



**International Convention  
on the Elimination  
of All Forms of  
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF  
RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 9 OF THE CONVENTION**

**Fifteenth periodic report of States Parties due in 2006\***

**Addendum**

**CHAD\*\***

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\* The present document constitutes the tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth periodic reports of Chad, which were due on 16 September 1996, 1998, 2000, 2002, 2004 and 2006, respectively. For the fifth, sixth, seventh, eighth and ninth periodic reports and summary records of the meetings at which they were considered by the Committee, see documents CERD/C/259/Add.1, CERD/C/SR.1119 and A/50/18, paras. 637 to 668.

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**List of abbreviations**

<b>ADH :</b>	Association for the Defence of Human Rights
<b>BEAC:</b>	Bank of Central African States
<b>BCR:</b>	Central Census Bureau
<b>CEEAC:</b>	Economic Community of Central African States
<b>CNDH:</b>	National Commission on Human Rights
<b>CNS:</b>	Sovereign National Conference
<b>CP:</b>	Criminal Code
<b>CPP :</b>	Code of Criminal Procedure
<b>DDS:</b>	Documentation and Security Directorate
<b>HIL :</b>	Humanitarian International Law
<b>EDST :</b>	Demographic and Health Survey
<b>GAV :</b>	Police Custody
<b>FGM:</b>	Female Genital Mutilation
<b>ILO :</b>	International Labour Organization
<b>UNO :</b>	United Nations Organization
<b>OAU :</b>	Organization of African Unity
<b>UNDP :</b>	United Nations Development Programme
<b>RGPH :</b>	General Population and Housing Census
<b>AU:</b>	African Union
<b>UNICEF:</b>	United Nations Children's Fund



**BASIC DATA ON CHAD**

	<b>Indicator</b>	<b>Value</b>	<b>Year</b>	<b>Sources</b>
<b>Administrative data</b>	Area (km <sup>2</sup> )	1,284,000		
	Regions	18	2002	MAT
	Departments	47	2002	MAT
	Sub-Prefectures	199	2002	MAT
	Regional health offices	14	2002	MSP
	Departmental education offices	29	2003-2004	MEN
<b>Structure of the population</b>	Population (x 1,000)	9,273	2005	DCAP/MEPC
	0-1 years of age	391	2005	DCAP/MEPC
	6-11 years of age	1,610.5	2005	DCAP/MEPC
	0-18 years of age	5,032	2005	DCAP/MEPC
	Female (per cent)	52	1993	RGPH
	Rural (per cent)	80	1993	RGPH
	Urban (per cent)	20	1993	RGPH
	Natural growth rate	3.2	2000	DCAP/MEPC
<b>Economy</b>	GDP, nominal (in billions of CFAF)	2,062.7	2004	BEAC
	GDP, nominal non-petroleum (in billions of CFAF)	1,387	2004	BEAC

	GDP, per capita (US\$)	495	2004	BEAC
	Growth rate (real GDP)	36	2004	BEAC
	Inflation rate (per cent) (forecast)	3	2005	BEAC
Living conditions	HDI ranking	173 out of 177	2003	UNDP, RDH 2005
	Population below monetary poverty threshold (1 to 2 \$ per day), per cent	64	1990-2002	UNDP, RDH 2005
	Population with access to drinking water (per cent)	36	2004	EDST 2004
	Urban	57	2004	EDST 2004
	Rural	30	2004	EDST 2004
	Percentage of population with improved latrines or flush toilets	4	2004	EDST 2004
	Urban	17	2004	EDST 2004
	Rural	1	2004	EDST 2004
Mortality - fertility	Infant mortality rate (per 1,000)	102	2004	EDST 2004
	Urban	94	2004	EDST 2004
	Rural	120	2004	EDST 2004
	Infant/child mortality rate (per 1,000)	191	2004	EDST 2004
	Urban	179	2004	EDST 2004

	Rural	208	2004	EDST 2004
	Child mortality rate (per 1,000)	99	2004	EDST 2004
	Urban	94	2004	EDST 2004
	Rural	100	2004	EDST 2004
	Maternal mortality rate (per 100,000 births)	1099	2004	EDST 2004
	Life expectancy (years)	50	1993	RGPH
	Men	47	1993	RGPH
	Women	54.5	1993	RGPH
	Synthetic fertility rate (average number of children)	6.3	2004	EDST 2004
Health and Nutrition	Under-5s underweight	37	2004	EDST 2004
	Children suffering from stunted growth	41	2004	EDST 2004
	Under-5s suffering from emaciation	14	2004	EDST 2004
	Children between 6 and 59 months who have received vitamin A supplements	32	2004	EDST 2004
	Children between 12 and 23 months vaccinated against (per cent)			
	BCG	40	2004	EDST 2004
	DTP	20	2004	EDST 2004

	Polio	36	2004	EDST 2004
	Measles	23	2004	EDST 2004
	Women who have received 2 or more doses of anti-tetanus vaccine	29	2004	EDST 2004
	Proportion of births attended by skilled health personnel	43	2004	EDST 2004
	Exclusive breastfeeding rate (children under 6 months) per cent	2	2004	EDST 2004
	Children between 6 and 9 months receiving food supplements (per cent)	77	2004	EDST 2004
	Households eating sufficiently iodized salt (per cent)	56	2004	EDST 2004
	Households in which under-fives have slept under mosquito netting	56	2004	EDST 2004
Education	Gross enrolment rate (per cent)	88	2003-2004	MEN, DSE 2003-2004
	Boys	106	2003-2004	MEN, DSE 2003-2004
	Girls	69	2003-2004	MEN, DSE 2003-2004
	Rate of admission to CP1 (school year 2003)	107	2003-2004	MEN, DSE 2003-2004
	Boys	123	2003-2004	MEN, DSE 2003-2004



	Girls	91	2003-2004	MEN, DSE 2003-2004
	Drop-out rate	13	2003-2004	MEN, DSE 2003-2004
	Boys	11	2003-2004	MEN, DSE 2003-2004
	Girls	15	2003-2004	MEN, DSE 2003-2004
	Repetition rate	22	2003-2004	MEN, DSE 2003-2004
	Boys	22	2003-2004	MEN, DSE 2003-2004
	Girls	23	2003-2004	MEN, DSE 2003-2004
	School attendance rate for children aged 6-10 (per cent)	41.5	2004	EDST 2004
	Boys	48	2004	EDST 2004
	Girls	35	2004	EDST 2004
	School attendance rate for children aged 6-15	47.5	2004	EDST 2004
	Boys	57	2004	EDST 2004
	Girls	38	2004	EDST 2004
	Female literacy rate, age group 15-59	12.00	2004	EDST 2004
	Male literacy rate, age group 15-59	35.00	2004	EDST 2004
VIH/SIDA	Prevalence of HIV among adults (per cent)	5	2003	UNAIDS
	Estimated number of children aged 0-14 living with HIV	18,000	2003	UNAIDS
	Estimated number of women aged 15-49 living with HIV	100,000	2003	UNAIDS

	Prevalence rate for pregnant women aged 15-24 in the capital	5	2003	UNICEF
	Children aged 0-17 orphaned by AIDS	96,000	2003	UNAIDS/UNICEF/USAID
Protection de l'enfance	Proportion of women excised (per cent)	45	2004	EDST 2004
	Age of excision (years)	5-14	2004	EDST 2004
	Orphans aged 0-14 living in households (per cent)	7	2004	EDST 2004
	Proportion registered with the registry office at birth	6	2004	EDST 2004
	Urban	25	2004	EDST 2004
	Rural	2	2000	EDST 2004
	Proportion of children aged 5-17 who work	83	2004	EDST 2004
	Urban	75	2004	EDST 2004
	Rural	85	2004	EDST 2004

## SOURCES

Chad Demographic and Health Survey (EDST) 2004

Directorate for the Coordination of Population Activities (DCAP) of the Ministry of the Economy, the Plan and Cooperation: Projected Population of Chad 2000-2050

Ministry of Public Health (MSP): Health Statistics Yearbook of Chad, 2002

General Population and Housing Census 1993 (RGPH)

Ministry of National Education (MEN), Education Statistics, 2003-2004

UNAIDS, Report on the Global HIV/AIDS Epidemic, 2004

UNICEF, The State of the World's Children, 2005

MAT: Ministry of Territorial Administration, Administrative Division, October 2002 (Decree No. 415/419/PR/MAT/2002 of 17/10/2002)

UNDP: Human Development Report 2005

UNAIDS/UNICEF/USAID, Children on the Brink 2004

BEAC, Principal Economic and Financial Indicators for Chad

## INTRODUCTION

1. The intention of the Government of Chad in submitting this report is to provide an appropriate response to the suggestions and recommendations made by the Committee during its sessions and in particular that of 17 August 1995 (see CERD/C/SR.1119 and A/50/18, paragraphs 637 to 668). The report is also intended to explore, for the benefit of Committee members, the main concerns expressed on that occasion.

2. The report constitutes the tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth periodic reports of Chad under the International Convention on the Elimination of All Forms of Racial Discrimination and describes, to the extent possible, the measures adopted to give effect to the provisions of the Convention.

3. The Committee suggested that the Government of Chad should adopt a series of measures which would include:

(a) Availing itself of the technical assistance offered under the advisory services and technical assistance programme of the Centre for Human Rights

(b) Providing in its next report fuller information on the practical implementation of the Convention, including information on the ethnic characteristics of the population, in accordance with paragraph 8 of the guidelines for the preparation of reports

(c) Furnishing more precise information about the reforms undertaken following the National Conference intended to begin the process of national reconciliation: the constitutional reform, the draft electoral code, the amnesty act, the law on compensation for victims of human rights violations, the reorganization of the security forces and national gendarmerie, and the strengthening of the judicial apparatus

(d) Informing the Committee of the actual lines of action open to the National Commission on Human Rights and its activities in terms of the implementation of the Convention

(e) Setting up a training programme in humanitarian law and human rights for members of the armed forces, the police, the national gendarmerie and other State employees

(f) Establishing a permanent mission of Chad to the United Nations.

## I. RESPONSES TO THE COMMITTEE'S RECOMMENDATIONS

### A. International technical assistance

4. The desire of the Government of Chad to implement the Convention was being frustrated by difficulties of a technical nature. It therefore made an appeal for international cooperation. This led to the formulation of two successive projects, from 2001 to 2002 and since 2006.

5. Chad has benefited from the advisory services and technical cooperation programme through a joint project of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP) intended to support

capacity building in Chad in the fields of governance and human rights. One of the objectives of this project was to build the capacity of the National Commission on Human Rights (CNDH) and to contribute to the development of cooperation between public entities and civil society. Unfortunately, the final evaluation of the project, carried out in 2002, showed that it had been overambitious and had failed to achieve its objectives.

6. Accordingly, in 2003, Chad made a second request for technical assistance. This led, once the situation in Chad had been assessed by the Office of the High Commissioner for Human Rights, to the setting up of a joint OHCHR/UNDP project intended to build national capacity in the field of human rights.

## **B. Constitutional and other national reforms**

7. Chad's Constitution, which derives from the recommendations of the Sovereign National Conference, was drawn up by an Institutional Technical Committee and adopted by referendum on 31 March 1996. Its article 1 declares Chad to be a sovereign, independent, secular, social, one and indivisible Republic founded on the principles of democracy, the rule of law and justice. Moreover, it affirms the separation between State and religion.

8. According to the Constitution (art. 3), sovereignty belongs to the people who exercise it either directly by referendum or indirectly through their elected representatives. The principle that underlies the exercise of power, as defined in article 7 of the Constitution, is "government of the people, by the people, for the people", founded on separation of the executive, legislative and judicial branches.

9. Moreover, the Constitution devotes an entire chapter (32 articles) to fundamental rights and freedoms. These provisions guarantee the protection of the physical and moral integrity of the person and the fundamental freedoms, as defined by the relevant international instruments.

10. The Constitution establishes a body responsible for regulating the freedom of the press, expression and communication, namely, the Higher Council on Communication (HCC) (art. 185). The HCC is an independent administrative authority composed of nine members of whom four are appointed by the President of the Republic and the National Assembly, three are elected by media professionals, one is a judge nominated by the President of the Supreme Court and one is a prominent figure from the world of culture elected by his or her peers.

11. There is also a Constitutional Council (art. 159) to hear disputes relating to the constitutionality of laws, treaties and international agreements or to presidential and legislative elections. The Constitutional Council is also responsible for overseeing the operation of the institutions and the activities of the public authorities and for settling jurisdictional disputes between State institutions.

12. Finally, in order to prevent leading figures in government from acting with impunity, the Constitution establishes a High Court of Justice (art. 171) with powers to try the President of the Republic and members of the Government, together with their accomplices, in cases of high treason. The crime of high treason encompasses, in particular, any subversion of the republican form, indivisibility or secularity of the State or infringement of the sovereignty, independence or integrity of the national territory. Serious and flagrant violations of human rights, embezzlement of public funds, corruption, extortion, drug trafficking and the introduction of toxic or hazardous

waste in transit or for dumping or storage on the national territory are also deemed to be high treason.

13. The Armed Forces and security agencies (art. 188), consisting of the Chadian National Army, the national gendarmerie, the national and nomadic guard and the national police, are at the service of the nation, subject to republican law and subordinate to the civil power (art. 189). Moreover, they are apolitical and no one may use them for private purposes (art. 190). National defence is the responsibility of the National Army and the national gendarmerie, while the task of maintaining law and order and security is assigned to the national police, the national guard and the national gendarmerie.

