



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

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## Committee on the Elimination of Racial Discrimination

### Eighty-third session

#### Summary record of the 2244th meeting

Held at the Palais Wilson, Geneva, on Monday, 19 August 2013, at 10 a.m.

*Chairperson:* Mr. Avtonomov

## Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

*Sixteenth to eighteenth periodic reports of Chad* (*continued*)

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*The meeting was called to order at 10.10 a.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (continued)**

*Sixteenth to eighteenth periodic reports of Chad (continued) (CERD/C/TCD/16-18; CERD/C/TCD/Q/16-18)*

1. *At the invitation of the Chairperson, the delegation of Chad took places at the Committee table.*
2. **Ms. Kodjiyana** (Chad) said that public health, education, justice, social issues, rural development, environmental issues and infrastructure were the current priorities for the Government. All citizens had the right to education and basic education was compulsory. Public education was secular and free of charge, while private education was recognized and exercised under conditions defined by law. The Government had made urgent medical care, obstetric surgery and antiretroviral treatment free of charge. High-level monthly meetings brought together the President, health experts and development partners to monitor the health situation, particularly in the light of the continuing poor indicators despite significant investment in that area. In 2012, two forums had been held, one on health and the other on the emerging pharmaceutical industry in Chad. The Government currently allocated some 13 per cent of the national budget to health and 12 per cent to education.
3. The forthcoming periodic report would contain improved, up-to-date statistics in order to provide accurate information on the progress her country had made in terms of eliminating racial discrimination. The final document containing the sixteenth to eighteenth periodic reports had been radically reduced in size owing to a misunderstanding. The Committee's advice would be followed in the preparation of subsequent reports.
4. The monitoring committee for international human rights instruments had been set up in 2011. Its mandate was to monitor the implementation of the instruments to which Chad was a party, prepare and publish reports to the United Nations and the African Union, comment on the bills drafted to bring domestic legislation into line with international instruments, and disseminate information on human rights, international human rights instruments and the treaty bodies' recommendations. The committee was presided over by the Minister of Human Rights and its members included representatives of the President's human rights advisory department, the National Assembly, several ministries, human rights associations and trade unions. Representatives of human rights associations, trade unions and the Association of Female Jurists had been involved in the preparation of all the reports to United Nations treaty bodies and the Universal Periodic Review. In 2012, the Ministry of Human Rights had held three meetings with human rights associations in order to strengthen cooperation and ensure that the Ministry's work reached the remotest areas of the country.
5. Her country had begun exporting oil in 2003. In 2005, a board had been set up to monitor and supervise oil resources. Its members included representatives of human rights associations and trade unions. Oil revenue, which currently accounted for some 70 per cent of the national budget, had enabled huge socioeconomic progress, including the building of primary and secondary schools, universities, health centres, hospitals, roads, water towers, sports facilities and other infrastructure. While the country had indeed changed in many ways, more time and resources were needed to overcome the effects of 30 years of conflict and reinforce the country's development.
6. The thirteenth recommendation of the national commission of inquiry into the violations that occurred during the events of February 2008 concerned compensation payable by the perpetrators of those violations. That recommendation had not yet been

implemented because the perpetrators had to be officially identified by the judicial system. Moreover, the 2009 law giving amnesty to the signatories of the peace agreement would prevent the implementation of that recommendation in some cases. Nonetheless, work was continuing to implement it wherever possible.

7. The Constitution prohibited all forms of discrimination and provided that all Chadians were equal before the law. Labour legislation and decrees on gender equality upheld that principle. The National Assembly had adopted the civil status law on 10 May 2013; the implementing decree was still pending.

8. A national judicial training school had been set up in 2010 for magistrates, bailiffs, registrars, lawyers and prison staff. In 2012, it had begun training 60 judges, half of whom were French-speakers and half Arabic-speakers. Each group would learn the other's language. As a result of its rich ethnic diversity, over 130 languages were spoken in her country, adding to its cultural wealth. Under article 9 of the Constitution, French and Arabic were the official languages. However, several languages were used in trade and others served as lingua franca, including Chadian Arabic, Sara and Ouaddai. Chadian Arabic was the main lingua franca and was spoken by over 60 per cent of the population. Sara was the main lingua franca in the south of the country. Chadian Arabic and Sara were not taught in schools, where the two official languages were the languages of instruction. However, the Government had undertaken to promote all the national languages and had set up a department to that end within the Ministry of Education.

