

CENTRAL AFRICAN REPUBLIC: A BRIEF ON THE  
IMPLEMENTATION OF CEDAW COMMITMENTS FROM  
ARTICLES 2, 5, 11, AND 16

*Information for the Committee on the Elimination of Discrimination Against Women  
84th Pre-Session Working Group, July 2022*

**Submitted By**

The WORLD Policy Analysis Center  
University of California, Los Angeles



**TABLE OF CONTENTS**

**INTRODUCTION** ..... 2

**Summary of Findings and Recommendations**..... 3

    1. Non-Discrimination in Work and Employment (Article 11) ..... 3

    2. Paid Maternity and Paternity Leave (Articles 11, 5) ..... 4

    3. Child Marriage (Articles 16, 2)..... 4

**Detail of Legislative Findings** ..... 5

    1. Non-Discrimination in Work and Employment (Article 11) ..... 5

    2. Paid Maternity and Paternity Leave (Articles 11, 5) ..... 7

    3. Child Marriage (Articles 16, 2)..... 9



## INTRODUCTION

The WORLD Policy Analysis Center, based at the University of California, Los Angeles, captures quantitative policy data on more than 2,000 indicators that matter to equality, health, and well-being. We strive to improve the quantity and quality of globally comparative data available to policymakers, citizens, national governments, intergovernmental organizations, civil society, and researchers for all 193 UN member states. We submit the following brief in advance of the 84<sup>th</sup> Pre-Sessional Working Group of the Committee on the Elimination of Discrimination against Women.

This brief will focus on the following three areas:

1. Non-discrimination in Work and Employment (Article 11)
2. Paid Maternity and Paternity Leave (Articles 11, 5)
3. Child Marriage (Articles 16, 2)

We have collected and analyzed information on rights, laws, and policies in these areas for all 193 UN member states using a variety of sources, including primary national legal sources (e.g. original legislation and constitutions), national reports on policies and laws to the United Nations and official global and regional bodies, and secondary sources where clarification or corroboration of primary data is needed. Using a rigorous double-coding process, we create original databases which distill thousands of pages of text to highlight the essential features of each right, law, or policy. These original databases are the reference for the following brief. When drafting each brief, we perform a series of additional verifications to ensure the data provided reflects the current constitutional and legal landscape of a country.

In this report we first provide a summary of our legislative findings, as well as suggested questions for the Committee to ask the Central African Republic and topics we hope the Committee will address in its concluding observations. This summary is followed by detailed legislative excerpts documenting our findings. We hope the Committee will recommend that the Central African Republic address any gaps in consultation and collaboration with relevant stakeholders, including civil society organizations. We also recognize that while having strong laws and policies in place are necessary first steps, implementation is also of paramount importance. In areas where we have commended the Central African Republic for having provisions in place, we hope the Committee will recommend that the Central African Republic work with stakeholders to overcome any obstacles in implementing these provisions.



**SUMMARY OF FINDINGS AND RECOMMENDATIONS**

**1. Non-Discrimination in Work and Employment (Article 11)**

Our review of legislation found that the Central African Republic includes legislative protections from sex discrimination in vocational training and compensation, as well as protection from retaliatory action if workers report discrimination on the basis of sex at work; however, **we did not identify any provisions prohibiting discrimination in hiring, promotions, demotions, and terminations on the basis of sex. We further found no protections from indirect discrimination or from sex-specific workplace harassment. We also did not identify any prohibitions of discrimination in employment on the basis of marital status, pregnancy, or family status.**

**RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATIONS**

We hope the Committee will:

- In its list of issues, ask the Central African Republic: Can the Central African Republic outline any concrete, near-term plans to pass legislation that explicitly prohibits sex-based discrimination in other dimensions of work including hiring, promotions and demotions, and terminations?
  - If concrete, near-term plans are not in place, recommend in its concluding observations that the Central African Republic pass and implement legislation that explicitly prohibits sex-based discrimination in all dimensions of work.
- In its list of issues, ask the Central African Republic: Can the Central African Republic demonstrate whether prohibitions of discrimination in employment on the basis of marital status, pregnancy, or family status exist?
  - If the Central African Republic does not have these provisions in place, recommend in its concluding observations that it pass and implement legislation prohibiting discrimination in employment on the basis of marital status, pregnancy, and family status.
- In its list of issues, ask the Central African Republic: Can the Central African Republic demonstrate whether prohibitions exist against workplace indirect discrimination on the basis of sex?
  - If sufficient protections do not exist in this area, recommend in its concluding observations that the Central African Republic pass and implement legislation that explicitly prohibits indirect discrimination against women.
- In its list of issues, ask the Central African Republic: Can the Central African Republic demonstrate whether prohibitions exist against workplace harassment on the basis of sex?
  - If sufficient protections do not exist in this area, recommend in its concluding observations that the Central African Republic pass and implement legislation that explicitly prohibits sex-based workplace harassment.



