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**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)  
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1\***

**Chad**

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\* The present document was not edited before being sent to the United Nations translation services.

## **I. METHODOLOGY FOR DRAFTING THE REPORT**

1. This report has been submitted in accordance with United Nations General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007, and in accordance with the general guidelines for the preparation of information under the universal periodic review. The Ministry in Charge of Human Rights and the Promotion of Liberty, acting on behalf of the Chadian Government for the implementation of international conventions, has set up an inter-ministerial technical committee for the follow-up of international instruments. This committee prepares and draws up the initial and periodic reports on human rights for submission to international human rights organizations.
2. This report has been prepared as part of the universal periodic review mechanism. Under the leadership of the Ministry, the committee held broad consultations, in particular collecting information from Government Ministries, the National Commission on Human Rights (CNDH), the regional human rights delegations and civil society. The report presents the human rights situation in Chad in the light of international, regional and national human rights standards. It highlights the historical, sociological and environmental context in which human rights are exercised in Chad, shedding light on the difficulties and constraints faced and the future action that the Chadian Government is planning to take to ensure that such rights are enjoyed fully.
3. Because of space limitations, there was some difficulty in selecting subjects when the report was drawn up. This problem was solved by selecting those with the highest priority, in particular questions relating to civil and political rights, access to justice, education, health, work and culture.

## **II. BACKGROUND AND NORMATIVE AND INSTITUTIONAL FRAMEWORK**

### **A. Background**

4. Chad is a country in the Sahel, in the heart of Africa. With an area of 1,284,000 km<sup>2</sup>, it borders Libya to the north, Sudan to the east, the Central African Republic to the south, and Cameroon, Nigeria and Niger to the west. It is divided into 22 regions, including the capital, N'Djamena, which has a special status.
5. There are over 200 ethnic groups, constituting on the one hand a patchwork of languages, practices and customs which are each distinctly different from one another, and on the other hand deep-seated religious practices. Three kinds of religion coexist in the country: Islam, Christianity and animism. French and Arabic are the two official languages.
6. According to the April 1993 population and housing census, the Chadian population was estimated at 7,000,000, 52 per cent of whom were female. The population was unevenly distributed. The average population density was 4.1 inhabitants per km<sup>2</sup>, but it varied from region to region. In Borkou-Ennedi-Tibesti (BET), it was 0.1 person per km<sup>2</sup>, while in Logone occidental it was 52.4 people per km<sup>2</sup>. Per capita gross domestic product (GDP) was estimated at US\$ 234. The primary school enrolment rate for girls was 32 per cent. The number of children per woman was six, and 21.1 per cent of the population lived in urban areas.
7. After achieving national and international sovereignty on 11 August 1960, Chad underwent a period of political instability characterized by armed rebellions and intercommunity conflicts which far from helping to establish democracy, were instead conducive to and encouraged serious human rights violations.

8. That notwithstanding, the first republic began with multipartism (1960-1963). But it very quickly broke with this form of political expression, and saw the imposition of a single party system, which in 1965 severely put down an uprising by the population in the central part of the country. Rebellion first began at that time, and later became a practically institutionalized form of political expression.
9. This situation unfortunately led in 1979 to the outbreak of the civil war, and brought to power the Chad National Liberation Front, FROLINAT, which installed a transitional national unity Government. The Government set up a court martial, which carried out public executions in order to bring an end to the widespread banditry of the times.
10. The assumption of power by Hissein Habré on 7 June 1982 was marked by serious human rights violations, which reached their worst with the establishment of his feared political police, the DDS. This unit carried out acts of torture, inhuman and degrading treatment, and a large number of summary executions. According to the commission of inquiry set up following the fall of Hissein Habré's regime, over 40,000 people were killed.
11. Despite this institutional and political crisis that has shaken Chad for over three decades, the Chadian people have not wavered in their determination to build a worthy, free, peaceful and prosperous nation.
12. On 1 December 1990, the Patriotic Salvation Movement (MPS) came to power after an armed insurrection, bringing an end to Hissein Habré's dictatorship. This led to the establishment of a legal, political and institutional framework conducive to the establishment of a State based on the rule of law and pluralist democracy, in which fundamental human rights and liberties, the dignity of the human person and justice are guaranteed, protected and promoted.
13. The establishment of democracy in 1990 made it possible in 1993 to hold a Sovereign National Conference, in which the political protagonists and social classes were able to express themselves and made major decisions, including the establishment of the Higher Council of Transition as the legislative body, and the establishment of a Government of broad national unity to give effect to its recommendations.
14. Thus, in 1994, the National Commission on Human Rights was established; in 1996 a new Constitution was adopted and free and democratic presidential elections began, and free and democratic legislative elections started in 1997. Other national institutions were progressively established thereafter, including the Supreme Court, the Constitutional Council, the High Court of Justice, the High Council of Communication and the Office of the Mediator.
15. Despite the Government's efforts and those of politicians and civil society to implement the country's commitments in respect of human rights, Chad has been affected by the Darfur crisis, which began in 2003. There has been a massive influx of displaced persons and refugees. Intercommunity conflicts and incursions by the Janjaweed and armed groups eventually led to attacks on N'Djamena in April 2006 and February 2008.
16. These various crises once again led to human rights violations, including abductions, attacks on physical integrity, forced displacement, the recruitment of children in armed conflict and the rape of women. In response, the Government declared a state of emergency to halt the serious undermining of public order resulting from the lack of security which reigned in the six regions affected by the turmoil and in the city of N'Djamena.