9. Human rights had been part of the school curriculum since 2011 and had been made now an integral component of military, gendarmerie and police training. The International Committee of the Red Cross had delivered training to the police force on human rights, juvenile justice and vulnerable groups. Several campaigns had been run on the television and on radio to raise public awareness of the importance of human rights. The Government was aware of the need to undertake more outreach work in order to ensure that all sectors of the population were aware of their human rights. To that end, it planned to conduct campaigns in literacy centres and informal education settings, as well as through the media, including theatre and cinema, in cooperation with civil society. As it was particularly important that people working in the judiciary, the media and the military were aware of the need to respect the human rights of all individuals, the relevant ministries would be involved in ensuring that those staff received proper training. The Government had organized several human rights events in recent years, including a series of workshops in October 2010 to disseminate the recommendations of the Universal Periodic Review and the concluding observations of the United Nations treaty bodies; a seminar in February 2012 on the fight against human trafficking in Central Africa; and awareness-raising campaigns in the interior of the country, focusing on health, education and culture for vulnerable groups.

10. According to the most recent census, which had been held in 2009, the population at that time had stood at 11,039,873, with women accounting for marginally over 50 per cent. Some 35 per cent of the cost of the census had been funded by development partners, including the United Nations Population Fund, the European Union, the United States of America, the French cooperation agency, the United Nations Development Programme and the United Nations Children's Fund.

11. There were no indigenous peoples as such in Chad, although there were several nomadic groups in different regions, most of them rearing cattle or camels. They had not been victims of any discrimination. The Government had tried to limit their need for movement by building wells and improving the available pasture land. While those efforts had borne fruit, drought still forced some groups into a seasonal semi-nomadic existence. Only about 2 per cent of the population lived in the north of the country, which accounted for 47 per cent of the territory; some 48 per cent lived in the centre, in 43 per cent of the

territory; and the remaining 50 per cent lived in the south, which covered just 10 per cent of the territory.

12. In March 2012, a workshop had been held in an effort to prepare for bringing the National Human Rights Commission into line with the Paris Principles. A bill had been prepared to that end, but had been rejected. A second draft had been drawn up in consultation with all government departments and was currently before the Council of Ministers. The Committee's concerns had carried considerable weight in the preparation of that draft of the bill.

13. Chad had not yet finalized its legislation on refugees, but had ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa in 2010. The Government had the obligation to create suitable conditions for the return of internally displaced persons to their regions of origin or their integration into their host regions. It had also committed itself to protecting internally displaced persons and ensuring the security of refugee camps – which were guarded by the National Gendarmerie and the National and Nomadic Guard.

14. Despite the recent reform of the judiciary, parallel justice systems based on customary law still operated in parts of the country. Moreover, in a very small number of regions, caste systems still existed. The Government was endeavouring to change attitudes and to ensure equal rights for all citizens in accordance with the law.

15. Chad had acceded to international child protection instruments such as the Convention on the Rights of the Child and the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups. With the support of UNICEF, in 2007, Chad had demobilized 1,030 child soldiers, of which 33 had been girls. The children had subsequently been taken care of in transit and orientation centres or returned to their families. Since then, child soldiers continued to be demobilized, which posed the challenge for the Government of ensuring their sustainable social reintegration and mobilizing the community against the use of child soldiers.

16. Following the tragic events that had occurred from 28 January to 8 February 2008, compensation amounting to almost 35 million CFA francs had been granted to 32 rape victims. The technical subcommittee providing support to the committee for the follow-up on the events had assembled 1,037 case files and the legal process was still ongoing.

17. The Government had developed a national human rights action plan promoting the rule of law and a culture of respect for all human rights. The plan had not been adopted yet, pending the completion of its budgetary component, expected shortly. Its strategic goals included strengthening the legal and institutional framework, providing human rights training, and promoting and protecting civil, political, economic, social and cultural rights.

18. Training sessions had been held for judicial officials on the application of the new anti-corruption legislation. A major awareness-raising campaign had been conducted to remind public authorities of their duty to be neutral and transparent. Other awareness-raising activities had been organized on the issues of corruption and professional code of conduct. Anti-corruption legislation had also been adopted and a commission entitled Operation Cobra had been set up to uncover financial embezzlement and misappropriation of public funds. As a result, many perpetrators had been prosecuted and convicted and fraudulently acquired funds had been recovered.

19. The political stability enjoyed by the State party since 2009 had enabled it to improve its people's access to education. The Government had developed a proactive education policy in 2012 and had launched numerous awareness-raising campaigns on girls' education. The budget allocated to the Ministry of Education accounted for 12 per cent of the national budget and was expected to be increased to 15 per cent by 2015. The

enrolment rate was high and the indicators suggested that illiteracy would soon be eradicated.

20. The Constitution established the independence of the judiciary from the executive and the legislature. Legislation had been adopted to guarantee the independence of judges in the exercise of their functions. Except in the cases provided by law, judges had the right to perform their duties without interference and were not permitted to take instructions from their superiors. Accordingly, they could not be held to account for their decisions, made in accordance with the law and their consciences.