## 2. Paid Maternity and Paternity Leave (Articles 11, 5)

---

Based on our systematic review of national legislation and country reports, the Central African Republic guarantees working mothers 14 weeks of paid maternity leave, but offers no paid leave to working fathers. While the maternity leave provisions in legislation include certain categories of workers who may be left behind, such as part-time workers, it does not appear to include other categories of workers who often lack social protections, such as self-employed workers.

### **RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATIONS**

We hope the Committee will:

- In its list of issues, ask the Central African Republic: Can the Central African Republic confirm whether paid maternity leave provisions exclude any categories of female workers, including self-employed women and women working within the informal economy?
  - If the Central African Republic does not guarantee the inclusion of all types of female workers in its maternity leave provisions, recommend in its concluding observations that the Central African Republic explore how to fully and effectively expand these guarantees to do so.
- In its list of issues, ask the Central African Republic: Can the Central African Republic outline any concrete, near-term plans to pass legislation that provides paid paternity leave to fathers?
  - If the Central African Republic does not have concrete, near-term plans to provide paid paternity leave to fathers, recommend in its concluding observations that the Central African Republic pass and implement legislation that does so.

## 3. Child Marriage (Articles 16, 2)

---

Based on our systematic review of national legislation and country reports, the Central African Republic has a general age of marriage of 18 for boys and girls, with exceptions only for “serious reasons”, which must be granted by the Procureur de la République. However, according to the latest available data from UNICEF (2019), 36% of girls aged 15-19 were married or in a union at the time of survey, and 61% of women aged 20-24 at the time of survey had been married or in a union since before they turned 18.



#### RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATIONS

We hope the Committee will:

- In its list of issues, ask the Central African Republic: Can the Central African Republic provide any information on the enforcement of the provisions in the *Code de la famille* that generally prohibit marriage before age 18?<sup>1</sup>
  - In particular, ask the Central African Republic to update the Committee on concrete plans to improve enforcement of the minimum age of marriage, including how the recently passed *Code de protection de l'enfance* or the revisions to the *Code de la famille* described in paragraph 252 of the State Party report will help better enforce existing provisions against child marriage.
    - If the Central African Republic has no concrete plans to improve enforcement of the minimum age of marriage, recommend that the Central African Republic formulate plans to do so.

#### DETAIL OF LEGISLATIVE FINDINGS

While the following review is systematic and rigorous, we recognize that there may be laws or policies governing these areas that we have not captured, including new legislation or policies that have not yet been published globally.

#### 1. Non-Discrimination in Work and Employment (Article 11)

Article 11 of the Convention outlines specific measures States Parties shall undertake in order to eliminate discrimination in the field of employment.

We systematically reviewed national labor codes, gender equality, and other relevant legislation available through the International Labour Organization's NATLEX database for all 193 UN member states to determine whether national legislation prohibited sex discrimination in employment. We examined legal protections across five areas covered by CEDAW:

- employment opportunities or hiring
- equal pay for work of equal value
- vocational training
- promotions or demotions
- job security or terminations

We assessed whether women were explicitly protected from discrimination at work in each of these areas and whether the definition of discrimination included both direct and indirect discrimination. We further examined whether there were provisions that protected women from retaliatory action for



reporting discrimination. We also examined whether there were explicit protections from discrimination at work for statuses that intersect directly with women’s dual roles as workers and caregivers: marital status, pregnancy, and family status.

We further assessed whether women at work were protected from sexual harassment, which covers sexual behavior-based harassment, as well as sex-based harassment, which covers harassment of women due to their sex but without necessarily taking a sexual form.

*THE CENTRAL AFRICAN REPUBLIC’S LEGISLATIVE PROVISIONS: Missing important guarantees for women in employment*

Based on our review, the Central African Republic’s legislation explicitly prohibits discrimination against women at work in vocational training and remuneration, as well as retaliation for reporting workplace discrimination and prohibits sexual harassment at work. However, **we found no explicit guarantees in the following areas:**

- **Prohibitions of workplace discrimination in hiring, promotions, demotions and terminations on the basis of sex**
- **Prohibitions of indirect discrimination**
- **Prohibitions of sex-based harassment**
- **Prohibitions of discrimination in employment on the basis of marital status, pregnancy, or family status.**

<b>Table 1: Does the Central African Republic have legislative provisions in place explicitly guaranteeing non-discrimination for women in the following key areas of employment?</b>	
Employment opportunities and hiring	No provisions found
Equal remuneration*	Yes
Employer-provided vocational training	Yes
Promotions and/or demotions	No provisions found
Terminations	No provisions found
Retaliatory action	Yes
Indirect discrimination	No provisions found
On the basis of marital status, pregnancy, or family status	No provisions found

\* While equal pay for equal work is guaranteed on the basis of sex, the country does not guarantee equal pay for work of equal value as mandated in Art. 11.1.(d) of CEDAW

*Code du Travail*

*Art. 3 : Au sens du présent Code, on entend par :*



(...)

*TRAVAILLEUR ou SALARIE : toute personne physique, quels que soient son sexe, sa race, sa religion et sa nationalité, qui s'est engagée à mettre son activité professionnelle, moyennant rémunération, sous la direction et l'autorité d'une autre personne physique ou morale publique ou privée, appelée employeur.*

(...)

