



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 1961st meeting

Held at the Palais Wilson, Geneva, on Friday, 21 August 2009, at 10 a.m.

Chairperson: Ms. Dah

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

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

Tenth to fifteenth periodic reports of Chad (continued) (CERD/C/TCD/15; HRI/CORE/1/Add.88; list of issues (document without a symbol, distributed in the meeting room in English and French))

1. *At the invitation of the Chairperson, the delegation of Chad took places at the Committee table.*
2. **Mr. Hassain** (Chad) said that the 1993 General Population and Housing Census had indeed classified the 200 ethnic groups living on Chadian soil on the basis of linguistic and geographical — not ethnic — criteria, for analytical purposes. The process had yielded 14 main ethnic groups, with those categorized as “other” and “miscellaneous” respectively, consisting of ethnic groups that did not readily fit into any of the main groups by reason of their linguistic characteristics and customs. The largest ethnic groups were the Sara (12.3 per cent) and the Mayo-Kebbi (11.5 per cent). Some groups represented between 5 and 10 per cent of the total population, such as the Kanem-Bornou (9.0 per cent), the Ouaddai (8.7 per cent), the Hadjarai (6.5 per cent), the Tandjilé and the Gorane, constituting 6.5 per cent and 6.3 per cent of the population respectively.
3. Since the late 1990s, Chad had taken various steps to set up institutions to consolidate democracy and involve citizens in the management of public affairs. The Organic Act of 2 November 1998 on the Organization and Functioning of the Constitutional Council was a good example. The High Court, which had also been established, had the power to try the President of the Republic and members of the Government, together with their accomplices, in cases of high treason which included serious and flagrant human rights violations. In 2008, the Government had been obliged to legislate by decree owing to the state of emergency and had, notably, issued an order amending the law on the freedom of the press. The National Assembly was currently considering draft legislation to decriminalize several offences against the laws on the press that had been introduced under that order and to amend the penalty for defamation.
4. The army continued to undergo reform and over 4,000 rebel soldiers who had agreed to participate in the national reconciliation process had been sent to a training school to receive instruction on the rules of the Chadian National Army and on human rights. The follow-up committee established by Order of the Minister for Defence had recently set up a department of judges and clerks of the court who were responsible for investigating human rights violations. Hearings and investigations had already been carried out in the cases for prosecution and defence of the alleged perpetrators of the February 2008 abuses in N’Djamena against the Gorane and Ouaddai ethnic groups.
5. The National Commission on Human Rights had been established by an Act of 9 September 1994. While the Commission was currently attached to the Office of the President, draft legislation granting it constitutional status was currently before the National Assembly.
6. On the issue of damages and interest to compensate for injury, the practice known as *Diya* (blood money) was almost exclusively applied in cases of involuntary manslaughter. According to custom, the amount of a civil claim increased not in relation to the seriousness of the alleged offence but according to the ethnic group to which the victim belonged. The practice had been formalized by means of simple agreements between the various traditional and customary chiefs who set the rates of compensation payable to the victims and/or their relatives, which could vary from one community to another. The agreements infringed the provisions of the Constitution which stipulated, in particular, that punishment

was personal and that no one could be held responsible and prosecuted for an act that he or she had not committed. The agreements had been negotiated prior to Chad's ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The existence of such agreements, which were private in nature, did not prevent public criminal proceedings being brought.

7. While racial discrimination did not exist in Chad, it should nonetheless be made a criminal offence so that anyone who did commit it would be duly punished and the victims fairly compensated.

8. Given that the fight against HIV/AIDS came up against cultural and religious barriers, religious and traditional chiefs had been closely involved in developing and disseminating the public awareness-raising and information programme on the AIDS pandemic.

9. Discrimination against women was not the reason Chad had not adopted a personal and family code. The problem was the obstacles posed by the Islamic law on women's rights to succession and inheritance. The Government was determined to adopt such a code and had, moreover, organized several expert missions to Morocco, Senegal and Tunisia in order to draw on the practices followed by other Muslim States in that area.

