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HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF THE ANNEX
TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1***

Chad

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

* Late submission.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations¹

<i>Core universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of Treaty bodies</i>
ICERD	17 August 1977 (a)	-	Individual complaints (article 14): No
ICESCR	9 June 1995 (a)	-	-
ICCPR	9 June 1995 (a)	-	Inter-State complaints (article 41): No
ICCPR-OP1	9 June 1995 (a)	-	-
CEDAW	9 June 1995 (a)	-	-
CAT	9 June 1995 (a)	-	Inter-State complaints (article 21): No Individual complaints (article 22): No Inquiry procedure (article 20): Yes
CRC	2 October 1990	-	-
OP-CRC-AC	28 August 2002	-	-
OP-CRC-SC	28 August 2002	-	-

Core treaties to which Chad is not a party: OP-ICESCR,³ ICCPR-OP2, OP-CEDAW, OP-CAT, ICRMW, CRPD, CRPD-OP, CED (signature only, 2007)

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	No
Rome Statute of the International Criminal Court	Yes
Palermo Protocol ⁴	No
Refugees and stateless persons ⁵	Yes
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶	Yes/except AP III
ILO fundamental conventions ⁷	Yes
UNESCO Convention against Discrimination in Education	No

1. In 2009, the Committee on the Rights of the Child (CRC) welcomed the ratification of 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, in August 2002;⁸ the ratification of the ILO Conventions No. 182 and No. 138, respectively in November 2000 and March 2005; the Rome Statute of the International Criminal Court in November 2006;⁹ and the signing of the International Convention for the Protection of all Persons from Enforced Disappearance in February 2007.¹⁰ CRC also recommended that Chad consider signing and ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol.¹¹

B. Constitutional and legislative framework

2. CRC noted with appreciation the promulgation in 2002 of the law relating to the Promotion of Reproductive Health and, in 2004, of the decree giving effect to the Labour Code regulating child labour.¹² The Committee urged the State to expedite the adoption and entry into force of the draft child protection code and the draft code on the person and the family.¹³

3. In 2008, the ILO Committee of Experts on the Application of Conventions and Recommendations repeated its previous comment concerning article 32 of the Constitution, which states that no one can be discriminated against in their work on the grounds of origin, opinions, beliefs, sex or matrimonial situation, but does not include the other grounds of discrimination set out in article 1(1) (a) of the ILO Discrimination (Employment and Occupation) Convention (No. 111), particularly race and colour.¹⁴

4. The independent expert on the situation of human rights in Chad noted that the Constitution, which protects all human rights and contains all the elements of the rule of law, is implemented on the basis of local customs.¹⁵ Under the Constitution, duly ratified treaties, once published, take precedence over domestic laws.¹⁶

C. Institutional and human rights infrastructure

5. Since 2000, the Chad National Human Rights Commission (NHRC) has remained an accredited institution with an “A status with reserve” by the International Coordinating Committee on national institutions for the promotion and protection of human rights.¹⁷

6. CRC recommended establishing as soon as possible an ombudsperson, or a unit within the NHRC, for monitoring the implementation of the Convention on the Rights of the Child, and to receive and investigate complaints from, or on behalf of, children.¹⁸

7. In 2008, the ILO Committee of Experts noted that the Government had established the Directorate for Children within the Ministry of Social Action and the Family as the body responsible for the implementation of children’s policies.¹⁹

D. Policy measures

8. CRC encouraged Chad to adopt a national plan of action on children taking into account the document “A world fit for children” adopted by the General Assembly at its special session on children held in May 2002 and its mid-term review of 2007.²⁰

9. The ILO Committee of Experts noted the Government’s Strategy of Education and Training for Employment and the National Plan for Education for All.²¹

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body²²</i>	<i>Latest report considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	1995	August 1995	-	Tenth-fifteenth combined report received September 2007; will be considered in 2009 or 2010
CESCR	-	-	-	Initial report received September 2007; scheduled for consideration November 2009
HR Committee	-	-	-	Initial report received September 2007; scheduled for consideration March 2009

<i>Treaty body²²</i>	<i>Latest report considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CEDAW	-	-	-	Initial, second and third reports overdue since 1996, 2000 and 2004 respectively
CAT	-	-	-	Initial report received September 2007; scheduled for consideration April 2009
CRC	2007	January 2009	-	Combined third, fourth and fifth report due October 2012
OP-CRC- AC	-	-	-	Initial report overdue as of August 2004
OP-CRC- SC	-	-	-	Initial report overdue as of August 2004

2. Cooperation with special procedures

10. On 21 April 2004, the Commission on Human Rights adopted resolution 2004/85 appointing an independent expert on the situation of human rights in Chad to facilitate cooperation between the Government and the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the promotion and protection of human rights.²³ The mandate of the independent expert was discontinued in 2005.²⁴