14. In addition to its military mission, the Chadian National Army is required to participate in the tasks of economic and social development, as well as in humanitarian operations.

15. The reform of the Army began in 1991 and continued with the holding of a General Assembly of the Armed Forces in 2005. A follow-up committee, established by Order of the Minister for Defence, was entrusted with the task of implementing the recommendations adopted by the Assembly.

16. Title 13 of the Constitution is devoted to the traditional and customary authorities. These authorities collaborate with the Administration, with due regard for human rights and freedoms (art. 215). They assist with the government of the people and support the actions of the decentralized territorial authorities (art. 214). Moreover, they are guarantors of the practices and customs which, pending their codification, apply in the communities in which they are recognized.

17. However, the Constitution stipulates that customs that run counter to public order (*ordre public*) and those that promote inequality between citizens are prohibited (art. 156).

18. After nine years of implementation, in a referendum held on 15 July 2005, the people of Chad decided that the Constitution should be partially revised.

19. This revision led to the establishment of a consultative body known as the Economic, Social and Cultural Council, charged with advising the President of the Republic, the Government and National Assembly on all matters of an economic, social or cultural nature.

20. In order to be able to follow human rights developments more closely at United Nations level, the Government of Chad has established a Permanent Mission of Chad in Geneva, in addition to its Embassy to the United Nations in New York.

### **C. The policy for eliminating racial discrimination in all its forms**

21. The intention of the Government of Chad to fight discrimination is clearly expressed in the Constitution, the country's basic law, which establishes as a principle the prohibition of discrimination in all its forms. Moreover, numerous provisions of the Convention are also taken into account in the secondary legislation.

22. Although the definition of discrimination as set out in article 1 of the Convention is not reproduced in any specific legal text, discrimination is prohibited in several national laws, in particular, the Labour Code, the Political Parties Charter, the Electoral Code, etc.

23. The absence of a definition should not be construed as a failure to apply this international instrument for combating discrimination, as defined in article 1. In fact, there are several laws and regulations that accord all citizens, without discrimination, the enjoyment or exercise of human rights and fundamental freedoms under conditions of equality in the political, economic, social and cultural spheres and all other areas of public life.

#### **D. Main sociocultural characteristics: ethnic groups and religions in Chad**

24. One of the Committee's recommendations concerned the obtaining, on the basis of the General Population and Housing Census (RGPH), of more information about the importance of the different ethnic groups (A/50/18, paragraph 646). Below, with a view to providing the Committee with a satisfactory response to this recommendation, the Government of Chad has reproduced various tables that summarize the national situation with respect to both the ethnic composition and the religious affiliation of the population.

##### **1. Population and main ethnic groups**

25. The April 1993 census showed that Chad has more than a hundred ethnic communities. For analytical purposes and because they are so numerous and diverse, these communities have been grouped on the basis of linguistic and geographical criteria, way of life, and practices and customs.

26. This process has yielded 14 main ethnic groups, including foreigners and those of indeterminate ethnicity. The "Other" and "Miscellaneous" categories consist, respectively, of ethnic groups not classified elsewhere because they do not fit readily into any of the main groups, by reason of their linguistic characteristics and customs, and naturalized foreigners.

27. Some of Chad's main ethnic groups are larger than others. Most numerous are the Sara (12.3 per cent) and the Mayo-Kebbi (11.5 per cent), while the following groups represent between 5 per cent and 10 per cent of the total population: Kanem-Bornou (9.0 per cent), Ouaddaï (8.7 per cent), Hadjarai (6.5 per cent), Tandjilé and Gourane (6.5 per cent and 6.3 per cent, respectively).

28. The following main groups, each with less than 5 per cent of the total population, are classified as minorities:

- Fitri Batha (4.7 per cent)
- Peul (2.4 per cent)
- Baguirmien (1.5 per cent)
- Lac Iro (0.5 per cent)

29. The « others » and « miscellaneous » categories together account for 1.2 per cent of the total population. The foreign population and that of indeterminate ethnicity represent about 1 per cent of the total population, or 0.7 per cent and 0.3 per cent, respectively (Table 1).

**Table 1 : Distribution of the resident population by sex, according to main ethnic group**

Main ethnic group	Numbers			Percentage		
	Male	Female	Total	Male	Female	Total
Arab	373 366	388 408	761 774	12,4	12,2	12,3
Baguirmien	45 286	46 790	92 076	1,5	1,5	1,5
Fitri Batha	139 913	148 981	288 894	4,7	4,7	4,7
Gorane	194 939	193 849	388 788	6,5	6,1	6,3
Hadjarai	192 808	221 111	413 919	6,4	6,9	6,7
Kanembou Bornou	279 682	276 793	556 475	9,3	8,7	9,0
Lac Iro	15 293	18 252	33 545	0,5	0,6	0,5
Mayo-Kebbi	343 832	369 995	713 827	11,5	11,6	11,5
Ouaddai	245 932	295 350	541 282	8,2	9,3	8,7
Peul	78 476	73 207	151 683	2,6	2,3	2,4
Sara	831 583	883 183	1 714 766	27,7	27,7	27,7
Tandjilé	191 657	209 222	440 879	6,4	6,6	6,5
Others	14 776	15 469	30 245	0,5	0,5	0,5
Miscellaneous	23 051	21 943	44 994	0,8	0,7	0,7
Foreigners	22 948	20 966	43 914	0,8	0,7	0,7
Indeterminate	7 829	8 648	16 477	0,3	0,3	0,3
<b>Total</b>	<b>3 001 371</b>	<b>3 192 167</b>	<b>6 193 538</b>	<b>100</b>	<b>100</b>	<b>100</b>

Source: RGPH 1993

30. Moreover, Table 2 below reveals an unequal distribution of the population by sex within the main ethnic groups. Thus, the Peul, Kanem-Bornou and Gourane ethnic groups contain more men than women. The same applies to the « miscellaneous » and « foreigners » categories, which mainly consist of male migrant jobseekers.

31. In the other ethnic groups, however, women predominate, particularly among the Ouaddai, Lac Iro and Hadjarai, where the sex ratio is less than 90, i.e., there are fewer than 90 men for every 100 women. This shortfall probably reflects the high level of emigration of men from these groups to other parts of the country or abroad.



**Table 2 : Distribution of the resident population by sex and sex ratio,  
according to main ethnic group**

Main ethnic group	Percentage			Sex ratio
	Male	Female	Total	
Arab	49,0	51,0	100,0	96,1
Baguirmien	49,2	50,8	100,0	96,8
Fitri Batha	48,4	51,6	100,0	93,9
Gorane	50,1	49,9	100,0	100,6
Hadjarai	46,6	53,4	100,0	87,2
Kanembou Bornou	50,3	49,7	100,0	101,0
Lac Iro	45,6	54,4	100,0	83,8
Mayo-Kebbi	48,2	51,8	100,0	92,9
Ouaddai	45,4	54,6	100,0	83,3
Peul	51,7	48,3	100,0	107,2
Sara	48,5	51,5	100,0	94,2
Tandjilé	47,8	52,2	100,0	91,6
Others	48,9	51,1	100,0	95,5
Miscellaneous	51,2	48,8	100,0	105,0
Foreigners	52,3	47,7	100,0	109,5
Indeterminate	47,5	52,5	100,0	90,5
Total	48,5	51,5	100,0	94,0

Source : RGPH 1993

## 2. Ethnic group and residential environment

32. Tables 3 and 4 below show that in terms of residential environment some ethnic groups are more urbanized than others. In fact, whatever the residential environment, the Sara group is the most numerous, accounting for 30 per cent of the total urban population and 27.1 per cent of the rural population.

**Table 3 : Distribution of the resident population by residential environment,  
according to main ethnic group**

Main ethnic group	Urban		Rural		Combined	
	Numbers	per cent	Numbers	per cent	Numbers	per cent
Arab	164 024	12,4	597 750	12,3	761 774	12,3
Baguirmien	34 551	2,6	57 525	1,2	92 076	1,5
Fitri Batha	84 678	6,4	204 216	4,2	288 894	4,7
Gorane	108 318	8,2	280 470	5,8	388 788	6,3
Hadjarai	98 125	7,4	315 794	6,5	413 919	6,7
Kanem-Bornou	117 868	8,9	438 607	9,0	556 575	9,0
Lac Iro	6 092	0,5	27 453	0,6	33 545	0,5
Mayo-Kebbi	81 363	6,1	632 464	13,0	713 827	11,5
Ouaddai	85 837	6,5	455 445	9,4	541 282	8,7
Peul	26 020	2,0	125 663	2,6	151 683	2,4
Sara	394 116	29,8	1 320 650	27,1	1 714 766	27,7
Tandjilé	63 156	4,8	337 723	6,9	400 879	6,5
Others	10 104	0,8	20 141	0,4	30 245	0,5
Miscellaneous	23 845	1,8	21 149	0,4	44 994	0,7
Foreigners	21 372	1,6	22 542	0,5	43 914	0,7
Indeterminate	5 055	0,4	11 422	0,2	16 477	0,3
<b>Total</b>	<b>1 324 524</b>	<b>100,0</b>	<b>4 869 014</b>	<b>100,0</b>	<b>6 193 538</b>	<b>100,0</b>

Source : RGPH 1993

33. However, with reference to the individual ethnic groups, the « Miscellaneous » and « Foreigners » categories, which in general consist of immigrants, whether or not naturalized, are concentrated in the cities much more than in the rural areas. Moreover, among the most urbanized Chadian ethnic groups the « Baguirmien » group heads the list with 37.5 per cent.

**Table 4 : Distribution of the resident population by residential environment, according to main ethnic group (per cent)**

Main ethnic group	Urban	Rural	Total
Arab	21,5	78,5	100,0
Baguirmien	37,5	62,5	100,0
Fitri Batha	29,3	70,7	100,0
Gorane	27,9	72,1	100,0
Hadjarai	23,7	76,3	100,0
Kanem-Bornou	21,2	78,8	100,0
Lac Iro	18,2	81,8	100,0
Mayo-Kebbi	11,4	88,6	100,0
Ouaddai	15,9	84,1	100,0
Peul	17,2	82,8	100,0
Sara	23,0	77,0	100,0
Tandjilé	15,8	84,2	100,0
Others	33,4	66,6	100,0
Miscellaneous	53,0	47,0	100,0
Foreigners	48,7	51,3	100,0
Indeterminate	30,7	69,3	100,0
<b>Total</b>	<b>21,4</b>	<b>78,6</b>	<b>100,0</b>

Source : RGPH 1993

### 3. Ethnic group and type of population

34. Tables 5 and 6 below show that there is a certain relationship between the ethnic group and the lifestyle of the population. The results obtained indicate that some ethnic groups include large numbers of nomads, whereas others are mainly sedentary.

35. The Peuls (44.4 per cent), the Arabs (25.4 per cent) and the Gouranes (13.5 per cent) have by far the largest proportion of nomads (Table 5). Moreover, nomads account for 9.6 per cent of the « Foreigners » group and 8.4 per cent of the « Others » group. These « foreign » nomads are probably mostly Peuls (bororo) from West African countries. It should also be noted that the Sara, Tandjilé, Lac Iro and Mayo-Kebbi ethnic groups are exclusively sedentary.

**Table 5 : Percentage and sex ratio by type of population,  
according to main ethnic group**

Main ethnic group	Percentage			Sex ratio	
	Sedentary	Nomadic	Combined	Sedentary	Nomadic
Arab	74,6	25,4	100,0	94,2	101,9
Baguirmien	99,3	0,7	100,0	96,7	114,1
Fitri Batha	98,5	1,5	100,0	93,8	100,9
Gorane	86,5	13,5	100,0	100,2	102,9
Hadjarai	98,5	1,5	100,0	87,0	104,4
Kanem-Bornou	98,9	1,1	100,0	100,9	114,1
Lac Iro	100,0	0,0	100,0	83,8	266,7
Mayo-Kebbi	99,9	0,1	100,0	92,8	221,5
Ouaddai	97,7	2,3	100,0	83,0	93,9
Peul	55,6	44,4	100,0	102,1	114,0
Sara	100,0	0,0	100,0	94,1	287,1
Tandjilé	100,0	0,0	100,0	91,6	200,0
Others	91,6	8,4	100,0	95,4	96,7
Miscellaneous	97,6	2,4	100,0	105,3	96,4
Foreigners	90,6	9,6	100,0	108,2	121,9
Indeterminate	92,3	7,9	100,0	89,9	97,6
Total	94,3	5,7	100,0	93,4	104,6

Source: RGPH 1993

36. Moreover, Arabes (64.7 per cent) make up more than half of all nomads, followed by Peuls and Gourane which account for 19.1 per cent and 14.8 per cent, respectively.

37. With the exception of the Ouaddai group, which includes a not inconsiderable proportion of nomads (3.5 per cent), the other ethnic groups have only a very small nomadic component.