*Art.14 : L'accès à la formation professionnelle est garanti à tous les travailleurs, sans aucune discrimination, dans les conditions fixées par le présent Code.*

*Art.185 : Les travailleurs des deux sexes ont le même droit d'accès à tous les organismes de formation, de perfectionnement et de reconversion professionnels.*

*Art.222 : A conditions égales de travail, de qualification professionnelle et de rendement, le salaire est égal pour tous les travailleurs quels que soient leur origine, leur sexe et leur âge dans les conditions prévues au présent titre.*

*Art.152 : Toute rupture abusive du contrat peut donner lieu à des dommages intérêts. La juridiction compétente constate l'abus par une enquête sur les causes et les circonstances de la rupture du contrat. Les licenciements effectués sans motif légitime, de même que les licenciements motivés par les opinions du travailleur, son activité syndicale, son appartenance ou non à un syndicat déterminé, sont abusifs.*

*Sont également abusifs :*

(...)

*- le fait pour le travailleur d'avoir déposé une plainte ou participé à des procédures engagées contre un employeur en raison de violations alléguées de la législation ou présenté un recours devant les autorités administratives compétentes.*

## 2. Paid Maternity and Paternity Leave (Articles 11, 5)

---

Article 11.2 of the Convention states that:

*In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:*

*(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;*





*(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;*

Further, Article 5(b) of the Convention emphasizes the importance of including men in the upbringing of children:

*To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.*

Research evidence indicates that paid paternity leave can increase gender equality in caregiving responsibilities and gender equality in employment; it is therefore important to ensure fathers have access to adequate paid paternity leave.

We systematically reviewed national labor codes and social security laws to assess the availability of paid maternity and paternity leave. We relied primarily on legislation downloaded through the International Labour Organization's NATLEX database. Additionally, for confirmation or clarification on legal provisions, we consulted trusted secondary sources including the Social Security Programs throughout the World (SSPTW) database, and the International Review of Leave Policies.

*THE CENTRAL AFRICAN REPUBLIC'S LEGISLATIVE PROVISIONS: No paid leave for fathers*

Based on our systematic review of national legislation and country reports, the Central African Republic guarantees working mothers 14 weeks of paid maternity leave. **However, while the maternity leave provisions in legislation include certain categories of workers who may be left behind, such as part-time workers, it does not appear to include other categories of workers who often lack social protections, such as self-employed workers.**

**Additionally, we found no provisions that provide paid paternity leave to fathers, or that provide leave that can be shared by the father.**

*Code du travail*

*Art. 2 : Les dispositions de la présente loi ne sont pas applicables :*

*(...)*

*- aux travailleurs indépendants.*

*Art.193 : Les travailleurs à temps partiel reçoivent la même protection que celle dont bénéficient les travailleurs à plein temps.*

*Art.255 : Toute femme enceinte a droit pendant la période de quatorze (14) semaines aux soins gratuits et à la moitié du salaire qu'elle percevait au moment de la suspension du contrat de travail; elle conserve le droit aux prestations en nature.*



*Toute convention contraire est nulle de plein droit.*

*Aucune erreur de la part du médecin ou de la sage femme dans l'estimation de la date de l'accouchement ne peut empêcher une femme de recevoir l'indemnité à laquelle elle a droit à compter de la date du certificat médical jusqu'à celle à laquelle l'accouchement se produit.*

### 3. Child Marriage (Articles 16, 2)

---

Child marriage disproportionately affects girls, often leading to social, economic, educational, and health inequalities, which States Parties have committed to eliminating. Article 16.2 of the Convention calls on States Parties to legislate a minimum age of marriage and prohibit the marriage of children. Additionally, disparities in the legal minimum age of marriage between girls and boys contravenes Article 2(a) of the Convention, which commits States Parties to “embody the principle of the equality of men and women” in their “national constitutions or other appropriate legislation”.

We systematically reviewed national civil codes and child-related legislation for all 193 UN member states to determine whether national legislation established a minimum age of marriage for both girls and boys generally, with parental consent, and under religious and customary law. We reviewed all legislation available through the Lexadin World Law Guide, Foreign Law Guide, International Labour Organization’s NATLEX database, regional sources, and official country websites.

#### *THE CENTRAL AFRICAN REPUBLIC’S LEGISLATIVE PROVISIONS: Marriage not allowed before age 18, with rare exceptions*

Based on our review, the Central African Republic establishes a minimum age of marriage for both girls and boys of 18 years old, with exceptions only to be granted by the Procureur de la République for “serious” reasons.

*Code de la famille*

*LIVRE II: DE LA FAMILLE*

*CHAPITRE 1: Des conditions de formation du mariage*

*Section 3: Du consentement*

*Art.209 Nul ne peut contracter mariage s'il n'a 18 ans révolus, sauf dispense d'âge accordée par le Procureur de la République pour des motifs graves, à la requête de l'intéressé.*

*Art. 210 Il n'y a point de mariage sans le consentement des futurs époux. Le consentement est exprimé au moment de la célébration du mariage.*