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Representative of the Secretary-General on the human rights of internally displaced persons (3-9 February 2009); independent expert on the human rights situation in Chad (7-17 October 2004) ²⁵
<i>Visits agreed upon in principle</i>	None
<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on extrajudicial, summary or arbitrary executions, requested in 2008; (2008); Working Group on the use of mercenaries, (2007); Special Rapporteur on education, (2007-2005); Special Representative of the Secretary-General on human rights defenders (2002-2004).
<i>Facilitation/cooperation during missions</i>	The mandate of the independent expert on the human rights situation in Chad enjoyed the full cooperation of the Government. ²⁶
<i>Follow-up to visits</i>	-
<i>Responses to letters of allegations and urgent appeals</i>	A total of 19 communications were sent during the period under review. In addition to communications sent for particular groups, 60 individuals, including 3 women, were covered by these communications. During the period under review, the Government replied to none of the communications.
<i>Responses to questionnaires on thematic issues²⁷</i>	Out of the 13 questionnaires sent by special procedures mandate holders during the period under review, ²⁸ Chad responded to none of them within the deadlines.

3. Cooperation with the Office of the High Commissioner for Human Rights

11. By its resolution 1778 (2007), in September 2007, the Security Council approved the establishment in Chad and the Central African Republic of a multidimensional presence intended to help create the security conditions conducive to a voluntary and sustainable return of refugees and internally displaced persons. The mission - United Nations Mission in the Central African Republic and Chad (MINURCAT) - has a human rights and rule of law component with a mandate to, inter alia, contribute to the monitoring and to the promotion and protection of human rights, with particular attention to sexual and gender-based violence, and recommend action to the competent authorities, with a view to fighting impunity and supporting efforts to put an end to recruitment and use of children by armed groups.²⁹ The Security Council expanded

MINURCAT's mandate until 15 March 2010.³⁰ MINURCAT has also conducted several joint field visits with the Ministry of Human Rights to strengthen collaboration with local authorities.³¹

12. In early December 2005, a Human Rights Adviser to the United Nations Country Team in Chad was deployed with the objective of strengthening national capacities in the field of human rights, including of the Government, the judiciary, the NHRC, civil society organizations, the academic sector.³²

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

13. CRC urged Chad to strengthen its efforts to eradicate all discriminatory laws from its legislation, and encouraged it to adopt a comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups, in particular regarding education, and succession and inheritance rights.³³

14. A 2008 UNICEF report referred to gender discrimination as rooted in the social and cultural beliefs of Chadian society, which results in a host of factors, early marriage and pregnancy, forced marriage, female genital mutilation, domestic work, and child labour, that bar girls from getting into and finishing school.³⁴

15. The independent expert on Chad stated that the burden of tradition weighs on women.³⁵ As a result of socio-cultural inertia, women are viewed as mothers, spouses and housewives, so that they hardly participate at all in national decision-making. Women receive no education, even though they make up the largest part of the country's labour force, and they are generally unable to own or inherit land.³⁶

2. Right to life, liberty and security of the person

16. In a 2008 report to the Security Council, the Secretary-General noted that reports have been received of arbitrary killings and extrajudicial executions committed by Government, rebel and unidentified armed elements.³⁷ The Secretary-General also noted that the main findings in the report of the National Commission of Inquiry, established on 2 April 2008 to look into the early February 2008 events in N'Djamena, indicated that both rebel groups and the Chadian National Armed Forces were responsible for violating human rights during the events, including through arbitrary execution, torture, rape and the disproportionate use of force.³⁸ The trend of armed robberies and crimes targeting humanitarian workers, Chadian citizens and refugees, continued unabated.³⁹ Vast quantities of unexploded ordnance and other explosive remnants of war remain scattered across eastern Chad, continuing to pose serious security risks for the population and humanitarian assistance.⁴⁰ Furthermore, as of September 2008, six humanitarian aid workers had been killed and 107 security incidents involving humanitarian workers had been reported.⁴¹

17. The Secretary-General stated that refugees and internally displaced persons in eastern Chad continue to be gravely affected by internal and cross-border hostilities.⁴² Vulnerable groups, particularly women and children, are often the target of attacks by armed elements. Refugee camps in eastern Chad have become increasingly militarized and displaced persons sites

and local villages have reportedly been targeted for forced recruitment.⁴³ A 2008 WHO report noted that rampant armed attacks have forced aid agencies to suspend critical humanitarian assistance to thousands of displaced persons in Eastern Chad.⁴⁴ A 2008 UNICEF report indicated that, since April 2004, regular rebel attacks on Chadian villages in the border area of Darfur, led to a spiral of escalating violence.⁴⁵

