



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

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Consideration of reports submitted by States parties under article 9 of the Convention

Concluding observations of the Committee on the Elimination of Racial Discrimination

Chad

1. The Committee considered the tenth to fifteenth periodic reports of Chad, submitted in a single document (CERD/C/TCD/15), at its 1960th and 1961st meetings (CERD/C/SR.1960 and 1961), held on 20 and 21 August 2009. At its 1970th meeting (CERD/C/SR.1970), held on 27 August 2009, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the State party's submission of its report, which has been prepared in accordance with the Committee's guidelines, and the resumption of its dialogue with the Committee after a lengthy 14-year gap. The Committee welcomes the additional information the State party has provided orally and in writing.

3. The Committee welcomes the State party's high-level delegation and the open and constructive dialogue it has had with the delegation. It nevertheless urges the State party to observe the deadlines set for the submission of its next periodic report.

B. Factors and difficulties impeding the implementation of the Convention

4. The Committee notes that the State party has for some 30 years been undergoing an institutional and political crisis characterized by armed uprisings and intercommunity conflicts. It is particularly concerned at the impact of the Darfur crisis. Like the delegation itself, the Committee is concerned at the fragility of the peace in the interior and along the country's borders; this has impeded the full application of the Convention.

C. Positive aspects

5. The Committee welcomes the series of reforms undertaken by the State party with a view to improving its legislative and institutional framework, and in particular the adoption of the 31 March 1996 Constitution, revised on 15 July 2005, which devotes 32 articles to civil liberties and fundamental rights and in article 221 establishes that international treaties prevail over domestic law and may be directly invoked before the national courts.

6. The Committee welcomes the State party's adoption of Act No. 06/PR/2002 of 15 April 2002, prohibiting female genital mutilation, early marriage, domestic violence and sexual violence; Act No. 16/PR/06 of 13 March 2006, on the orientation of the Chadian education system, which recognizes the right of everyone without distinction to education and training; Act No. 17/PR/01 of 31 December 2001, which recognizes equal access for all to civil service posts; Act No. 45/PR/94, on the Political Parties Charter, which prohibits intolerance, tribalism, regionalism, religious discrimination, xenophobia and incitement or recourse to violence in party political programmes and activities; Act No. 021/PR/2000 of 18 August 2000, on the Electoral Code; and the ordinance regulating associations.

7. The Committee notes with interest the State party's establishment of the Ministry of Human Rights and the Promotion of Liberties in 2005, and of a national commission of inquiry into human rights violations in the State party during the events of February 2008.

8. The Committee notes with interest the State party's commitment to a resumption of its dialogue with United Nations bodies and mechanisms, in particular the human rights treaty-monitoring bodies. The Committee also welcomes the State party's opening of a Permanent Mission to the United Nations Office at Geneva in order to follow human rights issues more closely, as recommended by the Committee in its previous concluding observations.

9. The Committee notes with interest that the State party plans to organize a human rights forum in November 2009. It hopes that due attention will be paid to the need to ensure observance of the provisions of the Convention, and looks forward to the forum's conclusions.

D. Subjects of concern and recommendations

10. While taking note of the creation of a national commission of inquiry into the violations that occurred during the events of February 2008, the Committee is concerned at the lack of information from the State party on the investigations carried out and the sanctions and penalties incurred by the perpetrators, including members of the armed forces.

The Committee encourages the State party, in the interests of national reconciliation, to persevere with the work now being done by the commission of inquiry and act on its recommendations that the guilty parties should be brought to trial and punished. The Committee also recommends that the State party should inform it of the results obtained by the commission of any prosecutions and the decisions handed down by the competent courts.

11. The Committee takes note of the information provided by the State party on the justice reform. It is nonetheless concerned at the persistence of numerous dysfunctional aspects of the justice system, including corruption, impunity, interference by the executive in the administration of justice and the lack of training for judges.

