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## Committee on Economic, Social and Cultural Rights

### Seventy-fourth session

#### Summary record of the 32nd meeting

Held at the Palais Wilson, Geneva, on Monday, 25 September 2023, at 3 p.m.

*Chair:* Ms. Crăciunecan-Tatu

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*Fourth periodic report of Chad*

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*The meeting was called to order at 3 p.m.*

### **Consideration of reports**

**(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant**

*Fourth periodic report of Chad (E/C.12/TCD/4; E/C.12/TCD/Q/4; E/C.12/TCD/RQ/4)*

1. *At the invitation of the Chair, the delegation of Chad joined the meeting.*
2. **Mr. Alhabo** (Chad), introducing his country's fourth periodic report (E/C.12/TCD/4), said that it had been prepared by a small committee of experts using information from relevant ministries and institutions. It had then been reviewed by an interministerial committee at a workshop bringing together a wide range of stakeholders, including civil society organizations.
3. The report had been sent to the Committee shortly before the death of the late President Idriss Déby Itno, who had been killed in a battle with a rebel group in April 2021. The country had subsequently entered a period of political transition; the authorities were working tirelessly to secure a return to constitutional order. Human rights issues nonetheless remained high on the agenda of the current Government: a national forum on human rights had been held in April 2022, while the inclusive and sovereign national dialogue held from August to October 2022 had included a special committee on human rights.
4. The Government had made significant efforts to implement the provisions of the Covenant, creating programmes to tackle HIV/AIDS and adopting laws, strategies and mechanisms to combat female genital mutilation, child labour and all forms of discrimination, including discrimination against women. The National Human Rights Commission had been included among the country's key institutions; it had legal personality, was independent and enjoyed financial autonomy. A number of legislative and regulatory measures had been taken to tackle corruption following ratification of the United Nations Convention against Corruption, for example to prevent amnesty being granted to persons found to have embezzled public funds or committed economic crimes.
5. Chad had been hard hit by the global economic and financial crisis and had seen a massive influx of refugees who had fled neighbouring countries to escape rising insecurity and intercommunal conflicts. As a result, his Government needed the support of its technical and financial partners in implementing the provisions of the Covenant, a goal to which it was unwaveringly committed.
6. **Mr. Hennebel** (Country Rapporteur) said that he would like to know whether the State party planned to ratify the Optional Protocol to the Covenant, recognizing the competence of the Committee to receive and consider communications, and to accept the inquiry procedure and inter-State communications procedure under the Covenant. He would be interested to hear what measures had been taken to raise awareness among lawyers, judges, court officers and civil society representatives of the Covenant's applicability in national law. Could the delegation explain why there were no examples of its application in domestic law? He wondered what status in domestic law the recommendations of United Nations human rights treaty bodies had. It would be useful to know what steps had been taken to strengthen and guarantee the independence of the National Human Rights Commission.
7. He wished to know what specific strategies were in place to ensure fulfilment of the Sustainable Development Goals by 2030, particularly with regard to improving security, respect for human rights and social cohesion. What measures had been taken to reduce the proportion of the population living below the poverty line?
8. He would be interested to hear what steps had been taken to uphold the abolition of the death penalty and ensure that it was applied uniformly across the whole country.
9. He would welcome the delegation's comments on the impact of alleged mercenary activities on the enjoyment of economic, social and cultural rights. He wished to know what the State party was doing to encourage inclusive dialogue among its various communities, with a view to promoting peace and addressing demands for regional autonomy and the

recognition of cultural identity. He would be grateful for details of any initiatives implemented by the State party to tackle the complex humanitarian crisis in the Lake Chad region.

10. He would like to know what measures had been taken to diversify and stabilize the economy and mitigate the negative impact of austerity measures on access to health, education and other essential services, particularly for vulnerable groups. It would be useful to learn what the State party had done to tackle corruption and in particular to hear about the specific outcomes of the application of title IV of the Criminal Code, on the punishment of corruption. He would appreciate receiving any disaggregated statistics that might be available on those subjects.

11. He asked the delegation to provide details of the legislative and administrative measures taken to ensure that companies complied with the principles of respect for human rights and due diligence. He wished to know whether a national plan on business and human rights had been implemented and, if so, with what results. He would appreciate information on the penalties handed down to national and multinational companies found to have violated economic, social and cultural rights and on any reparation measures available to victims.

