappearances.
4. The report takes stock of the efforts made by the Central African Republic since its ratification of the Convention. It also highlights the achievements and progress made in strengthening the culture of combating all forms of deprivation of liberty that may lead to the enforced disappearance of persons, in order to give full effect to the provisions of the Convention.
5. The preparation of the report, which covers the period from 2016 to 2024, attests to the State's determination to meet its international obligations. It was drawn up through a participatory and inclusive process by the standing committee for the drafting of reports and follow-up to recommendations, taking into account the relevant guidelines. State bodies concerned with the rights enshrined in the Convention, civil society organizations working to promote and protect human rights and the National Commission on Human Rights and Fundamental Freedoms were involved in the drafting process.
6. This process involved three main phases:
 - First, an orientation workshop was held on 21 and 22 March 2024, during which all standing committee members received training on the content of the Convention, the guidelines for preparing State reports and the constructive dialogue with the Committee. At the end of the course, each member was assigned a research and data collection task.
 - Second, a workshop to compile and review the first draft of the report was held from 16 to 18 May 2024, bringing together all standing committee members and resource persons.
 - Third, a national workshop to approve the report was held from 2 to 4 June 2024, bringing together State bodies, civil society and the National Commission on Human Rights and Fundamental Freedoms.
7. In accordance with the guidelines, the document, in addition to the introduction, contains parts covering:
 - General information
 - Judicial procedure and cooperation in criminal matters
 - Measures to prevent enforced disappearance
 - Measures taken to protect the rights of victims of enforced disappearance
 - Measures to protect children against enforced disappearance
8. In submitting this report to the Committee, the Central African Republic reaffirms its commitment to human rights values and to collaboration with the United Nations human rights bodies.

II. General information

9. Having been ratified by the Central African Republic, the Convention is an integral part of its national law. In accordance with article 142 of the Constitution of 30 August 2023,

“duly ratified or approved international treaties and agreements shall, upon their publication, take precedence over national laws, provided that those treaties and agreements are reciprocally applied”. This means that the provisions of the Convention take legal precedence and can be invoked before the national courts. Courts and other competent authorities are obliged to enforce those provisions and ensure their application.

10. The National Commission on Human Rights and Fundamental Freedoms has played a crucial role in implementing the Convention by carrying out 31 awareness-raising and capacity-building activities to prevent cases of enforced disappearance; the activities, which took place in Vakaga, Nana-Mambéré, Mambéré-Kadei, Ouham, Ouham-Fafa, Lim-Pendé, Haute-Kotto, Haut-Mbomou, Ouaka and Bangui Prefectures, reached all sections of society. The Commission intends to pursue its activities to publicize the Convention and to strengthen its victim protection measures by establishing a referral system for their care, with the support of the Government, which has increased the budget allocated to the Commission to enable it to carry out its tasks effectively. By way of illustration, the budget, which was 30 million CFA francs (CFAF) in 2018, has risen to CFAF 75 million in 2024.

11. However, additional funds are being sought from international partners and non-governmental organizations (NGOs) to support specific projects aimed at strengthening national mechanisms for implementing the Convention.

12. Efforts are under way to strengthen the Commission’s technical and human resources. To date, the Commission has received no complaints concerning enforced disappearance.

13. The Central African Republic will in due course make the declarations provided for in articles 31 and 32 of the Convention relating to the Committee’s competence to receive individual and inter-State communications.

III. Definition and criminalization of enforced disappearance (arts. 1–7)

14. The Central African Republic currently has no databases on enforced disappearances, although it does have registers of persons deprived of their liberty in the various detention centres.¹ However, it plans to work closely with technical and financial partners to facilitate the creation and roll-out of a national database on alleged or confirmed cases of enforced disappearance.

15. Although the Constitution of 30 August 2023 does not explicitly mention the term “enforced disappearance”, it does prohibit acts of torture, slavery and violations of physical or mental integrity, which are constituent elements of the crime of enforced disappearance.

16. With regard to legal or administrative measures ensuring non-derogation from the right not to be subjected to enforced disappearance, article 58 of the Constitution refers to acts that constitute the crime of enforced disappearance and, in no case, may exceptional circumstances be invoked to justify the commission of those acts.

17. Likewise, measures taken by the Government – training and awareness-raising for the military and State agents – have helped to prevent acts of enforced disappearance.

