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Human rights situation in the Central African Republic

Report of the Independent Expert on the situation of human rights in the Central African Republic*

Summary

The present report of the Independent Expert on the situation of human rights in the Central African Republic, Yao Agbetse, drawn up pursuant to Human Rights Council resolution 42/36 of 27 September 2019, covers the period from July 2019 to June 2020. It describes general trends in the human rights situation in the Central African Republic and the major developments affecting it.

The reporting period was marked by the approach of the presidential election scheduled for December 2020, for which the Central African Republic is preparing within the established constitutional time frame. However, note must be taken of the difficulties associated with the implementation of the Political Agreement for Peace and Reconciliation in the Central African Republic, which is further hampered by the coronavirus disease (COVID-19) pandemic.

The reporting period was also marked by the celebration on 6 February 2019 of the one-year anniversary of the entry into force of the Political Agreement for Peace and Reconciliation in the Central African Republic between the Central African Government and 14 armed groups. The event provided an opportunity for all parties to take stock of the Agreement's implementation, which will lead to lasting peace. The Agreement, which allowed armed groups to be part of the Government, is considered a symbol of the unification of the Central African Republic. However, for the Peace Agreement to be effective, all parties must implement its provisions in good faith and ensure that justice is done.

Reforms are under way in the security sector, and the disarmament, demobilization, reintegration and repatriation process has begun. There is a need for all stakeholders and partners to mobilize as soon as possible the technical and financial resources required to implement this process at the national level.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



Notwithstanding the measures already taken to improve the security situation, much remains to be done to prevent the resurgence of violence, keep young people with their families, support the peace process and punish violations of the Peace Agreement.

The present report also notes the partial or total closure of schools, particularly in the hinterland, which forces children to leave the education system, despite the commendable efforts of local actors, and makes them vulnerable to trafficking and recruitment by armed groups.

The Independent Expert notes with satisfaction the adoption of several bills required by the Peace Agreement, including Act No. 20008 of 7 April 2020 on the organization and operation of communities; Act No. 20009 of 7 April 2020 on the establishment, organization and operation of the Truth, Justice, Reparation and Reconciliation Commission; Act No 20012 of 11 June 2020 establishing the pension scheme for former Presidents of the Republic; and Act No. 20016 of 15 June 2020 on the Child Protection Code.

Regarding developments in the country's human rights situation, the Independent Expert is aware of various episodes of violence, which point to an increase in human rights incidents affecting civilians. From July 2019 to June 2020, the Human Rights Division of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) documented 880 incidents of abuse and violations of human rights and international humanitarian law, which involved 1,522 victims (895 men, 240 women, 83 boys, 101 girls, 107 unidentified victims and 96 groups of collective victims). During the same period, the Division documented 191 cases of conflict-related killings.

The armed groups that are signatories to the Peace Agreement are allegedly responsible for 715 incidents, which involved 1,302 victims – that is to say, 81.2 per cent of the total number of incidents and 85.5 per cent of the total number of victims.

State officials, including members of the Armed Forces of the Central African Republic, the police and the gendarmerie are allegedly responsible for 83 human rights violations, which involved 103 victims – that is to say, 9.4 per cent of the total number of documented violations and 6.7 per cent of the total number of victims.

The different human rights abuses and violations documented during the reporting period include killings, death threats, conflict-related sexual violence such as rape, cruel, inhuman and degrading treatment, arbitrary deprivation of liberty, confiscation of property, destruction and looting of property, abductions, attacks against humanitarian personnel, hospitals and peacekeepers, denial of humanitarian assistance and recruitment of children into armed groups. During this period, the prefectures most affected by human rights abuses and violations were those of Ouaka, Haute-Kotto, Bamingui-Bangoran, Ouham-Pendé and Ouham.

The Independent Expert wishes to emphasize that the peace process will succeed only if the Peace Agreement is implemented in good faith by all parties to the conflict. Justice is key to resolving the crisis in the Central African Republic and will be the decisive factor in the success of the peace process.

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 42/36 of 27 September 2019 in which the Council renewed the mandate of the Independent Expert, appointed Yao Agbetse as the new Independent Expert and requested him to submit a written report at its forty-fifth session.
2. The present report covers the period from July 2019 to June 2020, during which the new Independent Expert carried out a visit to the Central African Republic from 3 to 13 February 2020. During his mission, the Independent Expert met with the Prime Minister, the Minister for Humanitarian Action and National Reconciliation, a representative of the Minister for Foreign Affairs and Central Africans Abroad, the Minister for National Defence and Army Reconstruction, the Minister of the Interior, Public Security and Regional Government, the Minister of Justice and Human Rights, the Minister for the Advancement of Women, the Family and the Protection of Children, and the Minister for Disarmament, Demobilization, Reintegration and Repatriation. He also met with the Speaker of the National Assembly, the President and members of the National Commission on Human Rights and Fundamental Freedoms, the President of the High Council for Communication and the President of the Special Criminal Court.
3. The Independent Expert also held discussions with the leadership and heads of the various entities making up MINUSCA, the United Nations country team, humanitarian workers and representatives of the diplomatic corps, including the African Union, the Economic Community of Central African States, the Russian Federation, France, the United States of America and the European Union. He also met with representatives of the United Nations agencies based in the Central African Republic, civil and military authorities, civil society organizations and international non-governmental organizations, the media, with whom a press conference was held, and any other person who could provide information on the human rights situation in the Central African Republic.
4. The Independent Expert also met with representatives of armed groups, civil society, political parties, including the opposition, human rights organizations and women's and youth organizations, and religious leaders. Lastly, the Independent Expert visited the PK5 district, Ngaragba prison and Bimbo women's prison in Bangui.
5. At the forty-third session of the Human Rights Council, the Independent Expert took part in the high-level interactive dialogue on the Central African Republic and highlighted the challenges related to the evolving human rights situation on the ground, focusing on the prevention of the recruitment and use of children in armed conflict and the protection of their rights through their demobilization and reintegration.
6. Members of the Government of the Central African Republic also took part in the high-level dialogue, as did representatives of MINUSCA, the Special Rapporteur on Children and Armed Conflict of the African Committee of Experts on the Rights and Welfare of the Child and the non-governmental organization (NGO) Enfants sans frontières.
7. Since the restrictions related to the COVID-19 pandemic had prevented the Independent Expert from carrying out his second annual visit prior to the submission of his written report, he organized teleconferences with a number of actors in the country, including MINUSCA, the African Union and the Economic Community of Central African States, guarantors and facilitators of the Political Agreement for Peace and Reconciliation in the Central African Republic, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Development Programme (UNDP), to follow up on the human rights situation in the Central African Republic.
8. The Independent Expert also issued two press releases on the political situation and the prevention of human rights violations and abuses in the context of health measures to combat COVID-19.