**Table 6 : Distribution of the resident population by type of population, according to main ethnic group**

Main ethnic group	Sedentary		Nomadic	
	Numbers	per cent	Numbers	per cent
Arab	568 302	9,7	913 472	54,7
Baguirmien	91 410	1,6	666	0,2
Fitri Batha	284 423	4,9	4 471	1,3
Gorane	336 495	5,8	52 293	14,8
Hadjarai	407 689	7,0	6 280	1,8
Kanem-Bornou	550 181	9,4	6 294	1,8
Lac Iro	33 534	0,6	11	0,0
Mayo Kebbi	713 033	12,2	794	0,2
Ouaddai	528 956	9,1	12 326	3,5
Peul	84 341	1,4	67 342	19,1
Sara	1 714 437	29,4	329	0,1
Tandjilé	100 795	6,9	84	0,0
Others	27 706	0,5	2 539	0,7
Miscellaneous	43 902	0,8	1 092	0,3
Foreigners	39 718	0,7	4 196	1,2
Indeterminate	15 169	0,3	1 308	0,4
<b>Total</b>	<b>5 840 091</b>	<b>100,0</b>	<b>353 447</b>	<b>100,0</b>

Source : RGPH 1993

#### 4. Religious affiliation of the population

38. Table 7 below shows that more than half the population of Chad (53.9 per cent) declare themselves to be Muslims, while of the 34.7 per cent that profess the Christian faith 20.3 per cent are Catholics and 14.4 per cent Protestants. Animism, which includes all the traditional religions, is practised by 7.4 per cent.

39. Those who declare themselves to have « no religion » make up 3.1 per cent. Those with some « other » religion or « no fixed views » represent less than 1 per cent.

**Table 7 : Distribution of the resident population by sex, according to religion**

Religion	Numbers			Percentage		
	Men	Women	Total	Male	Female	Total
Animist	220 253	235 811	456 064	7,3	7,4	7,4
Catholic	593 135	667 377	1 260 512	19,8	20,9	20,3
Muslim	1 625 979	1 709 890	3 335 869	54,2	53,6	53,9
Protestant	433 110	458 374	891 484	14,4	14,3	14,4
Other	17 834	15 608	33 442	0,6	0,5	0,5
No religion	100 519	92 590	193 109	3,3	2,9	3,1
No fixed views	10 541	12 517	23 058	0,4	0,4	0,4
<b>Total</b>	<b>3 001 371</b>	<b>3 192 167</b>	<b>6 193 538</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>

Source : RGPH 1993

40. As indicated by the corresponding sex ratios, women predominate in all religions, apart from the « no religion » and « other » categories. This female predominance can be attributed to the demographic preponderance of women in the total population.

**Table 8 : Distribution of the resident population by sex and sex ratio, according to religion (per cent)**

Religion	Population			Sex ratio
	Men	Women	Total	
Animist	48,3	51,7	100,0	93,4
Catholic	47,1	52,9	100,0	88,9
Muslim	48,7	51,3	100,0	95,1
Protestant	48,6	51,4	100,0	94,5
Other	53,3	46,7	100,0	114,3
No religion	52,1	47,9	100,0	108,6
No fixed views	45,7	54,3	100,0	84,2
<b>Total</b>	<b>48,5</b>	<b>51,5</b>	<b>100,0</b>	<b>94,4</b>

Source : RGPH 1993

## 5. Religion and residential environment

41. Whatever the residential environment, the imported religions predominate. Muslims are in the majority in both the cities (59.7 per cent) and the rural areas (52.3 per cent). Christians make up 35.6 per cent and 34.5 per cent of the total urban and rural populations, respectively.

**Table 9 : Distribution of the resident population by residential environment, according to religion**

Religion	Numbers			Percentage		
	Urban	Rural	Combined	Urban	Rural	Combined
Animist	25 098	430 966	456 064	1,9	8,9	7,4
Catholic	245 788	1 014 724	1 260 512	18,6	20,8	20,4
Muslim	790 544	3 335 869	3 335 869	59,7	52,3	53,9
Protestant	224 793	891 484	891 484	17,0	13,7	14,4
Other	5 467	33 442	33 442	0,4	0,6	0,5
No religion	26 807	193 109	193 109	2,0	3,4	3,1
No fixed views	6 027	23 058	23 058	0,4	0,3	0,3
<b>Total</b>	<b>1 324 524</b>	<b>4 869 014</b>	<b>6 193 538</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>

Source : RGPH 1993

42. Moreover, the followers of all the religions declared are more concentrated in the rural than in the urban environment.

43. In general, the imported religions are practised more in the cities, even though they each have more than 70 per cent of their followers in the rural areas. This concentration of followers in the rural environment is a result of the demographic importance of the rural population in proportion to the total population. Animism, which represents the traditional religions based mainly on ways and customs, is practised less in the cities than in the rural societies, in which the traditional customs are preserved: 5.5 per cent as against 94.5 per cent.

**Table 10 : Distribution of the resident population by residential environment, according to religion**

<b>Religion</b>	<b>Urban</b>	<b>Rural</b>	<b>Combined</b>
Animist	5,5	94,5	100,0
Catholic	19,5	80,5	100,0
Muslim	23,7	76,3	100,0
Protestant	25,2	74,8	100,0
Other	16,3	83,7	100,0
No religion	13,9	86,1	100,0
No fixed views	26,1	73,9	100,0
<b>Total</b>	<b>21,4</b>	<b>78,6</b>	<b>100,0</b>

*Source* : RGPH 1993

## 6. Religion and ethnic groups

44. The religious affiliation of the population varies with the ethnic group. According to declared religion, the ethnic groups can be divided into three categories, namely:

- - Predominantly Christian ethnic groups
- - Predominantly Muslim ethnic groups
- - Ethnic groups that practise the traditional religions.

**Table 11 : Distribution of the resident population by religion, according to main ethnic group (per cent)**

<b>Main ethnic group</b>	<b>Religion</b>							
	<b>Animism</b>	<b>Catholic</b>	<b>Muslim</b>	<b>Protestant</b>	<b>Other</b>	<b>None</b>	<b>NFV</b>	<b>Total</b>
Arab	0,3	0,1	22,6	0,0	0,3	0,4	13,6	12,3
Baguirmien	2,3	0,5	2,0	0,2	1,0	3,3	1,6	1,5
Fitri Batha	0,1	0,0	8,6	0,0	0,0	0,1	5,9	4,7
Gorane	0,2	0,0	11,6	0,0	0,3	0,1	7,6	6,3
Hadjarai	3,5	0,3	11,5	0,5	1,8	2,0	8,3	6,7
Kanem-Bornou	0,2	0,0	16,6	0,0	0,1	0,3	7,7	9,0
Lac Iro	0,3	0,1	0,8	0,1	0,5	0,7	0,6	0,5





Main ethnic group	Religion							
	Animism	Catholic	Muslim	Protest.	Other	None	NFV	Total
Foreigners	0,2	0,6	98,4	0,3	0,0	0,1	0,4	100,0
No fixed views	2,1	12,7	69,7	19,2	0,6	2,4	0,5	100,0
	6,9	8,5	69,7	5,5	0,2	2,4	6,7	100,0
<b>Total</b>	<b>7,4</b>	<b>20,4</b>	<b>53,9</b>	<b>14,4</b>	<b>0,5</b>	<b>3,1</b>	<b>0,4</b>	<b>100,0</b>

Source : RGPH 1993

### E. Situation of women

45. There is no law or regulation that discriminate against women. Some trades and professions which until recently were inaccessible for women or a male monopoly, because women were poorly educated or because of physical requirements they were unable to meet, are now open to them. For example, they can now apply to join the gendarmerie.

46. The factors preventing women from fully enjoying their rights under the Convention are of a customary or cultural nature, and as long as Chad lacks a personal and family code, the Constitution, particularly articles 156 and 157, will apply, to the detriment of women.

47. The matrimonial property and inheritance regimes are also governed by custom. These rules, which may only be applied with the consent of the parties concerned, failing which national law alone is applicable, are nevertheless systematically applied, since it is customary for women not to have an opinion.

48. Even though it is clearly stated that customs contrary to public policy and those which promote inequality between citizens are prohibited, it is widely believed and accepted in customary law that women are not the equals of men. Accordingly, it might often be difficult to report, at customary level, an infringement of public policy on the grounds of discrimination against a woman. For their part, religions reinforce this belief that women are not the equals of men. In particular, Islam does not grant the same status to men and women in matters of inheritance and discriminates between heirs born in and out of wedlock. As for Christianity, it does not authorize women to lead a congregation of which men form part.

49. For their part, religions reinforce this belief that women are not the equals of men. In particular, Islam does not grant the same status to men and women in matters of inheritance and discriminates between heirs born in and out of wedlock. As for Christianity, it does not authorize women to lead a congregation of which men form part.

50. Moreover, in some communities, animist customary law does not give the same consideration to men, women and children. For example, women cannot inherit jointly with men and may not own land. In other communities, the assessment of damages and interest to compensate for injury depends on the sex or social status of the victim.

51. This discrimination is tending to fade away in the big cities where increasing numbers of women and children are going to court to assert their right to inherit.

## **II. INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION**

### **ARTICLE 2**

52. Chad's Constitution, from which all other subordinate laws derive or with which they are required to conform, condemns discrimination in all its forms and, moreover, affirms the desire of the people of Chad to live their lives in respect for ethnic, religious, regional and cultural diversity. To this end, legislative, administrative and judicial measures have been taken to eliminate discrimination.

#### **A. Legislative measures**

##### **1. The Constitution of 31 March 1996, as amended by Constitutional**

##### **Act No. 08/PR/2005 of 5 July 2005**

53. The preamble to the Constitution states that: "Having learned the lessons of the various successive regimes that created and perpetuated regionalism, tribalism, nepotism, social inequalities and violations of human rights and fundamental individual and collective freedoms, the consequences of which have been war, political violence, hatred, intolerance and mistrust among the different communities that make up the Chadian nation, the people of Chad affirm their desire to build a State governed by the rule of law and a united nation founded on civil liberties and human rights, the dignity of the human person, political pluralism, and the African values of solidarity and brotherhood. In particular, the people of Chad affirm their total opposition to any regime with a policy founded on arbitrariness, dictatorship, injustice, corruption, extortion, nepotism, clanism, tribalism, confessionarism or racial discrimination."

54. The constitutional ban on discriminatory practices is both general and specific. Article 3.2 of the Constitution states that: « No community, no corporation, no political party or association, no trade union and no individual or group of individuals may arrogate to itself the exercise of sovereignty ».

55. According to article 5 of the Constitution: « All propaganda of an ethnic, tribalist, regionalist or sectarian nature that tends to undermine national unity or the secularity of the State is prohibited ».

56. The Constitution guarantees the right of the citizen to enjoy freedom and fundamental rights, while at the same time imposing on all the obligation to do their duty.

57. Thus, article 13 stipulates that: « Chadians of both sexes have the same rights and the same duties. They are equal before the law ». Article 14 adds that: « The State assures all of equality before the law, without distinction as to origin, race, sex, religion, political opinion, or social position. It has the duty to ensure that all forms of discrimination against women are eliminated and that their rights are protected in all areas of private and public life.»

58. Under article 15: « Foreigners who have been admitted legally to the territory of the Republic of Chad benefit from the same rights and liberties as Chadian nationals, with the exception of political rights. They are required to comply with the Constitution and the laws and regulations of the Republic. »

59. In the area of employment, article 31 of the Constitution specifies that: « Every Chadian is guaranteed access to civil service posts without discrimination, having due regard to the specific requirements of each position.»

60. Moreover, article 32 « recognizes every citizen's right to work », and states (para 3) that « No one may be prejudiced in their employment on account of their origins, opinions, beliefs, sex or marital status ».

## 2. Other legislation

61. The laws that govern the various areas always take the trouble to provide guarantees with respect to discrimination.

### a) *The Chadian Education System Orientation Act*

62. Article 4 of Act No. 16/PR/06 of 13 March 2006 on the Orientation of the Chadian Education System specifies that: « All shall have the right to education and training irrespective of age, sex, or regional, social, ethnic or denominational origin ».

63. The provisions of article 4 of the Act reflect article 35.1 of the Constitution, according to which "Every citizen has the right to education".

64. According to article 12 of the Act, the mission of the Chadian education system is as follows:

(a) to develop among the young a love of country, an awareness of national identity, a feeling of belonging to a civilization on the national and the African scale, together with greater openness to universal civilization;

(b) to implant all the civic and moral values which are shared by Chadians and based on the primacy of learning, work, solidarity, tolerance and moderation.

65. The education system must also guarantee the establishment of a democratic society, profoundly attached to its cultural identity, open to modernity and inspired by humanist ideals and universal principles of liberty, social justice and human rights.

66. To improve the statistics relating to the school map, which indicate poor access to the education system and an unequal distribution by sex and geographical area, the ten-year programme of support for the reform of the education system, adopted by the government in 2002, is intended, among other things, to promote the enrolment of girls in school.

67. This government policy of promoting the enrolment of girls is a strategy aimed at overcoming certain cultural factors that infringe their right to education. The objective is to

guarantee the exercise of all the rights set forth in the Convention under conditions of equality free of any form of racial discrimination.

b) *The Right to Employment Act*

i. In the civil service

68. The service regulations for civil servants were reformed by Act No. 17/PR/01 of 31 December 2001. This act replaced the 1986 service regulations promulgated by Order No. 15/PR/86 of 20 September 1986. Article 5 of the new General Civil Service Regulations stipulates that: « Access to civil service posts is open on the basis of equal rights, without distinction as to gender, religion, origin, race, opinion, political opinion, social position... ». To ensure access on equal terms for all Chadians, a civil service recruitment competition has been instituted in accordance with the terms of article 41, which stipulates that « recruitment shall be by competition. However, there is provision for a direct recruitment procedure to meet specific and clearly identified needs, in particular in the case of very technical posts, where the number of candidates is smaller than the number of vacancies to be filled. A decree adopted in the Council of Ministers defines the conditions and modalities of direct recruitment ».

69. The civil servant's right to freedom of opinion is also recognized. Likewise, there can be no discrimination between civil servants based on their sex or their political, trade union, philosophical or religious opinions. However, they are required to express their public, philosophical or religious opinions outside the service. Moreover, there should be no mention of these opinions in the civil servant's personal file (art. 10). The State may not take into consideration the fact that a civil servant belongs to a trade union, a political, philosophical or religious organization or an association for the purpose of taking disciplinary measures against him.

