

**Access Now submission to the United Nations  
on the Universal Periodic Review - 2018 Cycle  
Central African Republic**

**About Access Now**

1. Access Now ([www.accessnow.org](http://www.accessnow.org)) is an international organisation that works to defend and extend digital rights of users globally. Access Now provides thought leadership and policy recommendations to the public and private sectors to ensure the internet's continued openness and the protection of fundamental rights. We engage with an action-oriented global community, as through our RightsCon Summit Series, and our technology arm operates a 24/7 digital security helpline that provides real time direct technical assistance to users around the world.
2. Access Now advocates an approach to human rights that protects user rights, including privacy and freedom of expression. Access Now has worked extensively on digital rights including commenting on the ruling on free expression and web blocking, protection of Net Neutrality and government shutdowns of communications networks.

**Domestic and international human rights obligations in Central African Republic**

3. The Central African Republic has ratified various international human rights instruments, which include the [International Covenant on Civil and Political Rights](#) (ICCPR), the [Convention against Torture](#) (CAT), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).
4. This government has also signed the Universal Declaration of Human Rights (UDHR) and pursuant to Article 19 of UDHR the Central African Republic is called to protect the rights of freedom of opinion and expression. General Comment 34, interpreting Article 19, clarifies that state interference with freedom of expression must be limited to restrictions that provided by law, and are necessary and proportionate to achieving a legitimate aim.
5. Freedom of expression is guaranteed by the 2004 Central African Republic constitution and also contained in article 13 of the country's 2016 constitution.<sup>1</sup> The document also recognizes in article 14 an individual right to privacy.<sup>2</sup>

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<sup>1</sup><https://monitor.civicus.org/newsfeed/2016/06/01/expression-central-african-republic/>

<sup>2</sup>[https://www.constituteproject.org/constitution/Central\\_African\\_Republic\\_2013.pdf](https://www.constituteproject.org/constitution/Central_African_Republic_2013.pdf)

## **Developments of digital rights Central African Republic**

3. In the Central African Republic, freedom of expression rights continue to decline. According to Reporters Sans Frontieres, in 2016, the Central African Republic was ranked 110th out of 180 countries<sup>3</sup>, and in 2017 declined to the 113th slot.<sup>4</sup>
4. Residents of the Central African Republic are severally affected by the civil unrest in this country. Since 2002, approximately eighty-one percent of citizens have fled their homes and over 2.3 million people need humanitarian assistance.
5. As of December 2017, internet usage is among the lowest in the region and only 5.4% of the population has internet access, which costs about 1.5 times the annual per capita income.<sup>5</sup>
6. Given the low internet usage, radio is the preferred medium for disseminating information. Due to threat by armed groups in the Central African Republic, a community radio station in the southeast of the country had to close.<sup>6</sup>
7. On 2014, the Central African Republic - with the compliance of four telcos in the Central African Republic - Azur, Moov, Telecel, and Orange - banned Short Message Services (SMS). This practice deprives access to vital information and has an adverse impact on the whole population, particularly on journalists, who rely on SMS to gather, verify, and circulate information.
8. SMS bans also adversely impact the digital economy in CAR. A Brookings Institute report found that internet shutdowns drained USD\$2.4 billion from the global economy from 2015-2016.

## **Developments of digital rights Central African Republic**

9. Freedom of expression rights in the Central African Republic are threatened by imposition of criminal penalties for some defamation charges, as well as incitement of ethnic or religious hatred. In 2014, two journalist were arrested for alleged defamation and the following year a journalist issued a public apology in order to avoid criminal penalties.

## **Recommendations**

10. The government should:

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<sup>3</sup> <https://rsf.org/en/news/investigation-stalled-two-years-after-french-journalists-death-car>

<sup>4</sup> <https://rsf.org/fr/ranking>

<sup>5</sup> <https://qz.com/594455/the-worlds-poorest-households-are-more-likely-to-have-a-mobile-phone-than-a-toilet/>

<sup>6</sup> [https://www.ifex.org/central\\_african\\_republic/2017/10/19/radio-station-closes/](https://www.ifex.org/central_african_republic/2017/10/19/radio-station-closes/)

- a. Refrain from shutting down the internet or SMS, as the harms posed by these restrictions are disproportionate to the harm sought to be mitigated;
- b. Enact laws that protect data subjects as well as regulations that promote access to information and freedom of expression rights.
- c. Seek an order from impartial, competent judicial authorities when attempting to restrict online freedom of expression rights, wherein the court should narrowly interpret these requests only to instances where it is strictly necessary and proportional to object of the ban; and
- d. Cooperate with the United Nations treaty mechanisms and issue standing invitations to UN special procedures such as the UN special rapporteurs on freedom of expression and privacy.

*The UPR is an important U.N. process aimed at addressing human rights issues all across the globe. It is a rare mechanism through which citizens around the world get to work with governments to improve human rights and hold them accountable to international law. Access Now is grateful to make this submission.*

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