17. This measure, while restricting liberties, made it possible to restore public order and re-establish constitutional order. To shed light on the serious human rights violations which occurred in this period, the Government set up a commission of inquiry composed mainly of representatives of civil society and foreign observers. The commission has issued its conclusions, but there is still some ambiguity concerning the responsibility for certain human rights violations. A technical follow-up committee has therefore been set up to follow up on the recommendations drawn up by the commission.

## **B. Normative and institutional framework**

18. Chad has made the principle of promoting and protecting human rights a constant feature of its national and international policy. In the preamble to the Constitution of 31 March 1996 it reaffirmed its commitment to the principles of human rights as set out in international, regional and subregional legal instruments. Committed to the path of democracy and human rights, it has lodged no reservations and issued no declarations in acceding to these international instruments.

### **1. At the international level**

19. As a Member State of the United Nations, and further to its international commitments, Chad has ratified several conventions, including:

(a) The Forced Labour Convention, 1930 (No. 29) of the International Labour Organization (ILO), ratified in 1960;

(b) The Abolition of Forced Labour Convention, 1957 (No. 105) of ILO, ratified in 1961;

(c) The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, ratified in 1972;

(d) The International Convention on the Suppression and Punishment of the Crime of Apartheid, ratified in 1974;

(e) The International Convention on the Elimination of All Forms of Racial Discrimination, ratified in 1977;

(f) The Convention relating to the Status of Refugees, ratified in 1981;

(g) The Protocol relating to the Status of Refugees, ratified in 1981;

(h) The Convention on the Rights of the Child, ratified in 1990;

(i) The Convention on the Elimination of All Forms of Discrimination against Women, ratified in 1990;

(j) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified in 1995;

(k) The International Covenant on Economic, Social and Cultural Rights, ratified in 1995;

(l) The Convention on the Reduction of Statelessness, ratified in 1999;

(m) The Worst Forms of Child Labour Convention, 1999 (No. 182) of ILO, ratified in 2000;

(n) The Minimum Age Convention, 1973 (No. 138) of ILO, ratified in 2000;

(o) The Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, ratified in 2002.

## **2. At regional and subregional levels**

20. In Africa, Chad is an active participant in the main regional and subregional human rights promotion and protection instruments, including:

(a) The general convention on judicial assistance between the countries of the African and Malagasy Common Organization (OCAM), ratified in 1971;

(b) The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, signed in Addis Ababa on 10 September 1969;

(c) The African Charter on Human and Peoples' Rights, ratified in 1986;

(d) The African Charter on the Rights and Welfare of the African Child, ratified in 2000;

(e) The Central African Economic and Monetary Community (CAEMC) Accord on non-aggression, solidarity and mutual assistance in defence, ratified in 2004;

(f) The CAEMC agreement on judicial cooperation, ratified in 2006;

(g) The CAEMC extradition agreement, ratified in 2006;

(h) The multilateral cooperation agreement to combat trafficking in persons, especially women and children, signed in 2006, for which ratification is currently under way.

## **3. At national level**

21. The Constitution adopted by referendum on 31 March 1996 proclaims the country's commitment to human rights as set out in the Charter of the United Nations of 1945, the Universal Declaration of Human Rights of 10 December 1948, the African Charter on Human and Peoples' Rights of 1981 and numerous legislative and regulatory instruments.

# **III. PROMOTION AND PROTECTION OF HUMAN RIGHTS**

## **A. Civil and political rights**

### **1. Right of citizens to choose their leaders**

22. Article 1 of the Constitution establishes that: "Chad is a sovereign, independent, secular, social, and indivisible Republic, founded on the principles of democracy, the rule of law and justice". Article 3 sets out unequivocally that "sovereignty belongs to the people, who exercise it either directly, by referendum, or indirectly, through their elected representatives. No community, no corporation, no political party or association, no trade union organization or group of individuals may take it upon themselves to exercise it."

23. Chad has incorporated the provisions of the international legal instruments on human rights in its national law, in particular in the preamble to its Constitution of 31 March 1996. Furthermore, the

Covenants and the Conventions take precedence over national legislation, as established by article 221 of the Constitution, which reads “treaties or agreements that have been duly ratified shall, from the date of their publication, take precedence over national laws, provided, in the case of each, that it is applied by the other party”.

## **2. Right to non-discrimination**

24. The Chadian Constitution reaffirms that all are equal before the law. Chadians of both sexes have the same rights and duties, without distinction as to their origin, race, religion, political opinion or social position. The State is duty-bound to ensure that all forms of discrimination against women are eliminated and to ensure the protection of women’s rights in all fields of public and private life (arts. 12, 13 and 14).

25. The Government, in its policy to protect the rights of vulnerable people, has adopted two laws, concerning persons living with HIV/AIDS and disabled persons. Act No. 0019/PR/2007 on combating HIV/AIDS/STI and the protection of the rights of persons living with HIV/AIDS states that “the rights to non-discrimination, equal protection and equality before the law shall be guaranteed for persons living with HIV and for children and orphans made vulnerable owing to AIDS, on an equal footing as for others” (art. 19). Similarly, Act No. 007/PR/2007 on the protection of disabled persons states that “disabled persons shall enjoy the same rights recognized by the Constitution for all Chadian citizens” (art. 4).

26. The Constitution adopted in 1996 condemns discrimination in all its forms (art. 14) and further affirms the will of the Chadian people to live with respect for ethnic, religious, regional, have been taken to eliminate discrimination. For example, the Ministry of Social Action, National Solidarity and Family Affairs was established, a project entitled Integrating Women in Development was adopted and a gender policy was drawn up. These measures to combat discrimination are also of benefit to foreigners living in Chad.

## **3. Equality between men and women**

27. In Chad, no law distinguishes between the rights of men and women. They have the same rights and are equal before the law (article 13 of the Constitution).

In respect of education, girls and boys have equal access to schooling. However, there is affirmative action for girls, for whom certain tuition fees have been eliminated. The low proportion of girls as opposed to boys in enrolment is mainly due to sociocultural impediments.

28. Article 31 of the Constitution provides that “access to civil service posts is guaranteed to all Chadians without any discrimination, subject to the inherent requirements of each position”.

29. Article 32 recognizes for all citizens the right to work. Paragraph 3 stipulates that “no one may be prejudiced in his or her employment on account of his or her origins, opinions, beliefs, sex or marital status”.

## **4. Respect for the human person**

30. The Constitution of 31 March 1996 contains several articles relating to liberties, fundamental rights and duties. Under article 17, “the human person is sacred and inviolable”. These provisions guarantee the protection of the physical and moral integrity of the human person and fundamental liberties as defined by the relevant international instruments.

31. Every individual has the right to life, personal integrity, security, freedom and the protection of privacy and possessions. Chad has also acceded to nearly all the conventions and treaties relating to the rights of the human person.

32. Under article 18 of the Constitution, “no person may be subjected to degrading or humiliating abuse or treatment, or torture”. Article 20 sets out that “no person may be subjected to slavery or servitude”. Title 5 of the Chadian Criminal Code is devoted to attacks on the physical integrity of persons, and imposes felony and misdemeanour penalties for such acts. Similarly, article 9 of Act No. 006/PR/02 of 15 April 2002 on the promotion of reproductive health states that “All persons have the right not to be subjected to torture and to cruel, inhuman and degrading treatment of their body in general and of their reproductive organs in particular. All forms of violence such as female genital mutilation (FGM), early marriage, domestic violence and sexual abuse of the human person are prohibited.” Decree No. 269 of 4 April 1995 establishing the Code of Ethics of the National Police stipulates that: “No person apprehended and taken into police custody may be subjected to any form of violence or inhuman or degrading treatment by police officers or third persons (art. 10).”

### **5. Freedom of conscience and religion**

33. Article 27 of the Constitution guarantees “freedom of opinion and expression, communication, conscience, religion, the press, circulation, the right to demonstrate and to hold marches” for all, in accordance with the Charter of the United Nations of 1945, the Universal Declaration of Human Rights of 1948 and the African Charter on Human and Peoples’ Rights of 1981. Such freedoms may be restricted only out of “respect for the freedoms and rights of others and the imperative need to maintain public order and morality”. The conditions for the exercise of such freedoms are set out by law.

34. In Chad, separation of religion and the State is established by the Constitution. However, the growth in the number of religious sects and the rise of fundamentalism, with all the ensuing consequences, have led the Government to take the following measures: it has for example prohibited public preaching, closed certain Koranic schools and prosecuted religious leaders whose preaching is disruptive to public order.

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

35. Freedom to associate and assemble is guaranteed by the Constitution. It is recognized and proclaimed by article 27 of the Constitution, Ordinance No. 27/INT/SUR of 12 July 1962 governing associations and its implementing decree, Decree No. 165 of 23 August 1962, and Ordinance No. 45 of 27 October 1962 governing assembly. However, exercising this right requires prior authorization. Article 1 of Ordinance No. 45/62 on public assembly provides that “public assemblies shall not take place without prior authorization ...”.

36. Since the political liberalization, and above all since the National Sovereign Conference of 1993, there has been a proliferation of various kinds of associations and trade unions.

There are now several trade union organizations: the Union of Trade Unions of Chad (UST), the Free Confederation of Workers in Chad (CLTT) and the Chad Teachers’ Union (SET), which not only freely carry out their activities, but also receive State subsidies. There are now nearly 3,000 associations working in various fields.

37. Article 4 of the Constitution stipulates that “The political parties and groups shall assist in expressing the will of the people. They shall be freely constituted and shall carry out their activities

in the conditions established by the law, and with respect for the principles of national sovereignty, territorial integrity, national unity and pluralist democracy.” A Charter of political parties was established by Act No. 45 of 14 December 1994. Numerous political parties (over 80) have been established and function freely throughout the country.