18. On 5 February 2008, the High Commissioner for Human Rights expressed her deep concern regarding the military escalation and the threat this represented for civilians. The High Commissioner called on both government forces and rebel groups to respect international human rights and humanitarian law and to take all appropriate measures to protect civilians.⁴⁶

19. A 2007 UNHCR report noted a major attack at the end of March 2007 on the villages of Tiero and Marena, which was blamed on “Janjaweed” militiamen possibly assisted by Chadian rebels. It was estimated that between 200 and 400 persons died in the attack.⁴⁷

20. The independent expert on Chad stated that, after a de facto moratorium, which lasted almost 10 years, executions resumed on 6 November 2003. It was emphasized that those executions had political and gangland overtones. At the time of the independent expert’s visit in October 2004, 19 other persons were awaiting execution.⁴⁸

21. The Working Group on Enforced or Involuntary Disappearances transmitted 12 newly reported disappearance cases to the Government under its standard procedure, concerning the disappearance of Chadian army officers and civilians in N’Djamena and in the northern part of the country. These cases allegedly took place in 2006. No information was received from the Government regarding outstanding cases,⁴⁹ which included members of the Democratic National Union, members of the *Hadjerai* ethnic group and members of armed opposition groups arrested by the Chadian security forces. One case concerned a person who was arrested in N’Djamena by members of the Presidential Security Group.⁵⁰

22. In 2009, CRC recommended taking all necessary measures to prevent, prohibit and protect children from all forms of torture or other cruel, inhuman and degrading treatment or punishment in all settings. In this regard, particular attention should be paid to the situation of Mouhadjirin children.⁵¹ CRC noted with regret that violence against children continues to take place in the home, in schools, in children’s shelters, in detention centres, and is often legitimized by custom.⁵² The Committee encouraged the State to strengthen awareness-raising activities in all settings and recommended taking all necessary legislative and policy measures to address and prevent violence against children, and to care for and reintegrate child victims.⁵³ CRC further encouraged the State to prioritize elimination of all forms of violence against children, including through the strengthening of legislation to address the problem of child abduction and penalize perpetrators of such acts.⁵⁴

23. CRC expressed grave concerns about the continuation of recruitment and use of children by all parties to the conflict and noted that only a small number of children have been demobilized since 2007.⁵⁵ The Secretary-General, in a 2008 report to the Security Council, stated that all parties to the conflict reportedly continue to recruit and use children.⁵⁶ A 2008 Office for the Coordination of Humanitarian Affairs (OCHA) report noted that child recruitment by belligerent parties is an increasingly serious concern, especially in refugee camps in Chad’s north-east.⁵⁷

24. CRC urged Chad to take immediate and adequate measures to ensure observance of legislation setting the minimum age of 18 for recruitment into military forces; to release underage fighters from its military forces, and to facilitate contact between armed groups and the United Nations in order to demobilize and prevent recruitment of children, particularly the practice of recruitment of children in refugee camps.⁵⁸ MINURCAT continues to urge the local authorities to prosecute persons alleged to be recruiting children in the camps and surrounding villages in eastern Chad.⁵⁹ During her visit to Chad in May 2008, the Special Representative of the Secretary-General for Children and Armed Conflict welcomed the Government's decision to release children associated with armed groups held in detention, and to allow United Nations-led teams to verify the presence of children in military camps, instruction centers and detention facilities.⁶⁰ The OCHA report noted that, since the signature of an agreement between the Government and UNICEF in May 2007, and the visit of the Special Representative of the Secretary-General, 534 children formerly associated with armed forces or groups have been demobilized.⁶¹

25. On 22 February 2008, OHCHR expressed concern about the reported abduction and detention of several opposition leaders as well as members of civil society organizations. OHCHR also expressed concern at the scope of the Presidential Decree of 15 February that declared a nationwide state of emergency and authorized house searches and controls on the private and public press, as well as limiting movement of people and vehicles and banning most meetings. OHCHR called on the Government to respect fundamental human rights and freedoms during the period of the state of emergency.⁶²

26. Between 2005 and 2006, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the question of torture, the Special Representative of the Secretary-General on human rights defenders, the Chairperson of the Working Group on Arbitrary Detention and the Special Rapporteur on the independence of judges and lawyers sent several communications about the arbitrary detention by the Chadian Security Force, ANS (*Agence nationale de sécurité*), of minors under 15, human rights defenders and journalists. Based on the information they had received, some of the victims remained in undisclosed locations, without access to their families and lawyers. The Government did not reply to these communications.⁶³