II. General situation

A. Health situation in the context of the COVID-19 pandemic

9. As at 22 July 2020, the Central African Republic had recorded 57 deaths (11 in hospital and 46 out of hospital) and 1,437 recoveries out of a total of 4,574 confirmed cases.

10. The Central African authorities reacted quickly by taking measures to combat the spread of COVID-19. The Independent Expert wishes to pay special tribute to the World Health Organization, MINUSCA and international partners for supporting the ongoing efforts of the Central African authorities. These joint efforts must continue, including in the context of the elections being pursued by UNDP and international partners.

11. In view of the current security problems, political context and humanitarian situation, COVID-19 represents an additional threat to the population. It heightens concerns about marginalization, discrimination, exclusion and stigmatization. It is therefore important that any restrictive measures (such as restrictions on freedom of movement and the requirement to wear a mask in public spaces and on public transport to limit the spread of COVID-19) are imposed in accordance with the law. The Independent Expert therefore urged the Government and all stakeholders to enforce these measures throughout the country, in accordance with fundamental human rights principles, including those relating to public health, which call for proportionate, necessary and non-discriminatory action.

B. Political context and peace process

1. Political context

12. The reporting period was marked by the first anniversary of the entry into force of the Peace Agreement, which was celebrated on 6 February 2020. Despite the State and armed groups' having renewed their commitments, the Agreement, which is the only instrument that has remained in effect for a full year since the crisis began in 2013, remains fragile and needs to be implemented in good faith by the signatory parties. The Independent Expert took part in the commemoration ceremony at the presidential palace, which provided an opportunity for signatories,¹ guarantors and facilitators, partners of the Central African Republic and civil society to assess the status of implementation of the Agreement.

13. On 28 March 2020, the Central African defence and security forces arrested 16 people, including 11 military personnel and 5 civilians, who were attending a meeting in the Galabadjia district at the home of Dieudonné Ndomaté, a former anti-balaka leader who became Minister for Arts, Culture and Tourism under the Peace Agreement, to which he is a signatory.²

14. On 3 April 2020, law enforcement officers arrested several people in the Sassara and PK12 districts, and at the northern exit of Bangui, on suspicion of having colluded with the 16 people arrested on 28 March 2020. These people are close to the former Head of State, François Bozizé.

15. In a communiqué dated 3 April 2020, the prosecutor's office at Bangui Court of Appeal stated that a judicial investigation had been opened in relation to the 16 persons arrested on 28 March and the 6 persons arrested on 3 April for "criminal association, offences against national security and conspiracy", crimes provided for and punishable under articles 285, 286, 295, 411 and 412 of the Central African Criminal Code, and that no warrant had been issued in respect of the former Head of State, François Bozizé. In its communiqué of 5 April 2020, the Coalition de l'opposition démocratique stated that, in its

¹ Only one armed group was not represented. It forwarded a statement which was read out during the ceremony.

² S/2020/662, para. 24.

view, the former President, François Bozizé, had been the target of the arrests of 3 April. The political climate deteriorated in the wake of these arrests.

16. On 7 July 2020, the National Assembly adopted, during a special session, the Act on the composition, organization and operation of the National Electoral Authority, pursuant to Decree No. 20182 of 20 May 2020, establishing the time frame for drawing up the electoral list, which was itself adopted pursuant to Act No. 19-0011 of 20 August 2019 on the Electoral Code of the Central African Republic. In addition, decision No. 0047/ANE/P/VP/RG/20 of 24 April 2020 on the appointment of the members of the departments making up the National Electoral Authority contributes to the roll-out of the electoral framework throughout the country.

17. After several postponements, voter census and registration activities began at the end of June 2020 and were also carried out in consulates located in countries where Central Africans, including refugees, reside. In the view of the Independent Expert, the National Electoral Authority has a duty to ensure the transparency of voter census and registration activities in order to dispel, as of now, any suspicion of fraud or of real or presumed shortcomings, and to ensure that the scope of its activities covers the entire national territory.

18. On 25 July 2020, François Bozizé announced his candidacy for the December 2020 presidential election on behalf of his Kwa Na Kwa party. In accordance with Security Council resolution 2134 (2014), on 9 May 2014, the former Head of State was placed on the sanctions list of the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic.³

19. The first round of the presidential election is set to take place on 27 December 2020, in accordance with the established constitutional time frame. The Independent Expert is of the opinion that the continued consolidation of the peace process, the stabilization of the country and the effective return to a context that is more conducive to respect for human rights are contingent upon the electoral calendar being respected, the elections being free, transparent and inclusive, and the relevant actors' accepting the final results.

20. On 5 June 2020, the Constitutional Court ruled against⁴ the draft constitutional amendment aimed at "shifting the electoral calendar". Senior judges have called for a "national consultation", which must be organized by the executive branch. As stressed by the Secretary-General of the United Nations, the holding of elections within the established constitutional time frame is a goal that must be achieved. Delaying the electoral timetable without first holding a national consultation could lead to unrest and threaten public order, and give rise to violations of human rights and international humanitarian law.

21. The Independent Expert is concerned that the situation is marked by social and political tension and that political dialogue is slow to materialize. Against this electoral backdrop, it is imperative that inclusive dialogue be resumed in order to restore the confidence of the different actors, in a peaceful move towards free and transparent elections in December 2020.

2. Peace process

22. The Independent Expert views the Peace Agreement as the consensual and operational framework for peacebuilding and the country's stabilization. He therefore advocates working to consolidate the results achieved by strengthening the implementation and monitoring of the measures taken and by accelerating efforts in this area in order to multiply the benefits for the population.

23. One year after the signing of the Peace Agreement, violence has decreased overall, although intermittent but serious incidents of violence and human rights violations have

³ Security Council resolution 2134 (2014), para. 36. See also Security Council resolution 2127 (2013), para. 59 (d), and S/2018/729, para. 25.