38. Similarly, the freedom of all citizens to express their ideas and opinions through any means of communication is recognized, as is freedom of the press and printing (arts. 1 and 2 of the Act on the press). Chad’s numerous independent radio stations and newspapers contribute to the exercise of these freedoms. Such freedoms are governed by a law, Act No. 29 of 12 August 1994 on the press, amended by Ordinance No. 5 of 2008. Private radio stations are governed by a specific regulation, Decision No. 7/HCC/P/SG/99 of 10 June 1999, which established the terms of reference for their operation. Political debates are broadcast by both the private and the public media.

### **7. Prohibition of slavery and forced labour**

39. The Constitution of 31 March 1996, in articles 20, 32, 35 and 38, reflects the provisions of ILO Conventions relating to forced labour, night work for women and the abolition of child labour.

40. Under article 20 of the Constitution, “no one may be held in slavery or in servitude”. Similarly, article 5 of Act No. 38 of 11 December 1996 establishing the Labour Code stipulates that “forced or compulsory labour is prohibited”. That notwithstanding, there are certain practices in rural and urban areas that are considered as modern slavery owing to the abusive exploitation of workers; these include the use of the children of sedentary populations to tend the herds of nomadic herders (child cowherds), *muhajirin* (mendicant Koranic students) and domestic workers.

41. Several actions are planned to address this problem, including refusal of admission to Chad, or the cancellation of visas, for persons wanted for crimes relating to trafficking in human beings, and mutual judicial assistance for the extradition of perpetrators.

42. The Government is currently considering, with its development partners and in consultation with local communities, ways and means of eradicating the phenomenon of child cowherds, which has been growing in scale despite the harmful consequences of such activities for the lives and health of the children involved. A comprehensive communication plan on the work of child cowherds has been implemented since 2002 with the support of the United Nations Children’s Fund (UNICEF), encompassing all those involved. Thanks to the activities carried out under this strategy, Government and religious authorities have joined in the campaign. Some results have been achieved; in particular, in certain areas the phenomenon has been on the wane, and child herders have been recovered and returned to their families. In 2004 and 2005, a total of 264 child herders were recovered and returned to their families.

43. To ensure that such action endures, a network to combat the use of child cowherds was set up in March 2006 with support from UNICEF. This problem is also addressed quite comprehensively by the poverty reduction strategy.

### **8. Right to recognition of the legal personality of the child and to special protection**

44. The right to life is a principle recognized for all Chadian children. This principle is taken into consideration by Act. No. 7/PR/99 of 6 April 1999 on procedures for the prosecution and judgement of offences committed by minors between 13 and 18 years of age, which protects the dignity and



person of such children even when they perpetrate an offence. Under this law it is prohibited to sentence a minor to death, and prison terms must be used only as a last resort. The law provides for alternative measures. Specifically, when a juvenile chamber hears a criminal case, it does not impose a death sentence on a prosecuted minor, but instead substitutes a prison sentence of 5 to 10 years.

45. To afford protection to women and children victims of trafficking in persons, Chad on 7 July 2006 signed a multilateral regional cooperation agreement in Abuja, Nigeria and adopted the regional plan of action to combat human trafficking, in particular women and children. This agreement is aimed at preventing trafficking, prosecuting perpetrators, assisting and protecting victims, ensuring their rehabilitation and social reintegration and coordinating the investigation, arrest and sentencing of traffickers and their accomplices.

46. Officially, the recruitment in the army of children under 18 is prohibited. However, there are children in military camps and in armed groups. Unfortunately, there are no statistics on this problem. Public awareness campaigns have been held by United Nations agencies and international and Chadian non-governmental organizations (NGOs) to combat the phenomenon. A children's parliament has been set up in accordance with United Nations recommendations to provide children with a forum to express their views. The Chadian Government has signed an agreement with UNICEF that makes it possible to reintegrate children released from the army into normal life. Chad has also undertaken to implement the recommendations of the Paris Principles on children associated with armed forces or armed groups. It should also be noted that international humanitarian law is now taught at the gendarmerie and police academies; this too may help to spare children during conflict.

47. The Chadian Government in 2005 drew up and validated a comprehensive development policy for young children, with the objective that by 2015, 100 per cent of children up to the age of 8 should be registered at birth and protected against violence, exploitation and discrimination, and that they should be in good health, with balanced physical, cognitive, socio-affective and psychological development. To this end, a parental education project is being implemented in the framework of the Chad-UNICEF cooperation programme running from 2006 to 2010.

48. To help increase registration on the population register, projects for the modernization and strengthening of the register are currently being implemented with the support of the United Nations Development Programme (UNDP), the European Union and UNICEF.

## **9. Security of person**

49. Article 12 of the Constitution provides protection for liberty and security of persons, as follows: "Fundamental rights and freedoms are recognized, and their exercise is guaranteed to citizens under the conditions and in the forms provided for by the Constitution and the law." Similarly, articles 17, 19 and 21 of the Constitution lay down the principles of liberty, security and the free development of the person, and prohibit arbitrary arrest and detention.

50. The Criminal Code, in article 149, applies criminal penalties to persons who arrest, detain or sequester any persons without orders from the proper authorities, apart from cases where the law prescribes that a suspect should be arrested.