18. In order to comply with its international obligations, the Central African Republic has put in place a national human rights policy to promote human rights throughout its territory. Similarly, a number of measures have been taken by the Government to ensure that its actions are compliant with obligations under the Convention. By way of example, the military and the internal security forces have received training on international human rights and humanitarian law standards.

19. Article 153 of the Criminal Code goes further than article 2 of the Convention by including a certain number of groups of persons who may commit the crime of enforced disappearance, in line with article 7 of the Rome Statute of the International Criminal Court.²

¹ See B1 and B2.

² Political actors.

20. According to article 153 of the Criminal Code, enforced disappearance constitutes a crime against humanity when committed as part of a widespread or systematic attack. This means that it is not merely an isolated act, but rather a widespread and organized practice aimed at inflicting serious atrocities on a population or exerting control over it. The penalty in such cases is death. However, following the revision of the Criminal Code, which is now under way, the Code will include the penalty stipulated in article 2 of Act No. 22.011 of 27 June 2022 on the abolition of the death penalty.

21. As for cases where enforced disappearance does not constitute a crime against humanity within the meaning of the Convention, the revised Criminal Code will establish a separate offence of enforced disappearance in accordance with the provisions of article 2 of the Convention.

22. To date, the ordinary courts have not dealt with any cases of enforced disappearance, with the exception of the Special Criminal Court, which, on 27 February 2024, issued a warrant for the arrest of former President François Bozizé for acts of enforced disappearance.

23. The Committee's general comment No. 1 (2023) on enforced disappearance in the context of migration highlights the importance of taking specific measures to prevent and investigate cases of enforced disappearance occurring in the context of migration, as well as in other similar contexts – in connection with trafficking in persons and the actions of mercenaries, private military companies and paramilitary or vigilante groups, for example.

24. The Central African Republic has strengthened its legal and institutional arsenal for investigating cases of enforced disappearance. The Special Criminal Court, for example, has appealed to victims to report cases of enforced disappearance to it. It has issued an international arrest warrant against former president François Bozizé for international crimes including enforced disappearance.

25. Article 161 of the Criminal Code holds personally responsible anyone who commits or is an accomplice to the commission of an act of enforced disappearance.

26. With regard to invoking an order or instruction from a public authority, article 161 of the Criminal Code specifies that the perpetrator or accomplice to a crime referred to in article 153 cannot be absolved of his or her responsibility on the grounds that he or she has committed an act prescribed or authorized by a law or regulation or an act ordered by a legitimate authority. However, the court takes this circumstance into account when determining the length of the sentence.

27. Under the criminal law of the Central African Republic, legal persons may be held liable for the offence of enforced disappearance, with the exception of the State, on the basis of article 10 of the Criminal Code.

28. Article 28 of the Constitution of 30 August 2023 specifies that no one is obliged to carry out a manifestly illegal order. Any person or agent of the State is relieved of the duty to obey orders when the order received is a clear violation of human rights, public freedoms or public morals.

29. When a subordinate is disciplined for failing to comply with orders or instructions that might lead to an enforced disappearance, the subordinate may file an administrative appeal, then an appeal to a higher authority and, if necessary, lodge an appeal with the competent court to challenge the decision pursuant to which he or she was disciplined.

IV. Judicial procedure and cooperation in criminal matters (arts. 8–15)

Term of limitation for criminal proceedings

30. The Central African Republic has classified the crime of enforced disappearance as a crime against humanity when the constituent elements set out in article 153 of the Criminal Code are present. Under article 7 (c) of the Code of Criminal Procedure, international crimes

(war crimes, crimes against humanity, genocide) are not subject to any statute of limitations, and criminal proceedings are initiated as soon as the facts are established.

“Principle of territorial and substantive jurisdiction” (art. 9 (1) and (2))

31. The Central African Republic has established its competence to exercise universal and territorial jurisdiction over crimes of enforced disappearance, in accordance with article 9 of the Convention. Thus, under articles 320 and 321 of the Code of Criminal Procedure, the courts of the Central African Republic may exercise jurisdiction over crimes of enforced disappearance committed within or outside the country’s territory. To this end, there exists a set of judicial and administrative steps for initiating criminal proceedings, which may be carried out by prosecutors or officials in accordance with article 1 of the Code. Injured parties may also initiate criminal proceedings by filing a report or complaint with the public prosecutor’s office or by filing a criminal indemnity action with an investigating judge. The criminal investigation department is responsible for establishing the facts, gathering evidence and tracking down the perpetrators in order to present them to the public prosecutor’s office, as provided for in article 11 of the Code.