27. The independent expert on Chad visited N'Djamena prison, where more than half the inmates were awaiting trial. Complaints were made concerning food, medical services (non-existent), the periods for which remand prisoners are held without being informed of the charges against them. One group of prisoners complained that, because of their foreign status, no one came to provide them with food or clothing.⁶⁴ Visits to prisoners have to be paid for, except in the case of lawyers.⁶⁵

28. The Secretary-General noted with particular concern that, in some conflict areas, sexual violence is increasingly perpetrated by minors (under 18) and civilians.⁶⁶ MINURCAT has received reports of rape and other forms of gender-based violence perpetrated by armed elements in internally displaced persons sites, refugee camps and surrounding villages.⁶⁷ During her visit, the Special Representative for Children and Armed Conflict continued to raise with Government and non-State actors the issue of girls in the context of armed conflict and the specific problem of sexual violence, and stressed the critical need for assistance for victims of sexual violence.⁶⁸ A 2008 UNICEF report noted that girls and women are regularly attacked when searching for wood around refugee camps and IDP sites.⁶⁹ The report also noted that female genital mutilation (FGM) is still a common practice in Chad despite its interdiction in the national legislation.⁷⁰

While welcoming efforts to eradicate FGM, CRC was deeply concerned that it remains very prevalent (45 per cent in total), and that there are no sanctions for perpetrators of this crime.⁷¹

29. CRC urged Chad to take all measures to ensure the protection of children from trafficking, and that perpetrators of child trafficking are brought to justice without delay.⁷² The Committee recommended developing appropriate legislative measures to address the issues of sexual abuse and sexual exploitation; taking appropriate measures to ensure the prosecution of perpetrators of sexual offences against children; ensuring that child victims of sexual exploitation or abuse are not criminalized or penalized.⁷³

30. The ILO Committee of Experts reminded the Government that the sale and trafficking of young persons under 18 years of age for economic or sexual exploitation are considered to be among the worst forms of child labour. The Committee requested the Government to provide information on the measures adopted or envisaged to criminalize clients who use children under 18 years of age for prostitution, and to establish sanctions for this purpose.⁷⁴

31. In 2005, the Special Rapporteur on violence against women, jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography, sent an urgent appeal regarding life conditions and treatment of children living inside Koranic schools under the responsibility of *marabouts*, who, according to the allegations received, would oblige children to beg without imparting them religious instruction as requested by their families. Corporal punishment would regularly be inflicted by the *marabouts* and guardians on children in a number of religious schools throughout the country. Women behaving “contrary to Islam” according to their families or husbands may have been constrained in specific quarters inside these schools.⁷⁵ CRC recommended that the State explicitly prohibit by law corporal punishment in all settings, including in the family, and implement those laws effectively.⁷⁶

32. CRC urged the State to ensure that any policies, plans and legislation to address child labour, also provide effective protection for children belonging to vulnerable groups, including refugee children, mouhadjirin children and *enfants bouviers*.⁷⁷ The ILO Committee of Experts requested the Government to redouble its efforts to protect these herder children.⁷⁸

3. Administration of justice, including impunity and the rule of law

33. In a 2008 report to the Security Council, the Secretary-General stated that while the deployment of the *Détachement intégré de sécurité* (DSI) and the rule of law programme of MINURCAT and its partners will help strengthen administrative capacity, it is necessary for these efforts to be matched by actions on the part of the Government to act with all transparency in ensuring that crimes are investigated and those found accountable are brought to justice.⁷⁹

34. The Secretary-General noted that the report of the National Commission of Inquiry on the February 2008 events in N’Djamena noted that little action had been taken to investigate allegations of human rights abuses and criminal acts committed during the events.⁸⁰

35. The independent expert on Chad stated that the legislation officially in force in Chad must become the effective rule and that customary law must be retained where it is not incompatible with the human rights set out in the legislation and international treaties in force.⁸¹ Furthermore, all judges must have legal qualification and provision must be made for a system for the selection of judges in which the most independent and impartial candidates are appointed. A free legal advice service must be established at various levels.⁸²

36. CRC urged the State to ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 40 and 39 of the Convention, as well as other relevant United Nations instruments. The Committee recommended, inter alia, taking all necessary measures to ensure that children are held in detention only as a last resort and for as short a time as possible, and that they are held separately from adults both in pre-trial detention and after being sentenced.⁸³ The Committee also urged the State to ensure that appropriate penalties are applied for acts such as female genital mutilation, early marriage and sexual violence.⁸⁴

4. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

37. In a 2008 report to the Security Council, the Secretary-General noted that among the main findings of the report of the National Commission of Inquiry on the February 2008 events in N'Djamena was that freedom of the press had been temporarily restricted.⁸⁵ In 2007 the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression sent an urgent appeal concerning the arbitrary detention of the head of the Chadian human rights organization Association des droits de l'homme sans frontières (DHSF) for the area of Moissala.⁸⁶

38. From 1 December 2005 to December 2006, the Special Representative of the Secretary-General on human rights defenders sent eight communications to the Government of Chad concerning, inter alia, allegations of attacks and harassment against a lawyer of victims of the former President Habré's regime, the closing of a radio station, harassment, arbitrary detention and torture of journalists. She expressed her concern that the right to freedom of expression of those denouncing the human rights violations of President Habré's regime was seriously threatened.⁸⁷

39. A 2008 United Nations Statistics Division coordinated analysis indicated that the proportion of seats held by women in the national parliament decreased from 6.5 per cent in 2005 to 5.2 per cent in 2008.⁸⁸

5. Right to work and to just and favourable conditions of work

40. In 2007, the ILO Committee of Experts noted reports that numerous unionized workers of a petroleum company were subject to arrest and violence in September 2005, and requested the Government to send its comments on this matter.⁸⁹

6. Right to social security and to an adequate standard of living

41. CRC noted the lack of improvement in health indicators and of access to basic health and social services; the high number of underweight/malnourished children, and the continuing high rates of child and maternal mortality.⁹⁰ The Committee recommended addressing the problems of infant and maternal mortality and malnutrition, particularly in rural areas.⁹¹ A 2008 UNICEF report indicated that the main causes for morbidity and mortality of children under 5 years old are malaria, respiratory infections and diarrhoea.⁹²

42. CRC urged the State to take measures to reduce HIV/AIDS infection, particularly with regard to the young people.⁹³ The UNICEF report indicated that HIV/AIDS prevalence amongst the local population rates is about 7.5 per cent in urban and 3.5 per cent in rural areas.⁹⁴

43. CRC recommended strengthening the application of poverty reduction strategies, in order to provide economically disadvantaged families with, inter alia, adequate nutrition, drinking water, housing, sanitation facilities, and basic social security services.⁹⁵ A 2008 UNICEF report noted that access to safe drinking water and sanitation services is among the lowest in the world – and the situation in the East is worse than the national average.⁹⁶

44. A 2008 World Food Programme report noted that emergency food assistance is provided to over 240,000 refugees and approximately 180,000 IDPs.⁹⁷

7. Right to education and to participate in the cultural life of the community

45. A 2008 UNICEF report indicated that among IDPs in Eastern Chad, the number of school-age children is estimated at over 50,000, or about 25 per cent of the total IDP population. The vast majority of these children have never been enrolled in school or had to interrupt their school year when the conflict broke out.⁹⁸ A 2007 IMF report indicated that Chad's education system has long been subject to a number of constraints: the population explosion has made it difficult to meet enrolment demand, programmes are not tailored to meet the needs of the national economy and teacher training is insufficient.⁹⁹

46. In 2008, the ILO Committee of Experts noted that parents continue to discriminate against girls when it comes to enrolling their children in school, and that most women lack a modern education. The Committee asked for information on the results of the measures planned to promote equality in access to education and on the progress made towards reducing the enrolment gap between boys and girls.¹⁰⁰

47. CRC recommended ensuring access to education, including early childhood education, in all regions and paying particular attention to girls and all vulnerable groups of children, including nomadic children and children in remote areas.¹⁰¹

8. Migrants, refugees and asylum-seekers

48. A UNHCR report noted that Chad hosted some 300,000 refugees, in 2008, from neighboring countries. The refugees live in 17 camps in eastern and southern Chad, and some 5,000 refugees of various nationalities live in urban areas. The UNHCR report indicated that refugees from a neighbouring country require food assistance and that urban refugees require assistance in voluntary repatriation, local integration support, and educational and vocational programmes.¹⁰²

9. Internally displaced persons

49. The Special Representative of the Secretary-General on the human rights of internally displaced persons, at the end of his visit to Chad, stated that he was especially concerned by the on-going human rights violations against displaced persons, in particular the recruitment of children by the various armed groups, and violations against women and girls. The Special Representative was also concerned by weapons proliferation, the militarization of IDPs sites, of criminality and the climate of impunity prevailing in the regions he visited.¹⁰³

50. A 2008 OCHA report stated there are approximately 185,000 IDPs in Chad, the vast majority of them living in the east. The IDP crisis started in December 2005, and worsened in the last quarter of 2006 due to deterioration in the security environment.¹⁰⁴

51. The Secretary-General noted that the voluntary return of internally displaced persons in conditions of safety and security has been undermined by local tensions over scarce resources, which have been manifest in violence among ethnic groups.¹⁰⁵