51. Article 143 of the Criminal Code makes it obligatory to report illegal detention, as follows: "Public officials responsible for carrying out administrative police or criminal investigation functions who refuse or neglect to respond to a lawful request to report illegal or arbitrary detention,

either at detention facilities or elsewhere, and who fail to prove that they have reported it to a higher authority, shall be liable to imprisonment for one month to one year, and required to pay damages.” That notwithstanding, following the events that took place in the country on 2 and 3 February 2008, the commission of inquiry set up by the Government to shed light on what happened disclosed the existence of secret places of detention; these later disappeared after the end of the hostilities.

52. Similarly, article 152 stipulates that “any agreement affecting personal liberty, such as transfer, enslavement or the bonding of labour, shall be subject to the penalties provided for arbitrary detention ...”. The Criminal Code also punishes acts of unwarranted violence on individuals carried out by public officials or administrators in discharging their duties or when they carry out their functions (art. 156). For example, a woman’s association attacked by the police in 2001 was able to take legal action against a high-ranking official of the Chadian police.

53. Police custody is regulated by the Code of Criminal Procedure. Under article 221 of the Code, “Police officers may not retain people at their disposal for purposes of preliminary inquiries for more than 48 hours. On expiry of this period the person must be released or presented to the prosecutor’s department. Prosecutors and investigating judges may authorize an extension of police custody for a further period of 48 hours if they consider this essential for the satisfactory conclusion of the investigation. The authorization must be given in writing once the prosecutor or investigating judge is satisfied, if necessary by personally contacting the detainee, that that person has not been subjected to any ill-treatment.” In practice, however, citizens are often detained beyond the legal limit by the police and gendarmes, under the pretext that the means of work available to them are so out of date and insufficient. The lack of citizens’ knowledge of their rights and the fact that the police and gendarmerie are riddled with corruption are also aspects that undermine respect for the time limit on police custody.

## **10. Right to a fair trial**

54. The Chadian judiciary is governed by Act No. 004/PR/98 of 28 May 1998. Under article 1 of this law, justice is meted out by a single judiciary system, comprising: the Supreme Court, appeals courts, criminal courts, courts of first instance, labour courts, commercial courts and magistrates’ courts.

55. Act No. 004/PR/PM/98 on the organization of the judiciary provides that, in civil as in criminal cases, no person shall be tried without being given a fair opportunity to present his or her defence. Defendants may represent themselves or be assisted by a lawyer, who may be appointed by the court in cases of hardship, as provided for by articles 38 and 39 of the Code of Civil Procedure. Under article 38 of the Code of Civil Procedure, legal aid may be granted in any event to any litigants unable to exercise their rights in the judicial system as claimants or defendants owing to a lack of resources. Legal aid is available for all disputes and all acts of non-contentious jurisdiction.

56. That notwithstanding, the fact that the judiciary was dysfunctional led to the holding of the Forum on Justice (*Etats-Généraux de la justice*). A judicial reform programme was drawn up on the basis of the concluding document issued by this Forum, and approved by Decree No. 065/PR/PM/MJ/2005 of 18 February 2005. Six main lines of action were put forward:

- (a) Reform and review of texts and documentation;
- (b) Strengthening of law courts’ human resources;
- (c) Promotion and protection of human rights;

- (d) Information, education and communication;
- (e) Infrastructure and equipment; and
- (f) Fighting corruption and impunity.

The overall cost of this reform is estimated at 17 billion CFA francs, or US\$ 34 million. Several donors have indicated their willingness to contribute to the reform.

57. This financial support has made it possible for the Government to implement a number of activities. Many measures have also been taken by the Government to make justice more accessible. Two appeals courts were set up in Abéché and Moundou, in the provinces; courts that were formerly first instance chambers have been established as courts in their own right; and magistrates' courts have been set up in the sub-prefectures and the districts of N'Djamena.

## **11. Right to take part in the conduct of public affairs**

58. During the succession of different regimes in Chad, and specifically under Hissein Habré, liberties were stifled and the type of behaviour that emerged was not conducive to the right of all citizens to take part in the conduct of public affairs. However, since the advent of democracy and freedom in December 1990, Chad has demonstrated a political will to establish a State based on the rule of law, where human rights are respected, guaranteed and protected. This will was reflected in the holding of the National Sovereign Conference and the adoption of the Constitution by referendum in 1996. The political liberalization led to the establishment of political parties whose leaders freely conduct their political activities.

59. According to article 62 of the Constitution, "Chadians of either sex may present themselves as candidates for the presidency if they meet the conditions, which include holding Chadian nationality, being of sound physical and moral health, having good morals, being at least 35 years of age and enjoying all civil and political rights." For candidates for the National Assembly, article 108 of the Constitution stipulates that "Chadians of either sex who meet the conditions established by law may be candidates", and article 152 of the Electoral Code sets out that "Chadians of either sex of at least 25 years of age, registered on a voting roll and residing for at least one year in Chad, and who can read and write French or Arabic, shall be eligible for election to the National Assembly."

60. Conditions for eligibility, ineligibility and incompatibility are set out in articles 10 to 14 of Act No. 003/PR/2000 of 16 February 2000 on the electoral system for decentralized local governments. Article 10, on conditions of eligibility, stipulates that "Chadians of either sex of at least 25 years of age, registered on a voting roll, enjoying their civil and political rights and residing for at least one year in Chad or having substantial ties with the commune, department or region shall be eligible for election to municipal, departmental or regional councils."