12. He would like to know how the State party planned to officially recognize and protect the Mbororo community as an Indigenous People and what obstacles hindered recognition. What measures were to be taken to clarify provisions on land title and address the legal uncertainty surrounding Indigenous Peoples, particularly nomadic communities? He wished to know whether the State party intended to ratify the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169).

13. He would be grateful for further details on the implementation of the national strategy to combat climate change.

14. It would be helpful to know whether the State party intended to incorporate explicit guarantees of equality and non-discrimination into its Constitution, in line with its obligations under international law and the Covenant. Had mechanisms been established to tackle discrimination, including racial discrimination and discrimination against specific groups such as women, children, persons with disabilities, migrants and ethnic, religious and linguistic minorities, and if so, what remedies were available to victims? He would welcome information on any complaints received by the judiciary regarding discriminatory acts or policies.

15. He wished to learn about the measures taken to address discrimination against refugees, asylum-seekers and displaced persons. How did the State party intend to protect their rights and, in the case of displaced persons, to find sustainable solutions to their situation? He would welcome information on steps taken to combat discrimination against lesbian, gay, bisexual and transgender persons, in addition to any statistics on the implementation of the policy providing for the criminalization of homosexuality.

16. He would like to know what steps the State party would take to address traditional practices that restricted women's rights. What were the next stages in the adoption of the draft personal and family code, which would strengthen such rights? He wished to learn what the State party had done to tackle gender stereotypes and ensure equality for women in areas such as marriage, inheritance, employment and access to land and credit. He wondered what had been done to combat sexual violence, protect victims and provide reparation, and whether statistics on sexual violence were available. He wished to know whether the State party intended to run national campaigns to raise awareness of the damaging impact on girls of early marriage and to promote the effective application of the law on reproductive health.

17. **Mr. Alhabo** (Chad) said that the 60 years of violence faced by his country had resulted in many shortcomings in terms of human development. Moreover, the insecurity in the region had created major refugee flows that also had had an impact. The Government had adopted laws granting the more than 1 million refugees now in the country almost the same rights as Chadian citizens, and in some ways refugees were treated better than the country's nationals. Some schools in border areas were being used as refugee shelters, which meant that students would be unable to attend classes once the new school year began. Refugees received support from non-governmental organizations (NGOs) and often had better access to food and health-

care services than Chadian citizens, leading to tensions. They had caused environmental damage by cutting down trees for firewood.

18. He took issue with the use of the term “Indigenous People” to describe the Mbororo community. They were a nomadic group that had originated in the Fouta Djallon region of Guinea before arriving in Chad. There were many other national peoples in Chad that were nomadic, and who moved between the northern and southern regions of the country according to the seasons and the needs of their livestock. Thus, he considered that the Mbororo were no more Indigenous People than any other nomadic people in Chad.

19. The State of Qatar had hosted over five months of peace talks in Doha between the Government of Chad and more than 50 armed groups. The agreement reached in those talks had paved the way for the inclusive and sovereign national dialogue, in which a representative sample of some 1,500 delegates had made a number of recommendations for reforming the State, including the adoption of a new Constitution, followed by elections. On 17 December 2023, a referendum would be held to decide whether Chad should be a highly decentralized unitary State or a federation; political parties, associations and individuals would be authorized to campaign for either side. Once the form of the State had been chosen, elections for the various branches and levels of government would be held. A drive was under way to add all Chadians of voting age to the electoral register.

20. Turning to the situation in the Lake Chad region, he recalled that the unrest in that area was ultimately linked to the 1885 Congo Conference in Berlin, at which various European countries had each tried to obtain a slice of the African “cake”. As to the Boko Haram movement, since its isolation from the centres of power in Nigeria, where it had originated, it had turned to banditry, targeting all the countries of the Lake Chad basin. However, the Chadian National Army, with its 60 years of experience in dealing with chronic instability, had proved too strong for Boko Haram; the group had targeted the country’s most vulnerable settlements, but had been practically eradicated from Chadian territory and now operated mainly in Nigeria and Cameroon.

21. The death penalty had been abolished in Chad. However, a group of Boko Haram militants, detained after killing a large number of members of the defence and security forces in battle, had been intentionally starved almost to death by members of the gendarmerie, apparently to avenge relatives killed in the initial attack by the terrorists. A large judicial team had recently been sent to the prison in central Chad where the militants were still held, to secure, on a case-by-case basis, either their release or their trial in accordance with the law.

22. The defence and security forces of Chad were skilled and strong enough to defend their country’s sovereignty and needed no help from mercenaries, whether domestic or foreign.