70. Under articles 41 and 43 of the same act, recruitment is by competition. Competitions are organized in accordance with procedures determined by a decree adopted in the Council of Ministers. However, there is provision for a direct recruitment procedure to meet specific and clearly identified needs, in particular for very technical posts, where the number of candidates is smaller than the number of vacancies to be filled.

71. Moreover, article 42 also provides for each competition to result in the preparation of a list ranking the declared candidates accepted by the jury in order of merit. The jury will also draw up, likewise in order of merit, a supplementary list or waiting list to allow for the automatic replacement of candidates on the main list in the event of their withdrawal.

ii. In the private or semipublic sector

72. The private sector is governed by Act No. 038/PR/96 of 11 December 1996 establishing the Labour Code. According to article 3 of the Act, any natural person, irrespective of sex or nationality, « who is hired to carry on his or her professional activity, in return for remuneration, under the direction and authority of a natural person called the employer shall be deemed to be a worker or employee ».

73. Article 6 adds that no employer may take into consideration the sex, age or nationality of a worker in making decisions concerning hiring, how work is to be managed or distributed,

vocational training, advancement, promotion, remuneration, the granting of social security benefits, discipline or the premature termination of an employment contract, except « where expressly stipulated by this Code or any other law or regulation protective of women and children, or the provisions relating to the status of foreigners ».

74. Article 7 reads as follows: « In making the decisions specified in article 6, no employer may take into consideration a worker's membership or non-membership of a trade union, union activity, origin or opinions, inter alia religious and political».

75. Article 9 of the general collective agreement of 12 December 2002 guarantees private sector workers freedom of opinion and the right to join a trade union constituted in accordance with the law. To this end, employers undertake, in making their decisions:

(a) Not to take into consideration the fact that a worker belongs, or does not belong, to a trade union, or holds, or does not hold, a position of responsibility within that union.

(b) Not to take into account the political or philosophical opinions, social, racial, national, tribal or other origins of their workers, in making their decisions concerning hiring, how the work is managed and distributed, measures relating to discipline, remuneration, dismissal or advancement, the granting of social security benefits and vocational training.

(c) Not to exert pressure on, or apply any discriminatory measures in favour of or against, the members of a trade union.

### **3. The legislation governing media activities in Chad**

76. In Chad, media activities are governed by three different laws, namely: the Press Regime Act, the Audio-Visual Communication Act and the Act establishing the Higher Council for Communication.

77. Article 1 of the Press Regime Act (Act No. 29/PR/94 of 22 August 1994), states that « every citizen is free to express his or her ideas and opinions by any means of communication, the right to information is one of the inalienable rights of the citizen ». Article 2 affirms that « the press and printing are free ».

78. Act No. 29 also defines the occupations of journalist, freelance journalist and correspondent, together with the term news organ. Professional journalists are issued with a card, whose characteristics are defined in article 12 of the Act and which facilitates the exercise of the profession.

79. The publication of a newspaper or periodical is not subject to any prior authorization or surety. Nevertheless, it must be declared to the competent public prosecutor's office. The publisher and all those involved in the publication of the newspaper are liable for any offences committed by their news organ through the press.

80. Article 47 of Act No. 29 makes it an offence to defame a group of people belonging to a specific ethnic community, region or religion with the aim of provoking tribal or religious hatred or inciting people to violence.

81. Because of the seriousness of this offence, prosecution may be initiated by the State prosecution service, whereas if the defamation affects an individual it may only be commenced upon the lodging of a complaint. The penalty is imprisonment for one to three years and a fine of CFAF 100,000 to 500,000.

82. Audio-visual communication is governed by Act No. 43/PR/94 of 8 November 1994. This Act states that audio-visual communication is free (art. 1). Public and private audio-visual communication enterprises enjoy freedom of expression and they alone decide what their programmes will be (art. 19).

83. The Higher Council for Communication (HCC), a constitutional body, is responsible under its establishing act (Act No. 12/PR/94 of 9 April 1994) for guaranteeing and ensuring the freedom and protection of the press and all mass media, the independence of the public media, free access to sources of information, reasonable and fair access for political parties, trade unions, associations and citizens to the public means of information and communication. Moreover, it must ensure respect for professional ethics and the pluralistic expression of ideas and opinions in the press and audio-visual media. Accordingly, it rules on the violation of the professional code of conduct in response to complaints lodged by individuals or the State.

84. The press aid fund, established by the Act for the purpose of contributing to freedom of expression, is administered by the HCC, which distributes it equitably among all the print and audio-visual media entities.

#### **4. The legislation on the right to a judicial remedy**

85. By stipulating that the State shall assure all of equality before the law without distinction as to race, sex, religion, political opinion or social position (art. 14) and recommending that judgments be delivered in the name of the people of Chad (art. 144), the Constitution recognizes the right of every citizen to access to justice without any discrimination. Thus, any victim of discrimination or other injury may seek damages before the courts.

#### **5. The Code of Civil Procedure**

86. Civil disputes fall, at first instance, within the jurisdiction of the courts of first instance and the magistrates' courts.

87. Civil proceedings are governed by the Civil Code, enacted on 9 June 1967. Article 6 of the Code states that « A civil action lies with all those who have personally suffered direct injury as a result of the offence ». Moreover, according to article 1, the public right of action can be initiated by the injured party.

88. Just as the Code recognizes the right of every justiciable person to bring legal proceedings, it also recognizes his or her right to exercise the various remedies available when dissatisfied with a judgment or the subject of a judgment by default. These remedies are:

- (a) application to set aside a judgment by default
- (b) appeal

- (c) application to re-open proceedings on grounds of error of fact or law
- (d) application for judicial review.

89. Appeals are examined by the Court of Appeal and applications for judicial review by the judicial chamber of the Supreme Court.

## **6. The Code of Criminal Procedure**

90. In criminal matters, the competent courts are the magistrates' courts, the courts of first instance and the criminal courts.

91. Criminal proceedings are governed by the Code of Criminal Procedure, promulgated by Order No. 013-PR-MJ of 9 June 1967. According to article 1 of this Code, the public right of action for the imposition of penalties is initiated and exercised by the magistrates or the officials to whom it is entrusted by law. It may also be initiated by the injured party.

92. Persons who have personally suffered injury directly caused by the offence may bring a civil action (art. 6). The right to bring a civil action may be exercised at the same time as the public right of action before the same court (art. 7).

93. Injured parties may waive the right to bring a civil action. However, such waiver cannot stop or stay the exercise of the public right of action, except where the law makes it conditional upon the lodging of a complaint by the injured party (art. 12), as is the case, for example, with the offences of defamation and adultery.

## **7. The Organization of Justice Act**

94. The organization of the judiciary in Chad is governed by Act No. 004/PR/98 of 28 May 1998. According to article 1 of this Act, in the Republic of Chad justice is administered by a single class of courts comprising: the Supreme Court, the courts of appeal, the criminal courts, the courts of first instance, the labour courts, the commercial courts, and the magistrates' courts. These courts deal with all civil, commercial, administrative, social and criminal cases.

95. Justice is dispensed in the name of the people of Chad and only the courts for which the Act provides may pass sentence and make orders. All office copies of judgments, orders and warrants, as well as executory copies and authenticated copies of contracts and all enforcement measures, must be headed as follows:

« Republic of Chad »

« In the name of the People of Chad »

96. This clearly shows that justice is at the service of the people through the courts. Thus, with a view to facilitating access to justice for all, the same Act provided for the establishment of other courts of appeal in addition to the sole Court of Appeal of N'Djamena. Accordingly, on 21 September 2004, the Government established two other courts of appeal in the cities of Abeche and Moundou. Moreover, the former divisions of the courts of first instance were themselves



elevated to the status of courts, thus raising to 20 the number of courts of first instance for the country as a whole.

97. The various measures taken to make justice more accessible to the public and improve the remedies available constitute Chad's response to the recommendations made by the Committee at its 1060th and 1125th sessions, when it placed particular emphasis on the strengthening of the system of justice, as a necessary condition for a return to the rule of law (see A/50/18, para. 666).

98. In fact, the malfunctioning of the system of justice led to the holding of a General Assembly of the Judiciary in 2003. Gratifyingly, a good many of the concerns expressed by the Committee at its sessions in 1993, 1994 and 1995 were included in the Assembly agenda and were fully, freely and candidly discussed. Among other shortcomings of the justice system, the participants noted the following:

- The politicization of justice and, in particular, the failure to take account of the statutory disqualifications and the violation of the procedure for being appointed and acceding to positions of responsibility
- The interference of the executive branch in the functioning of the judiciary
- The paralysis of the judicial system linked with the lack of resources for the courts
- The impunity of the powerful
- The interference of custom in modern justice,
- Corruption
- Public mistrust of the judicial system
- The inadequate training of the judiciary characterized by a complete absence of specialization, in particular in international human rights law
- The insecurity experienced by judges

99. The Judicial Reform Programme based on the summary record of the work of the conference on justice (EGJ) was approved by Decree No. 065/PR/PM/MJ/2005 of 18 February 2005. The Programme provides for six main courses of action, namely:

- The reform and revision of texts and documentation
- The strengthening of the human resources available to the courts
- The promotion and protection of human rights
- Information, education and communication
- Infrastructure and equipment
- Measures against corruption and impunity
- The harmonization of the legal and judicial arsenal with the human rights treaties.

100. The total cost of these reforms is estimated at 16,997,437 CFA francs (CFAF). Several donors have demonstrated an interest in supporting the reform process. Their contributions and areas of interest are summarized in the following table:

<b>Partner</b>	<b>Amount of contribution</b>	<b>Areas of interest</b>
United States Embassy	105 million	- Equipment (purchase of machinery) - Reproduction of judicial documents - Training for members of the legal service and criminal investigation officers.
Intergovernmental Agency for the French-Speaking World	15 million	- Equipment (purchase of six computers to facilitate the work of the courts)
UNDP/EU Project	US\$609,000	- Support for the Courts of Appeal of Abeche and Moundou - Dissemination of texts
African Development Bank (AfDB)	About 150 million	- Training of legal service personnel in OHADA law in the context of the fight against economic crime.

*Source* : Committee established to follow up the recommendations of the Justice System Review Conference.

101. This financial aid has made it possible to undertake a number of activities, some of which are in hand. In the case of activities which can be carried out without any financial impact, letters have been sent to the services responsible for implementation. Field missions and contacts are planned to assess progress with the implementation of the recommendations of the justice system review conference.

### **8. The Constitutional Council Organization and Functioning Act**

102. Organic Act No. 19/PR/98 of 2 November 1998 on the Organization and Functioning of the Constitutional Council governs the remedies available for challenging the constitutionality of laws. These remedies are reserved, in principle, for the President of the Republic, the Prime Minister, the President of the National Assembly and one tenth of the members of the National Assembly (art. 18).

103. Exceptionally, the Act affords every citizen the opportunity to plead the defence of unconstitutionality before a court in a case in which he or she is involved. The court will then stay the proceedings and refer the case to the Constitutional Council, which must reach a decision within 45 days (art. 19).

104. The Constitutional Council may also be seized by any citizen who has come forward as a candidate or any political party that has submitted a list of candidates for the purpose of challenging a candidacy or the results of an election (art. 20).

## **9. The Political Parties Act**

105. The legal framework for the exercise of political party activities in Chad is defined by the Political Parties Charter Act No. 45/PR/94. Article 6 of the Act stipulates that: « Political parties must, in their programme and their activities, proscribe intolerance, tribalism, regionalism and confessionnalism, xenophobia, and incitation and/or recourse to violence in all its forms ».

106. According to article 10 of the Act, « any political party founded on a cause or for an illicit purpose contrary to law or morality or with the aim of subverting the independence, sovereignty, integrity or security of the national territory, the republican form or secularity of the State or national unity shall be null and void ».

## **10. The Electoral Code Act**

107. Article 3 of the Electoral Code Act No. 021/PR/2000 of 18 August 2000 reads as follows: « All Chadians of either sex who have turned eighteen on election day, are in enjoyment of their civil and political rights, are registered on the electoral rolls and are not subject to any incapacity provided for by law shall be entitled to vote ».

108. Under article 115 of the Electoral Code, any Chadian citizen may stand for election and be elected, subject to the age requirements and the cases of incapacity and ineligibility provided for by law.

109. The same applies to candidacies for the office of President of the Republic, which is open to Chadians of both sexes who satisfy the legal requirements on the basis of article 131 of the Electoral Code.

## **11. The law on associations**

110. Civil society associations are regulated by Ordinance No. 27-SUR of 28 July 1962. According to article 2 of the Ordinance, any association founded on a cause or for a purpose contrary to law or morality or having the aim, or merely affording the possibility, of subverting the integrity of the national territory, the Constitution or the form of government is void ab initio.

111. According to article 30 of the Constitution, an association can be dissolved only by a court decision or in the circumstances specified in its articles of association.

## **B. Judicial measures**

112. Actions for illegality against decisions of the public authorities are heard by the litigation division of the Administrative Chamber of the Supreme Court. This court has taken numerous decisions, of which at least two are linked with the prohibition of discrimination. By way of illustration, these two decisions are summarized below.