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

### **1. Right to health, social security and social services**

61. Responding to the need for appropriate protection in certain fields or for certain vulnerable groups, the Government has drawn up special protection measures.

62. To provide the population with better access to quality basic health care, the Ministry of Public Health has set up the Chadian health system on three levels: central, intermediary and peripheral.

63. In order to ensure special protection in the field of reproductive health, and specifically to end harmful traditional practices, the Government promulgated Act No. 006/PR/02 of 15 April 2002 on the promotion of reproductive health. This law recognizes that all are equal in law and in dignity in respect of reproductive health, without discrimination based on age, sex, religion, ethnicity, marital status or any other circumstances (art. 3).

64. Article 7 of the same law provides that “every individual or couple has the right to benefit from the best possible quality health care and to be protected against practices that are harmful to reproductive health. Every individual or couple has the right to have access to nearby health services that are safe, effective, affordable and acceptable.”

65. In order to protect disabled persons, the Government adopted Act No. 007/PR/2007, on the protection of disabled persons. This Act states that disabled persons have the same rights as those recognized for any Chadian citizens under the Constitution. The protection of disabled people is one of the main subjects of concern of the Ministry of Social Action, Solidarity and Family Affairs. This Ministry, through its Department for Disabled People, attempts to ensure at the legal level that such persons are able to exercise all of their rights.

66. To protect persons living with HIV/AIDS and members of their families, Act No. 0019/PR/2007 was adopted, on combating HIV/AIDS/STI and the protection of the rights of persons living with HIV/AIDS. Certain measures have been taken in particular to provide antiretroviral drugs and emergency and prenatal consultations at no cost.

67. Similarly, several programmes have been set up to ensure women’s and children’s health; among these are the expanded programme on immunization, a health and nutrition programme, a population activities support fund and a national programme for malaria control.

## **2. Right to education**

68. Education is a priority in Chad. Article 35, paragraph 1, of the Constitution stipulates that “Every citizen has the right to education”. The State does its best, given its resources, to cover teacher salaries, school construction, continuous training of teachers at the various levels, educational material, equipment and consumables. Under the Constitution, schooling is free and compulsory. Act No. 16/PR/06 of 30 March 2006 on the orientation of the Chadian education system sets out in article 4 that “the right to education and training is recognized for all, without distinction as to age, sex, regional, social or ethnic origin or confession”. Secondary education is available and accessible to all throughout the country. It is provided free of charge, the same as primary schooling. Efforts are now under way to make higher education available to all those who hold secondary diplomas. In addition to the two universities operating in Chad (in N’Djamena and Abéché), several university-level institutes have been set up (in Bongor, Moundou, Bol, Mongo, Abéché, Biltine and Sarh). To combat illiteracy, which is still quite high, the Government issued Decree No. 06/PR/MEN/90 of 15 January 1990 establishing a National Committee for the Elimination of Illiteracy in Chad. Similarly, the education policy, geared to achieving the Millennium Development Goals, was drawn up in 2002. A project supporting the reform of the Chadian education system has been initiated.

### **3. Right to adequate food**

69. To compensate for the lack of food products, the Ministry of the Economy and Planning and the Ministry of Agriculture have taken several initiatives, including through the National Office of Food Security (ONASA), the National Food Security Project (PNSA) and the national poverty reduction strategy (NPRS). The beginning of petroleum production has helped raise the standard of living slightly, for example with a small rise in the wages of State employees, and with various wage increases amounting to 30 per cent. Wages were raised to 60,000 CFA francs for all those State employees whose remuneration had not reached that level since 2007. Despite these measures, the Government is still concerned, and is developing new strategies to allow citizens to fully enjoy their right to adequate food, taking into account the current high cost of living.

### **4. Right to decent housing**

70. The right to housing is guaranteed by the Constitution, which sets out that “Every Chadian has the right to freely choose his or her domicile or residence anywhere in the national territory” (art. 43). Despite this constitutional provision, nearly 90 per cent of the population is vulnerable to the weather for lack of decent housing. The Chadian Government, with support from UNDP and the United Nations Human Settlements Programme (UN-Habitat), has launched a housing programme, the aim of which is to improve housing and living conditions in deprived urban areas. In 2006, the Government launched a project for the construction of 10,000 homes. To foster the distribution of land to all citizens, the Government on 31 May 2004 issued Decree No. 236/PR/MATUH, which created the institution of the local urban planning board, establishing its mandate and defining how it would operate.

71. Under Act No. 65-25 of 22 July 1967, the holding of a land title gives rise to an irrevocable right, in accordance with which compensation must be paid commensurate with the value of the property if a property is expropriated. Any expropriation must be preceded by an inquiry lasting between one and four months, and an extensive effort must be made to inform any persons whose property might be expropriated so that they can submit their observations. In the light of the inquiry’s results, a declaration is issued by a decree issued by the Council of Ministers, according to which the property for the planned operation is required for public purposes; it also establishes which plots are to be expropriated, and officially announces the expropriation. However, in practice, the N’Djamena city administration is involved in an immense campaign to evict people and expropriate property in order to recover illegally occupied State lands and bring public services to the city. This operation has elicited a great deal of criticism, as it is considered not only illegitimate, but also inappropriate. In this regard it is generally hoped that the victims will be relocated elsewhere, as it is the duty of the State to provide decent housing to all citizens.