32. The national system for the punishment of the crime of enforced disappearance (consisting of the Special Criminal Court and the national courts) provides the frame of reference for combating impunity. Article 3 (3) of the Organic Act on the Establishment, Organization and Functioning of the Special Criminal Court gives precedence to the Court in the event of a conflict of jurisdiction with the national courts. By virtue of the principle of complementarity, the International Criminal Court would be able to exercise jurisdiction over a crime of enforced disappearance only when neither the Special Criminal Court nor the national courts could do so.

33. Although the Code of Military Justice does not refer explicitly to “enforced disappearance”, the military courts too have jurisdiction – on the basis of article 21-2 of the Code – over acts falling within the scope of the crime of enforced disappearance, in the sense that any offences under ordinary law committed by military or comparable personnel in, or on the occasion of, the performance of their duties are subject to prosecution before a military court or court martial.

34. As provided for in their mandates under national law, the public prosecutor, investigating judge, law enforcement officials and criminal police officers have access to all places where there are substantial grounds to believe that disappeared persons may be present in the context of preliminary investigations into cases in which criminal proceedings have been initiated, in application of the combined provisions of articles 17, 54, 63 and 64 of the Code of Criminal Procedure. It should be noted that preliminary investigation procedures are confidential, and all persons involved in such procedures are bound by professional confidentiality as stipulated in article 12 of the Code of Criminal Procedure.

35. Limitations may be applied in relation to requests for mutual legal assistance or cooperation from States parties to agreements on cooperation and mutual legal assistance, as set out in article 382 (2) and (7) of the Code of Criminal Procedure, when the expulsion, return, surrender or extradition of a person is subject to political considerations.

36. Since its ratification by the Central African Republic, no cooperation or mutual legal assistance agreements have been signed with other States parties to the Convention.

V. Measures to prevent enforced disappearance (arts. 16–23)

37. In the event of a court decision authorizing the extradition of a person where there are substantial grounds to believe that he or she may be subjected to enforced disappearance, the person may appeal to the competent courts in accordance with the combined provisions of articles 392, 393, 394 and 395 of the Code of Criminal Procedure.

38. No provision of national law authorizes the creation or establishment of secret detention centres in any part of the country. Under article 406, accused persons who are remanded in custody are held in remand prisons.

39. All persons deprived of their liberty enjoy all the procedural guarantees (right to a lawyer, right of access to one's file and so forth) set out in articles 40, third paragraph, and 48, third paragraph, of the Code of Criminal Procedure. The same applies to foreign nationals, who also have the right to communicate with their consular authorities.
40. The laws in the Central African Republic allow complaints regarding failures to observe procedural guarantees to be lodged with the ordinary courts.
41. The Central African Republic has a number of State actors attached to the Ministry of Justice: the Inspectorate General of Judicial Services, public prosecutors, the Directorate General for Prison Administration, the Directorate General for Human Rights and Good Governance and the National Commission on Human Rights and Fundamental Freedoms. NGOs are required to obtain prior authorization from the Ministry of Justice to visit places of deprivation of liberty.
42. In the Central African Republic, there are several registers of persons deprived of their liberty, maintained at police and gendarmerie stations, by the joint secretariats of public prosecutor's offices and in prisons.
43. The release orders issued by sentence enforcement judges permit reliable verification that persons deprived of their liberty have been released.
44. Anyone suspected of the crime of enforced disappearance and deprived of his or her liberty has the right to appeal to the competent courts to challenge the lawfulness of the deprivation of liberty.
45. Any person detained in connection with an enforced disappearance has the right to have access to the information referred to in article 17 of the Convention at the request of the public prosecutor.
46. There are measures in place to prevent violations of this right and punish the perpetrators or authorities who obstruct the exercise of this right by refusing to provide information. There are administrative and judicial procedures available for challenging the decisions of these authorities.
47. As part of the implementation of the national human rights policy, the Government plans to organize specific training courses on the Convention for civilians and military personnel.

