



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### List of issues in relation to the fourth periodic report of Chad\*

#### I. General information

1. In the light of article 225 of the Constitution, please provide information about the measures taken to fully incorporate the provisions of the International Covenant on Economic, Social and Cultural Rights into the State party's legal order. Provide examples, if they exist, of cases where the national courts have directly applied the provisions of the Covenant or relied on them to interpret national legislation. Please provide information on the measures taken by the State party to effectively ensure the independence and impartiality of the courts and the judiciary. Please specify the measures adopted to ensure effective and equitable access to justice, particularly in the context of land disputes between farmers and herders in rural areas.
2. Please provide information on the steps taken by the State party to protect civil society organizations and human rights defenders, including those working on economic, social and cultural rights, and to ensure that they are able to operate freely and without undue restrictions. Please provide information on the investigation, prosecution, conviction and punishment of those responsible for harassment, threats, intimidation and arbitrary arrests of human rights defenders, and on the reparations provided to the victims.
3. Bearing in mind the adoption of Act No. 28/PR/2018 of 22 November 2018 on the powers, organization and functioning of the National Human Rights Commission, to which reference is made in the State party's fourth periodic report<sup>1</sup> (para. 34), please state what measures have been taken to implement the recommendations made by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions concerning the Commission's independence vis-à-vis the executive branch and the human and financial resources allocated to it. Please indicate whether the Commission has competence to investigate and report on violations of economic, social and cultural rights by public and private enterprises. If it does not, please provide information on the cases that the Commission has identified and dealt with, the recommendations made and the follow-up given to those recommendations. Please supply information on the level of women's representation in the Commission.
4. With reference to the information provided in the State party's fourth periodic report (paras. 134–137), please elaborate on the impact of efforts to combat and adapt to climate change. Please outline the measures taken to counter the negative impact of climate change and environmental degradation on economic, social and cultural rights, particularly for persons living in rural areas and those working in the fishing, agricultural and traditional animal-husbandry sectors. Please supply information on the progress made to meet the nationally determined contribution targets for reducing greenhouse gas emissions, and please

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\* Adopted by the pre-session working group at its sixty-ninth session (18–22 October 2021).

<sup>1</sup> E/C.12/TCD/4.



explain how the State party reconciles its agricultural and energy policies as they apply inter alia to the extractive industries, with the commitments undertaken in the framework of the Paris Agreement.

5. With regard to the information provided in the State party's fourth periodic report (para. 5), please specify what steps have been taken to assess and mitigate the negative impact of the coronavirus disease (COVID-19) pandemic on economic, social and cultural rights, in particular in respect of:

- (a) The right to work, including in the informal economy;
- (b) Social protection, including social support measures to lessen the negative impact of the pandemic on livelihoods, especially for low-income households;
- (c) Access to health services, including measures taken to guarantee access to physical and mental health services linked to the COVID-19 pandemic, in particular screening, vaccinations and treatment, with particular attention to the needs of disadvantaged and marginalized groups;
- (d) Access to education, including resources and tools deployed to offer remote teaching to students when schools were closed, and the steps taken to address the growing disparities and inequalities in access to education to which these closures and remote teaching gave rise, by according special attention to children in vulnerable situations.

## **II. Issues relating to the general provisions of the Covenant (arts. 1–5)**

### **Right to freely dispose of natural wealth and resources (art. 1 (2))**

6. Please provide information on the impact of legislative, administrative and other measures introduced to ensure that enterprises, whether national or transnational, exercise due diligence in all their activities and respect the economic, social and cultural rights of all the groups and persons concerned. Provide information on the steps taken to ensure, in conformity with the Mining Code, that enterprises evaluate the negative impact of their activities on the environment and the populations concerned in order to prevent these activities from denying indigenous peoples the full exercise of their rights over their ancestral lands and their natural resources. Describe the penalties imposed on enterprises that violate economic, social and cultural rights and the measures taken to provide reparation to victims. Supply information on the legal status and rights accorded to nomadic peoples living in Chad.