23. **Mr. Baptiste** (Chad) said that, from the questions asked, one might suppose that Mr. Hennebel knew little about Chad. The death penalty, for example, had indeed been abolished. It was true that a few individuals had died in prison, but that was not because the State had changed its position: those deaths had been extrajudicial killings whose perpetrators had been brought to justice.

24. It was important to put the current situation in Chad in perspective and see the context in which developments there were taking place. Since 1963, he himself, and his family, had experienced several dictatorships at first hand – his own parents had been victims of enforced disappearance – and the political situation was now very different: it would previously have been unthinkable for Chadians to vote in a referendum on a federal Constitution, for example.

25. The fact that neighbouring countries were wracked by conflict, leading people to flee to Chad, was a major factor in the situation. Chad was one of the few African States with a statutory right to claim asylum and in one camp on the border with the Sudan, for example, refugees outnumbered the local population three to one. The pressure on local food sources made it highly likely that eastern Chad would suffer famine within six months. Although the Government was determined to continue hosting refugees in view of the Chadian people’s natural affinity with the peoples of their neighbouring countries, his country’s most urgent priorities in terms of human rights were to guarantee the right to life by ensuring that people had enough to eat, and to guarantee that every family had access to health care and schools.

26. **Mr. Abdel-Moneim**, thanking the State party for its detailed report, said that the Committee recognized that the realization of economic, social and cultural rights was very costly and that African countries had undeniably been bequeathed a legacy of colonialism and exploitation. With that in mind, he underscored that, while article 2 (1) of the Covenant provided that a State should take steps to realize those rights “to the maximum of its available resources”, the international community should cooperate with the Governments of developing countries in order to assist with the realization of those rights.

27. **Ms. Saran** said that she wished to know what assistance the State party had sought from international and domestic development partners in dealing with poverty and the threat of famine. In the distribution of domestic resources such as oil revenues, she would be interested to learn what priority was given to alleviating poverty as a means of realizing basic economic, social and cultural rights.

28. **Ms. Lee** said that she would like to know what proportion of public expenditure was allocated to defence in comparison with social spending in areas such as education, food, health care, water and sanitation, social security, housing and culture. In addition, she would appreciate an outline of the measures taken to counter the negative impact of climate change on economic, social and cultural rights, in particular for persons in vulnerable situations.

29. **Mr. Hennebel** thanked the members of the delegation for their answers to his questions. He wished to point out that the questions had been formulated based on analysis of documents provided by civil society organizations and of the information from the State party itself. The purpose of a constructive, positive and open dialogue was to identify the challenges faced by the State party and address them together.

30. **Mr. Alhabo** (Chad) said that his country had spent over 10 years trying to draft a new persons and family code. However, it was difficult to reach consensus on such legislation in a multi-faith State, where several communities managed their lives in accordance with different sets of customs, beliefs and values. There were over 250 political parties in Chad, and new political parties, associations and civil society organizations were being created all the time. Furthermore, the increasing prominence of the Internet and social media had served to point up divergences between communities. The Government therefore faced a considerable challenge in its efforts to reconcile differences in order to build a country where everybody could live together in harmony. It nonetheless remained fully committed to its obligations under the Covenant.

31. Certain issues were particularly polarizing. For example, homosexuality was prohibited under the Criminal Code, and the ambassador of the United States of America had recently been refused permission to organize an event celebrating homosexuality. It was simply not possible to impose a uniform set of external values on the people of Chad. The only way to make progress was to listen to one another with a view to finding common ground.

32. Climate change was a serious problem for his country. The previous year, 19 of the 23 provinces had experienced severe flooding that had destroyed crops and pushed up the prices of raw materials and food. Yet in the current year to date there had been less rainfall than average. The combination of excessive rainfall in 2022 and insufficient rainfall in 2023 had resulted in widespread famine, a situation exacerbated by the continued influx of refugees. Nonetheless, the Government could not solve the problems caused by climate change simply by begging the international community for aid. It needed to find its own solutions, including by carrying out targeted research aimed at developing scientific solutions to the specific problems facing Chad.

33. When the Government had started developing oil and other mining projects, it had allocated 5 per cent of all profits to local development. Although it had stipulated that the money should be invested primarily in public services such as education and health care, local administrations had been given the final say with respect to how those funds were used. Unfortunately, in a number of cases corrupt officials had misappropriated funds. Anti-corruption legislation had therefore been passed, and the Government was in the process of creating a new anti-corruption agency. Representatives of the agency would be installed in public institutions throughout the country and tasked with monitoring the distribution of the revenue from the exploitation of natural resources.

34. He did not know what proportion of the public budget was allocated to defence spending or how it compared with the funds earmarked for social services.

35. Access to drinking water was a major problem in certain regions, where natural water sources were deep underground below layers of granite. Members of local communities, often women, sometimes had to travel up to 24 hours to find drinking water for their families. However, those communities were very attached to their land and did not want to leave. It was therefore necessary to seek new solutions. If pipelines could be constructed to transport oil thousands of kilometres, surely the same technology could be used to supply rural communities with clean water.

36. Workers in Chad could file formal complaints if they believed that their rights were being violated. For example, a number of employees had lodged a complaint against the ExxonMobil Corporation concerning their conditions of work. The company had been found to be in breach of the Labour Code and fined 10 billion CFA francs. Recently, a mobile telephone company had been fined 4 billion CFA francs in a similar case. There was nonetheless a delicate balance to strike, since such companies were also a source of employment for thousands of people.

37. Discrimination on the grounds of gender was not permitted under domestic legislation or labour regulations. In both the public and private sectors, women were guaranteed equal pay for equal work. The main challenge facing Chad with respect to gender inequality was that of keeping girls in education. Despite decrees prohibiting early marriage and various awareness-raising campaigns on the subject, parents in certain communities continued to follow the custom of taking their daughters out of school so that they could marry. It was therefore incumbent on the Government to take specific measures to ensure that girls completed their education and gained the knowledge and skills they required to enter the labour market.

38. **Mr. Amarti** (Country Task Force) said that the Committee would welcome further information about the support available to young self-employed persons, including under the funding provided by the National Office for Youth and Sport. It would be useful to receive statistical information on the impact of the various employment-promotion projects and to hear to what extent they had helped reduce unemployment. The Committee would also like to know how many people had lost their jobs or been made redundant during the coronavirus disease (COVID-19) pandemic and what measures had been taken to support them and protect their rights.

39. He wished to know what progress had been made in increasing the employment rate of young persons and persons with disabilities. What specific measures had been taken for those groups under the “50,000 decent jobs initiative”? The Committee would welcome further information on the implementation and impact of that initiative. It would be helpful to know what specific steps the Government intended to take to develop an economic model that stimulated job creation and promoted equal access to employment, particularly for young persons and women. He would like to know what plans had been made to reduce youth unemployment by ensuring that young persons received the education and vocational training they needed to access the labour market. The delegation should also indicate how the Government planned to develop new training and employment opportunities for women in occupations other than those with which they were traditionally associated, such as hairdressing and dressmaking.

40. Given the absence of a labour inspection system, the Committee wished to know what administrative mechanisms and procedures the State party had put in place to monitor workplaces and to protect workers’ rights in the event of a dispute. It would also welcome further information on the Government’s plans to review domestic labour legislation in order to strengthen the capacities and powers of labour inspectors and on the time frame for the proposed changes. He wished to know what measures were in place to uphold the right of workers to fair wages and the right of women workers to equal remuneration for work of equal value in all sectors of the economy. In particular, the delegation should indicate what mechanisms had been established to guarantee the right to just and favourable conditions of work in the informal economy. He wondered whether there were any specific incentives or sanctions to ensure that employers complied with minimum wage requirements, including in

the agriculture sector, and what progress had been made towards creating and implementing a national programme for occupational health and workplace safety. It would also be useful to know what specific steps had been taken to formalize the informal economy and to integrate informal workers in the formal sector.

41. The Committee would welcome further information on the impact of the measures taken to guarantee the right to social security. In that regard, the delegation should indicate the main features of the reforms of the National Social Security Fund and the National Pension Fund and describe the time frame for their implementation. With respect to the implementation of Act No. 035/PR/2019 establishing universal health coverage, he wished to know what measures had been taken by the State party to ensure that beneficiaries of the contributory Self-Employed Workers' Health Insurance scheme would continue to receive health coverage in the event of a loss of earnings. It would also be helpful to know what level of financial resources had been allocated to the Medical Assistance scheme, which was aimed at persons on low incomes, and whether those persons enjoyed the same level of coverage as beneficiaries of contributory schemes. Lastly, he wished to know how the public funds allocated to social security were distributed and what form of social support was available to informal and casual workers.

42. **Mr. Alhabo** (Chad) said that, as part of reforms imposed on Chad by the Bretton Woods institutions, the Government had been obliged to put a freeze on recruitment for the civil service. As a result, there were many young, highly qualified persons in Chad who found themselves unemployed. The Government had therefore taken steps to encourage young people to become self-employed by offering microcredits and cash transfers to establish income-generating activities. Although he did not have statistical information on the amounts of the allocations or the impact of the initiatives, it had generally been observed that young women were more adept at running their own businesses than young men.

43. Many businesses had been forced to close temporarily and to make staff cuts during the COVID-19 pandemic. Cities had been placed under curfew from 6 p.m. each evening, meaning that people who had previously worked at night had lost their jobs. However, the Government had not collected statistics on the total number of people laid off during that period.

44. The Ministry of Vocational Training, Jobs and Microfinance offered vocational training for young people in a range of areas, including electronics repairs and satellite television antenna installation, in preparation for employment or self-employment. Many young people worked selling or repairing mobile phones or providing related services. Women were present in a range of sectors of the economy and did not only work as hairdressers or seamstresses. In rural areas, where 70 per cent of the population lived, they were heavily involved in food production, often working in family businesses.

45. Contrary to the information received by the Committee, there was a labour inspectorate, which also helped to resolve labour disputes. The minimum wage was set by the Government and employers could be penalized for non-compliance. The delegation would endeavour to provide statistics on health and safety.

46. There were very few large-scale agricultural operators in Chad; agricultural production was mostly a family undertaking, or even a community undertaking. Herding communities were often nomadic and moved in search of seasonal pastures. Livestock sometimes ate or destroyed crops as they passed, giving rise to disputes with farmers. The authorities had made efforts to resolve such disputes and prevent them from escalating by establishing seasonal migration corridors and concluding agreements on compensation for the destruction of crops. There was a minimum wage of 302 CFA francs per hour for agricultural work.

47. The informal economy was mainly a feature of urban areas. It was difficult for educated young people to find employment and many of them worked informally as drivers, often as a way to earn money to invest in another venture. Informal workers were not taxed and they formed associations to defend their interests.

48. There was a strong trade union movement in Chad with several unions in the education and justice sectors, for example. In 2022, the judiciary had been on strike for five months, during which time striking personnel had received their full salaries.

49. The Committee's information on social security in his country was out of date. New legislation had been developed and a new system was being implemented.

50. **Mr. Windfuhr** said that he would like to know how serious the problem of bankruptcy among recipients of microcredit was and how the State party supported entrepreneurs to prevent bankruptcy. It would be interesting to learn to what extent families in rural areas benefited from universal health coverage. Further details would be welcome on the reform of the social security system. With reference to the 5 per cent of oil revenues that reverted to the oil-producing region, he invited the delegation to say what proportion of the allocation was spent in that same region, including the proportion spent on salaries and on other expenses.

51. **Ms. Rossi** said that she wished to learn more about the working conditions of women and whether they had access to land ownership and other economic resources, including lines of credit. The delegation should outline the regulations on inheritance.

52. **Mr. Abdel-Moneim**, referring to the delegation's statement that an agreement with the World Bank had led to higher unemployment among qualified workers, asked why the State party had accepted the conditions of that agreement and whether there had been any other alternatives at that time.

53. **Mr. Alhabo** (Chad) said that his country had concluded a loan agreement with the World Bank in the 1980s. The granting of that loan had been contingent on the imposition of measures on the civil service, including a hiring freeze, salary cuts and early retirement for some officials. His country had been forced to accept those conditions because it had been in debt.

54. Chad was a country of great cultural and religious diversity, where customs and mores, including the rules governing inheritance, varied from region to region. In some communities women could inherit land, but in others they could not. Some Chadian women had been highly successful in business. Banks demanded guarantees for loans, whether requested by men or women. The State granted interest-free credit to help people to leave the informal economy.

55. The allocation of 5 per cent of profits to regional development applied to all extractive industries. At one oil refinery, a board of local residents decided how to invest the money transferred. It had to be invested in health, education or infrastructure; it could not simply be distributed to individuals.

56. **Mr. Baptiste** (Chad) said that the idea behind transferring 5 per cent of profits to local communities was to benefit future generations.

57. There were no mercenaries in Chad. The Wagner Group was present in other countries in the region but had never operated in Chad.

58. Health coverage was very limited both in Chad and throughout the African continent, often not reaching 10 per cent. However, efforts were being made to achieve 50 per cent of universal health coverage by 2030.

59. **Ms. