



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

Fiftieth session

SUMMARY RECORD OF THE 1374th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 14 January 2009, at 10 a.m.

Chairperson: Ms. LEE

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The meeting was called to order at 10.30 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Chad (CRC/C/TCD/2, CRC/C/TCD/Q/2 and Add.1)

1. At the invitation of the Chairperson, the members of the delegation of Chad took places at the Committee table.
2. Ms. NGARBATINA (Chad) said that, as 53 per cent of the Chadian population was under 18 years of age, the discussions between the delegation and the members of the Committee on the Rights of the Child were of particular interest to Chad. As a result of several decades of civil war and armed conflict, exacerbated by the crisis in Darfur, Chad remained one of the poorest countries in the world, despite its considerable natural resource wealth.
3. The Government was sparing no effort to improve the living conditions for the population in general and for women and children in particular. The President, Mr. Idriss Déby Itno, had dedicated his presidency to social issues and was striving to enhance the quality of life of Chadian children and all children living in Chadian territory, particularly those in refugee camps in the eastern and southern parts of the country. The Government's commitment in that regard was reflected in numerous initiatives aimed at strengthening the health, social, road and school infrastructure. Chad was aware that much remained to be done in order to ensure decent living conditions for all children, but was confident that it would be possible to achieve that objective with the involvement of all stakeholders.
4. Mr. KOTRANE (Country Rapporteur) referring to the progress made by the State party, noted the enactment in 2002 of Act No. 06/PR/2002 on the promotion of reproductive health, which prohibited all forms of violence against women, including female genital mutilation, early marriage, domestic violence and sexual violence. He pointed out, however, that the Act's impact was limited because it did not provide for criminal penalties. He also noted the revision and approval in 2003 of the ordinance regulating civil status in the national territory and the approval in 2004 of the decree giving effect to the Labour Code, which regulated child labour.
5. He welcomed the State party's ratification of the two Optional Protocols to the Convention on the Rights of the Child, of the International Labour Organization (ILO) Convention concerning Minimum Age for Admission to Employment (Convention No. 138), the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182), the Rome Statute of the International Criminal Court and the African Charter on the Rights and Welfare of the Child. He enquired whether progress had been made towards the ratification of other international instruments, such as the Convention on the Rights of Persons with Disabilities and the Hague Conventions, particularly Convention No. 33 on Protection of Children and Cooperation in respect of Intercountry Adoption.
6. The war that had afflicted the country for the past several years had made it difficult to implement the Convention and had worsened the situation of children, especially in conflict

areas. There was a pervasive climate of violence in the country, the result mainly of inter-community strife, which had reportedly extended into schools and given rise to ethnic polarization among children. The delegation might wish to comment on that situation.

7. Regretting the slowness of the legislative process, he asked what progress had been made towards the final adoption of the draft code on the protection of children developed in the framework of the cooperation programme between the Government of Chad and the United Nations Children's Fund (UNICEF), the promulgation of the Criminal Code revised in 2003 and the review of the Code on the Person and the Family. Given the scale of the phenomenon of recruitment and use of children by the armed forces and armed groups and, more generally, violence against children, he asked what legislative measures and plans of action the State party intended to implement in order to bring its legislation into conformity with the provisions of the Convention and the two Optional Protocols.

8. He also enquired what status the Convention had in domestic law, whether it took precedence over domestic law and customs, whether it had ever been invoked directly before Chadian courts and whether measures had been taken to make judges aware of its provisions.

9. Regarding the judiciary, he noted the establishment of special juvenile divisions within the courts of first instance to hear cases involving children aged 13 to 18. He would like more information on that subject. He would also like to know whether any specialized training programmes had been established for judges and other judicial officials who dealt with matters relating to children's rights.

10. Mr. ZERMATTEN, noting that the Ministry of Social Action and the Family was responsible for coordinating matters relating to children's rights and that the creation of a committee to monitor the implementation of the Convention was planned, requested further information in that regard. He also wished to know how coordination of measures undertaken at the central and the regional levels would be ensured.

11. He observed that Chad had a number of sectoral plans of action concerning the rights of children but nowhere was there any mention of a master plan integrating all the sectoral plans in the medium and long terms for the country as a whole. With regard to the national institutions that dealt with children's rights, he recalled that a National Human Rights Commission had been established in 2005 but noted that it did not have any specific activities concerning the rights of children. According to some information, there were six child protection committees under the Ministry of Justice that were responsible for preventing violations of the rights of children. Perhaps the delegation could provide additional information in that regard.

12. Some children were still suffering discrimination, particularly girls, who had lower school enrolment rates than boys; were subjected to violence, especially sexual violence; were forced into early marriages; and were disadvantaged with respect to rights of succession. Sudanese children born in Chad, refugee children and so-called "cursed" children were also victims of discrimination. It would be useful to have more information on that subject.

13. Despite the implementation of a child survival and development strategy and a rise in the country's revenues thanks to oil production, health, nutrition and infant mortality indicators had deteriorated. The delegation might wish to comment on that situation.

14. Lastly, he wondered what resources were available to the Children's Parliament. He understood that a child's right to be heard in the context of judicial and administrative proceedings was largely dependent on the discretionary power of the judge and was not systematically guaranteed. He enquired what the State party intended to do in order to ensure that children's rights were effectively safeguarded.

15. Mr. SIDDIQUI wished to know what entity was responsible for the collection of data relative to children and what the Government intended to do in order to improve the systematic collection of data.

16. The State party's report (CRC/C/TCD/2) contained little information on budget allocations for the protection of children's rights. It did provide information on budgets for education, social action and health for the period 2002-2006. Allocations to those sectors had declined markedly in proportion to the total budget from 2005 to 2006, although another report indicated that the budgets for education and social services had increased appreciably from 2006 to 2007. Those increases were not, however, enough to achieve the Millennium Development Goals. He enquired whether the limited budgets for those sectors was explained by the allocation of resources to the military sector. He would also like to know whether some means existed to monitor the use of allocated funds and whether Chad might consider channelling the bulk of its oil revenues into the education of children and into social services, bearing in mind that children represented the country's future.

17. Ms. KHATTAB said that the Committee was aware that the practice of female genital mutilation was deeply rooted in African culture and was seen as a way of protecting young girls. Despite efforts to stop it, including the adoption of a law prohibiting female genital mutilation, the practice persisted. That was because, among other reasons, the law did not provide for criminal penalties and the State party had not established an oversight mechanism. The Committee would welcome information on activities by the State party to raise awareness of that issue. Female genital mutilation, whatever arguments might be advanced to justify it, was a form of torture and discrimination against women and a violation of children's right to health, to life, to not be subjected to violence and to have their voices heard. Chad was not taking part in major efforts currently under way in Africa to combat the practice. It had not, for example, participated in two conferences on the elimination of female genital mutilation organized by Egypt in collaboration with Italian non-governmental organizations (NGOs) in 2003 and 2008, nor had it participated in the General Assembly of the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, held in Cairo in 2008. Moreover, Chad did not have a national affiliate of the Inter-African Committee. In that context, she would like to know how the State party intended to address the problem of female genital mutilation.

18. The situation of mouhadjirin children was also a source of concern. Such children, some of whom attended Koranic schools, were forced by their teachers to beg for food and money. It would be useful to know whether all children who begged in the streets were Muslims. If not, why were they attending Koranic schools? Was it because of poverty? What measures had the State taken to combat the discrimination that such children suffered with respect to the exercise of their rights?

19. Ms. VUČKOVIĆ-ŠAHOVIĆ requested additional information on birth records in order to be able to assess progress in that area. According to independent data, only 4 per cent of births were registered, which seemed hard to believe. She wondered whether the Convention's provisions on civil and political rights were fully understood. Paragraph 99 of the report said that some parents did not allow their children to choose a religion other than the parents' own. While the provisions of the Convention on the matter were not intended to give children freedom to choose their own religion, they did underscore the need to ensure peaceful coexistence of different religious groups and to protect children belonging to various groups against discrimination.

20. The report did not assess the degree to which children's right to freedom of expression had been realized throughout the country. She invited the delegation to provide its assessment of the situation and to comment on whether it believed that the exercise of that right was an objective that could be achieved, given the diversity of population groups in the country. That issue was related, inter alia, to access to adequate information. The report did not indicate to what extent Chadian children had access to television or the Internet.

21. The Government did not seem to be able to enforce the right not to be subjected to torture or other cruel, inhuman or degrading treatment, particularly in respect of children from certain groups or categories, such as mouhadjirin children. It was possible to ensure that right, but the Government had to be willing to enforce the prohibition of torture in all parts of the country and in all contexts. The information provided on that issue was insufficient: the State party should refer to the Committee's previous concluding observations in order to gain a clear idea of the information the Committee needed in order to make recommendations that were as relevant as possible. The State party should also bear in mind that it could seek technical assistance for the implementation of civil and political rights.

22. Mr. PARFITT said that the information provided by the State party about monitoring of the implementation of the Convention and remedies available to children who felt that their rights under the Convention had been violated was very confusing. Paragraph 27 of the report indicated that a plan to establish a committee to monitor the application of the Convention had been submitted to the Prime Minister. It would be interesting to know how that plan had been received and what the composition of the committee would be. He wondered whether the National Human Rights Commission, to which reference was made in the documents provided, was still active and whether it has been accredited by the International Co-ordinating Committee of National Institutions for the Promotion and Protection of Human Rights. He understood that its ties to the Office of the Prime Minister had been deemed too narrow for it to be truly independent.

23. The report indicated that judges took into consideration the principle of the best interests of the child in their deliberations. However, no specific reference seemed to be made to that principle in the Constitution or in domestic legislation. The delegation should indicate whether any of the proposed legislation currently being drafted - including the draft code on the protection of children - made explicit reference to that principle and whether it was taken into account by the Council of Ministers when making decisions. It should also indicate whether the draft code would be completed and adopted in the near future.

24. According to the report, NGOs dealing with issues affecting children had participated in drafting the report and had been involved in the development of policies and legal provisions relating to children. According to other information, however, the Government was interfering with the work of NGOs in the field of human rights and preventing their access to information. He invited the delegation to provide information on the Government's relations with NGOs, especially those that promoted the rights set out in the Convention.

25. Ms. SMITH was concerned that such a small share of the country's resources was being devoted to the welfare of children. According to information received by the Committee, the Ministry of Social Affairs was the ministry with the lowest level of resources. What was the current situation? It would be helpful for the Committee to have comparative data on resources allocated to the various ministries. The delegation should also provide additional information on cooperation between ministries, especially between the Ministry of Social Affairs and other ministries concerned with matters relating to children.

26. Mr. CITARELLA said that the Committee did not have clear information on how, exactly, "child" was defined under Chadian law. It was not explicitly stated that any person under 18 was a minor. The Committee would like information on the nature of the reforms of the Criminal Code and the Code on the Person and the Family and on whether a definition of the child consistent with article 1 of the Convention would be included in those laws. It was very difficult to determine the ages at which children could carry out certain activities or perform certain acts, particularly the exact age at which they could work or marry. The minimum marriage age did not appear to be the same for boys and girls, which constituted discrimination.

27. Some customary laws were in disaccord with the provisions of the Convention, which would make those provisions difficult to implement. He wondered whether the Convention might help to change local practices and customary laws relating to children.

28. Ms. NGABARTINA (Chad), referring to the concerns expressed by some Committee members about the independence of the inter-ministerial committee, chaired by the Head of State, said that the effectiveness of such a committee had been clearly demonstrated in other contexts. Such committees made it possible to coordinate the efforts of various ministries and agencies in respect of a particular problem and greatly enhanced the effectiveness of the action taken. The establishment of the committee had been delayed by some difficulties, but in the interim links had been established between the central government and local authorities. Committees had been established in three regions (Ouaddai, Wadi Fira and Guera) that had experienced armed conflict, which had caused suffering among vulnerable populations, including children. Those committees were composed of representatives of government agencies and civil society organizations and had proved extremely useful in raising awareness among families about the need to protect children against recruitment into armed groups.

29. Dealing with children who had been members of armed groups was a difficult challenge. Such children, who had seen war and had killed, had become so hardened that their behaviour was uncontrollable. The aforementioned regions, whose populations were predominantly Muslim, were also grappling with the phenomenon of child mouhadjirins, who even in a normal

context needed special care, but whose situation was exacerbated by contact with children belonging to armed groups. The Government had made a commitment to build establishments in those regions where child members of armed groups would receive support. Such children had been brought together in transit and guidance centres. Some had the opportunity to return to their families. Others had lost track of their families and, while efforts were being made to locate relatives, the children stayed in the centre and were helped to readapt to a normal life. The Government was committed to providing for children left without families.

30. Discrimination against girls remained an entrenched part of the country's cultural heritage. However, since it had become possible to form associations, civil society organizations had made great strides towards changing the situation, reinforcing the Government's efforts to establish more schools and support structures for girls and boys. Women were now taking on jobs normally performed by men. Radio and television had helped to make these examples known to the population, thus encouraging families to enrol their daughters in school.

31. Low-income families who were not able to send all their children to school often chose to enrol only their boys. However, that practice was waning, especially since free public education had been introduced and private institutions had been asked to lower their fees.