7. Please provide information on the legal remedies available to communities that have been moved, displaced or resettled and provide examples of cases brought by these communities and the outcome of such cases, including indemnification offered and compensation provided. Please specify what steps have been taken to make sure that the provisions of the Mining Code and the application of those provisions are in conformity with the Guiding Principles on Business and Human Rights.

### **Obligation to take steps to the maximum of available resources (art. 2 (1))**

8. In order to allow the Committee to assess to what extent the State party is using the maximum of available resources to give effect to the rights set forth in the Covenant, please provide information, for the past 10 years, on the following:

- (a) The proportion of the population living below the poverty line and levels of inequality, as determined by the ratio between the total income of the richest decile of the population and the total income of the poorest 40 per cent;
- (b) The share of government revenue financed by taxes, separating out income from mining royalties;
- (c) Rates of tax on business profits and personal income, value added tax (excluding luxury products, tobacco products, alcohol, sweetened drinks and snacks or petrol) and the percentage of total tax receipts on personal income that comes from physical persons in the richest 10 per cent of the population;

- (d) Public expenditure expressed as a percentage of gross domestic product, and the proportion of the State budget that is allocated to social expenditure (employment, education, food, health, water and sanitation, social security, housing and culture), broken down by region and by living environment (rural or urban);
- (e) The percentage of public expenditure allocated to defence and public security;
- (f) Absolute levels of social spending, adjusted for inflation.

9. Please provide information on the impact of anti-corruption efforts and on the capacity of the State party to mobilize more of its own resources that could be invested in the realization of economic, social and cultural rights. In this respect, please provide information on the impact of the anti-corruption measures described in the State party's fourth periodic report (paras. 38–41), including data on: (a) the number of cases of corruption that have been prosecuted under book 2, title IV, of the Criminal Code in the last four years; (b) the penalties imposed on the perpetrators of the acts in question; and (c) the proceeds from corruption recuperated in such cases. Please also provide information on the activities and human and financial resources of the Office of the Inspector General.

#### **Non-discrimination (art. 2 (2))**

10. In light of the anti-discrimination provisions contained in article 14 (1), of the Constitution, please indicate whether the State party intends to adopt comprehensive legislation that: (a) includes a clear definition and criminalization of direct and indirect discrimination, both in the public and private spheres; (b) covers all forms of discrimination, including the grounds listed in article 2 (2) of the Covenant; (c) provides victims with effective remedies against all form of discrimination, including multiple discrimination; and (d) provides for the establishment of an institutional mechanism with a specific mandate to combat all forms of discrimination and to guarantee the protection of the rights set out in the Covenant. Please describe the impact of action taken to combat discrimination – in terms of the exercise of their economic, social and cultural rights – against disadvantaged groups and persons, including women, children, persons with disabilities, the inhabitants of rural areas and disadvantaged urban areas, migrants, refugees, lesbian, gay, bisexual, transgender and intersex persons, households where the head of the household is a woman, persons living with HIV/AIDS and persons with albinism.

#### **Equal rights of men and women (art. 3)**

11. With regard to the Committee's previous concluding observations<sup>2</sup> and article 14 (2) of the Constitution, which prohibits all forms of discrimination against women, please describe specific measures taken to overcome persistent sexist stereotypes relating to the roles of men and women in the public and private spheres that perpetuate inequalities between the sexes in both law and practice. Please provide information on the measures adopted to revise laws that discriminate against women, including the Persons and Family Code, in order to bring them into line with the provisions of the Covenant, particularly as they relate to marriage, inheritance, matrimonial regimes and access to employment, land and credit. With regard to the adoption of Act No. 22/PR/2018 of 5 November 2018, establishing the parity principle for positions to which individuals may be appointed or elected in Chad, please describe the progress made, supported by statistical evidence, to increase the representation of women in the Government and in senior positions in the executive branch, the National Assembly, local legislatures and the judiciary. Please supply information on the draft law on quotas for women's representation and on the obstacles, if any, to the adoption of this draft law. Please describe the effects of action taken to promote gender equality and women's empowerment, inter alia in the context of the implementation of the 2017 National Gender Policy and the 2014 National Strategy to Combat Gender-Based Violence.