113. The first decision of this high court concerned the exclusion of an albino student from a teacher training college, on the pretext that his physical appearance would frighten his future pupils. When the party concerned brought an action against the college administration under the interim relief procedure to have the measure taken by the principal of the college suspended, the administration had to retract by rescinding the measure complained of, on the instructions of the

Ministry of National Education. However, in a judgment dated 9 July 2001, the Court found that the service note was discriminatory in nature with respect to articles 13 and 35 of the Constitution concerning equality between Chadians and the right of all to education.

114. The second case that enabled the Supreme Court to deliver a judgment, dated 13 December 2005, was that of the Association of Women Forwarding Agents of Chad versus the State of Chad. It sought the annulment of Service Note No. 102/DGDDI/DLDCCS/DLR/05 of 21 November 2005 issued by the Director General of Customs and Excise, barring the women from Customs offices on the grounds that their association, which consisted solely of women, had to be represented by men in all the transactions in which it might engage. The Supreme Court considered that in « thus forbidding the women forwarding agents from carrying on their activities solely because they are women, the Director General of Customs and Excise had violated the provisions of article 13 of the Constitutional Act No. 08/PR/05 of 15 July 2005 and those of article 13 of the Convention on the Elimination of All Forms of Discrimination against Women which read, respectively, as follows: « Chadians of both sexes have the same rights and the same duties » and « States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women... ».

### **C. Administrative measures**

#### **1. The National Commission on Human Rights (CNDH)**

115. Decree No. 163/PR/98 of 2 April 1996 laying down the operating procedures of the National Commission on Human Rights (CNDH), established by Act No. 31/PR/94 of 9 September 1994, stipulates (art. 11) that: « The Commission's right of initiative notwithstanding, any person who considers himself or herself to be the victim of a violation of a civil, social or cultural right as a result of the action or inaction of a public authority or any other legal or natural person may submit an application to the Commission ».

116. In response to one of the Committee's recommendations asking for details regarding the representation of vulnerable ethnic groups on the CNDH, it should be noted that this body is composed of representatives of ministerial departments, the associations for the defence of human rights and the trade unions and of personages chosen, for their integrity and expertise in the field of human rights, by the President of the Republic, the Prime Minister and the Legislature.

117. The composition of these national institutions and the appointment of their members must conform to the guiding principles relating to the status of national institutions, still known as the Paris Principles, which offer guarantees of independence and pluralism. A reading of these principles reveals no mention of vulnerable ethnic groups being represented in national institutions. Nevertheless, the representation of organizations set up to combat racial discrimination is taken into account.

118. Where Chad is concerned, the non-governmental organizations (NGOs) with expertise in the field of human rights and in combating racial discrimination are collectively known as associations for the defence of human rights (ADH). Moreover, it is these ADH that have the strongest presence on the CNDH.

## **2. The Code of Ethics of the national police**

119. Decree No. 269/PR/95 of 4 April 1995 instituted a Code of Ethics of the national police of Chad. According to article 7.3, « The police officer shall show absolute respect for the person, whatever his or her nationality or origin, social status or political, religious or philosophical convictions ».

120. Police officers must show impartiality in carrying out their mission.

## **3. The National Mediator**

121. Decree No. 340/PR/PM/97 of 12 August 1997 created a post of National Mediator, charged with working to restore and maintain civil and political peace in Chad (art. 2).

122. The message of the National Mediator to the General Assembly of the Army provided an opportunity for him to protest about the restrictions on his powers. In fact, the limitations on the Mediator's powers are linked with the nature of the text that created the post, which should have been a legal rather than a regulatory instrument. Despite this handicap, the Mediator has to his credit a number of positive measures in various areas such as the settlement of intercommunity disputes and the management of crises involving armed rebellions.

123. The main justification for the creation of the post of Mediator is the persistence of intercommunity tensions and conflicts, which often pit farmers against herdsmen in disputes over natural resources such as water, grazing and arable land.

124. The most recent examples, which have left numerous Chadian families bereaved, forcing the Government to declare a state of emergency in part of the national territory, are the intercommunity clashes in the regions of Dar Sila and Salamat.

125. The crisis in the region bordering on Darfur (Sudan) and the politicking surrounding it were among the factors aggravating these conflicts, which have meanwhile been settled by negotiations between the belligerents.

126. In order to give the Mediator greater powers and the autonomy necessary for the effective accomplishment of his task, a government bill is in process of being adopted. This bill provides for the ex officio opening of investigations into questions of general interest and those which, since they affect the rights of groups, cannot form the subject of individual complaints.

## **4. The contribution of the civil society associations**

127. The people of Chad, a majority of whom are illiterate, are not always familiar with the judicial system and its procedures. The difficulties experienced by litigants in finding their way around the law courts are due to the lack of a proper reception service staffed by trained personnel. This void has been filled by a group of unscrupulous individuals, known as *démarcheurs* (canvassers) or middlemen, who are a source of corruption and other rackets.

128. The ADH are helping by making it easier for litigants to understand court procedures and protecting them from swindlers, by holding law clinics offering advice, guidance and legal aid, both before and during litigation. This salutary initiative was one of the recommendations of the

General Assembly of the Judiciary which encouraged the State to give the ADH its strong support. This support will make it possible to solve the problem of the provision of legal aid under article 38 of the Code of Civil Procedure, which has proved difficult to implement.

#### **D. Special measures**

129. The need to provide appropriate protection in certain fields or for certain categories of vulnerable people has led the Government to draw up special protective measures, which have either already been adopted or are in process of adoption.

130. In order to provide special protection in the field of reproductive health and particularly in order to put an end to the harmful traditional practices affecting this sector, the Government promulgated the Reproductive Health Promotion Act No. 006/PR/02 of 15 April 2000. Under this Act all individuals are recognized as being equal in law and dignity where reproductive health is concerned, without any discrimination based on age, sex, fortune, religion, ethnic group, marital status or any other circumstance (art. 3).

131. The protection of disabled persons is one of the Government's main concerns, having led to the establishment of a ministry with responsibility for social action. This ministry, which includes a disabled persons directorate, endeavours to promote, at legal level, the exercise of all the rights of this particular category of people.

132. In certain cases, the vulnerability of this group exposes them to somewhat discriminatory treatment. Accordingly, the Ministry of Social Action and the Family, through the technical directorate responsible for disabled persons, has drafted a bill granting them protection.

133. Article 15 of the disabled persons protection bill, as examined in the Council of Ministers, obliges the State and decentralized local authorities to create incentives with a view to encouraging the employment of disabled persons. The bill also provides for disabled persons to be protected against all forms of exploitation and discriminatory treatment in the performance of their duties.

#### **1. Bill on combating HIV/AIDS and sexually transmitted diseases and protecting persons living with HIV/AIDS**

134. The global seroprevalence rate for HIV/AIDS in Chad is estimated at 7 per cent. This high and steadily rising rate means that the country is facing a serious threat. The calculations and projections made within the context of the « Study of the socio-economic impact of HIV/AIDS on the health sector» have made it possible to simulate the future epidemiological situation and the socio-economic impact of this pandemic by 2015. According to the estimates published in this study, in 2015, the number of people living with HIV/AIDS will be somewhere between 319,000 and 734,000, the number of people sick with AIDS will have reached 39,000 or 64,000 and the number of AIDS-related deaths among people aged between 15 and 49 (the most economically active group) will have reached 37,000 or 57,000, as the case may be.

135. In order to protect this fairly sizeable group, the Ministry of Public Health has prepared a bill on combating HIV/AIDS/sexually transmitted diseases (STD) and protecting persons living with HIV/AIDS. The discrimination and stigmatization to which the latter are subjected, because of their state of health, are one of the reasons for drawing up this bill. Accordingly, the measures

to be taken are targeted at discriminatory attitudes (art. 3 of the bill) and special emphasis is placed on the principle of non-discrimination.

136. Thus, article 13 stipulates that persons participating in serological research organized by the health authorities must benefit from appropriate legal and ethical protective measures, particularly non-discrimination.

137. Several provisions in Chapter IV on measures to protect against discrimination and stigmatization are worth quoting.

138. According to article 21, no one may be subjected to discriminatory measures, bullying or any form of humiliation or deprivation on account of his or her serological status. Article 22 guarantees persons living with HIV and children and orphans rendered vulnerable by AIDS the right to non-discrimination, equal protection and equality before the law.

139. Article 25 lists the acts that are deemed to be discriminatory, namely:

- Exploitation, beyond the requirements of national epidemiological surveillance, of the data on persons who are seropositive
- Abortion or forcible sterilization for seropositive mothers
- Refusal to treat and take responsibility for seropositive persons
- Compulsory screening whatever the conditions
- Refusal to educate a child because of its serological status
- Denial of access to housing and social services or employment for seropositive persons.

140. On 20 January 2007, an awareness day was held to bring this bill to the attention of members of the Government, the aim being to raise the alarm and explain the need for such a bill in order to obtain the Government's backing.

## **2. Factors and difficulties**

141. The resurgence of armed rebellions, intercommunity clashes and the conflict in Darfur are at the root of the mass displacement of people in the areas affected. There can be no doubt that these conflicts are having a highly detrimental effect on the human rights situation in Chad, since they inevitably create the conditions for serious violations of liberties and fundamental rights perpetrated both the forces of the armed opposition and by the civil militias.

142. Although the Government is gradually retaking control of the areas that have suffered rebel attacks and the incursions of Sudanese Janjaweed militias, the courts remain completely inactive. The Government is examining ways of reactivating them by deploying judges to the localities affected.

143. This instability comes on top of the difficulties created by the parallel existence of numerous customary rules alongside positive law.

144. The General Population and Housing Census (RGPH) of 1993 counted over one hundred ethnic groups in Chad. The ethnic classification carried out by the Central Census Bureau (BCR) yielded 16 main ethnic groups.

145. This explains why customary rules are so numerous and diverse, with those of one region or ethnic group sometimes contradicting those of another region or group. It also partly explains the difficulties experienced by certain ethnic groups in living side by side. Unfortunately, these difficulties sometimes took a political turn, in particular under the rule of former President Hissein Habré when entire ethnic groups were exterminated on account of their belonging to the same ethnic group as the rebels. Regrettably, this deviant behaviour, which has become more pronounced, has a tendency to perpetuate itself since, mistakenly fearing reprisals by the army, many young people are continuing to join the armed rebellion, thus giving the various rebellions their characteristic mono-ethnic composition.

146. Moreover, in the absence of a code on persons and the family, all these customs are being imposed in the communities in which they are recognized, with the exception of those that are contrary to public policy, in accordance with the spirit of article 156 of the Constitution.

147. The contradiction between certain customs means that it is not always possible to determine which customs are contrary to public policy and when. The determination is at the absolute discretion of the judge who decides in the last instance which course to follow.

148. For its part, article 157 targets the areas in which customs should be applied. Specifically, they are applicable to disputes relating to inheritance and marital property, with the consent of the parties. If consent is withheld, national law alone is applicable. However, the strong attachment to customs and their tenaciousness mean that they are often given precedence over the national legislation.

149. The application of customs even extends to the civil damages associated with criminal offences. This is the practice known as Diya (blood money), which has been widespread since the civil war of 1979. Thus, according to Diya, the amount of a civil claim is assessed not in terms of the seriousness of the alleged offence but in terms of membership of the ethnic group of the victim.

150. Unfortunately, this practice is formalized by means of simple agreements of dubious legality between the various traditional and customary chiefs who fix the rates of compensation payable to the victims and/or their relatives. These rates vary from one community to another for minor or more serious offences. The tendency is for this practice to be transposed to other nonsignatory communities.

151. These agreements infringe the provisions of articles 25 and 26 of the Constitution which stipulate, respectively, that: « Punishment is personal. No one may be held responsible and prosecuted for an act which he or she has not committed » and « Customary and traditional rules concerning collective criminal responsibility are prohibited », since sometimes in order to save the life of the guilty party, the members of his or her community are obliged to rally round to pay the compensation which may be not only excessive but also more than they can afford.

152. The lack of reciprocity with regard to the rate between certain ethnic groups or its variation from one ethnic group to another is evidence of the fact that, in practice, the principle of non-



discrimination remains a utopian dream. The caste system still entrenched in certain ethnic groups is a perfect example. The members of these castes are subjected to discrimination and serious violations of their rights. This discrimination extends to the point of strictly forbidding the celebration of marriages with other groups.

153. Certain practices which international human rights instruments now treat as acts of violence against the person are still accepted in some regions and are a source of discrimination between individuals. Female genital mutilation (FGM) is one such practice, despite the fact that it is prohibited by article 9 of the Reproductive Health Promotion Act No. 006/PR/2002 of 15 April 2002, according to which: « All forms of violence and duress such as female genital mutilation, early marriage, domestic violence and sexual abuse of the human person are prohibited ». Women who have been cut consider themselves superior to those who have not gone through these rites who, moreover, are not admitted to their circle.

154. The practice of polygamy and repudiation still persists and exposes women to discrimination. It represents an investment for the woman's family (marriage with a large dowry) and a social asset for her husband's family, since she continues to be subject to the practice of levirate and sororate.

155. Another obstacle to the effective implementation of article 2 of the Convention is the application of the so-called «geopolitical» criterion to the granting or recognition of certain rights. This criterion, originally intended as a policy for achieving a balance and enhancing the prospects of certain ethnic groups inadequately represented in the various spheres of State activity, and solely on the basis of political appointments, is now knowingly being used in every field, thereby encouraging tribalism, regionalism and various other forms of discrimination. Thus, mediocrity reigns at the expense of excellence. It was to suppress these practices that the Government created the Ministry of State Control and Moralization. However, the difficulties of eradicating such behaviour, which is encouraged by the complicity of officials at various levels of the State hierarchy, are incontrovertible.