⁴ Opinion No. 015/CC/20 of 5 June 2020 on the revision of certain constitutional provisions of 30 March 2016.

continued to occur. Progress has been made in relation to priorities such as implementation mechanisms, the regulatory framework, efforts to combat impunity, local reconciliation mechanisms and preparations for the presidential election. However, despite these advances, the persistent lack of good faith of the signatories, particularly the three main ex-Séléka armed groups, the group known as Retour, réclamation et réhabilitation and the anti-balaka groups; the minimal commitment from certain State actors, particularly the Armed Forces of the Central African Republic; and sensitive issues such as transitional security and justice mechanisms have contributed to the delays reported.

24. The deadline for concluding the disarmament and demobilization process set by the national authorities at the end of January 2020 was not met. However, disarmament, demobilization, reintegration and repatriation operations resumed in the west of the country, even though some armed groups continued to engage in unlawful activities. The Independent Expert was informed that the 253 ex-combatants who had been disarmed, demobilized and selected to join the special joint security units in the north-western defence zone completed their training in Bouar on 16 December 2019, along with 266 members of the internal security forces. The unit is not yet operational.

25. The Peace Agreement monitoring bodies⁵ need to be consolidated in order to achieve the expected results. Despite their commitments under the Agreement, the armed groups that are signatories thereto have committed multiple violations of human rights and international humanitarian law.

26. The Independent Expert is deeply concerned about clashes between armed groups that have escalated into inter-community conflicts, particularly those that occurred in Bria in January 2020 between the Rounga, Kara and Goula communities, and those that occurred in Ndelé in March and April 2020 between the two main ethnic groups of the Front populaire pour la renaissance de la Centrafrique (ex-Séléka).

27. On 18 March 2020, 16 local factions in Bria, including representatives of armed groups and tribal leaders, signed a ceasefire protocol under the auspices of the Union pour la paix en Centrafrique. The protocol includes provisions on the return of combatants to their bases, freedom of movement of persons and goods, the setting up of a joint unit to coordinate the implementation of the ceasefire, and the establishment of an implementation committee, of which the leader of the Union pour la paix en Centrafrique, Ali Darassa, is the guarantor. The break-up of the Front populaire pour la renaissance de la Centrafrique along Rounga and Goula ethnic lines has hampered the implementation of the protocol.

28. An agreement concluded on 30 July 2020 between the Government, the guarantors and facilitators of the Peace Agreement and Ali Darassa stated that the latter would undertake, inter alia, not to hinder the deployment of State authority in all its forms, to create the conditions necessary to launch the disarmament, demobilization, reintegration and repatriation process with the Union pour la paix en Centrafrique, to refrain from carrying out any act that would normally fall under the sovereign jurisdiction of the Government, and to support the electoral process by ensuring the free movement of the officials of the National Electoral Authority and various actors.⁶ The Independent Expert recalls that the Peace Agreement expressly provides that no actor is to enjoy impunity.

29. By resolution 2536 (2020), the Security Council extended the arms embargo until 31 July 2021.

C. Security context

30. The security situation has improved somewhat but remains tenuous. This situation impacts, inter alia, the normal conduct of agricultural and school activities, compliance with the protection measures related to COVID-19, access to water sources, the free movement

⁵ These include the special joint security units, the national implementation committee, the prefectural implementation committees and the executive monitoring committee.

⁶ Minutes of the closed meeting between the Government, the guarantors, the facilitators and Ali Darassa, No. 0161/PM/DIRCAB.20 of 30 July 2020.

of goods and persons, access to police and gendarmerie stations and courts to lodge complaints or to request services, the registration of births at the civil registry and the conduct of investigations by the ordinary courts, the Special Criminal Court and the Truth, Justice, Reparation and Reconciliation Commission.

31. Overall, violence has decreased. During the fourth quarter of 2019, 234 incidents of abuse and violations of human rights and international humanitarian law affecting at least 421 civilians (249 men, 61 women, 20 girls, 11 boys, 47 unidentified victims and 33 groups of collective victims) were documented. The number of incidents increased slightly by 2.13 per cent and the number of victims decreased by 10.42 per cent compared to the previous quarter (July to September 2019), when 229 incidents affecting 470 civilians were recorded. During this quarter, the prefectures most affected by human rights abuses and violations were those of Ouham, Ouaka, Ouham-Pendé, Bamingui-Bangoran and Haute-Kotto.

32. Moreover, the first quarter of 2020 was characterized by attacks against civilians, peacekeepers and the Armed Forces of the Central African Republic. In addition, violent clashes between rival armed groups and within armed groups, as well as numerous isolated incidents, undermined the protection of civilians. These incidents, which were concentrated in the eastern and central parts of the country, in the prefectures of Haute-Kotto, Basse-Kotto and Ouaka, resulted in the forced displacement of thousands of civilians in many locations, which exacerbated the challenges related to the humanitarian situation.

III. Human rights situation

A. General situation

33. Over the period from July 2019 to June 2020, the Armed Forces of the Central African Republic and armed groups were guilty of multiple human rights violations and abuses. The Independent Expert was informed of 880 incidents of abuse and violations of human rights and international humanitarian law involving 1,522 victims (895 men, 240 women, 83 boys, 101 girls, 107 unidentified victims and 96 groups of collective victims), which were documented by the Human Rights Division of MINUSCA. The Division also documented 191 cases of conflict-related killings over the same period.

34. The different human rights abuses and violations documented during the reporting period include killings, death threats, conflict-related sexual violence such as rape, cruel, inhuman and degrading treatment, arbitrary deprivation of liberty, confiscation of property, destruction and looting of property, abductions, attacks against humanitarian personnel, hospitals and peacekeepers, denial of humanitarian assistance and the recruitment of children into armed groups. During this period, the prefectures most affected by human rights abuses and violations were those of Ouaka, Haute-Kotto, Bamingui-Bangoran, Ouham-Pendé and Ouham.

35. In its concluding observations on the third periodic report of the Central African Republic (CCPR/C/CAF/CO/3, paras. 7, 9, 13 and 27),⁷ the Human Rights Committee expressed concern about, *inter alia*, corruption in the judiciary, the National Commission on Human Rights and Fundamental Freedoms, impunity and sexual violence, concerns which had also been raised in connection with the Central African Republic during the third cycle of the universal periodic review (see A/HRC/40/12 and A/HRC/40/12/Corr.1).