The Committee recommends that the State party should pursue its efforts to improve the judicial system, taking account of the conclusions of the justice summit held in 2003, by:

- (a) Continuing with the clean-up of the judicial apparatus in order to restore public confidence and discourage people from resorting to traditional justice;
- (b) Stepping up efforts to combat corruption in the justice system;
- (c) Promoting the independence of the judiciary and judges;
- (d) Providing training for judges; and
- (e) Creating conditions conducive to access to and acceptance of judicial decisions, notably through publicity campaigns and awareness-raising programmes for the general public.

The Committee also recommends that the State party should complete the work of establishing a special judges training school, as mentioned in its oral replies.

12. The Committee notes with concern the difficulties hampering the effective functioning of the National Commission on Human Rights, related in particular to its lack of independence and lack of resources.

The Committee recommends that the State party should take steps to ensure the effective functioning of the National Commission on Human Rights, in particular by:

- (a) speeding up the adoption of legislation aimed at giving it a constitutional basis; and
- (b) ensuring its independence and allocating the resources necessary for its effective operation in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles, General Assembly resolution 48/134).

13. The Committee takes note of the existence of the National Office of the Ombudsman, one of whose duties is to resolve tensions between different communities. The Committee is, however, concerned at the effectiveness of the National Office of the Ombudsman, overlapping competencies with other institutions and its lack of resources.

The Committee urges the State party to adopt the bill currently under consideration by the National Assembly in order to define the responsibilities of the National Office of the Ombudsman, provide adequate resources for it to operate and strengthen its capacities.

14. The Committee notes that both the Constitution and other State party legislation contain general provisions on equal rights and non-discrimination. However, the Committee is concerned at the lack of legislation incorporating the definition of discrimination contained in article 1 of the Convention. It is also concerned at the lack of a specific legal provision prohibiting and condemning racial and ethnic discrimination.

The Committee is of the view that racial and ethnic discrimination exists or could exist in all societies, and recommends that the State party should take the necessary steps to adopt specific legislation prohibiting racial discrimination, or to amend existing legislation in order to bring it into line with article 2 of the Convention. The Committee recommends that the State party should consider re-examining the discarded bill prohibiting discriminatory practices in the Republic of Chad, that it mentions in paragraph 164 of its report. The Committee also recommends that the State party should consider incorporating in its legislation the notion of racial discrimination as defined in article 1 of the Convention (arts. 1 and 2).

15. The Committee is concerned about the existence of a caste system in some ethnic groups of the State party, which leads to discrimination against certain categories of the

population and serious violations of their rights, as mentioned by the State party in paragraph 152 of its report.

The Committee recalls its general recommendation No. 29 (2002) on descent-based discrimination and recommends that the State party should (a) take specific measures to combat and abolish the caste system, including the adoption of specific legislation prohibiting descent-based discrimination; (b) take steps to raise public awareness and educate the population about the negative effects of the caste system and the plight of victims; and (c) provide the Committee with additional detailed information on the nature and extent of this problem (art. 3).

16. The Committee takes note with concern of the lack of specific legislation in the State party implementing the provisions of article 4 of the Convention.

Recalling its general recommendations Nos. 1 (1972), 7 (1985) and 15 (1993), which stipulate that the provisions of article 4 are mandatory and preventive in nature, the Committee recommends that the State party should adopt specific legislation, or introduce provisions in its existing legislation, giving effect to that article of the Convention (art. 4).

17. The Committee is concerned about customary practices in certain ethnic groups that prevent the enjoyment by one category of the population of its civil, political, economic, social and cultural rights, in particular women's right to inherit and to own property.

The Committee recommends that the State party should (a) take measures to eradicate these customary practices, namely by raising awareness and educating the population concerned; and (b) adopt the Code on the Individual and the Family in order to enable women of the ethnic groups concerned to enjoy their rights, in particular the right to inherit and to own property (art. 5).

18. The Committee takes note that the Darfur crisis has triggered massive refugee movements in the east of the State party's territory, as well as internal displacement. The Committee remains concerned about the lack of security and the acts of discrimination and violence committed against these people, and about intercommunity tensions that may arise with respect to the host population.