156. The difficulties of implementing article 2 of the Convention also include the atmosphere of corruption which pervades our public services and the impunity enjoyed by certain individuals. The creation of the Ministry responsible for general State control and moralization is part of the efforts being made by the Government to put an end to these harmful practices. To this should be added the misunderstanding or ignorance of the legal instruments and judicial procedures that prevents the victims from going to court to seek compensation.

### **ARTICLE 3**

157. Apartheid system and the practice of racial segregation as a system of government have never formed the subject of any basic text in Chad. On the contrary, successive governments have firmly rejected apartheid, in accordance with the Charter and instructions of the Organization of African Unity (OAU) and advocated the unity of the Chadian nation.

158. The Constitution affirms the desire of the people of Chad not only to live together in respect for ethnic, religious, regional and cultural diversity but also to build a State governed by the rule of law and a nation founded on civil liberties and fundamental human rights, the dignity of the human person and political pluralism, and on the African values of solidarity and fraternity. It also affirms Chad's attachment to the principles of human rights as defined by the

United Nations Charter (1945), the Universal Declaration of Human Rights (1948) and the African Charter of Human and Peoples' Rights (1981), which clearly testifies to its rejection of racial segregation and apartheid.

159. Articles 13, 14 and 15 of the Constitution are very precise on this point and prohibit every kind of exclusion, on the basis of the equality of all citizens. This logic led Chad to subscribe, without reservation, to all the resolutions of the United Nations Organization that sanctioned the South African Government during the period of the apartheid regime. Thus, Chad did not renew diplomatic relations with South Africa until after apartheid had disappeared, and the establishment of an Embassy of Chad in South Africa, with a residence in Pretoria, dates only from 23 March 2004.

#### ARTICLE 4

160. As already noted, since Chad became independent on 11 August 1960, no political regime has had formally to establish a Government based on *apartheid*. The Constitution in force does not authorize propaganda of an ethnic, tribalist, regionalist or denominational nature that tends to subvert national unity or the secularity of the State.

161. This subject is amply covered by the information already provided in this report in relation to article 2.

162. Nevertheless, at customary level, there are practices that could be regarded as being contrary to public policy or as promoting inequality between citizens. The persistence of these traditional practices with which the Government is faced has also not been overlooked. Thus, they are prohibited by various provisions of the Constitution.

163. Moreover, accession to the Convention on the Elimination of All Forms of Discrimination against Women, the African Charter on the Rights and Welfare of the Child and other international human rights instruments is also intended to bring about the rapid elimination, with the support of the international community, of these practices harmful to the life and health of women and children and destructive of the cohesion between peoples.

164. In 1996, to support the various efforts being made by the Government, a proposal for « an act prohibiting discriminatory practices in the Republic of Chad » was introduced by the provisional parliament of the day, namely, the Higher Council of Transition, at the instigation of a civil society association responsible for combating discrimination. Because of the special circumstances of the time, characterized by the consolidation of the democratic process following the National Sovereign Conference, the Government decided that it was not the right moment to adopt this act. However, it remains ready to re-examine the proposal and establish the offences contained in its provisions.

#### ARTICLE 5

165. The Government of Chad wishes to make it clear to the members of the Committee that despite the provisions of the various pieces of legislation cited above, the penal code in force is silent on the question of the sanctions relating to discriminatory practices. However, other texts such as the Labour Code, the Electoral Code and the Press Regime Act deal explicitly with this issue and provide for appropriate sanctions.

## **A. Right to equal treatment before the tribunals**

### **1. Legislative measures**

166. The right to equal treatment before the tribunals without distinction as to origin, race, sex, religion, political opinion or social position is guaranteed by articles 13 and 14 of the Constitution.

167. Moreover, on the basis of one of the great fundamental principles of the United Nations Organization enunciated in the United Nations Charter and the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights, the Constitution of Chad stipulates that « No one may be held in prison other than by virtue of a penal law in force» and «No one may be arrested or charged other than by virtue of a law enacted prior to the offences of which he or she stands accused » (arts. 22 and 23, respectively).

168. Article 24 affirms the principle that any person charged with an offence is presumed innocent until found guilty following a proper trial that provides the guarantees indispensable to his or her defence.

169. Again in relation to criminal matters, article 42.1 of the Code of Criminal Procedure states that “[a]ny person charged with an offence or untried prisoner and any claimant for criminal indemnification has the right to choose a duly authorized lawyer as counsel, in conformity with the regulations on the administration of justice.” According to article 6 of the Code of Civil Procedure, actions for criminal indemnification may be brought by all those who have personally suffered direct injury as a result of the offence.

170. To ensure judicial certainty for litigants, guarantees are provided in a number of statutory provisions. These guarantees relate to transfer, challenge or self-disqualification, actions for misuse of authority and refusal to do justice.

171. Thus, under article 16 of the Code of Civil Procedure, a case may be transferred from one court to another. Accordingly, the Court of Appeal may, at the request of the prosecution or one of the parties, remove a case from a court of first instance because it cannot be legally constituted or because the course of justice is otherwise interrupted or on grounds of reasonable suspicion or public safety, or in the interests of the proper administration of justice.

172. Challenge or self-disqualification are provided for in articles 35 to 41 of the Code of Criminal Procedure. The same provisions are also applicable to the members of civil courts. Thus, according to article 35 « Any judge may be challenged on the following grounds:

1. If he has, either himself or as the representative of others, or in the person of his spouse or a near relation, or for any other reason, an interest in the dispute.
2. If he has dealt with the case as a public prosecutor or as judge of the courts below or as an arbitrator or counsel, or if he has given evidence as a witness concerning the facts of the case.
3. If the judge or one of his near relations is involved in a dispute based on facts similar to those that form the subject of the proceedings.

4. If the judge or one of his near relations is in a position of dependence vis-à-vis one of the parties.
5. If the judge or one of his near relations has a case before a tribunal in which one of the parties is a judge.
6. If there exists between the judge or one of his near relations and one of the parties or one of his near relations a friendship or intimate relationship sufficient to cast doubt on his impartiality.

173. As for self-disqualification, according to article 38, the judges to whom this section relates may decide to disqualify themselves, but only for one of the reasons listed in article 35 and with the authorization of the president of the court of appeal.

174. According to article 18 of the Code of Civil Procedure, an appeal against the misconduct of judges, members of the prosecution service and criminal investigation officers may be lodged in the following circumstances:

- (a) If it is claimed that there has been theft, fraud, extortion or gross professional negligence in the investigating or trial courts.
- (b) If the law expressly provides for an appeal against misconduct.
- (c) If the law declares the judge to be responsible on pain of damages and interest.
- (d) If justice is denied.

175. Where the denial of justice is concerned, article 20 states that there is denial of justice when judges refuse to respond to applications or neglect to try cases that are ready for trial.

## **2. Judicial measures**

176. Numerous decisions by higher courts (Court of Appeal or Supreme Court) setting aside decisions of lower courts when all the safeguards for a fair trial prescribed by law could not be ensured reflect the guarantee of the right to equal treatment before the tribunals.

## **3. Administrative measures**

- (a) *General Inspectorate of the Judicial Services*

177. Decree No. 421/PR/MJ/2002 of 18 October 2002 on the Organization Chart of the Ministry of Justice provided for a General Inspectorate under the authority of an inspector general and four inspectors, all members of the national legal service.

178. The mission of the General Inspectorate of the Judicial Services is to monitor and assess, on a continuous basis, all the courts and all the services responsible to the Ministry of Justice, with the exception of the Supreme Court. This mission was more precisely defined by Order No. 48/MJ/IGSJ/06 of 30 October 2006 determining the Inspectorate's operating procedures.

179. Thus, within the framework of its administrative investigations, persons implicated must have inspected their file or received notification of the nature of the complaint against them before being heard. Among other things, the Inspectorate appraises the operation of the courts or services from the standpoint of organization, methodology and the way in which the personnel perform their duties. Failings and breaches of the rules noted by the Inspectorate during a mission may lead to disciplinary proceedings against the offender. Thus, the control exercised by this service helps to secure the right of individuals to equal treatment before the courts.

180. If, following a complaint, the General Inspectorate establishes the liability of a member of the legal service who, for one reason or another, may have violated one of the principles guaranteeing equal treatment before the tribunals, the case will be referred to the Supreme Council of Justice (CSM) by the Minister for Justice and disciplinary proceedings will be initiated.

(b) *The Supreme Council of Justice*

181. The Supreme Council of Justice (CSM), a constitutional body responsible for the appointment, advancement and disciplining of members of the legal service at all levels, is chaired by the President of the Republic, assisted by the Minister for Justice and the President of the Supreme Court. It is also composed of two representatives of the Supreme Court, three representatives of the courts of appeal, two representatives of the ordinary courts and one representative of the magistrates' courts, together with their alternates, elected by their peers.

182. The functioning of the Supreme Court of Justice is governed by Act No. 005/PR/98 of 7 July 1998. In disciplinary matters, the Council is chaired by the President of the Supreme Court or, in his absence, by the most senior judge. The facts giving rise to the proceedings are reported to the CSM by the Minister for Justice.

183. The Council also gives its opinion on the prerogative of mercy.

184. The decisions of the CSM sanctioning fautes committed by members of the legal service in the exercise of their functions constitute administrative measures that make an effective contribution to improving the functioning of the the judicial apparatus. It is in this respect that the creation of CSM constitutes one of the legislative measures for supervising the actions of the judge.

**B. Right to security of person and protection by the State  
against violence or bodily harm**

**1. Legislative measures**

The protection of the life of the person and protection against bodily harm are guaranteed by the Constitution. Thus, article 17 of the Constitution states that « the human person is sacred and inviolable. »

185. The same article goes on to say that « every individual has the right to life, protection against bodily harm, security, liberty, and the protection of his private life and property. ».

186. Moreover, articles 22 and 23 of the Constitution respectively stipulate that no one may be held in prison other than by virtue of a penal law in force and no one may be arrested or charged other than by virtue of a law enacted prior to the offences of which he or she stands accused .

187. In the same sense, article 1 of the Penal Code states that « no serious, ordinary or petty offence may be punished with penalties that were not established by law before the offence was committed ».

## **2. The Penal Code**

### *(a) Infringements of freedoms*

188. Under the terms of article 143 of the Penal Code, when a government official, agent or servant has ordered or performed an act that is arbitrary or constitutes an infringement of personal freedom or the Constitution, he shall be sentenced to imprisonment for a term of from six months to five years and a fine of from 5,000 to 5,000,000 francs.

189. Nevertheless, if it is shown that he acted on the orders of his superiors in matters within their competence, with respect to which they were entitled to obedience by virtue of their rank, he will be exempted from the punishment, which, in this case, shall be applied solely to the superiors who gave the orders.

190. Article 144 of the Penal Code specifies that it is not sufficient to cite the effect of surprise; that surprise must be unambiguously ascribed. Thus, ministers accused of having ordered or authorized a measure contrary to the Constitution who may claim that the signature attributed to them was a surprise shall be obliged, on having the measure stopped, to report the party they declare to be the author of the surprise, otherwise they will themselves be prosecuted

191. According to article 145 of the Penal Code, civil servants responsible for the administrative or judicial police who have refused or neglected to take up a legal complaint tending to establish illegal and arbitrary detention, either in institutions for the custody of prisoners or anywhere else, and fail to show that they have reported them to the higher authority shall be punished with imprisonment for a term of from one month to one year and be liable for damages.

192. Similarly, under article 146, prison officers that accept a prisoner without warrant or trial or, in the case of an expulsion or extradition, without a provisional government order, those who detain him or refuse to produce him to the police officer or the bearer of these [sic] without being able to plead the defence of State prosecutor or judge, and those who refuse to show their registers to the police officer, shall, as persons guilty of arbitrary imprisonment, be punished by imprisonment for a term of from six months to two years and a fine of from 5,000 to 100,000 francs.

193. The penalties for which article 146 provides would apply to the principal State prosecutor or State prosecutor, their deputies, the judge or public officer who detained an individual, or caused him to be detained, elsewhere than in the places determined by the Government or the public authorities (article 148 CP).

### *(b) Unlawful arrest and confinement*

194. The articles of the Constitution relating to fundamental freedoms and rights clearly establish the principle that unlawful arrest and confinement are prohibited. Articles 149 and 152.1 of the Penal Code describe the offence and the sanctions faced by possible perpetrators. Article 149 states that those who arrest, detain or confine any person without being so ordered by the constituted authorities and except for those cases in which the law ordains that the accused be seized shall be punished with a term of hard labour. Likewise, whoever provides a place for carrying out the detention or confinement will suffer the same punishment.

195. For its part, article 152.1 states that any agreement affecting personal liberty, such as sale, placing in servitude, or pledging, will be punished by imposition of the penalties specified for unlawful confinement.

### **3. Judicial measures**

196. All the offences established and sanctioned by the articles of the Penal Code listed under legislative measures will form the subject of a trial whenever they are referred to the State prosecution service.

### **4. Administrative measures**

197. The National Mediator and the National Commission on Human Rights mentioned earlier in this report constitute administrative measures designed to prevent the malfunctioning of State services.

198. In conclusion, it must be acknowledged that cultural barriers and the inadequate training of some constituted authorities are impeding the effective and efficient implementation of the above-mentioned provisions. These barriers are linked with the survival of certain discriminatory practices which lead some people to treat others as their inferiors (caste).

199. However, these cultural considerations do not bind the State and do not prevent the persons concerned from occupying senior posts or holding elective office. Unfortunately, these practices are so engrained in certain regions that the authority of the State is sometimes flouted.