⁷ The Human Rights Committee invites the Central African Republic to implement the recommendations related to the National Commission on Human Rights and Fundamental Freedoms and impunity, referred to in paragraph 40, by 20 March 2022.

B. Violations attributed to armed groups

36. Most of the national territory remains under the influence of armed groups, including armed groups that are signatories to the Peace Agreement. Despite their commitments under the Agreement, these groups have committed multiple violations of human rights and international humanitarian law. According to statistics from the Human Rights Division of MINUSCA, over the period from July 2019 to June 2020, armed groups that are signatories to the Agreement were allegedly responsible for 715 incidents involving 1,302 victims – that is to say, 81.2 per cent of the total number of incidents and 85.5 per cent of the total number of victims.

37. Based on the information received, the Independent Expert notes with concern an increase in the number of violations committed since the beginning of the year. Between January and June 2020, 345 violations of human rights and international humanitarian law, involving at least 503 victims, took place, compared to 243 such violations between January and June 2019, and to 101 between July and December 2019. At least 80 per cent of these violations and abuses are attributable to armed groups that are signatories to the Peace Agreement. The groups in question are the anti-balaka, the Front populaire pour la renaissance de la Centrafrique, the Union pour la paix en Centrafrique, the Mouvement patriotique pour la Centrafrique, Révolution et justice, Retour, réclamation et réhabilitation, the Mouvement des libérateurs centrafricains pour la justice and affiliated armed groups.

38. The violations documented by the Human Rights Division of MINUSCA include killings, death threats, cruel, inhuman and degrading treatment, injuries, conflict-related sexual violence, abductions, recruitment and use of children in armed forces and armed groups, arbitrary deprivation of liberty, attacks on hospitals and humanitarian and United Nations personnel, confiscation of property, looting and destruction of property, and illegal taxation. The prefectures most affected by human rights abuses and violations were those of Ouaka, Haute-Kotto, Bamingui-Bangoran, Ouham-Pendé and Ouham.

C. Abuses and violations attributed to State officials

39. State officials, including members of the Armed Forces of the Central African Republic, the police and the gendarmerie are allegedly responsible for 83 human rights violations involving 103 victims – that is to say, 9.4 per cent of the total number of documented violations and 6.7 per cent of the total number of victims.

40. By way of example, according to the information received by the Independent Expert, on 14 January 2020, during a joint patrol in Bayanga-Bode, two boys aged between 13 and 15 years were seen occupying a police barrier near Baoro, on the road to Bossemptélé (Nana-Mambéré prefecture). The Human Rights Division of MINUSCA met with the brigade commander and the sub-prefect of Baoro to ask them to raise awareness among members of the internal security forces of the need to stop using children at checkpoints, as this constitutes a serious violation of children's rights.

41. On 3 January 2020, in the village of Bédogo-1, which is located 60 kilometres north of Paoua, in the Ouham-Pendé prefecture, two soldiers of the Armed Forces of the Central African Republic attacked two foreign shepherds and confiscated 90 cattle and 165,000 CFA francs belonging to them.

42. The Independent Expert was informed that, on 17 March 2020, in Bria, the Human Rights Division of MINUSCA had interviewed a 20-year-old woman who was five months pregnant and living in the PK3 camp for internally displaced persons, who claimed that, at around 6 p.m. on 5 February 2020 in Galabadja district, she had been surprised in the shower by an unidentified member of the Armed Forces of the Central African Republic who raped her.

43. State officials, including members of the Armed Forces of the Central African Republic and the internal security forces, continue to commit human rights violations such as arbitrary detention, torture, cruel, inhuman or degrading treatment and illegal taxation. According to the highest authorities, respect for rights is improving as training for defence

and security forces is strengthened. Furthermore, if any instances of wrongdoing were to occur, they would be immediately punished.

44. As conveyed to the Independent Expert, the shortage of judges and prison staff in certain areas of the country contributes to the ongoing climate of impunity in the Central African Republic. This situation leads to the continuation of violations and, at times, the development of a parallel justice system that can give rise to many abuses. Although he is aware that the security situation may deter some judges from travelling to their assigned areas and that they face logistical and material difficulties, the Independent Expert calls on judges to contribute to ensuring that the right of access to justice for all is respected and that violations are prevented.

D. Conflict-related sexual and gender-based violence

45. Conflict-related sexual violence remains a major concern for the Independent Expert. He notes that all signatories to the Peace Agreement have an obligation to prevent and punish sexual and gender-based violence, to ensure that there is no *de facto* or *de jure* amnesty for the perpetrators and to promote the active participation of women in the peace and reconciliation process.

46. The Human Rights Division of MINUSCA, which has a special unit specializing in sexual violence, monitors gender-based violence, including conflict-related sexual violence. On 31 May 2019, a joint communiqué on preventing and combating conflict-related sexual violence was signed by the Special Representative of the Secretary-General on Sexual Violence in Conflict and the deputy to the Minister for Foreign Affairs and Central Africans Abroad.⁸ The joint rapid response unit to combat sexual violence against women and children provides the authorities with robust technical support. The fulfilment of the commitments set out in the joint communiqué has yet to be achieved.

47. The parties to the conflict, in particular the armed groups, have reportedly been responsible for many cases of conflict-related sexual violence, mostly involving rape, attempted rape, sexual slavery or forced marriage. Victims are often reluctant to file a complaint for fear of reprisals and stigmatization. In addition, medical, judicial and psychosocial services have very limited capacity to respond to cases.

48. The Independent Expert insists that background checks be performed on members of the parties to the conflict so that the perpetrators of sexual violence and their accomplices may be duly identified and brought to justice. He considers that, beyond the judicial dimension, it is important to provide psychosocial assistance to victims and to implement specific social and economic reintegration programmes to facilitate their rehabilitation and reintegration.

49. The humanitarian country team has set out to identify the areas most affected by sexual violence in order to adapt the protection response accordingly and to strengthen security in those areas as a matter of priority. A multipurpose reception centre for victims has also been set up in Bangui.

50. The country team also conducted a perception study on peace, justice and security in early 2020, on which a report focusing on victims of sexual violence, which will include more recent data, will be published this year.