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

52. A 2007 UNHCR report noted that security remains the greatest concern in Chad. The presence of armed rebel groups and militias, and the worsening of inter-ethnic conflict affect the security of refugees, IDPs, the host population and humanitarian workers.¹⁰⁶ The Secretary-General noted that the overall human rights situation remains a concern, particularly with regard to impunity and sexual violence.¹⁰⁷

53. The Secretary-General also noted that eastern Chad continues to face an acute humanitarian challenge. Over 290,000 Sudanese refugees, more than 180,000 IDPs and a further 700,000 individuals among the host communities are in need of food, water and health care. An estimated 500,000 persons are receiving assistance.¹⁰⁸

54. CRC deeply regretted the fact that years of civil war and armed conflict have had and continue to have a negative impact on the situation of children and hamper progress in the effective implementation of the rights enshrined in the Convention.¹⁰⁹

55. A 2008 UNICEF report listed major concerns in terms of children protection in the context of armed conflict in Eastern Chad: the use of children in armed forces and groups, child trafficking, economic exploitation and worst forms of child labour, sexual and gender-based violence including rape, non-registration of newborn refugee and displaced children, and proliferation of unexploded ordnances.¹¹⁰

56. The UNICEF report also indicated an estimated life expectancy at birth of 47 years, and that under-5 mortality (200 per 1,000 live births) and maternal mortality rates (1,100 per 100,000 live births) are among the highest in the world. The lack of qualified health staff at all levels – as also highlighted by a 2007 IMF report¹¹¹ – and the limited access to health facilities due to insufficient geographical coverage are serious obstacles for a sustainable improvement of the health situation.¹¹²

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

Specific recommendations for follow-up

57. In a report to the Security Council, the Secretary-General noted that the Government should continue to take bold and decisive steps to bring immediate protection to civilians at risk and offer the armed opposition a viable mechanism to address their grievances without resort to arms. The Government must show the political will necessary to stop impunity and take immediate and concrete steps to investigate crimes and bring perpetrators to justice.¹¹³

58. The Security Council Working Group on Children and Armed Conflict urged, *inter alia*, all parties to comply with international humanitarian law by protecting the civilian population, especially children; to release unconditionally all children; to refrain from any new child recruitment and respect the neutrality of refugee camps and settlements as safe havens for children; to allow full, unimpeded access for humanitarian assistance; to prevent killing and maiming of civilians and address prevailing impunity for such crimes; and to put an end to and prevent the perpetration of rape and other sexual and gender-based violence.¹¹⁴

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

59. In consultation with the Headquarters Integrated Mission Task Force, including OCHA, the United Nations Development Programme, UNHCR and OHCHR, as well as MINURCAT, the following benchmarks have been developed: (a) voluntary return and resettlement in secure conditions of a critical mass of internally displaced persons; (b) demilitarization of refugee and IDP camps; (c) capacity of local authorities to provide security for refugees, IDPs, civilians and humanitarian workers; (d) ability of the national law enforcement agencies to maintain law and order with respect for international human rights standards; (e) progress of an independent judiciary in eastern Chad contributing to end impunity; (f) a prison system in eastern Chad that is based on a human rights approach to prison management. These benchmarks will be reviewed as the situation evolves and will form the basis of the Mission's implementation plan.¹¹⁵

60. The 2006-2010 United Nations Development Assistance Framework (UNDAF) indicates five domains of action; inter alia, create conditions for democratic and economic governance, and combat HIV/AIDS.¹¹⁶

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP1	Optional Protocol to ICCPR
ICCPR-OP2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008, in which the General Assembly recommended that a signing ceremony be organized in 2009. Article 17, para. 1, of OP-ICESCR states that "The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant".

⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁸ CRC/C/TCD/CO/2, 3para.5.

⁹Ibid., para.6.

¹⁰Ibid., para.7.

¹¹Ibid., para. 56.

¹²Ibid., para.3.

¹³Ibid., para. 11.

¹⁴ ILO Committee of Experts on the Application of Conventions and Recommendations, doc. No. (ILOLEX) 062008TCD111, para. 2.

¹⁵ E/CN.4/2005/121, para. 67.

¹⁶Ibid., para. 69.

¹⁷ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.

¹⁸ CRC/C/TCD/CO/2, para.19.

¹⁹ ILO Committee of Experts on the Application of Conventions and Recommendations, doc. No. (ILOLEX) 092008TCD182.

²⁰ CRC/C/TCD/CO/2, para.17.

²¹ ILO Committee of Experts on the Application of Conventions and Recommendations, doc. No. (ILOLEX) 092008TCD182.