## **C. Les droits politiques**

### **1. The right to vote and stand for election**

#### *(a) Legislative measures*

##### ii. The right to vote

##### a. The Constitution

200. Article 3.1 of the Constitution states that sovereignty belongs to the people who exercise it either directly by referendum or indirectly through their elected representatives.

201. In article 6, the Constitution stipulates that suffrage is universal, direct or indirect, equal and secret and that all Chadians of both sexes, aged eighteen years and older and in enjoyment of their civil and political rights, are voters under the conditions determined by law.

b. The Electoral Code

202. Act No. 021/PR/2000 of 18 September 2000 establishing the Electoral Code states that all Chadians of both sexes may vote, provided that they are aged eighteen years and older on election day, in enjoyment of their civil and political rights, registered on the electoral roll and not in any of the statutory situations of incapacity.

c. Act No. 003/pr/ 2000 of 16 February 2000 on the electoral regime for the decentralized local authorities.

203. Article 7 of Act No. 3 of 16 February 2000 lays down the requirements that must be satisfied in order to be able to vote. Thus Chadian citizens of both sexes may vote provided that they are aged 18 and older and duly registered on the electoral roll of the district concerned.

ii. The right to stand for election

a. The Constitution

204. *Candidacy for the office of President of the Republic:* Under article 62 of the Constitution, Chadians of both sexes who fulfil the following conditions may stand for election to the office of the President of the Republic: Chadian nationality, good physical and mental health, good morals, at least 35 years old and in enjoyment of all civil and political rights. In addition, each candidate must pay a deposit fixed at CFAF 5,000,000 by the Electoral Code.

205. *Candidacy for the National Assembly:* According to article 108, Chadians of both sexes who fulfil the statutory conditions may stand for election to the National Assembly. The Electoral Code (art. 152) stipulates that Chadians of both sexes aged 25 or older, registered on an electoral roll, who have been resident for at least one year in the territory of the Republic of Chad and who can read and write in French or Arabic are eligible for the National Assembly.

206. Nevertheless, the candidate must be put forward by a legally constituted political party or grouping of political parties.

b. The Electoral Code

207. The Electoral Code contains provisions that apply to both the presidential and the legislative elections and other provisions specific to each.

208. *Common provisions:* Any Chadian citizen may stand for election and be elected subject to the statutory requirements concerning age and situations of incapacity or ineligibility (art. 115 of the Electoral Code).

209. *Act No. 003/PR/ 2000 of 16 February 2000 on the electoral regime for decentralized local authorities:* The conditions of eligibility, ineligibility and incompatibility are set out in articles 10 to 14 of Act No. 003. Article 10 on eligibility conditions stipulates that Chadian citizens of both sexes aged 25 or over, registered on an electoral roll, in enjoyment of their civil and political rights and resident for at least one year on the national territory or having well known ties with the commune, department or region are eligible for the municipal, departmental or regional council.



(b) *Judicial measures*

210. Electoral disputes relating to both the presidential and legislative elections fall within the jurisdiction of the Constitutional Council. This body has always heard disputes arising out of the presidential elections, in particular those of 1996, 2001 and 2006. After consideration on the merits, the applications were declared partially well-founded, which made it possible to adjust the votes received by the various candidates.

(c) *Administrative measures*

211. All voting in Chad since the advent of democracy has been supervised by an Independent National Electoral Commission (CENI). The work of the CENI has sometimes been preceded by that of the Ministry of Local Government through the National Electoral Census Commission.

212. The law on elections does not countenance any form of discrimination. However, in relation to the information requested by the Committee concerning the means of guaranteeing, for example, the exercise of political rights for aboriginals and persons of different ethnic or national origin, as well as the rest of the population, and as to whether these people are represented in Parliament in proportion to their numbers, the Government of Chad would simply point out that elections to Parliament are not based on ethnicity. Representation is linked to the electoral districts, which can be home to various ethnic groups.

213. Chad's many ethnic groups constitute a rich resource for the country, which has experienced national unity since independence. All the basic texts have always affirmed the desire of the people of Chad to live together in respect for ethnic, religious, regional and cultural diversity.

214. However, ethnic and cultural blending has not been overlooked. Thus, in Chad the Political Parties Charter requires the founding members to have come from several regions of the country.

215. Admittedly, in recent years Chad has been faced with violent and recurring intercommunity clashes in the south-east and east of the country, as a result of which many people have been displaced. However, the causes of these clashes have nothing to do with representation in Parliament.

216. Moreover, Chad is essentially a land of asylum and, where foreigners and refugees are concerned, article 15 of the amended Constitution provides that: « With the exception of political rights, foreigners lawfully admitted to the territory of the Republic of Chad benefit from the same rights and freedoms as nationals within the limits of the law... ».

217. However, those who have duly acquired Chadian nationality have the same political rights as nationals by origin.

## **D. Other civil rights and the right to nationality**

### **1. Freedom of expression and assembly**

#### *(a) The Constitution*

218. Under article 27 of the Constitution, the freedoms of opinion and expression, communication, conscience, religion, the press, association, assembly, movement, demonstration, and procession are recognized and guaranteed to all.

219. These freedoms are limited only by respect for the freedoms and rights of others and by the obligation to safeguard public order and morality.

220. In accordance with article 27.3, the conditions for the exercise of these freedoms have been determined by various laws and regulations.

#### *(b) The law governing the activities of the media in Chad*

- Act No. 029/PR/94 of 22 August 1994 on the Press Regime in Chad
- Act No. 43/PR/94 on Audio-Visual Communication.
- Act No. 012/PR/94 of 9 April 1994 establishing the Higher Council for Communication (HCC).

221. Act No. 029/PR/94 of 22 August 1994 on the Press Regime in Chad includes provisions that protect against racial discrimination. It punishes any defamation of a group of persons belonging to a particular ethnic community, region or religion.

### **2. Freedom of association and assembly**

222. Ordinance No. 27 of 28 July 1962 regulating associations and its Implementing Decree No. 165 of 25 August 1962 govern the registration of the foundation of associations, determine the competent authorities and provide for sanctions for non-compliance.

223. Public meetings are regulated by Ordinance No. 46/INT/SUR of 27 October 1962. Article 1 of Ordinance 46 states that public meetings may not be held without prior authorization. They are prohibited on the public highway.

224. The application to hold a public meeting must be filed within certain time limits, namely, at least five days and not more than two weeks before the meeting is held. The competent authority that deals with the application takes a formal decision to either authorize or prohibit the meeting (art. 2).

225. There are sanctions for failing to file an application, as well as for failure to set up an office on the part of organizations.

### **3. The right to marriage and choice of spouse**

226. Article 5 of the Reproductive Health Promotion Act No. 06/PR/2002 of 15 April 2002 states that anyone of lawful age may, in observance of the existing law and uses, manners and

customs, choose freely, responsibly and with due discernment to marry or not to marry and to start a family.

227. Article 4 of the same Act allows couples and individuals to decide freely and with due discernment on matters relating to reproductive health, subject to the same conditions.

228. Similarly, they may decide freely and with due discernment on how many children to have and when to have them and on the right of access to the best reproductive health.

229. In practice, various barriers of a cultural nature are making it difficult to implement Act No. 06. However, the young are breaking certain tribal and religious taboos relating to marriage and intermarriage between young people from different communities is becoming increasingly common.

#### **4. The right to inherit**

230. To fill the void left by the lack of a Persons and Family Code, customary and traditional rules govern the matrimonial regimes and inheritance in those communities in which they are recognized and with the consent of the parties, in application of the provisions of articles 156 and 157 of the Constitution.

231. These constitutional provisions explain the survival of articles 70, 71 and 72 of Ordinance No. 6-67/PR.MJ of 21 March 1967 reforming the organization of justice, now repealed by the new Organization of Justice Act.

232. According to article 70, when the parties are of different civil status, the following rules apply:

1. In matters relating to the validity of the marriage, the matrimonial regime in the absence of a marriage contract, the dowry, the rights and obligations of the spouses, the rights of parental authority, the dissolution of the marriage and its consequences, and legitimate descent the case will be decided in accordance with the law that governs the husband, unless the parties opted for a different status at the time of conclusion of the marriage.

...

...

4. Questions of inheritance are governed by the law of the deceased.

233. Article 71 stipulates that the law is to be applied only if custom is silent.

234. As for article 72, it rejects customs contrary to public policy.

235. These provisions show that the rules on inheritance vary with the status of the deceased, where there has been no express decision to opt for the regime prescribed by positive law.

236. This situation gives rise to discrimination, sometimes leading to law suits, some of which have been unsuccessful because the discriminatory customary or religious practice that prevailed at the time of succession was discriminatory by its very nature.

## **5. The right to nationality**

237. Article 1 of Ordinance No. 33/PG.-INT. of 14 August 1962 establishing the Chadian Nationality Code defines nationality as « a legal relationship which, since 11 August 1960, date of Chad's accession to international sovereignty, binds individuals to the State.

238. It is independent of civil, political and professional rights, which are defined by special laws.

239. It may be conferred and withdrawn only by the qualified authorities of the Republic of Chad».

240. The conditions under which Chadian nationality may be acquired or lost are determined by the Code. Thus, nationality of origin is acquired by descent, by virtue of the place of birth and by de facto enjoyment.

241. Chadian nationality may also be acquired as a result of marriage, reinstatement, naturalization, acquisition by a child and reinstatement or naturalization of the parents.

## **6. Judicial measures**

242. The ordinary courts have jurisdiction to decide all cases of violation of the above-mentioned rights. Where defamation is concerned, the persons defamed generally opt for the right of reply, in which case their reply will be published in the next issue of the newspaper alleged to have defamed them. However, the defamation cases brought to court do not have any ethnic or religious connotation.

## **E. Economic, social and cultural rights**

### **1. The right to work**

243. The right to work is a right guaranteed by the Constitution, in particular in article 31 as regards access to public sector jobs and article 32 as regards jobs other than those in the public sector. The Government refers the Committee to what is said on the subject of employment in the rest of article [3]2.

### **2. The right to form and join trade unions**

244. The freedom of association is recognized by the Constitution, which also states that every citizen is free to join the union of his or her choice (art. 28). This provision of the Constitution, which forms part of the implementation of ILO Convention No. 87 (1948) on freedom of association and protection of the right to organize, ratified by Chad on 10 November 1960, has been incorporated in all the statutes of the various professional bodies.

245. At present, there are two large umbrella unions in Chad, the Union of Trade Unions of Chad (UST) and the Free Confederation of Workers of Chad (CLTT), which work effectively to protect and promote the rights of employees in the public, semipublic and private sectors.

246. As an example of their effectiveness, trade unionists have claimed and obtained, following arbitration proceedings in the court of appeal, payment for the overtime worked by former employees of Chad Cameroun Constructors ( TCC), an oil company subcontractor, which failed to pay overtime throughout its period of activity in Chad.

### **3. The right to housing**

247. By stipulating that private property is inviolable and that no one may be dispossessed other than for reasons of public interest, duly established, and against the payment of fair and prior compensation (art. 41) and that every Chadian has the right to establish freely his or her domicile and his or her residence anywhere in the national territory (art. 43), the Constitution implicitly recognizes the right of every citizen to housing.

248. However, according to the National Poverty Reduction Strategy Paper (PRSP), more than 90 per cent of Chadians live in flimsy housing. In rural areas, the rate exceeds 98 per cent. This situation has a tendency to persist because of the difficulties of legal access to the ownership of land and the high cost of building.

249. At the scientific seminar on the land question in Chad held in N'djamena from 28 June to 1 July 2001 it was noted that in Chad during the last ten years there has been an abundance of disputes relating to problems with land.

250. According to the report on the seminar, although up to then no study had demonstrated a direct link between population growth and disputes over land, nevertheless, a recrudescence of disputes had been noted in the places with a high population density.

251. To meet these concerns, the Government has drawn up an urban development plan and decided to subsidize building materials as from 2007.

### **4. The right to health, medical care, social security and social services**

252. The general objective of national health policy is to « ensure the population has access to basic services of a high standard», which fits in with the Health for All philosophy of the World Health Organization (WHO).

253. The main components of national health policy are:

- The development of high-quality health services for the population
- The urgent need for qualified human resources
- Improved management of the health system
- Continuation of the fight against endemic and epidemic diseases.

254. In the specific field of reproductive health, according to article 3 of the Reproductive Health Promotion Act No. 06/PR/ 2002 of 15 April 2002, all individuals are recognized as being

equal in law and dignity where reproductive health is concerned, without any discrimination based on age, sex, fortune, religion, ethnic group, marital status or any other circumstance.

255. Article 7 of the same Act states that every individual and every couple has the right to enjoy health care of the highest possible standard and to be protected from practices harmful to reproductive health.

256. Likewise, under article 8 every individual or couple is granted access to reliable, effective, affordable and acceptable community health services.

257. The real difficulties facing citizens in obtaining access to social services and health care are due to remoteness, the shortage of health personnel and the lack of equipment in the health centres. To these should be added other difficulties associated with the purchasing power of ordinary Chadians in view of the hospitals' policy of recovering costs.

258. This policy, which enables the population to participate in the management of the health centres, penalizes and marginalizes those without means.

259. The inclusion of the Ministry of Health among the ministries having priority is related with the question of access to the health services and the shortage of certain specialists (see EDST 2004 for the number of gynecologists and pediatricians and the patient/doctor ratio).

260. This shortage of highly qualified health personnel is dealt with by medical evacuation. Every year, the budget of the Ministry of Public Health includes an item for cases referred by doctors for treatment abroad.

