

Committee on the Application of Standards

Date: 29 May 2022

Governments appearing on the list of individual cases have the opportunity, if they so wish, to supply written information to the Committee.

▶ Information on the application of ratified Conventions supplied by governments on the list of individual cases

Central African Republic (ratification: 2000)

Worst Forms of Child Labour Convention, 1999 (No. 182)

The Government has provided the following information.

The Government would like to begin by thanking the Committee for recognizing the complexity of the situation in the Central African Republic, which is marked by recurring armed conflicts, and for noting the progress made in combating child labour. It now has the honour of providing updated and detailed information on the action taken at the national level in accordance with Article 3(a) of the Convention.

In its keen awareness that the worst forms of child labour and similar practices constitute a key component of trafficking in persons, the Government has established, by Decree No. 20.077 of 13 March 2020, a National Committee to Combat Trafficking in Persons in the Central African Republic, under the direct authority of His Excellency the President of the Republic, the Head of State. An operational action plan 2022–23 has recently been adopted, which will enable the Government and all stakeholders to continue implementing the strategic vision based on the “four Ps” of prevention, protection, prosecution and partnership.

In the meantime, in 2020 and 2021, the National Committee undertook work to raise awareness, strengthen the capacity of stakeholders and in particular extend into certain provincial towns the Joint Rapid Intervention and Repression Unit for sexual violence against women and children (UMIRR), established by Decree No. 15.007 of 8 January 2015. Under section 7 of the Decree, the UMIRR is responsible for: “preventing and suppressing all forms of sexual violence committed against women and children, irrespective of their social or marital status, including widows and orphans”. This approach is part of the process of bringing together social, police and judicial services for victims of gender-based violence and children throughout the country. It will support the provision of care to victims of conflict-related sexual violence.

In the interests of coherence, in 2022, the Central African Republic adopted a National Strategy to Combat Gender-Based Violence, Child Marriage and Female Genital Mutilation.

The Government's commitment to promoting social justice has recently resulted in the adoption and promulgation of Act No. 21.003 of 1 September 2021 authorizing the ratification of the ILO Violence and Harassment Convention, 2019 (No. 190). The Government immediately transposed it into the existing body of national legislation in order to provide the authorities responsible for child protection with effective tools to combat all forms of discrimination, violence and harassment in relation to children.

In similar vein, the Government has requested the technical assistance of the International Labour Office to develop a national plan to combat child labour and establish a related national committee. This request was reiterated during the visit of a Government delegation to the ILO headquarters in January 2022. All this is sufficient proof of the Government's willingness to prevent, protect and guarantee a better life for children.

The Government has also requested the ILO to extend the Decent Work Country Programme for the Central African Republic (2017–21), which has been instrumental in the process of consolidating peace and the promotion of decent and productive jobs, as well as supporting the capacity-building of labour administration and labour inspection personnel on international labour standards. The common theme of all these requests is active and dynamic partnership to eradicate the worst forms of child labour.

With regard to the observations concerning the provisions of Article 7(2) of the Convention, the Government indicates that, with the gradual return of peace and the re-establishment of the authority of the State over the national territory, several projects have been initiated that have made it possible to rebuild or construct much school infrastructure in areas that were severely affected by the armed conflict. For example, in the northern, eastern central and north-eastern academic inspectorates, the rebuilding and reopening of schools has enabled boys and girls in their first two years of primary education to return to school. Some statistics are contained in the annex.

The Government further indicates that title 5 of Act No. 20.016 of 15 June 2020 on the Child Protection Code in the Central African Republic strengthens the overall framework for the repression of abuses and violations of children's rights. The abuse and violation of children are now criminalized. Section 179 of the Act prohibits the recruitment of children in armed conflict and perpetrators are liable to a prison sentence of 10 to 20 years and/or a fine of 5 to 20 million CFA francs.

With regard to the prosecution of perpetrators of human rights violations, including the worst forms of child labour, the Government draws the attention of the Committee to the efforts made in recent years, which have been encouraging. Political declarations and guidelines, strategies and institutional reforms have been conducive to the adoption of a more coherent approach to accountability for violence against children involved in armed conflict.

The Government recognizes the competence of the International Criminal Court (ICC) to investigate and judge war crimes, crimes against humanity and the crime of genocide committed in the Central African Republic and is continuing to take all the appropriate corrective measures with a view to improving the protection of the civil population, and particularly children.