VI. Measures to protect and ensure the rights of victims of enforced disappearance

48. According to national legislation, a victim is a person who has suffered harm as the result of the commission of a crime falling within the jurisdiction of the national courts (see the Organic Act on the Special Criminal Court). This definition allows relatives of a victim, whether direct or indirect, to claim protection precisely because of their relationship with that person or with a witness.
49. In the Criminal Code, the lawmakers of the Central African Republic referred to enforced disappearance as an offence constituting a crime against humanity (Act No. 10.001 of 6 January 2010 on the Criminal Code, art. 153). National legislation makes no distinction between victims. Any person who is the victim of an injustice is entitled to reparation.
50. Act No. 20.009 of 7 April 2020 on the Establishment, Organization and Functioning of the Truth, Justice, Reparation and Reconciliation Commission provides that the Commission's tasks are to establish the truth, seek justice, restore the dignity of victims and promote national reconciliation. According to the Commission's 2021 annual report, commissioners visited seven of the most conflict-affected prefectures, reaching over 73,000 people. In conjunction with technical and financial partners, international consultants have been recruited to strengthen the Commission's operational capacities as part of the project to support victims and assist the population of the Central African Republic in gaining access to justice and to the truth.

51. In line with international standards, in particular the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa and the Guiding Principles on Internal Displacement, the Government, in collaboration with United Nations system agencies, has drawn up the National Strategy for Sustainable Solutions for Internally Displaced Persons and Returnees to the Central African Republic. This document takes into account the recommendations of the Bangui Forum on National Reconciliation concerning the return and reintegration of internally displaced persons and the main lines of the 2018 Humanitarian Response Plan, in synergy with the Strategy for the Restoration of State Authority and with all initiatives adopted as part of the implementation of the National Recovery and Peacebuilding Plan.

52. Legally, the National Strategy is based on a number of texts, including: the decision of the Secretary-General of the United Nations of 4 October 2011 on durable solutions; the Guiding Principles on Internal Displacement of 11 February 1998; the principles on housing and property restitution for refugees and internally displaced persons, adopted in Geneva on 11 August 2005 by the Sub-Commission on the Promotion and Protection of Human Rights in its resolution 2005/21, better known as the “Pinheiro Principles”; the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa of 22 October 2009 (Kampala Convention); and the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa of 10 September 1969.

53. The National Strategy is based on a series of commitments that all stakeholders should respect in their efforts to find sustainable solutions. These stakeholders should ensure that the process of implementing durable solutions is conducted at national and local level under the leadership of the Government and with the support of the whole international community.

54. In addition, the approach to implementing durable solutions takes account of the legal framework governing the preservation of the fundamental rights of internally displaced persons, notably the right to health, water and sanitation, education, basic shelter and adequate housing, employment, economic activity and protection. It also gives consideration to age and gender and to the particularities of specific groups such as ethnic and religious minorities, women, children, older persons, and persons living with HIV/AIDS or with other disabilities.

55. With regard to efforts to prevent enforced disappearance and to search for and locate missing persons, the Government has taken measures to protect the aforementioned persons against:

- Genocide
- Murder
- Summary execution
- Enforced disappearance, including abduction or illegal detention where there is a threat to life or where death occurs

56. To guarantee searches in cases of alleged disappearance, the competent authorities have taken judicial measures, such as the opening of a judicial investigation by the public prosecutor, who remains seized of the case, and non-judicial measures, such as issuing press releases, launching telephone hotlines and displaying photographs.

57. All persons without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, must enjoy the following fundamental rights:

- The right not to be arbitrarily deprived of life
- The right to be protected against torture and other cruel, inhuman or degrading treatment
- The right to liberty and security, and the right not to be arbitrarily deprived of liberty, including the fundamental and judicial procedural guarantees that must be afforded to all persons deprived of liberty
- The right to a fair trial affording all judicial guarantees

- The right to respect for family life
- The right to know the reasons for their incarceration and to exchange news with relatives or other persons in a close relationship by any means of communication available
- The right not to be subjected to enforced or involuntary disappearance and/or illegal or arbitrary abductions
- The right to recognition as a person before the law

58. According to paragraph 2 of this article, missing persons and their relatives may not be discriminated against on any ground such as language, race, sex, nationality, religion, colour of skin or political ideology.

59. Paragraph 4 states that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance.

60. Moreover, article 8 of the same guiding principles specifies that:

- The law must recognize and establish the legal personality of a missing person.
- In accordance with [*reference to national law*], a declaration of absence may be issued at the request of any interested person or of the competent authority by the [*judicial authority*], if it is established that a person has been missing for a period of over [...] years.
- The [*judicial authority*] may issue a declaration of absence upon presentation of a certificate of absence delivered according to the following paragraph.
- A certificate of absence may be delivered by [*the competent administrative or military authority*]. It will be considered as proof of absence for the purpose of administrative and pension claims.
- The court must designate a representative of the absentee. The representative manages the interests of the absentee in his/her best interests during the period of absence. He has the rights and obligations as defined in [*national law on guardianship*].
- Where an interested person other than a relative requests a declaration of absence, a relative or the court-appointed representative may intervene and oppose such a declaration with the competent authority.

61. It is essential to recognize and attribute a legal status to a missing person. A declaration of absence should be issued at the request of relatives, other interested persons or of the competent authority if it has been established that a person has been missing for a determined period of time. The minimum period of absence before a declaration of absence is issued should not be less than one year, but provision may be made for a shorter period with regard to particular events or circumstances.

62. A representative, preferably with legal powers, should be appointed to protect the interests and see to the immediate needs of the missing person and the dependants. The declaration would entitle the missing person's representative to preserve the rights of the missing person and manage property and assets in his/her interest. For the dependants, financial assistance by way of an allowance drawn from the assets of the missing person might be arranged when no public assistance is available. A declaration of absence should enable the heirs to take provisional possession of the missing person's estate as would a declaration of death if the case so merits, however, provision should be made in the event of a missing person's return with regard to compensation/reparation, restitution, assistance and social care.

63. While the Government has never been presented with such a case, it remains willing to give the necessary support to organizations and associations whose purpose is to help establish the circumstances of enforced disappearances, while encouraging the creation of such associations and organizations throughout the country.

VII. Measures to protect children against enforced disappearance (art. 25)

64. In accordance with article 153 of the Child Protection Code, persons found guilty of the abduction, wrongful removal, concealment or placement of a child, the substitution of one child for another, the attribution of a child to a woman who has not given birth or any other illicit procedure for separating a child from his or her family, will be punished by imprisonment for a period of from 1 to 5 years and a fine of between CFAF 200,000 and CFAF 2 million. This provision constitutes the frame of reference for the protection of children against enforced disappearance.

65. The combined provisions of articles 116, 117 and 118 of the Family Code contain information on the measures taken to improve birth registration in order to prevent any risk of abduction. All births, marriages and deaths are recorded in the civil registers.

66. Each copy is numbered from cover to cover and initialled on each page by the president of the court of major jurisdiction (*tribunal de grande instance*). Following the final entry, the civil registrar draws up an alphabetical table of the records contained in each register. Of the two copies of the register, one is kept at the registry office, the other is sent to the office of the clerk of the court of major jurisdiction.

67. The United Nations Children's Fund (UNICEF) has supported the Government in preventing and responding to child protection issues, in particular through assistance with the application and enforcement of child protection laws. An example of such assistance is the development and implementation of sectoral plans for the application of the Child Protection Code, particularly in the fields of education, social welfare, justice and civil registration.

68. The Central African Republic has two adoption systems: simple adoption and full adoption. In the case of simple adoption, the child maintains a relationship with his or her family of origin. The adoption system in force (Family Code) is more stringent in the case of full adoption, requiring that two cumulative conditions relating to the adopter and the adoptee be met.

69. The conditions relating to the adopter are focused on his or her ability to care for a child and preserve the child's dignity. In addition, for the adoption to be permitted, the child's origin must have been established. Only judges are empowered to pronounce an adoption decree, after an investigation has been conducted into the child's origins. In the case of an abandoned child, tracing the child's origins may seem complicated and the court may declare the child abandoned after establishing the withdrawal of the biological parents from the child's upbringing and the factors that led to it.

70. Under article 552 of the Family Code, an adoption may be revoked at the request of either the adopter or the adoptee if it is proved that there are substantial grounds for so doing. Thus, when an enforced disappearance has been established, revocation of the adoption is possible.