51. During his visit to the country in February 2020, the Independent Expert met with the leadership of the joint rapid response unit to combat sexual violence against women and children. The aim of this special unit, which is made up of police officers and gendarmes, is to provide advice and protect citizens' well-being.

52. As for the allegations of sexual exploitation and sexual abuse by MINUSCA personnel, the measures taken by the Secretary-General pursuant to his zero-tolerance

⁸ Central African Republic and the United Nations, Joint communiqué between the Central African Republic and the United Nations: Preventing and combating conflict-related sexual violence, 31 May 2019.

policy appear to be having a deterrent effect. According to the information provided, in 2019, 41 allegations of sexual exploitation and sexual abuse were made. A total of 14 cases reportedly took place in 2019, while 26 took place in previous years and 1 took place on an unknown date. Most of these cases concern events that took place in 2018 or before. In 2020, 12 allegations of sexual exploitation and sexual abuse by or against MINUSCA personnel were recorded. However, the Independent Expert regrets that the investigations conducted in this connection are rarely made public and seldom lead to convictions. He encourages the United Nations to continue its efforts on these issues and the States concerned to investigate allegations and ensure that the rights and needs of victims are placed at the centre of every investigation. Since most victims come from very low-income backgrounds, they should be provided with financial support and psychotherapy to enable them to participate effectively in investigations, travel to interview locations and be assisted by translators and lawyers from the outset of their interactions with investigators before and during the proceedings.

E. Women's rights

53. In February 2020, the Independent Expert met with the Minister for the Advancement of Women, the Family and the Protection of Children and was able to assess the Government's efforts to provide the Ministry with a strategic and operational framework. However, the Independent Expert is of the opinion that, in view of the challenges facing the Ministry, it does not possess sufficient resources to carry out its mandate.

54. The Independent Expert also met with women's groups in Bangui. The discussions centred on issues linked to women's political participation and empowerment. They shared their concerns about the failure of the signatories to the Peace Agreement, especially the armed groups, to honour their commitments. Women's groups had helped to raise public awareness of the Peace Agreement. They denounced the continued violations and abuses of human rights in the country. In addition, they requested that greater consideration be given to their role in the activities related to the ongoing peace process and that Act No. 16004 of 24 November 2016 introducing gender parity in the Central African Republic, including equal access for men and women to elected office, be respected.

55. The Independent Expert visited Bimbo women's prison, where he met with prison staff, MINUSCA soldiers and technical officers and female prisoners. Hygiene conditions there are satisfactory; there is access to drinking water, basic medication and vocational training activities for female prisoners mainly thanks to significant investment by MINUSCA and civil society organizations. Most of those women are being held in pretrial detention and do not receive the legal and judicial assistance necessary to ensure that they have a fair trial within a reasonable period of time.

56. Several women imprisoned in Bimbo prison have been charged with charlatanism and witchcraft⁹ under Act No. 10001 of 6 January 2010 on the Central African Criminal Code. However, neither the country's legislators nor its case law defines these offences or set out their constituent elements. This lacuna leaves judges powerless when faced with the requirement of objective, tangible and corroborating evidence to substantiate or refute allegations of witchcraft and charlatanism.

F. Situation of children and young people

57. Children continue to experience a lack of adequate protection because of, inter alia, family separation, conscription, enlistment and use by armed groups, sexual violence, exploitation and other harmful practices such as child trafficking, accusations of witchcraft, female genital mutilation and early marriage. The Human Rights Division of MINUSCA reports that, in 2019, 208 children were recruited by armed groups, compared to 75 in 2018,

⁹ CCPR/C/CAF/CO/3, para. 19.

which represents an increase of 167 per cent. MINUSCA also indicated that, in the Haute-Kotto prefecture, 110 children associated with armed groups and armed forces have been identified within the Front populaire pour la renaissance de la Centrafrique and the anti-balaka. The United Nations Children's Fund (UNICEF) has stressed that, while it is incredibly difficult to estimate how many children remain associated with armed groups, these children are among the most vulnerable in the country and their fate remains unclear.¹⁰ These concerns are shared by the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Representative of the Secretary-General on Violence against Children.

58. The Independent Expert urges the three ex-Séléka factions that have concluded action plans with the United Nations to prevent and halt grave violations of children's rights to honour their commitments. He urges all armed groups to refrain from attacking civilians, to protect children and to honour their commitments under the Peace Agreement.

59. Under the National Programme for Disarmament, Demobilization, Reintegration and Repatriation, armed groups have concluded protocols and action plans with the authorities under which they have undertaken to discharge children from their ranks and to refrain from re-recruiting them. It is regrettable that, during the incidents that took place in Ndélé in March 2020, children were used by the Front populaire pour la renaissance de la Centrafrique and other armed groups, which continue to enlist and use them. Children's leaving armed groups and armed forces is also dependent on the disarmament, demobilization, reintegration and repatriation process moving forward. It is crucial that the State implement a coordinated plan for the prevention of the conscription, enlistment and use of children in armed groups and for their reintegration, even though, admittedly, some children have been discharged following the signing of protocols with armed groups.

60. Beyond the conflict, measures should urgently be taken to ensure that children fully enjoy their rights, taking into account, in particular, the recommendations made by the Committee on the Rights of the Child in its concluding observations on the second periodic report of the Central African Republic (CRC/C/CAF/CO/2). To this end, the Independent Expert commends the Government on the promulgation of Act No. 20016, which provides for the prosecution of violations of children's rights, including the conscription, enlistment and use of minors in armed groups and armed forces, as well as attacks on humanitarian personnel, schools and hospitals. This significant regulatory achievement must be translated into action through the adoption by the Central African Republic of implementation measures that will enable it to establish a domestic legal framework that is aligned with the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, particularly with regard to the prevention of the conscription and use of children in armed groups and armed forces, their demobilization and their reintegration into society.

61. During the high-level interactive dialogue held during the forty-third session of the Human Rights Council, the Independent Expert drew attention to the partial or total closure of several schools as a result of the armed conflict, particularly in the hinterland. This situation forces children to leave education and makes them vulnerable to exploitation, trafficking and recruitment by armed groups.