32. Violence in schools was a problem that could not be eliminated through legislation alone. Associations of women and children and human rights organizations were waging a major campaign against school violence and significant progress has been made in the time between Chad's submission of its report and the Committee's fiftieth session.

33. It was true that the budget for social action was very small. A national solidarity fund had been set up and a department for microcredit had been established to provide assistance to households.

34. Mr. FILALI asked what steps were being taken and what mechanisms put in place to change attitudes and end discrimination against girls.

35. Mr. KOTRANE (Country Rapporteur) enquired what body was responsible for children's rights and whether the inter-ministerial coordinating committee was encouraging the creation of a high-level committee for children that would have its own budget and would carry out coordinated actions.

36. He would also like to know whether the initiatives of the President were receiving sufficient human and financial resources and whether they were being used effectively.

37. Ms. NGARBATINA (Chad) said that the Children's Parliament enabled girls to make their voices heard. Parents were also gradually beginning to realize that girls and boys should be given equal opportunities. But tradition still carried considerable weight and it would take time for attitudes to change. The introduction of free education was a first step in that direction and represented an achievement.

38. She was convinced that the presidential initiatives were useful. The President had, among other things, led an extensive tour in which priority ministries and departments had participated and in which communities had been given the opportunity to express their real needs. It had

become apparent that the relationship between resources allocated and results achieved was not satisfactory. Each department had therefore been instructed to take measures to ensure that resources were being managed efficiently. Projects could now be financed with public funds thanks to the country's petroleum resources, and heads of departments had a duty to monitor the activities of their personnel in order to ensure that resources were not wasted.

39. Access to the Internet and television was hampered by the problem of energy sources. Although Chad enjoyed abundant sunshine, few solar panels had been installed. The Ministry of Social Action and the Family was seeking to obtain approval from the Ministry of Finance of a tax exemption for computer equipment in order to give Chadian children easier access to information and communication technologies.

40. The Government had increasingly recognized that some matters were better handled by NGOs. The National Committee for Assistance to Displaced Persons, whose members came from the Chadian Association of Women Lawyers, the Association of Traditional Chiefs and the Chad Non-Violence Association, worked very effectively and was not hampered by bureaucratic red tape. Its funds could be easily mobilized, which enabled it to act swiftly and efficiently, with the participation of NGOs.

41. Mr. BLAGUE (Chad) said that eight ministries worked in coordination: the Ministry of Social Action and the Family, which was the lead ministry; the Ministry of Education; the Ministry of Health; the Ministry of Justice; the Ministry of Labour; the Ministry of Youth, Culture and Sports; the Ministry of Human Rights; and the Ministry of Defence. An annual plan set out the activities to be undertaken by each of them, and the ministries carried out an annual evaluation of all their activities.

42. Considerable progress had been made with respect to registration of births. Registers had been distributed free of charge to offices of vital records and the Government had decreed that no fees should be charged anywhere in Chad for the registration of births.

43. The CHAIRPERSON, speaking as a member of the Committee, asked how often the eight ministries met. She also enquired what percentage of births were registered.

44. Mr. BLAGUE (Chad) said that the eight ministries met every month for working sessions with the United Nations Children's Fund (UNICEF), a key partner. All members reported on their respective activities during those meetings. The Ministry of Social Action was responsible for coordination.

45. A project to upgrade the vital records system had been under way for about three years. The project was supported by the United Nations Development Programme (UNDP) and led by the Ministry of Internal Administration. The institution responsible for data analysis was the National Institute of Statistics and Economic and Demographic Studies (INSEED), which had been working for two years but had not yet produced a report. However, thanks to the work accomplished under the upgrade programme, the Ministry of Social Action was able to affirm that up to 80 per cent of births were being registered in some areas.