²² The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child
CMW	Committee on the Protection of the Rights of All Migrant Workers and Their Families

²³ E/CN.4/2005/121, paras. 2-4.

²⁴ OHCHR Annual Report 2005, p. 41.

²⁵ See E/CN.4/2005/121.

²⁶ *Ibid.*, para. 7.

²⁷ The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate-holder.

²⁸ See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (b) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (e) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (f) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the sent in July 2005; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (h) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent on July 2006; (j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004; (k) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (l) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (m) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations sent in 2007.

²⁹ Security Council resolution 1778 (2007)

³⁰ Security Council resolution 1861 (2009).

³¹ S/2008/601, para. 34.

³² OHCHR Annual Report 2005, pp. 47 and 49.

³³ CRC/C/TCD/CO/2, para. 31.

³⁴ UNICEF, Briefing Book Eastern Chad – September 2008, p. 18, available at [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDUnidFilename/PANA-7KQGPFFull_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDUnidFilename/PANA-7KQGPFFull_report.pdf/$File/full_report.pdf).

³⁵ E/CN.4/2005/121, para. 50.

³⁶ *Ibid.*, para. 55.

³⁷ S/2008/601, para. 33.

³⁸ *Ibid.*, para. 8

³⁹ S/2008/760, paras. 12 and 13.

⁴⁰ *Ibid.*, para. 15.

⁴¹ S/2008/601, para. 52.

⁴² *Ibid.*, para. 52.

⁴³ S/2008/601, para. 15.

⁴⁴ WHO, Weekly Emergency Situation Update, Vol. 1 No. 34 03rd November, 2008, p. 1, available at [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDUnidFilename/KSAI-7L329H-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDUnidFilename/KSAI-7L329H-full_report.pdf/$File/full_report.pdf).

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- ⁴⁵ UNICEF, Briefing Book Eastern Chad – September 2008, p. 5, available at [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/PANA-7KQGPF-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/PANA-7KQGPF-full_report.pdf/$File/full_report.pdf).
- ⁴⁶ OHCHR press release, 5 February 2008; see <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/3E77833C2EFD3D56C12573E60031B9A2?opendocument>.
- ⁴⁷ UNHCR, “Real-time evaluation of UNHCR's IDP operation in Eastern Chad,” 2007, Geneva, p. 5, available at <http://www.unhcr.org/publ/RESEARCH/46a4ad450.pdf>.
- ⁴⁸ E/CN.4/2005/121, paras. 18 and 19.
- ⁴⁹ A/HRC/7/2, paras. 70-71.
- ⁵⁰ A/HRC/4/41, para. 118.
- ⁵¹ CRC/C/TCD/CO/2, para.42.
- ⁵² Ibid., para.53.
- ⁵³ Ibid., para.54.
- ⁵⁴ Ibid., para.44.
- ⁵⁵ Ibid., para.69.
- ⁵⁶ S/2008/532, para. 10. See also S/2007/400 (2007) and S/AC.51/2007/16.
- ⁵⁷ Office of the Humanitarian Coordinator for Chad, “Humanitarian action in Chad: Facts and figures snapshot report”, 18 September 2008, p. 4, available at [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/SHIG-7KLFFQ-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/SHIG-7KLFFQ-full_report.pdf/$File/full_report.pdf). See also UNICEF, Briefing Book Eastern Chad – September 2008, p.20, available at [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/PANA-7KQGPF-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/PANA-7KQGPF-full_report.pdf/$File/full_report.pdf). See also S/2008/760, para. 79.
- ⁵⁸ CRC/C/TCD/CO/2, para.71.
- ⁵⁹ S/2008/760, para. 31.
- ⁶⁰ Office of the Special Representative of the Secretary-General of the United Nations for Children and Armed Conflict, press release, Bangui/New York, 31 May 2008.
- ⁶¹ Office of the Humanitarian Coordinator for Chad, Humanitarian Action in Chad: Facts and Figures Snapshot Report, 18 September 2008, p. 8, available at [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/SHIG-7KLFFQ-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/SHIG-7KLFFQ-full_report.pdf/$File/full_report.pdf).
- ⁶² OHCHR press release 22 February 2008; see <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/DB3860A85EA0F3B9C12573F700606094?opendocument>.
- ⁶³ A/HRC/4/27/Add.1 paras. 108-11, and E/CN.4/2006/55/Add.1, paras. 132-139.
- ⁶⁴ E/CN.4/2005/121, para. 28.
- ⁶⁵ Ibid., para. 26 and 27.
- ⁶⁶ S/2008/622, para. 6.
- ⁶⁷ S/2008/601, para. 33.
- ⁶⁸ Office of the Special Representative of the Secretary-General of the United Nations for Children and Armed Conflict, Press Release, Bangui/New York, 31 May 2008.
- ⁶⁹ UNICEF, Briefing Book UNICEF Eastern Chad – September 2008, p. 20, available at [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/PANA-7KQGPF-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/PANA-7KQGPF-full_report.pdf/$File/full_report.pdf).
- ⁷⁰ Idem.
- ⁷¹ CRC/C/TCD/CO/2, para. 61.