<sup>2</sup> E/C.12/TCD/CO/3, paras. 14 and 15.

### **III. Issues relating to specific provisions of the Covenant (arts. 6–15)**

#### **Right to work (art. 6)**

12. Please provide information on any assessments that the State party has conducted to determine the impact of the projects and programmes listed in its fourth periodic report (paras. 57–60) on the improvement of employment rates, especially among groups that are particularly affected by unemployment, including young people and persons with disabilities. Please describe the impact of action taken to formulate targeted strategies and plans of action to promote employment and the technical and financial resources allocated to guarantee their effective implementation and sustainability over time. Please provide information on the steps taken to improve the quality of school programmes and technical and vocational training and to adapt them to facilitate access to the labour market and integration.

#### **Right to just and favourable conditions of work (art. 7)**

13. Please state whether the minimum wages set for the agricultural and non-agricultural sectors apply to all workers, regardless of the contract type and sector of the economy, including in the informal economy, and explain how the State party ensures that these wages supply workers and their families with a decent standard of living. Please provide information on the action taken to ensure compliance with these minimum wage levels and the principle of equal pay for equal work, notably as it applies to women and men, in all sectors of the economy. Please provide information on mechanisms established to resolve labour conflicts and address violations of labour rights.

14. Taking into account the information provided in the State party's fourth periodic report (para. 57), please provide information on the measures taken to address the obstacles to the formalization of the informal economy, as well as on their impact, including through the activities organized by the National Vocational Training Support Fund. Please also specify what mechanisms are in place to uphold the right to just and favourable conditions of work in the informal economy.

15. Please provide information on the impact of measures taken to improve working conditions for domestic workers and conditions in the mining, agricultural, construction and manufacturing industry sectors. Please provide statistics on the number of labour inspectors, the number of complaints/cases submitted to labour inspectors, the number of cases brought before the courts and the decisions taken with regard to abusive employers. With reference to the information provided in the State party's fourth periodic report (para. 61), please provide information on the proposed revision of the labour legislation to strengthen labour inspections, including in the informal economy.

#### **Trade union rights (art. 8)**

16. Please provide information on how the State party guarantees, in law and in practice, that all workers can exercise their right to form, join and be members of a trade union and their right to strike without being subjected to unwarranted restrictions or fear of reprisals. Please provide statistical data on the number of trade unions and their membership.

#### **Right to social security (art. 9)**

17. With regard to the information supplied in the State party's fourth periodic report (paras. 63–65), please provide information on the impact of the social security reforms envisaged in the 2016 National Social Protection Strategy on the implementation of Act No. 035/PR/2019 of 5 August 2019, establishing universal health coverage, and on the planned reform of the National Social Security Fund and the National Pension Fund of Chad. Please indicate the forms of social assistance that can be provided to the most disadvantaged and marginalized groups in the event of loss of income. Please provide information on measures taken to ensure that workers in the informal economy, those who work on an occasional basis and self-employed persons can also enjoy their right to social security, access to pension services, health care and maternity care, and coverage for illness and invalidity, and that they have social protection against workplace hazards such as accidents and serious health risks.