46. The CHAIRPERSON, speaking as a member of the Committee, asked how the State party ensured that the policy guidelines on children decided by members of the eight ministries that met monthly were reflected at the level of regions and local communities and whether there was an independent body responsible for monitoring the implementation of policies and strategies relating to children.
47. Mr. ZERMATTEN pointed out that the failure to register births in effect deprived children of their fundamental rights, including access to basic social services, and enquired whether the progress in registering births extended to Sudanese children and other refugee children born in Chad.
48. Ms. NGARBATINA (Chad) said that the Chadian authorities were fully aware of the problems associated with the failings of the birth registration system and reported that a general population census was planned in the near future. The latter should enable every child - including refugee children - to realize the right to a name and thus to benefit from basic social services and to enjoy the rights provided for under the Convention.
49. Mr. KOTRANE (Country Rapporteur) was concerned that children were involved in hostilities, whether as members of the armed forces or of armed groups, and were consequently becoming victims of abuse, mutilation, abduction and even murder. He recalled that a memorandum of understanding had been signed in 2007 between the Government of Chad and UNICEF with the aims of protecting displaced children in the country, helping them to reintegrate into their families and their communities of origin and providing access to basic services. The Chadian Government had demonstrated true commitment by providing assistance to 103 refugee children in Abéché in October 2007. He wondered what plans were in place to promote regional and inter-community dialogue with a view to enhancing security in areas where refugee and displaced children lived. He would also like to know what measures had been taken, particularly in collaboration with UNICEF, to revise laws relating to the protection of refugee children in the light of the Convention provisions, and what the State party intended to do to end the culture of impunity and restore the rule of law.
50. Mr. ZERMATTEN requested further information on the fate of the hundreds of thousands of street children, many of whom were orphans, who were victims of poverty and insecurity and were reduced to begging. He would like to know what specific steps the State party had taken to assist such children.
51. Mr. PURAS asked what measures had been taken to provide disabled children with access to basic social services at the community level and whether there were specialized centres for children with visual and hearing impairments.
52. The State party would not succeed in achieving the Millennium Development Goal of bringing about a one-third reduction in infant mortality - which had remained consistently high for almost 20 years - if it did not allocate considerable resources for that purpose. It would be interesting to know whether the budget increase for the child survival and development strategy during fiscal years 2006 and 2007 had continued into 2008 and what share of the total State budget had been allocated to health in 2008.

53. The delegation should provide information on immunization coverage and breastfeeding rates in 2008 and indicate whether reproductive health and mental health services geared towards children were being offered. It should also explain how the 10 health programmes implemented concomitantly in the State party were coordinated and to what extent the Government supervised the activities of the numerous donors that provided funding for health in Chad.

54. Ms. AIDOO requested information for 2008 on the exact number of children living with HIV/AIDS, children orphaned by AIDS and people who had received antiretroviral treatment. The Committee was particularly concerned about the issue of HIV/AIDS in the Chadian context because it appeared that the prevalence of the disease was rising in large cities and that various factors were accelerating its spread, including armed conflict and the resultant displacement of the population, female genital mutilation, early marriage, sexual violence against girls and high fertility, which increased the risk of mother-to-child HIV transmission. She wondered whether the strategies and programmes in place to prevent HIV/AIDS were effective, whether targeted programmes to prevent mother-to-child transmission of HIV had been implemented and whether steps had been taken to inform children and adolescents about preventive measures. The delegation should indicate what type of support was being provided to children orphaned by AIDS, only 7 per cent of whom lived in family environments, and how the rights of such children were being protected, including their right to education and adequate nourishment.

55. Mr. KRAPPMANN was pleased that the right to education was recognized in the Constitution of the State party and that education was free and compulsory, but highlighted a number of shortcomings in that area, including very low enrolment rates in some regions, especially among girls; very high dropout rates; low rates of primary school completion; and overcrowded classrooms, some with as many as 100 pupils. He enquired how the State party intended to go about improving the situation and whether, given the shortage of schools and teaching materials, it would be in a position to accommodate more students if education policies began to bear fruit. He also wished to know what action was being taken to stem the violence and sexual harassment experienced by children, particularly girls, in schools; what proportion of GDP was allocated to education; whether the National Curriculum Centre envisaged under the 10-year programme to support the reform of the education system for the period 2004-2015 had been created; and whether 50 per cent of the resources devoted to education had been allocated to basic education as planned under that programme. The delegation should also indicate how the State party intended to recruit the teachers that would be needed if enrolment grew and what happened to the thousands of children who dropped out of school before reaching the legal working age.

56. Mr. PARFITT was concerned that the State party had not put in place an appropriate strategy to care for children deprived of their family environment, especially children who had left their family homes to escape abuse by a family member. He asked whether children who reported having been victims of violence within their families were heard by the courts and whether in such cases they were removed from the family environment.

57. It appeared that the criminal justice system provided for penalties against parents who failed to fulfil their parental obligations, including their child support obligation. As the failure to meet those obligations was due to poverty in most cases, it might be useful to develop programmes aimed at helping poor families rather than to punish them.

58. As institutions providing care for street children were scarce and mostly private, he would be interested in knowing whether the State party intended to create new centres and to regulate the activities of care centres operated by the private sector.

The meeting rose at 1.00 p.m.