10. Law clinics were legal aid units or offices located throughout the country, which were run by young jurists who acted as staff lawyers. They helped communities to better understand legal procedures and assisted litigants, who seldom knew the law or the official language, to make their way through the legal system.

11. A draft bill on refugees had been drawn up, based on the broad principles of the Geneva Conventions, and notably provided that those who had applied for asylum had the right to work. It would be considered by the Ministry of Human Rights, the Ministry of Foreign Affairs and the Ministry of the Interior. The national commission for the reception and reintegration of refugees was currently hosting refugees, most of whom were from Rwanda, the Democratic Republic of the Congo and the Sudan.

12. Imams and other religious leaders found it hard to accept that they had a role to play in the fight against HIV/AIDS, as they believed that abstinence and fidelity were the only protections from the virus. However, they had realized that the Government had a duty to protect the population one way or another and had begun to address the issue in their Friday sermons.

13. The situation in Darfur was a genuine tragedy that had brought some 300,000 refugees to Chad, particularly to the Sahel region where living conditions were already difficult for the local population. The United Nations Development Programme (UNDP), working with the Ministry of Human Rights, the Ministry of Foreign Affairs and the Ministry of the Interior, had conducted a study on the impact of the presence of the Sudanese refugees in the host regions. The main aim was to defuse the situation between people who came from countries on either side of the border but belonged to the same ethnic groups. They were disputing access to vital natural resources such as water, pasture and wood. There were huge repercussions that were felt even in the capital. The Government, working with the United Nations, was trying to protect the population as best it could.

14. His delegation was willing to listen to all constructive criticism that might help to improve the situation in the country, particularly on how to usher in democracy, enforce the rule of law and adopt a legal system and a high-quality human rights protection system.

15. In a country where over 200 ethnic groups lived together, it would be particularly risky to address the issue of tribal or ethnic origin in the context of a population census. Historically, Chad had been divided into two regions, one with an Arab-Muslim culture in

the centre and the north and the other with a Negro-Christian culture in the south. Civil war had broken out in 1979, claiming thousands of lives. From 1982 to 1990, it had been followed by the totalitarian regime of Hissène Habré. The numerous victims of repression — an estimated 72 per cent of Chadian households had been affected directly or indirectly — had claimed compensation to be paid from oil revenues. In order to bring Hissène Habré and his accomplices to trial, Chad needed the support of the international community to strengthen the legal capacity of Senegal, where the hearings would take place, since Chad had paid its assessed contribution of CFAF 2 billion.

16. **Mr. Djasnabaille** (Chad) said that it was regrettable that administrative issues concerning the granting of visas, especially the lack of response from the Swiss authorities, had forced his delegation to request postponement of the consideration of the tenth to fifteenth periodic reports and that for the same reasons, some members of his delegation had been unable to travel to Geneva. Given that Switzerland hosted the United Nations Office at Geneva, it was disappointing that such a situation should occur and that high-level instructions had not been issued to resolve the problem.

17. The frankness shown by the members of his delegation during the consideration of reports submitted by their country under international human rights instruments constituted a danger for their roles as ministers. However, that was not the only risk they ran, given that being a politician and human rights defender in Africa sometimes meant placing one's life in jeopardy.

18. While racial discrimination was officially banned, it existed within the communities, where recruiters had a natural tendency to favour their own community members. That phenomenon was not specific to Africa, but it was more pronounced there as a result of the community-based structure of society.

19. The war between the Muslim north and the Christian south had resulted in a clear gap between the two communities in terms of education at the time of independence. The Christians, having attended French school, had had the skills required to take up posts within the machinery of the State, unlike Muslims who had refused to attend those schools and spoke Arabic only. The Government had therefore taken steps to ensure that all the country's ethnic groups were duly represented and had a voice, thus guaranteeing social harmony.

20. Since independence, parents had become aware of the need for their children to attend school and the school enrolment rate currently stood at 78 per cent, as opposed to 17 per cent prior to independence. The rate for girls was 58 per cent.