### **5. Right to culture**

72. Article 33 of the Constitution sets out that “Every Chadian has the right to culture. The State has the duty to safeguard and promote the national values of civil culture.” With the help of its partners, the State has therefore begun a project for the construction of cultural centres in all regions of the country. The State also ensures the promotion and protection of the national cultural heritage and the production of art and culture. There is a Government Ministry specifically responsible for culture, youth and sports, which deals with all such questions.

#### **IV. PROGRESS AND VOLUNTARY UNDERTAKINGS**

73. Following the National Sovereign Conference held in 1993, Chad built up an institutional and legal bulwark to foster protection of and respect for human rights. Among the institutions that were set up were the following:

- (a) The National Commission on Human Rights (CNDH);
- (b) The Supreme Court;
- (c) The Constitutional Council;
- (d) The High Court of Justice;
- (e) The High Council of Communication;
- (f) The Office of the Mediator;
- (g) The Economic, Social and Cultural Council;
- (h) The independent national electoral commission (CENI).

Similarly, several laws were promulgated:

- (a) The Constitution of 1996;
- (b) The Charter of political parties;
- (c) The Electoral Code;
- (d) The Act on the press;
- (e) The Act on audiovisual communication;
- (f) The Ordinance on freedom of association;
- (g) The Act concerning the elimination of the court martial.

74. To effectively address the concerns expressed in the Constitution, the Government in 2005 established a Ministry responsible for human rights; its mandate was extended in 2008 to include the promotion of liberty. To give effect to the measures taken by the Government to protect and promote fundamental rights and freedoms, 22 regional delegations have been set up throughout the country.

##### **A. Special protection measures**

75. As a result of conflicts that erupted in 2003 in Darfur and the Central African Republic, Chad has received an influx of refugees. The National Commission for Aid to Refugees (CNAR), established by decree on 31 December 1996, set up an eligibility subcommittee to grant refugee status on an individual basis, in accordance with the first two articles of the Geneva Convention relating to the Status of Refugees and the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.

In 2005, the Commission registered 220,000 Sudanese refugees, 60 per cent of whom were children; in the south, it registered 40,000 Central African refugees, and in cities, some 5,500 refugees from the Democratic Republic of the Congo, Liberia, Sierra Leone and Rwanda.

76. These refugees receive assistance from the Chadian Government, with the support of United Nations agencies and international organizations working for refugees. A memorandum of understanding was signed in 2005 between the International Committee of the Red Cross (ICRC), the Office of the United Nations High Commissioner for Refugees (UNHCR) and UNICEF for the tracing of unaccompanied and separated Sudanese children in Chad. In all, 437 separated Sudanese children and 104 unaccompanied Sudanese minors were identified and received care. Such children received the protection and humanitarian assistance called for in the international legal instruments ratified by Chad.

77. From 2004 to 2006, United Nations agencies, in particular UNICEF and UNHCR, working in partnership with NGOs, set up an education system for refugees both in the east and in the south. Some 495 classrooms were built in the eastern part of the country, currently receiving some 75,000 children at the primary and preschool levels. This education system is also of benefit to local children who have been affected by the armed conflicts.

78. Social workers and humanitarian workers have been trained in listening and counselling techniques, in humanitarian law, play activities and the rights of the child in general so that they can assist refugees in overcoming the trauma that they have experienced.

### **B. Political and security measures**

79. In its quest for peace, stability and national reconciliation with a view to bolstering democracy, the Chadian Government has taken a number of political and security measures. Politically, the main step taken has been the signing on 13 August 2007 of a peace agreement between the president's majority party and the democratic opposition. This agreement is aimed at stabilizing politics through the holding of free, transparent and democratic elections. In respect of security, several agreements have been signed, respectively in Mecca (Saudi Arabia), Surt (Libya) and Dakar (Senegal). Some Chadians who had been sentenced to death for taking part in armed rebellions have also benefited from an amnesty. A national disarmament commission was set up in 2008 to collect weapons illegally held by citizens in the country. With the deployment of the European Union military operation (EUFOR) and the United Nations Mission in the Central African Republic and in Chad (MINURCAT), a comprehensive security unit made up of Chadian gendarmes and policemen has been set up to provide security in the refugee camps. The aim of all these steps is to restore peace and security in the country.

### **C. Anticorruption measures**

80. Articles 229 and 322 and following of the Criminal Code address and provide penalties for misappropriation of public funds and acts of corruption by State employees. There have always been specific procedures to address this scourge. Currently, it is Act No. 004/PR/00 on the suppression of embezzlement of public property, corruption, misappropriation of public funds, influence peddling and similar offences that is applicable in this field.

81. Over and above this legal framework, the Government in 2004 established a Ministry in charge of State Control and Morals with a view to making the public authorities act in a more ethical manner and to overseeing the management of public funds.

Hundreds of audits have been carried out by this Ministry, resulting in the referral to the justice system of several complaints of embezzlement or corruption.