**Protection of the family and children (art. 10)**

18. Please indicate the measures taken to revise the Civil Code and the Persons and Family Code in order to: (a) harmonize them with Act No. 029/PR/2015 of 21 July 2015 ratifying Ordinance No. 006/PR/2015 of 14 March 2015 prohibiting child marriage, taking into account the information provided in the State party's fourth periodic report (para. 54), and to make these provisions applicable to any form of marital union, including customary or religious marriages; and (b) to prohibit polygamy. Please describe the measures taken to make sure that the draft revision of the Persons and Family Code is compatible with the Covenant, and please list the actions taken to overcome resistance to the adoption of such a draft law. Please provide information on the steps taken to ensure the strict application of article 318 of the Criminal Code, which prohibits female genital mutilation, and supply updated statistics on the incidence of this harmful practice in the State party. Please outline the measures taken to strengthen public awareness, including among religious and customary leaders, and to develop new intervention strategies to eradicate harmful practices.

19. Please provide information on the impact of the measures listed in the State party's fourth periodic report (paras. 69–71) that are intended to eliminate the worst forms of child labour, particularly in the mining and agricultural sectors, and to put an end to practices whereby children are employed as livestock herders, as Qur'anic students sent out to beg as *muhajirin* or as domestic workers.<sup>3</sup> Please provide additional information on the phases for accelerating the adoption of the draft code on the protection of the child and the adoption of a new national plan to combat the worst forms of child labour, child trafficking and child exploitation. Please specify what measures have been taken to strengthen legislation that prohibits child labour and to facilitate its strict implementation, for example by increasing the number of labour inspections and supporting impoverished families so that children can remain in school.

**Right to an adequate standard of living (art. 11)**

20. Please provide information, supported by statistics, on the distribution of the proceeds from the exploitation of natural resources, in particular the amount allocated to the renovation and reconstruction of public infrastructure and social services in both urban and rural areas.

21. Please provide information, supported by statistics, on the impact of anti-poverty measures adopted by the State party on the reduction of poverty and extreme poverty, which have a disproportionate effect on the inhabitants of rural areas and disadvantaged urban areas. Please describe the value that the National Development Plan of Chad for the period 2017–2021, mentioned in the State party's fourth periodic report (paras. 78 and 79), has added compared with previous development plans that led to only a slight fall in extreme poverty in the State party, and explain how the new plan is expected to allow the most disadvantaged and marginalized groups to benefit from the expected economic returns. Please indicate whether the State party intends to renew the plan and, if so, please specify what period of time is envisaged and any changes and new goals that will be introduced. Please provide information on measures taken to establish an effective coordination mechanism for combating poverty.

22. Please describe the impact of the measures mentioned in the State party's fourth periodic report (paras. 82 and 83), including the implementation of the National Food Security Programme and the Agriculture Modernization and Mechanization Programme, in ensuring for all, particularly the most disadvantaged and marginalized individuals and social groups, physical and economic access to sufficient food that is adequate from a nutritional and health perspective. Please specify what measures have been taken to train farmers to manage new tools and new agricultural methods. Please provide updated figures, disaggregated by sex, age and living environment (rural or urban), on the prevalence of hunger and malnutrition.

23. With regard to the information provided in the State party's fourth periodic report indicating that the rates of access to drinking water and adequate sanitation were 67 per cent and 24 per cent, respectively, in 2019 (para. 114), please provide information, supported by

<sup>3</sup> E/C.12/TCD/CO/3, paras. 21.

statistics, on progress made in accelerating access to drinking water and sanitation, in line with Goal 6 of the Sustainable Development Goals and the 2030 Agenda, including improvements made to drinking water and sanitation infrastructure and waste management in rural areas and disadvantaged urban areas. With reference to the information provided in the State party's fourth periodic report (para. 115), please describe the impact of the implementation of the 2017 National Sanitation Policy and Strategy on the improvement of waste and wastewater treatment and the sanitation system. Please specify what measures have been taken to reduce gaps between rural and urban areas, indicating the amount of resources allocated specifically to rural areas to improve access to drinking water and sanitation.