62. The Independent Expert urges the Central African authorities to strengthen existing initiatives and to prioritize investment in youth. Such investment will ensure that young people are engaged in meaningful activities, prevent their enlistment by armed groups and address mass youth unemployment and, in so doing, reduce their exposure to extremist discourse and manipulation, and foster the development of young people's full potential under the National Recovery and Peacebuilding Plan.

63. The Independent Expert was informed that several Central African children, including children displaced or affected by the conflict, are reportedly not registered with

¹⁰ UNICEF, "One year on from peace agreement, millions of children in the Central African Republic remain at risk", press release, 6 February 2020.

the civil registry office; this is the case in Bangui, particularly in the PK5 district, and especially in the hinterland, where civil registry services and birth declaration and registration registers have been destroyed or damaged. This situation denies children access to their rights, including access to education and health services, and exposes them to child trafficking and other forms of exploitation.

G. Economic, social and cultural rights

64. During the reporting period, the secretariat responsible for the National Recovery and Peacebuilding Plan, with the support of the United Nations and its partners, assessed the distribution of the dividends of peace among the population and reported some progress in terms of access to social services and signs of economic recovery since 2016. As at 1 February 2020, of the \$3.45 billion earmarked for the Plan, \$1.99 billion had been disbursed, bringing the financial implementation rate to 57.6 per cent.

65. Border health checks and transport restrictions aimed at limiting the spread of COVID-19 have had the effect of slowing trade flows. Reduced supply from local markets, seasonal factors and the speculative behaviour of traders have given rise to abnormally high commodity prices.

66. Due to the overall calmer security situation and favourable rainfall forecasts over the country between June and September 2020, at the end of the season, agricultural production could exceed the average of the last five years while remaining below the pre-crisis average. Nevertheless, insecurity, cassava disease, lack of improved seeds and recurrent damage to fields caused by transhumant herders could reduce local harvests in the areas concerned.

67. Rising prices for staple foods also undermine the purchasing power of poor households in urban centres, particularly in the capital, where job losses affect the poor working in the informal sector. They are forced to reduce the size and quality of their portions and the number of meals eaten per day. In January 2020, the decline in their purchasing power exposed them to acute food insecurity exacerbated by the effects of COVID-19. The United Nations estimates that 2.36 million people are in a situation of severe food insecurity, which is only exacerbated by COVID-19.

68. Since the end of May 2020, the weekly cross-border supply flows from Cameroon have returned to a level similar to that recorded in 2019. However, ensuring an adequate food supply in Bangui and in local markets remains difficult. Prices remain 30 to 60 per cent higher than in June 2019.

69. Preventive health measures, the seasonal deterioration of road conditions and speculative trading are expected to contribute to an irregular supply to the local market. As a result, basic commodity prices will remain high until the end of the lean season in August. The new crop will lead to a seasonal decline in staple food prices, which are expected to be at levels similar to those recorded at the end of 2019. However, the prices of imported products could remain higher.

70. In view of the comparatively lower level of conflict witnessed since the beginning of the planting season in April and the expected above-average rainfall, agricultural production in 2020 is expected to exceed the recent five-year average while remaining below the pre-conflict average.

IV. Humanitarian situation

A. Observations

71. The tenuous security situation has exacerbated the humanitarian situation in the country and triggered the forced displacement of populations from areas of active fighting to areas considered relatively peaceful. Based on figures from the Office for the Coordination of Humanitarian Affairs, the total number of internally displaced persons

reached more than 697,000 in May 2020, while, according to the Office of the United Nations High Commissioner for Refugees, some 615,000 civilians were still seeking refuge in neighbouring countries. According to the Office for the Coordination of Humanitarian Affairs, although 2.6 million people are in need of humanitarian assistance, the humanitarian response plan remains underfunded, with a budget gap to be filled.

B. Refugees and internally displaced persons

72. Spontaneous voluntary returns of internally displaced persons have been reported in some areas. However, fighting and attacks by armed groups have continued to force tens of thousands of people to flee their homes, in both 2019 and 2020. Clashes between the Front populaire pour la renaissance de la Centrafrique and the Mouvement des libérateurs centrafricains pour la justice in Birao in September 2019 resulted in the displacement of approximately 14,000 civilians.

73. According to United Nations figures, the total number of internally displaced persons has exceeded 600,000, and the total number of refugees was also 600,000 as at February 2020. The living conditions of displaced persons and refugees, most of whom are living in camps, remain difficult, since they have very limited or no access to humanitarian assistance.

74. Civilians continue to bear the brunt of the continuing violence. In addition to the difficult living conditions resulting from forced displacement, the presence of armed elements in the camps continues to put displaced persons at high risk of, inter alia, illegal taxation, sexual violence, arbitrary arrest, killings and recruitment of youth and child soldiers.

75. Underfunding of aid, restrictive measures related to COVID-19 and abuses by armed groups hamper the regular delivery of assistance to displaced persons and host populations in remote, conflict-affected prefectures. As for the participation of refugees in the December 2020 presidential election, the Independent Expert was informed that the Government had initiated discussions to allow them to participate in the elections, despite there still being no legal framework in place. The Independent Expert encourages actors to facilitate the voluntary and dignified return of refugees through a resettlement programme.

V. Transitional justice and efforts to fight impunity

76. During his mission in February 2020, the Independent Expert noted a very strong call from all actors to end impunity. Following his meetings with victims' associations and associations working in the field of transitional justice, the Independent Expert would like to stress the fundamental importance of background checks, including in the disarmament, demobilization, reintegration and repatriation process, as a means of preventing persons suspected of having committed human rights violations, including sexual violence, from escaping justice.

77. The holding in February 2020 of criminal hearings by Bangui Court of Appeal, which tried the perpetrators of the crimes committed in Bangassou in 2017 and their accomplices, is an encouraging development. However, the fact that hinterland courts are only partially operational remains a concern.

78. The Special Criminal Court has just concluded investigations into some 10 cases. However, the prevailing climate of insecurity prevents the prosecutor's office at Bangui Court of Appeal from being able to access to the entire territory to conduct investigations. Furthermore, the effective appointment and deployment of international judges¹¹ remains a challenge.

79. In addition, the support service for defenders and victims, which is the department of the Registry of the Special Criminal Court responsible for the effective implementation of

¹¹ CCPR/C/CAF/CO/3, para. 9.

article 46 of Organic Act No. 15003 of 3 June 2015 on the establishment, organization and operation of the Court, and the support and protection unit for victims and witnesses play an indispensable role in safeguarding respect for fundamental guarantees and the conditions for a fair trial. The same could be said of a victims' compensation fund, which, despite not having been set up yet, should be considered; this could be done in consultation with the victims' compensation fund of the International Criminal Court, which has an office in the Central African Republic. The Independent Expert calls on the international community to support the Special Criminal Court by providing it with adequate resources to operate.

80. Under no circumstances can transitional justice instruments or political agreements of any kind guarantee impunity or create conditions that could lead to impunity, including obstructing the prosecution of persons allegedly responsible for human rights violations.

81. In February 2020, the Independent Expert met with the Chair and the leadership of the inclusive commission set up under article 11 of the Peace Agreement. With the support of the Human Rights Division of MINUSCA, the commission organized national consultations in eight regions of the country to examine all aspects of the tragic events of the conflict. The report drafted and approved by the different actors at the end of this process will serve as a core document for the Truth, Justice, Reparation and Reconciliation Commission. Act No. 20009 on the Commission represents a significant step forward in terms of transitional justice. On 30 July 2020, Decree No. 20270 on the appointment of the members of the committee responsible for selecting candidates and Decree No. 20271 on the operation of the selection committee and its technical secretariat were issued. The selection and appointment process should be accelerated to make operational in the near future¹² the Truth, Justice, Reparation and Reconciliation Commission, whose mandate is to work to promote truth, justice, reparation and guarantees of non-recurrence, in partnership with the Special Criminal Court. In order to ensure that victims receive the rehabilitation and reparation due to them, the trust fund provided for in article 12 of the Peace Agreement should be set up.

VI. Conclusions and recommendations

A. Observations

82. **The Independent Expert welcomes the cooperation of the Central African authorities in the context of his mandate to assess the human rights situation in the Central African Republic. He also welcomes the support provided by the United Nations through MINUSCA, the United Nations country team and the Office of the United Nations High Commissioner for Human Rights (OHCHR), as well as other international partners, including the African Union, the European Union and various diplomatic representations, in the implementation of his mandate. He has also established greater cooperation with a number of other special procedures mandate holders and with all relevant mechanisms regarding the protection of human rights in the Central African Republic. Lastly, the Independent Expert is grateful to the Central Africans who have shared with him their suffering, their analysis and their hopes for their country. His objective is, on the one hand, to be able to contribute through advocacy to a greater awareness by all actors of the importance of promoting, protecting and implementing human rights, and to the strengthening of the legal and institutional framework through increased technical assistance and cooperation from international partners, and on the other hand, to encourage the inclusion of a human rights perspective in peace initiatives and development assistance.**

83. **However, with regard to the human rights situation in the Central African Republic, the Independent Expert notes that the first quarter of 2020 was**

¹² Article 10 of the Peace Agreement provides that the Truth, Justice, Reparation and Reconciliation Commission "shall imperatively begin its work within ninety (90) days of the signing of the Agreement".

characterized by attacks committed by armed groups against civilians, the Armed Forces of the Central African Republic and peacekeepers. This quarter also saw clashes between armed groups. This violence has led to the mass displacement of populations in different locations, thus exacerbating the humanitarian challenges in a context marked by the risk of the spread of COVID-19. Acts of violence are for the most part perpetrated by armed groups that are signatories to the Peace Agreement, such as Front populaire pour la renaissance de la Centrafrique, Union pour la paix en Centrafrique, Mouvement des libérateurs centrafricains pour la justice and the anti-balaka. This is a blatant violation of the Peace Agreement. Despite the oft-repeated commitment of the leaders of the armed groups to fulfil their obligations under the Agreement, it must be noted that, more than one year after the signing of the Agreement, armed groups and, to a certain extent, State services and officials, continue to commit acts that are contrary to its provisions.

84. The Central African Republic is heavily reliant on international funding, without which the country could not perform its functions, including those of a sovereign nature. The Independent Expert wishes to pay tribute to the generosity of the international community and to encourage technical and financial partners to continue and strengthen the support that they provide to the Central African Republic.

85. The COVID-19 pandemic threatens the political and social situation in the country. The latter's impact is likely to turn the health crisis into a food, humanitarian and social crisis if more is not done to support the informal sector, agricultural activities, access to drinking water and the restoration of basic social services destroyed by the conflict. The Government should avoid restricting individual and collective freedoms by applying what international law allows as time-bound exceptional measures regulated by law in order to deal with the pandemic.

86. Attacks and subversive acts committed by armed groups in spite of their commitments under the Peace Agreement, which were reiterated during the celebration of the first anniversary of its entry into force on 6 February 2020, should prompt its guarantors and facilitators, in consultation with the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic, to consider taking stronger deterrent measures against them. In the absence of a response that is at least proportional to the capacity of armed groups to cause harm, these groups proceed to sow the seeds of ethnic conflict within the population, disrupt the deployment of State officials and services in the context of the restoration of State authority and maintain their parallel economy system by erecting road barriers and collecting illegal taxes. Armed groups have the potential to undermine the organization of future elections, given that they still occupy nearly three quarters of the territory of the Central African Republic.

87. The current political climate is tense and is not conducive to ensuring a peaceful electoral process that will result in the holding of transparent and free elections. This tension is partly attributable to the inertia of the inclusive dialogue and consultation framework designed to facilitate the discussion of differences and to restore trust between actors. It also carries the potential for violence before, during and after the elections, and subsequent human rights violations. All actors must refrain from advocating violence through their actions and speeches, and avoid manipulation and incitement to violence.

88. All national and international companies operating or wishing to operate in the Central African Republic, including in the field of natural resource exploitation, must comply with the Guiding Principles on Business and Human Rights and exercise reasonable human rights due diligence by implementing the United Nations "Protect, Respect and Remedy" Framework.

B. Recommendations

89. In view of the situation described above, the Independent Expert recommends that the Government take the following measures:

(a) Investigate all serious incidents of violations of human rights and international humanitarian law;

(b) Continue and consolidate the restoration of State authority in the different prefectures of the country through the deployment of security forces and civilian officials, as well as the acceleration of the disarmament, demobilization, reintegration and repatriation process and the security sector reform;

(c) Accelerate the process of appointing the members of the Truth, Justice, Reparation and Reconciliation Commission and adopt, as soon as possible, the other measures to implement Act No. 20009 to ensure the effective operationalization of the mechanism;

(d) Continue and strengthen political dialogue with all actors within the consultative framework, including political parties, armed groups and civil society organizations, in particular youth and women's organizations, to ensure the implementation of the Peace Agreement and the laws relating to the electoral process;

(e) Intensify subregional cooperation efforts and dialogue with neighbouring countries to address common challenges, including those related to livestock migration, security, including respect for the arms embargo, and humanitarian issues;

(f) Take robust measures to combat the militarization of places of detention;

(g) Continue efforts to ensure the protection of civilians and the restoration of State authority throughout the national territory;

(h) Ensure the effective operation of the National Gender Equality Observatory, the High Council on Communication, the National Committee on the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination and the National Commission on Human Rights and Fundamental Freedoms, and allocate adequate resources to the joint rapid response unit to combat sexual violence against women and children;

(i) Make a national priority the fight against conflict-related sexual and gender-based violence and the support and rehabilitation of victims by appointing a high representative or leading public figures to champion the cause in accordance with the Government's commitments;

(j) Create the conditions necessary for the organization of free and transparent elections in a peaceful climate and within the established constitutional time frame;

(k) Organize, in the near future, the national consultation recommended by the Constitutional Court in opinion No. 015/CC/20 of 5 June 2020;

(l) Take the practical measures necessary for the implementation of the recommendations made in the context of the universal periodic review and by the treaty bodies;

(m) Continue the reform of the security sector and the judiciary, and the implementation of the transitional justice strategy, placing the rights and needs of victims at its centre;

(n) Take measures to implement the laws adopted at the two special sessions of the National Assembly in February, and in June and July 2020;

(o) Strengthen the specific and practical measures, including those targeting the informal sector, taken to prevent the health crisis related to COVID-19 from becoming a food and social crisis;

(p) Take all measures necessary to give effect to the recommendations made by the former Independent Expert in her reports on the human rights situation in the Central African Republic.

90. The Independent Expert recommends that the armed groups take the following measures:

(a) Immediately cease hostilities and attacks against the civilian population, peacekeepers and humanitarian organizations, and end human rights violations, in accordance with their commitments under the Peace Agreement;

(b) Immediately vacate all illegally occupied public infrastructure (such as schools, health centres, courts and town halls) and refrain from violating the rights of State officials as they are gradually redeployed;

(c) Heed the calls made by the United Nations, the African Union, the Economic Community of Central African States and the Independent Expert for an immediate ceasefire throughout the national territory, and assist in the implementation of measures to combat the COVID-19 pandemic and in the organization of the presidential election in the areas that they continue to occupy;

(d) Participate, without restriction, in the disarmament, demobilization, reintegration and repatriation programme, as provided for in the Peace Agreement, and honour their commitments regarding the discharge, demobilization and reintegration of the children serving in their ranks;

(e) End illegal exploitation of natural resources;

(f) Contribute to the restoration of State authority throughout the country and provide support for the process of truth, justice and reparations for victims;

(g) Refrain from impeding in any way the organization of free and transparent elections throughout the Central African Republic in accordance with the established constitutional timetable.

91. The Independent Expert recommends that MINUSCA take the following measures:

(a) Give priority to strengthening the capacity of national institutions by reinforcing the strategy of transferring expertise and knowledge from its technical support and assistance services to State officials and services as they are gradually trained and deployed;

(b) Continue and intensify capacity-building of civil society organizations, including journalists, women and young people;

(c) Mobilize the resources of the United Nations system, including OHCHR, to support the Government in implementing recently adopted laws and the recommendations made in the context of the universal periodic review and by the treaty bodies and the Independent Expert.

92. The Independent Expert recommends that the international community take the following measures:

(a) Strengthen support for humanitarian action in the different camps for internally displaced persons in the country in order to guarantee the provision of adequate humanitarian assistance, including measures to protect against COVID-19;

(b) Continue to support the reform of the security sector and the judiciary by supporting the training, deployment and equipment of the Armed Forces of the Central African Republic and the internal security forces, as well as State officials working in the areas of security and justice within regional governments;

(c) Continue to provide and increase assistance for the disarmament, demobilization, reintegration and repatriation process by ensuring that the Armed Forces of the Central African Republic and trained members of the internal security forces occupy demobilized areas;

(d) Increase support for the implementation of the transitional justice strategy, including by providing increased technical assistance for the effective operationalization of the instruments for monitoring the implementation of the Peace Agreement (the special joint security units, the national implementation committee, the prefectural implementation committees and the executive monitoring committee) and the effective functioning of the Truth, Justice, Reparation and Reconciliation Commission and the Special Criminal Court;

(e) Support the Special Criminal Court by facilitating the recruitment and secondment of international judges, the operationalization of the support service for defenders and victims and the support and protection unit for victims and witnesses, and the setting up of a compensation fund for victims;

(f) Increase support for access to justice for victims of sexual violence through comprehensive programmes that include legal and judicial, psychological, therapeutic, social and economic dimensions;

(g) Safeguard the democratic space by promoting the training and effective participation of civil society organizations, including journalists, women and young people, in the peace process, the electoral process and the country's recovery;

(h) Continue to provide technical and financial assistance in the field of human rights in order to build the capacity of State institutions;

(i) Increase the technical, financial, logistical and other assistance necessary for the preparation and organization of the December 2020 presidential election while complying with the measures in place to combat the spread of COVID-19, and remind the National Electoral Authority of the importance of respecting the established constitutional deadlines and timetable;

(j) Continue to implement measures where necessary to prevent and punish cases of sexual exploitation and sexual abuse by international forces, in accordance with the zero-tolerance policy;

(k) Continue efforts to support operations to remove children from armed groups, including by funding social and economic reintegration programmes;

(l) Encourage and support the organization of a subregional conference on cross-border issues, while continuing to support joint commissions with neighbouring countries;

(m) Urge all actors, including political parties, the media and armed groups, to refrain from hate speech, incitement to hatred, manipulation and the use of violence;

(n) Ensure compliance with the arms embargo, particularly during the electoral period, and include in the mandate of the Panel of Experts on the Central African Republic the coordination of measures with the guarantors and facilitators of the Peace Agreement, especially under article 35 thereof.