#### **D. Dissemination of human rights conventions**

82. Civil society associations were the first to begin defending and promoting human rights. They organized training workshops on human rights for their activists and for officials of Government ministries directly involved in this field (judges and prosecutors, law enforcement agencies, social workers and health professionals).

83. Pursuant to the recommendations of the National Sovereign Conference, the National Commission on Human Rights not only centralized human rights promotion and awareness activities, but also bolstered them, with radio and television broadcasts. At the request of the National Commission and the Association for the Promotion of Fundamental Freedoms in Chad (APLFT), time slots have been reserved for the teaching of general criminal law, special criminal law, judicial procedures and human rights at gendarmerie and police academies and through broadcasts by the Chadian National Radio and Television Office.

84. In order to adapt human rights and international humanitarian law to the context of national defence missions and operations for the maintenance of public order and security which have to be undertaken by the armed forces, an Order (No. 059/MNDR/EMP/02) establishing a reference centre on international humanitarian law (CRDIH) was signed by the Minister of National Defence in March 2002.

85. Similarly, Order No. 24/MDNACVG/ENP/05 of 26 January 2005 established a commission to draw up a document entitled *Instructor's manual* and to revise the code of ethics of the gendarmerie. By Order No. 85/MDN/ENP/05, this document was incorporated into the training programme for the armed forces and security forces; it makes the teaching of international humanitarian law compulsory in their training schools.

86. This manual was drawn up with the participation of the army, the association of inter-service military training schools, the air force, the national gendarmerie, the *Garde nomade* and the national police, with the help of the Chadian League of Human Rights.

87. The manual consists of two parts:

(a) The first part is devoted to humanitarian law. It is arranged in three levels, each corresponding to a target group:

- (i) Level 1: Common basic training imparted to all low-ranking staff in the gendarmerie, the army, the Guard and the national police;
- (ii) Level 2: Training of first-year non-commissioned officer trainees;
- (iii) Level 3: Training of second-year officer trainees, including junior officers in training;



(b) The second part, which deals with human rights, is common to all levels. This is the part that deals with the subject of torture. Twenty-five instructors have already received training in the use of the *Instructor's manual*, which is to be made available to all military training schools. The content of the training on humanitarian law and human rights will from now on be the same for all military schools. It is also of note that human rights education will soon be introduced at primary, secondary and vocational schools.

## V. DIFFICULTIES AND CONSTRAINTS

88. In implementing its human rights protection and promotion policy, the Chadian Government has encountered major difficulties and constraints, including the following:

- (a) A constant situation of armed conflict;
- (b) Lack of awareness of the concepts of human rights on the part of Government and military authorities;
- (c) Illiteracy and ignorance of the population;
- (d) Sociocultural impediments;
- (e) Structural shortcomings of civil society associations;
- (f) A dysfunctional system of justice;
- (g) Lack of means and insufficient training of the police;
- (h) Domestic legislation not sufficiently adapted to the international conventions.

## VI. CHAD'S EXPECTATIONS FOR CAPACITY-BUILDING

89. As the promotion and protection of human rights is a long-term effort requiring significant means, and in the light of the difficulties and constraints listed above, Chad cannot meet the challenges in this field on its own. Assistance of various kinds is thus required from its partners in order to achieve the following:

- (a) Building the capacity of the Ministry in Charge of Human Rights and the Promotion of Liberty, by providing it with sufficient and appropriate means for its work and by training its staff;
- (b) Revitalizing the National Commission on Human Rights;
- (c) Structurally strengthening civil society associations working for the promotion and protection of human rights;
- (d) Building institutional and operational capacity in the administration of justice;
- (e) Training and providing means and materials for the police;
- (f) Bringing domestic legislation into line with the provisions of international human rights instruments.

## VII. FUTURE PROSPECTS

90. Chad, proclaiming its commitment to the principles contained in the Charter of the United Nations, the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and all the relevant international legal instruments relating to human rights, has resolutely undertaken to guarantee the dignity, liberty and fulfilment of the individual, as well as the equality and welfare of all. In this connection, since the advent of democracy in December 1990, some praiseworthy efforts have been made in several fields, including the following:

- (a) Ratification and implementation of the main human rights instruments;
- (b) Follow-up and drafting of various initial and periodic reports;
- (c) A firm commitment to the democratic process.

91. However, all the efforts made so far still must be consolidated by better entrenching the concept of human rights in the everyday life of Chadians. The Ministry in charge of human rights and the promotion of liberties has thus incorporated the holding of a forum on human rights in Chad in its programme of action. During this event, a thorough diagnosis will be drawn up of human rights, and a vision of solutions will be sought with which to ensure a better future for human rights in our country. Other no less important measures are currently being implemented, or will be soon. These include:

- (a) Reform of the justice system;
- (b) Reform of local government;
- (c) Reform of the population register;
- (d) Adoption of the Persons and Family Code;
- (e) With a view to strengthening democracy and holding free and transparent elections, further to the agreements of 13 August 2007, there are plans to draw up a statute for the democratic opposition; to revise the Charter of political parties and the Electoral Code; to set up a new independent national electoral commission and to conduct a new electoral census. The Government has undertaken to practice good governance.

Such challenges can be met only with the assistance of the international community.

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