21. Nation-building was a problem in Chad because of the intensely community-based structure of society which pitted one ethnic group against another. Furthermore, the judicial process was so slow that Chadians tended to take justice into their own hands. They were unaware that even if they arrived at an amicable agreement and paid the *Diya* as "blood money", legal proceedings were not thereby terminated and they could still be convicted by the courts. All issues concerning the family were covered in the draft family code which would be considered before the end of 2009. Imams, who had previously opposed the code, now appeared to be more favourable to it.

22. The Ministry of Human Rights had been established in 2005 by members of the country's vital forces, political parties and civil society, led by himself (Mr. Djasnabaille). It worked with the Ministries of Justice, Defence and the Interior, reviewing draft laws in order to ensure they were consistent with human rights principles, and had appointed assistants in the 22 regions who were responsible for checking that governors and prefects acted in conformity with fundamental rights. If they did not, the Ministry intervened immediately on the spot. At times it was obliged to defend the needy against those with more wealth or power, or simply against the State.

23. Moreover, the Ministry of Human Rights and Promotion of Liberties ensured interaction between civil society organizations and public bodies, particularly trying to convince local governors or military leaders to allow non-governmental organizations (NGOs) and humanitarian organizations to travel and carry out their work freely. In addition, the Ministry of Human Rights and Promotion of Liberties was responsible for informing the Prime Minister and the President of the Republic about difficulties arising in the implementation of the Convention and giving an opinion on the issue. The Ministry also worked with several international bodies, including the International Committee of the Red Cross (ICRC), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), UNDP, the United Nations Mission in the Central African Republic and Chad (MINURCAT) and the European Union.

24. It was true that many of the members of the National Commission on Human Rights were currently civil servants and that there were not enough NGO representatives. However, the Ministry of Human Rights and Promotion of Liberties had planned to initiate reforms to bring the Commission into conformity with the Paris Principles.

25. Owing to the heavy legacy of eight years of dictatorship, cases of violations of human rights and freedoms were common in the country and there was a lack of awareness of the law by both the general public and those responsible for enforcing it. Nonetheless, all brigade commanders, who acted as officers of justice, had recently been summoned to N'Djamena to sit an examination. Only those who had been deemed to have the required competencies had been kept in their posts.

26. Turning to the issue of impunity, he emphasized the Government's determination to do its utmost to ensure that all alleged perpetrators of serious human rights violations, particularly former staff members of the Documentation and Security Directorate (DDS), had to answer for their actions in court. The Government's current priority was to safeguard internal security. In order to do so, it was making a significant effort, with assistance from MINURCAT, to stabilize the situation in the border areas. It had also reached an agreement with the democratic opposition with a view to initiating a process leading to free and transparent elections. To that end, it had encouraged Chadian opponents who had gone into exile during the dictatorship to return to Chad and resume their political activities. The draft bill on the freedom of the press was due to be examined by the Council of Ministers and should be enacted in the coming months.

27. The Government would be organizing a national forum on human rights in November 2009, and had invited the Committee on the Elimination of Racial Discrimination, representatives of civil society and experts on a wide range of issues to participate. The recommendations that came out of the meeting would serve as the basis for a future action plan on human rights, which would constitute the Government's official policy on human rights.

28. The proportion of people infected with HIV/AIDS had dropped from 17 per cent in 2005 to 3.3 per cent in 2008, demonstrating the effectiveness of the authorities' preventive work. On the issue of the conflict in Darfur and its consequences, he emphasized that Chad had itself been a victim of the policy of the Sudanese President Omar Al-Bashir. Several of its villages had been attacked and razed to the ground by the Janjaweed militias and the residents of border areas had been forced to flee towards the interior. There were currently 360,000 refugees and internally displaced persons in the country. As the conflict was of great concern to the Government, it was more than willing to support the international community's efforts to resolve it.