Recalling its general recommendations Nos. 20 (1996) and 22 (1996), the Committee recommends that the State party should continue its efforts to improve the protection of refugees and internally displaced people by (a) strengthening the activities of the National Refugee Commission; (b) pursuing efforts to adopt the draft bill on refugees mentioned in the State party's report; (c) pursuing its efforts to successfully integrate refugees in Chad; (d) facilitating access to justice for refugees and displaced people; (e) prosecuting and punishing those who commit acts of violence against them; (f) promoting the voluntary return of displaced people and the enjoyment of their property; and (g) fostering harmonious relations between refugees, displaced people and the population, in particular through campaigns to increase awareness about tolerance and inter-ethnic understanding. The Committee also recommends that the State party should take account of the findings of a study conducted by the United Nations Development Programme (UNDP) on the impact of refugees on host communities, in particular with respect to land and farming (art. 5 (b) and (e) and art. 6).

19. The Committee notes that the Convention prevails over domestic law and may be directly invoked before the domestic courts. Nevertheless, the Committee regrets that the State party did not provide more examples of the application of the Convention's provisions by the courts.

Referring to its general recommendation 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recalls that the absence of complaints or judicial proceedings brought by victims of racial discrimination may reflect the non-existence of specific relevant legislation, ignorance of available remedies, fear of social disapproval or unwillingness on the part of the responsible authorities to institute legal proceedings. It recommends that the State party should include in its next periodic report statistics on:

(a) Legal proceedings instituted and sentences handed down for offences related to racial discrimination; and

(b) Compensatory measures decided upon by the courts as a result of such sentences. The Committee asks the State party to ensure that its domestic legislation contains appropriate provisions and to inform the public of all the available legal remedies in the area of racial discrimination (art. 6).

20. The Committee is concerned about the lack of information on steps taken to publicize the provisions of the Convention and their application, including training courses for members of the judiciary and the police, teachers, social workers and other civil servants.

The Committee recommends that the State party should provide more information on human rights education, and education in the Convention in particular, and on training courses specifically for members of the judiciary, police, teachers, social workers and other civil servants (art. 7).

21. Bearing in mind the indivisible nature of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties to which it is not already a party, particularly those whose provisions have a direct bearing on the subject of racial discrimination, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

22. The Committee recommends that the State party should take into account the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the outcome document of the Durban Review Conference, which was held in Geneva in April 2009, when it incorporates the Convention into its internal legal order. It urges the State party to include in its next periodic report specific information on plans of action adopted and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

23. The Committee recommends that the State party should continue consulting and expanding its dialogue with civil society organizations working in the area of human rights protection, in particular those combating racial discrimination, when preparing its next periodic report.

24. The Committee notes that the State party is considering making the optional declaration under article 14 of the Convention and invites it to do so promptly.

25. The Committee recommends that the State party should ratify the amendment to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992. In this connection, the Committee cites General Assembly resolution 61/148, in which the General Assembly strongly urged States parties to the Convention to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

26. The Committee recommends that the State party's reports should be made readily available to the public at the time of their submission, and that the Committee's concluding observations should be similarly publicized in the official languages and other languages commonly used in the State party, as appropriate.

27. Noting that the State party submitted its core document in 1997, the Committee encourages it to submit an updated version, in accordance with the harmonized guidelines on reporting under the international human rights treaties, namely those relating to the common core document, as adopted at the fifth Inter-Committee Meeting of Treaty Bodies held in June 2006 (HRI/GEN/2/Rev.4).

28. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present concluding observations, on its follow-up to the recommendations contained in paragraphs 10, 12 and 18 above.

29. The Committee also wishes to draw the State party's attention to the particular importance of recommendations 11, 14, 16 and 17, and asks it to include in its next periodic report detailed information on the concrete measures taken to implement those recommendations.

30. The Committee recommends that the State party should submit its sixteenth, seventeenth and eighteenth periodic reports in a single document by 16 September 2012, taking into account the guidelines for the preparation of reports to the Committee on the Elimination of Racial Discrimination adopted at the Committee's seventy-first session (CERD/C/2007/1), and addressing all the issues raised in the present concluding observations.