Indeed, one of the principal providers of the presumed perpetrators of certain of these crimes to the ICC is still the Central African Republic. The Government emphasizes that the establishment of the Special Criminal Court by Basic Act No. 15.003 of 3 June 2015 forms part of this approach, and in particular is a response to the will and the thirst for justice expressed

by the People of the Central African Republic through the work of the Bangui Forum held from 4 to 11 May 2015.

Despite the difficulties encountered and those resulting from the restrictions related to the COVID pandemic, as well as the attempt by the Coalition of the Central African People (CPC 2020–21) to destabilize the country, the Government, with the support of the various partners, has contributed significantly to the process of the operationalization of this Court, which commenced its solemn procedure on 25 April 2022.

Moreover, the combined efforts of the Government and the international community have made it possible to reinforce the criminal justice system, particularly through the holding of regular criminal sessions since the end of 2015. At the last criminal session in February 2020, the national jurisdictions had to determine the guilt of some of those responsible for the tragic events that shook the town of Bangassou in May 2017, convicting all of the seven accused to heavy sentences. During the trial, many victims were able to benefit from a public hearing and put forward their versions of the facts to the Criminal Court of Bangui. The Government will provide the Committee with all the judgments handed down.

Furthermore, the military jurisdictions of Bangui and Bouar (in the west of the country) have been operating since 9 July 2020. The Bangui jurisdiction held correctional hearings in February and July 2021. The criminal session of the martial court was held on 20 September 2021, as a result of which 20 sentences were issued for both offences and crimes.

The Government adds that the session of the Criminal Court is currently being held to judge the presumed perpetrators in the cases envisaged in Article 7 of the Convention, the final judgments of which will be provided to the Committee. Over 15 cases are to be examined.

The Government informs the Committee that the Central African Republic, through the Committee on Strategic Disarmament, Demobilization, Reintegration and Repatriation: Security Sector Reform; National Reconciliation (DDRR/RSS/RN), under the presidency of the President of the Republic, Head of State, on 20 March 2017 adopted a National Strategy for Defence and Security Sector Reform for the period 2017–21. The Strategy is anchored in the international commitments undertaken by the State, and more specifically the principles set out by the United Nations within the framework of security sector reform, the African Union Policy Framework on Security Sector Reform and the lessons drawn from the various studies and analyses undertaken which emphasize the concerns of populations relating to the protection of persons and property.

The implementation of this programme has led to the demobilization of several former combatants, some of whom have been incorporated into the armed forces, while others have benefited from the socio-economic integration programme.

The Government emphasizes that multiple types of action are continuing with a view to combating effectively all forms of violations of human rights and similar practices in accordance with Article 3 of the Convention. For example, in March 2022, a joint mission consisting of representatives of the Government and MINUSCA went to Alindoo in the Prefecture of Basse-Kotto to investigate allegations of the use of children by the defence and security and allied forces. The mission confirmed the presence around military bases of children seeking subsidies, but who were not being used as child soldiers. This situation has also been noted by the MINUSCA in all the FACA military bases.

The mission recommended a joint inquiry by the Government and UNICEF with a view to identifying children in need of special protection and the implementation of protection measures. In this connection, the Central Inspectorate of the National Army organized from

20 to 24 April 2022 an awareness-raising mission on trafficking in persons in military environments, specifically in Bangui and Sibut, and will continue in all the military bases. The Government has already taken measures to prohibit the presence of children in the vicinity of military bases.

In light of the above, the Government requests the Committee to note its good will as demonstrated by the new action taken, as summarized, in a difficult situation and once again requests ILO support for the protection of children against the worst forms of child labour. It reassures the Committee that the Central African Republic is determined to comply with its commitment to ensure the social protection of children.

Annexes:

- Act No. 21.003 of 1 September 2021 authorizing the ratification of the Violence and Harassment Convention, 2019 (No. 190);
- Act No. 20.016 of 15 June 2020 issuing the Child Protection Code in the Central African Republic
- Act No. 10.001 of 16 January 2010 issuing the Penal Code of the Central African Republic;
- Decree No. 20.077 of 13 March 2020 establishing a National Committee to Combat Trafficking in Persons in the Central African Republic and the operational plan of action (2022–23);
- the National Strategy to Combat Gender-Based Violence, Child Marriage and Female Genital Mutilation and a strategy to combat child marriage in 2022;
- the national strategy for the reform of the security sector;
- reports on the implementation of Convention No. 182;
- statistics on the rehabilitation of schools in the zones affected by armed conflict;
- a communiqué of the Ministry of National Defence;
- speech by the Minister of Justice at the opening of the International Criminal Court.