261. These cases must be examined by the Interministerial Commission responsible for the medical evacuation of State employees. However, these evacuations are generally carried out to the detriment of the needy.

262. Attention is drawn to the existence of a social service for the destitute at the National General Reference Hospital (HGRN). However, the services provided are very limited due, on the one hand, to the slenderness of the means available and, on the other, to the irrational management associated with the unorthodox practices of those in charge of the service, which make it almost worthless.

## **5. The right to education and vocational training**

263. It is important to recall the provisions of article 35 of the Constitution which recognizes the right of every citizen to education, makes basic education compulsory and establishes the principle of free public education.

264. In addition, according to article 36 of the Constitution, the State and the decentralized local authorities create the conditions and institutions necessary to ensure and guarantee the education of children.

265. Act No. 038/PR/96 of 11 December 1996 establishing the Labour Code strengthened these provisions of the Constitution by devoting two chapters to apprenticeship, vocational training

and the advancement of the worker. The conditions of apprenticeship and vocational training are determined on the basis of the worker's occupational group.

## **6. The right to equal participation in cultural activities**

266. With regard to the right to equal participation in cultural services, the lack of a coherent policy on the promotion of culture and sports is unlikely to encourage young people to emerge and flourish in this field.

267. However, improvements are being made to the existing infrastructure and a football training centre, cofinanced by FIFA and now under construction, will help to promote culture and sport. The construction of arts centres in the interior of the country and the opportunity offered to certain private institutions to build reception and cultural training centres are furthering the efforts being made to promote culture.

268. The national week of culture and sport is being repeated to facilitate intermingling and encourage talent.

269. The amended Constitution (arts. 33 and 34) aims to guarantee and promote national values, the cultural heritage, and intellectual and artistic works. It is in this spirit that article 3 of Act No. 19/PR/03 on the composition, powers and functioning of the HCC « encourages the quality and diversity of programmes while ensuring that the national cultural identity is protected ».

270. Similarly, the Audio-Visual Communication Act No. 43/PR/94 requires the various bodies to respect and devote substantial air time to national values (arts. 21, 26 and 29 of the Act).

## **7. The right of access to any place or service intended for use by the public**

271. The right of access to any place or service intended for use by the public does not form the subject of any standard legislative or administrative measure. It is diluted in the specific texts governing access to these places or services and in the relevant programmes and policies. For example, the national health policy has as its slogan Health for All. It is recognized that everyone has the right of access to education, and so on.

## **ARTICLE 6**

272. As already mentioned, in its article 14, according to which the State assures all of equality before the law, without distinction as to origin, race, sex, religion, political opinion, or social position, the Constitution explicitly recognizes the right of every citizen to access to justice.

273. Moreover, article 6 of the Code of Civil Procedure states that: "A civil action lies with all those who have personally suffered direct injury as a result of the offence," while according to article 1: "The public right of action can be initiated by the injured party."

274. In fact, there are several judicial remedies available to Chadian litigants, in particular:

- application to set aside a judgment by default
- appeal

- application to re-open proceedings on grounds of error of fact or law
- application for judicial review.

275. Thus, with a view to improving access to justice, two courts of appeal have been established in Abéché and Moundou, six court divisions have been raised to the level of courts of first instance and six of the 10 boroughs of the City of N'Djaména have also been given magistrates' courts.

276. The establishment of the Office of the National Mediator and the National Commission on Human Rights (CNDH) has provided citizens with other opportunities to claim their rights. It is also important to note the recognition of the associations for the defence of human rights, some of which provide support in the form of legal advice and assist litigants in the tribunals and courts by bringing criminal indemnification proceedings.

277. Where individual rights and fundamental freedoms are concerned, articles 12 et seq. of the Constitution, as amended in July 2005, guarantee citizens these rights in the following terms: "The fundamental freedoms and rights of citizens are recognized and their exercise is guaranteed under the conditions and in the forms specified by the Constitution and the law."

278. According to article 6 of the amended Constitution, "All propaganda of an ethnic, tribalist, regionalist or sectarian nature that tends to undermine national unity or the secularity of the State is prohibited." Thus, this Constitution guarantees citizens the right of enjoyment of the fundamental freedoms and rights, while at the same time imposing upon all the obligation to discharge the duties for which it provides.

279. With a view to guaranteeing the full enjoyment of the rights and freedoms for which this Constitution provides, the people of Chad has declared that "we solemnly proclaim our right and duty to resist and to disobey any individual or group of individuals and any State entity that would take power by force or exercise it in violation of the present Constitution."

280. Just as the people can reject the taking of power and its exercise by force, it can at the same time reject discrimination. Thus, "we affirm our total opposition to any regime whose policy is founded on arbitrariness, dictatorship, injustice, corruption, extortion, nepotism, clanism, tribalism, confessionarism, or confiscation of power."

281. Measures have been taken to ensure that everyone has the right to go to court to seek satisfaction or fair and adequate compensation for any injury they may have suffered as a consequence of discrimination

282. In order to ensure that justice is fairly and appropriately administered, guarantees are provided under certain statutory provisions which allow free access to anyone who considers himself to have been wronged. Thus, according to article 42.1 [of the Code of Criminal Procedure], any such person may choose a duly authorized lawyer as counsel, in conformity with the regulations in force. This practice is part of the effort to ensure that justice is fairly administered. Individuals without means are automatically assigned lawyers, especially in criminal cases.



283. Moreover, with a view to guaranteeing fair and adequate compensation for any injury he or she may have suffered, a citizen can challenge a judge on several grounds, as explained in the paragraphs relating to the right to equal treatment before the tribunals contained in article 5.

284. In Chad, access to justice is free. However, there are various obstacles of different kinds, namely, corruption, the independence of the judiciary relative to the executive branch, the working conditions of the members of the legal service, the intimidation of the judges by certain litigants, or in short the current practice of impunity that has become endemic.

285. As already pointed out, the reform programme being implemented by the Commission established to follow up the recommendations of the General Assembly of the Judiciary takes into account all the ills with which the judicial apparatus is afflicted.

## **ARTICLE 7**

### **A. Education and teaching**

286. In its present form, education in Chad has a 6-7-4 structure, since it comprises six years of primary studies (two preparatory, two elementary and two middle years), seven years of secondary studies (four years of junior and three of senior classes), and three to four years of higher education.

287. Apart from the university, there are other institutions of higher education that offer training in various specialized fields. These include colleges for socio-medical workers, teacher training colleges, a public works college, an agricultural college and various vocational training institutes.

288. From the legislative standpoint, as already mentioned, article 35 of the amended Constitution guarantees every citizen the right to education, without any form of discrimination. This constitutional provision is backed by article 4 of Act No. 016/PR/06 of 13 March 2006 on the Orientation of the Chadian Education System.

289. This article declares that “All shall have the right to education and training irrespective of age, sex, or regional, social, ethnic or denominational origin. Education is an absolute national priority....” At the same time, article 12 of the Act stipulates that “the mission of the education system is to educate, instruct and mould the young with a view to their integration into society and entry into employment. Its ambition is to develop in them a love of country, an awareness of national identity, and a feeling of belonging to a civilization on the national and the African scale, together with greater openness to universal civilization.

290. It stands guarantor for the establishment of a democratic society deeply attached to its cultural identity, open to modernity and drawing inspiration from humanist ideals and the universal principles of freedom, social justice and human rights.”

291. Mention should also be made of the Government’s recent efforts to introduce human rights education into the official public curriculum. Education being regarded as one of the Government’s priorities, the ministry responsible for education has been given priority access to the petroleum fund. With a view to adapting Chad’s education system to current realities, the

Government organized a General Assembly on Education which produced a stock-taking report and pertinent recommendations.

292. Moreover, national education policy envisages a system liberalized by Decree 25, under which private institutions, private individuals, denominational bodies and local communities will be able to set up and control their own schools and other educational institutions, in accordance with their own principles, subject to compliance with the regulations and other provisions specified by the ministry responsible for education

293. At the start of the current school year, a service note and an order were issued in order to ensure the effective implementation of the free schooling for which the amended Constitution provides.

294. Reference should also be made to the course in civics and ethics introduced into the curriculum for public-sector trainee teachers in the teacher training colleges.

## **B. Culture**

295. With regard to legislative measures to combat discrimination in the field of culture, articles 33 and 34 of the amended Constitution assure every Chadian of the right to culture and to the creation, protection and enjoyment of his intellectual and artistic works. This same Constitution also imposes on the State the duty of safeguarding and promoting the national values of civilization.

296. Where administrative measures are concerned, each of the various ministries has its specific terms of reference and many of them are working to promote culture and the arts.

297. For example, the Ministry of Culture is responsible for encouraging the development and promotion of culture in the interests of sustainable development. The same Ministry promotes and protects intellectual property. The measures taken include the establishment of the Chadian Copyright Office (BUTDRA) (see act and decree for details). This Ministry is supported by the Ministry of Trade and Craft Industries which promotes handicrafts and ethno-cultural works.

298. The Ministry administration du territoire deals with traditional matters through its Customary and Religious Affairs Directorate.

299. The University of N'Djaména teaches cultural subjects such as literature, languages, arts and communication through its Arts and Social Sciences Faculty, as well as offering training in humanitarian law and civil liberties in its Law Faculty.

300. Several human rights associations are also working in this field by carrying out various activities in schools and through the media. Human rights days are generally celebrated by the human rights associations and international institutions. For example, the UNDP commemorates the day of adoption of the Universal Declaration of Human Rights and this year a considerable number of members of the Government participated in the event.

### C. Information

301. Where information is concerned, it should be noted that in Chad the public media regularly broadcast educational programmes about human rights and the anti-discrimination campaign.

302. These broadcasts include the RNT's programmes "Rights and Duties" and "Crossroads" and TVT's "CEFOD Rendezvous" and "Law School".

303. Apart from the public media, there are also privately owned newspapers and radio stations that help to disseminate information and raise awareness concerning human rights. Among them are the radio stations FM Liberté, a civil society initiative whose editorial line is mainly based on the promotion and defence of human rights, DJA FM, Terre Nouvelle, Brakoss, etc. All these radio stations make and broadcast various human rights programmes such as "My lawyer", "The right to know", "To be a citizen", etc.

#### List of print media in Chad

No.	Title	Founded	Frequency	Print run	Number of pages	Price
01	Chad et Culture <i>Review, analysis and general information</i>	1964	Monthly	4500	30	500 CFA
02	N'Djaména bi hebdo	1989	Twice weekly	3500	8	250 CFA
03	Le Progrès <i>General news daily</i>	1993	Daily	3000	4 - 5	100 CFA
04	La Lettre <i>Liaison and news bulletin of the LTDH (Chadian League of HR)</i>	1993	Monthly	1000	12	100 CFA
05	Le Temps	1995	Weekly	4000	12	300 CFA
06	L'Interrogatoire	1995	Twice monthly	1500	4 - 6	
07	Chronique <i>Civic news and popularization of law</i>	1996	Monthly			300 CFA
08	L'Observateur <i>Independent general newspaper</i>	1997	Weekly	4000	10 - 12	300 CFA
09	Echange <i>Trade and news</i>	1998	Monthly	300	12	300 CFA
10	Carrefour <i>Publication of the Centre Al Mouna</i>	2000	Every 2 months	1000	40	500 CFA
11	Audy <i>Women's magazine</i>	2000	Twice monthly	600	20	600 CFA
12	Notre Temps <i>Independent, general</i>	2000	Weekly	3000	8 - 12	300 CFA

No.	Title	Founded	Frequency	Print run	Number of pages	Price
	<i>news and analysis</i>					
13	Lalekou	2002	Twice monthly		8	250 CFA
14	Le Miroir <i>Information about health, charities, humour</i>	2003	Monthly	2000	6	250 CFA
15	Sarh Tribune <i>Education for comprehensive development</i>	2004	Weekly	1000	4 - 6	100 CFA
16	La Démocratie	2005	Twice monthly		8	250 CFA
17	Al - Istiklal	2005	Twice monthly		8	250 CFA
16	Le Patriote		Periodically	1500	4 - 6	500 CFA
17	Vecteur Gamma (ENPT)		Quarterly	1000		NC
19	Soth Al Djambour		Monthly			NC
19	Taïba		Monthly			NC
20	La Lettre de Transparence					NC
21	Al - Ayam	2006	Weekly		8	200 CFA

Source : HCC

#### List of private radio stations

No.	Name of station	Type	City
01	FM LIBERTE		N'Djaména
02	DJA FM		N'Djaména
03	AL NASSOUR		N'Djaména
04	AL BAYAN	Religious	N'Djaména
05	AL KHOURAN	Religious	N'Djaména
06	LA VOIX DE L'EVANGILE	Religious	N'Djaména
07	FM HARMONIE		N'Djaména
08	NGATHO FM	Commercial	N'Djaména
09	RECHERCHE ONDE		N'Djaména
10	BRAKOSS		Moissala
11	KARUBA		Moundou
12	NDUDJI LOKAR		Moundou
13	LOTIKO		Sarh

No.	Name of station	Type	City
14	REGD	Religious	Pala
15	AL NADJA		Ati
16	TERRE NOUVELLE	Religious	Bongor
17	LA VOIX DU OUADDAI		Abéché
18	ABSSOUN		Iriba
19	PALMERAÏ		Faya
20	EFFATA		Laï

*Source* : HCC

304. The task that has fallen to the media and defenders of human rights, namely, to achieve the common ideal envisaged in the preamble to the Universal Declaration of Human Rights and the rule of law, constitutes a major challenge that must be faced.

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