29. The disappearance in February 2008 of Ibni Oumar Mahamat Saleh, General Secretary of the Party for Liberty and Development (PLD) and spokesperson of the Coordination of Political Parties for the Defence of the Constitution, had taken place at a

time when the entire capital, apart from the Presidential building, had been occupied by the Sudanese armed forces. When the army had withdrawn, a number of human rights violations including disappearances had come to light. The Government had set up an international commission of inquiry in order to clarify the situation and had released CFAF 400 million to cover the relevant legal costs. The commission had questioned ministers, governors and members of the Council of Ministers and had published a report on the results of the investigations, which had been submitted to the competent judicial authorities. He himself had known Ibni Oumar Mahamat Saleh for many years and shared his convictions and values, and was a member of a commission responsible for monitoring judicial progress in that case. While that progress was undeniably slow, he remained hopeful that light would be shed on the case one day.

30. **Mr. Amir** noted with satisfaction that the State party was committed to overcoming the legacy of the past, working for peace and building a new domestic order characterized by the rule of law and based on international human rights instruments. He welcomed the Government's initiative to organize a national forum on human rights, and the commitment of the Ministry of Human Rights and Promotion of Liberties to national reconciliation and the return of members of the Chadian opposition who had fled abroad.

31. **Mr. de Gouttes** requested information on the results of the judicial reforms undertaken to apply the recommendations of the General Assembly of the Judiciary in 2003. The delegation should also provide further details on the new judicial training college.

32. **Mr. Sicilianos** noted that the presence of civil servants on a national human rights commission was useful and necessary as they provided a link between the Government and civil society organizations, presenting to those organizations public policies in support of human rights. Nonetheless, their mandate should not overstep that mark and the State party should guarantee that civil servants serving on the National Human Rights Commission did not have the right to vote or be elected. It should also ensure that the Commission was able to manage its budget independently.

33. **Mr. Djasnabaille** (Chad) said that the reform of the legal system had been undertaken on the recommendation of the General Assembly of the Judiciary and with support from UNDP and the National Colleges of Magistrates of Paris and Bordeaux. The decision had been taken to replace the existing college, which offered general teaching on government and justice, and to set up a proper national college of magistrates which provided specific training. Another decision had been to strengthen the Supreme Court by appointing auxiliary judges who, in the first instance, would take training courses in France and other countries in Africa. While the reform was still under way, it would undoubtedly guarantee individual and collective freedoms. The first tangible results should be seen in 2010. In any event, he welcomed the fact that Chad had sufficient funding and technical support. It was true that the National Human Rights Commission did not comply with the Paris Principles, as it was not independent, given that it was chaired by the General Secretary of the Ministry of Justice. Furthermore, Chadian human rights organizations had abandoned the Commission on the grounds that it was under the Government's control.

34. The law on HIV/AIDS had already been adopted and had entered into force in 2007. In order to implement it, however, awareness-raising activities and a huge amount of work were necessary, particularly in rural areas and in public life given that the State wanted, above all, to avoid acts of discrimination being committed by public officials. The Government had established an official programme to combat HIV/AIDS in cooperation with Muslim and Christian religious leaders so that they would raise awareness of the issue among their communities. Antiretroviral treatments were available free of charge and people living with HIV or who were sick with AIDS had no difficulty obtaining them.

35. **Mr. Ewomsan** (Country Rapporteur) welcomed the particularly frank and constructive dialogue between the delegation and the Committee. The State party seemed determined to make optimum use of the Committee's recommendations to combat discriminatory practices which were hindering the country's development. Some of the most important points raised during the discussion had been the need to harmonize domestic legislation so as to incorporate all the aspects of the issue of discrimination, the need to criminalize traditional customary practices, and the State's duty to establish a political dialogue to achieve reconciliation and avoid any further ethnic conflicts and armed rebellions in the country. The national forum on human rights would strengthen human rights and improve the administration of justice in the country. Commending the State party's genuine political will to combat racial discrimination, he expressed the Committee's appreciation for the quality of the report.

36. **The Chairperson** thanked the delegation and welcomed the satisfactory and high-quality dialogue during the consideration of the tenth to fifteenth periodic reports of Chad.

The meeting rose at 12.35 p.m.