24. Please state what measures have been taken to adopt a comprehensive housing strategy in order to improve the supply of affordable social housing, particularly for disadvantaged and marginalized persons and families. Please describe the steps taken to provide everyone with safe and affordable access to electricity, drinking water and sanitation services. Please provide data, disaggregated by sex, age and living environment (rural or urban), on the number of forced expulsions, and state whether investigations were conducted into what is described as the anarchic occupation of State land in N'Djamena. Please provide information on the measures taken to establish an urban development plan in disaster-stricken regions with the aim of enabling the populations there to have a decent life.

#### **Right to physical and mental health (art. 12)**

25. Please describe the impact of the National Health Development Plan for the period 2018–2021, mentioned in the State party's fourth periodic report (para. 100), on the improvement of accessibility and the availability and quality of health care in all regions, particularly rural areas and disadvantaged urban areas. Please provide information on existing disparities in access to health care, disaggregated by household income. Explain how the plan has strengthened the capacity of the health system to respond to epidemics and health emergencies. Please outline the measures taken to improve HIV/AIDS prevention, the provision of screening and access to care for persons who are HIV-positive. Please indicate what action has been taken to improve mental health services, including community services, and increase the number of trained professionals and medical facilities specializing in this field. Please provide information on the care given to persons with psychosocial disabilities and describe the measures put in place to guarantee them effective access to mental health care.

26. In the light of the information provided in the State party's fourth periodic report (para. 110), please describe the impact of measures taken to reduce maternal and infant mortality rates and improve prenatal care and care provided by trained health personnel during childbirth. Please provide information on action taken to supply and provide access to sexual and reproductive health services and access to affordable, safe and effective contraception and to emergency contraceptives, including for adolescents, particularly in rural areas and disadvantaged urban areas. Please provide information on the number of recorded teenage pregnancies. Please provide information on steps taken to improve access to information about sexual and reproductive health and to develop education programmes on sexual and reproductive health for girls and boys that are tailored to each age group.

#### **Right to education (arts. 13 and 14)**

27. With regard to the information presented in the State party's fourth periodic report (paras. 117–128), please describe, supported by statistics disaggregated by sex and age, the impact that the Interim Education Plan for Chad for the period 2018–2020 has had on school enrolment rates in primary and secondary education, particularly among girls, on rates of school dropout and on persistent disparities in access to education. Please provide information on the implementation of measures to ensure equal access to mandatory education that is free of charge and indicate what the State means by mandatory and free "basic education". Please provide information and data on the coverage that the country's road network affords to means of transport that serve schools for young students. Please list the measures taken to improve the quality of teaching, in particular to increase the number of trained teachers and facilitate access to initial and tailored ongoing training and to satisfactory working conditions, pay and benefits, particularly in rural areas and among indigenous

peoples. Please explain the low level of State participation in the financing of education and clarify the link with the level of teachers' pay. Please describe the measures taken to improve the quality of learning environments and to make sure that schools are equipped with educational supplies and materials, specifying how these resources are distributed across the country, including to the most remote areas. Please indicate what specific measures have been taken to deal with illiteracy and low levels of educational attainment, particularly among women and girls, and to assess the impact of actions undertaken by the National Committee for the Elimination of Illiteracy in Chad to improve literary rates.

28. Please provide information and updated statistics on the private higher education sector, including on the number of students enrolled, disaggregated by sex, age and social background, and on annual costs of enrolment, the geographical distribution of institutions, the educational and training curricula and the number of graduates.

**Cultural rights (art. 15)**

29. With regard to the information provided in the State party's fourth periodic report (paras. 129–132), please indicate what share of the annual budget is allocated to culture. Please provide information on specific steps taken to protect and promote the cultures of the different cultural, ethnic and linguistic groups that make up the population and to create favourable conditions for the preservation, development, expression and dissemination of information about their identity, history, culture, languages, traditions and customs. Please describe the measures adopted to increase their participation and level of representation in the country's cultural life. Please specify what steps have been taken to improve Internet coverage and guarantee affordable access to the network, particularly for disadvantaged and marginalized persons and groups, including in rural areas.

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