⁷²Ibid., para.80.

⁷³Ibid., para.82.

⁷⁴ILO Committee of Experts on the Application of Conventions and Recommendations, doc. No. (ILOLEX) 092008TCD182.

⁷⁵E/CN.4/2006/61/Add.1, para. 32.

⁷⁶CRC/C/TCD/CO/2, para.46.

⁷⁷Ibid., para.78.

⁷⁸ILO Committee of Experts on the Application of Conventions and Recommendations, doc. No. (ILOLEX) 092008TCD182.

⁷⁹S/2008/601, para. 55.

⁸⁰Ibid., para. 8.

⁸¹E/CN.4/2005/121, para. 81.

⁸²Ibid. paragraph 83.

⁸³CRC/C/TCD/CO/2, para.86.

⁸⁴Ibid., para.13.

⁸⁵S/2008/601, para. 8.

⁸⁶A/HRC/7/14/Add.1, para 71.

⁸⁷E/CN.4/2006/95/Add.5, paras. 325-326.

⁸⁸United Nations Statistics Division, Official United Nations site for Millennium Development Goals indicators, available at <http://mdgs.un.org/unsd/mdg/Data.aspx>.

⁸⁹ILO Committee of Experts on the Application of Conventions and Recommendations, doc. No. (ILOLEX) 062007TCD087, p. 2.

⁹⁰CRC/C/TCD/CO/2, para. 57.

⁹¹Ibid., para.58.

⁹²UNICEF, Briefing Book UNICEF Eastern Chad – September 2008, pp. 3 and 10, available at [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/PANA-7KQGPF-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/PANA-7KQGPF-full_report.pdf/$File/full_report.pdf).

⁹³CRC/C/TCD/CO/2, para.64.

⁹⁴UNICEF, Briefing Book UNICEF Eastern Chad – September 2008, p. 14, available at [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/PANA-7KQGPF-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/PANA-7KQGPF-full_report.pdf/$File/full_report.pdf).

⁹⁵CRC/C/TCD/CO/2, para. 66.

⁹⁶UNICEF, Briefing Book Eastern Chad – September 2008, p. 15, available at [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/PANA-7KQGPF-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/PANA-7KQGPF-full_report.pdf/$File/full_report.pdf).

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⁹⁹IMF, Poverty Reduction Strategy Paper Chad 2005, Annual Implementation Progress Report, IMF Country Report No. 07/282, 2007, p. 7, available at <http://www.imf.org/external/pubs/ft/scr/2007/cr07282.pdf>.

¹⁰⁰ ILO Committee of Experts on the Application of Conventions and Recommendations, doc. No. 092008TCD111.

¹⁰¹ CRC/C/TCD/CO/2, para. 68.

¹⁰² UNHCR, Global Appeal 2009 Update, Geneva, 2008, p. 153, available at <http://www.unhcr.org/publ/PUBL/4922d41214.pdf>.

¹⁰³ United Nations, press release, “UN expert on internally displaced persons calls Chad to meet its responsibility” (French text), 11 February 2009.

¹⁰⁴ Office of the Humanitarian Coordinator for Chad, Humanitarian Action in Chad: Facts and Figures Snapshot Report, 18 September 2008, p. 4, available at

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¹⁰⁵ S/2008/601, para. 56.

¹⁰⁶ UNHCR Global Appeal 2008-2009, Geneva, 2007, pp. 127 and 129, available at <http://www.unhcr.org/home/PUBL/474ac8cae.pdf>.

¹⁰⁷ Report of the Secretary-General, S/2008/601, para. 33.

¹⁰⁸ S/2008/760, para. 16. See also S/2008/601, paras. 52 and 53.

¹⁰⁹ CRC/C/TCD/CO/2, para.8.

¹¹⁰ UNICEF, Briefing Book UNICEF Eastern Chad – September 2008, p. 20, available at [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/PANA-7KQGPF-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/PANA-7KQGPF-full_report.pdf/$File/full_report.pdf).

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¹¹³ S/2008/601, para. 92.

¹¹⁴ S/AC.15/2008/15, para. 17.

¹¹⁵ S/2008/760, paras. 70 and 71.

¹¹⁶ United Nations Development Assistance Framework 2006-2010, available at http://www.undg.org/archive_docs/8611-CHAD_UNDAF.doc.