21. **Mr. Calí Tzay** said that while the Peulh people represented 3 per cent of the population according to the official figures, he had received information that, in reality, they accounted for 10 per cent of the population. Given that the Government did not consider that there were indigenous peoples in Chad but had instead described a wide variety of ethnic groups, he wished to know whether it had ratified the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). He urged the State party to review its position with regard to indigenous people – who identified themselves as indigenous and had reportedly requested official recognition of their status.

22. Notwithstanding the efforts made by the State party in the area of education, he had been informed that only 1 per cent of nomadic peoples were literate. Further efforts were necessary to improve the access of nomadic and semi-nomadic people to education. Moreover, concerns had been raised that the political representation of Peulh sectors of the population in previous elections had been obstructed by non-Peulh members of the population. He hoped that the situation had improved since.

23. He had also received information that the lands of nomadic and semi-nomadic people were being conceded to oil extraction companies, requiring many people to travel further afield in order to find pasture land. How did that affect the people and what was the impact on the environment?

24. **Mr. Bamanga Abbas** (Chad) said that he himself, and many other State officials, belonged to the Peulh tribe, which, he confirmed, accounted for 3 per cent of the population. In Chad, no one was categorized as “indigenous”, although he was aware of the existence of NGOs that claimed indigenous identity in order to draw attention.

25. Illiteracy affected the population as a whole, not exclusively the Peulh people, and had been exacerbated by decades of civil war. Steps taken in the area of education were also designed for nomads. Chad was still a predominantly pastoral economy and oil extraction would help it to develop its infrastructure.

26. Chad had a surface area of 284,000 km<sup>2</sup> and half of it was desert, which gave rise to seasonal migration and to conflicts between farmers and herders. The problem was also being instrumentalized by some politicians but the Government was making every effort to find solutions, in cooperation with civil society. In 2013, 10 billion CFA francs had been allocated to devising routes for cattle movement. The land belonged to the community as a whole and had not been granted to oil exploitation companies, nor had expropriation taken place.

27. **Mr. Laouna Gong** (Chad) said that there was no longer nomadism per se in Chad, as most nomads had switched to a sedentary lifestyle or were seasonal migrants. The Government had focused its efforts on reducing risks of conflict by ensuring that semi-nomadic people could travel only during specific periods of the year and it was devoting further efforts to land planning and management, in order to encourage semi-nomadic communities to settle in their region of origin. He emphasized that the conflicts that arose in that context between farmers and herders were not based on ethnic factors but on differing professional interests.

28. Particular attention had been paid in recent years to providing specially tailored education for semi-nomadic groups. He was unaware of any problems of representation of semi-nomadic peoples in elections. The Government had developed a major decentralization policy — involving appropriate land planning — that took into account the specific needs of the various population groups with a view to preventing tribal or ethnic tensions, while ensuring national cohesion.

29. **Ms. Kodjiyana** (Chad) said that the Electoral Code established clearly that every Chadian citizen had the right to be elected. That right was not subject to membership of an ethnic group.

30. **Mr. Vázquez** said that no information had been provided thus far by the State party on legislation in place to implement article 4 of the Convention. However, he had noted references in an Amnesty International report to the prosecution and conviction of members of unions and journalists under a statute that prohibited the incitement to racial hatred. He had also read in a document submitted by Amnesty International to the universal periodic review that, in August 2010, parliament had adopted a media law that punished incitement to ethnic or racial hatred. Furthermore, he had found a reference to another law that imposed prison sentences and fines for incitement to racial hatred. He would therefore like the State party to clarify whether such legislation was in place and what its provisions were. Did it apply only to the media or also to unions? Could information and statistics be provided on the way it was enforced? Was the relevant statute enforced mainly against minority groups for inciting hatred against the Government or the dominant ethnic group in the State party, as suggested by the Amnesty International report? The latter would be of concern to the Committee, since legislation against the incitement of racial hatred should be used to protect, rather than to penalize, those discriminated against for asserting their rights or criticizing the Government. He also wished to know whether the statute had been used to prosecute members of the dominant ethnic group for inciting racial hatred against minority ethnic groups.

31. He was concerned that Government positions were disproportionately held by members of the Zakawa ethnic group and would welcome data on the distribution of Government positions by ethnic group. He would also appreciate information on the reported differential treatment of Sudanese and Central African Republic refugees in the delivery of birth certificates.

32. **Mr. Bamanga Abbas** (Chad), commenting on the issue involving the unions, said that strikes had paralysed the State party for several months. The Government had ordered the strikers to return to work, in response to which unions had signed a petition against the Head of State and his relatives on ethnic grounds. The unions and a journalist had subsequently been prosecuted and convicted on the basis of legislation against propaganda and incitement to ethnic discrimination, and had submitted a complaint to ILO. However, in an effort to restore social peace, the Government had reached an agreement with the unions, as a result of which the charges against them had been dropped and they had been acquitted.

33. While the assault on Jacqueline Moudeina had been unfortunate, it had not been related to her status as a human rights defender. Nevertheless, in view of her high profile, the police had set up a special unit to investigate the incident, which had led to the capture and arrest of her perpetrators.

34. **Mr. Itno** (Chad), referring to the strike by trade unions and his Government's response, said that in publishing the strikers' petition the newspaper in question had violated legislation prohibiting hate speech.

35. He said that the Zakawa ethnic group, which was said to control key strategic positions, represented less than 1 per cent of the country's population. Of the Government's

44 ministers only 2 belonged to that group. The Committee should look at the facts instead of relying only on information from NGOs.

36. **Mr. Laouna Gong** (Chad), answering a question about the Jacqueline Moudeina case, said that his Government did not believe that Ms. Moudeina had been attacked because of her work as a human rights activist. Crime was a major problem in his country and, while the Government was doing its best to tackle it, its response was sometimes inadequate.

37. The petition by trade unions had been incendiary, levelling accusations against the Prime Minister and his tribe and against the National Assembly. Under the Constitution and media legislation, all possible measures needed to be taken to ensure that State security was not imperilled by hate speech. Rather than being directly punished, the newspaper in question had been taken to court so that the rule of law could be upheld. His Government was continuing dialogue with unions, and compromise was being reached.

38. **Mr. Murillo Martínez** said that the delegation's replies concerning natural resources indicated that the State party was working to solve structural problems. Turning to cultural issues, he said that of course decrees could not by themselves change people's attitudes towards women's rights, for example, or practices such as female genital mutilation. Thus the State party's awareness-raising efforts were both necessary and commendable. He asked whether national legislation had been amended to ensure that women and men had equal rights, including inheritance rights.

39. **Mr. Saidou**, referring to indigenous peoples in the Sahara, pointed out that the internationally recognized definition of "indigenous peoples" did not reflect the actual lifestyle of some of those peoples. He recalled that landownership was a major issue in African society. Lastly, he encouraged the State party to disseminate the Committee's conclusions and recommendations in all major national languages, not just the official ones.

40. **Mr. de Gouttes**, acknowledging the considerable progress made by Chad since 2009, added that nevertheless many projects, reforms and draft laws lingered in the pipeline, which suggested difficulties with the legislative process. Giving examples of pending legislation, he asked the State party to provide an update in its forthcoming periodic report.

41. **Mr. Amir** said that the report was regrettably lacking in statistics, especially economic ones. The State party's reply regarding article 4 of the Convention did not seem to take into account the wording of the article. The Committee was preparing a general recommendation on racial hatred and would transmit it to the Government of Chad. He noted that the core document on Chad dated back to 1997 and needed updating.

42. **Mr. Ewomsan** emphasized that the Committee was not a court but a forum for dialogue to enable States parties to resolve problems connected with racial discrimination. Referring to the role of ethnic strife in the recurrent rebellions that had plagued Chad, he said that family ties and ethnic affiliations still played a major role in African society. Each ethnic group had its own value system, and it remained challenging to ensure that all a country's inhabitants could live together in harmony, in other words to achieve national unity based on ethnic diversity. Laws alone could not resolve such problems; the entire population needed to be educated about the issues involved, and the State was responsible for ensuring that such education took place.

43. **Mr. Thornberry**, echoing Mr. Ewomsan's remarks, said that in combating hate speech it was important to strike a balance between coercion on the one hand and awareness-raising and education on the other.

44. **Mr. Lahiri** said that it was regrettable that the report did not address the recurring violence that plagued certain regions of Chad.

45. **Ms. Kodjiyana** (Chad) said that Act No. 6/PR/2002 on the promotion of reproductive health prohibited female genital mutilation, and that her Government was making every effort to increase awareness of the prohibition of the practice.

46. **Ms. Dah** (Country Rapporteur), commending the Chadian delegation for its constructive approach to the interactive dialogue, nevertheless regretted that no Chadian NGO had been represented at the meeting. The Committee's concluding observations would be published shortly, and she urged the State party to ensure that they were disseminated to the National Assembly and other institutions, such as law enforcement and the judiciary. The National Assembly must be reminded of the need to accelerate relevant law-making, and the public must be made aware of the Convention. She congratulated the State party on its economic and social progress to date and expressed the hope that with increased political will such progress would accelerate.

47. **Ms. Kodjiyana** (Chad), thanking the Committee for its recommendations, said that her Government would keep the Committee abreast of its efforts to eliminate all forms of discrimination.

*The meeting rose at 1.05 p.m.*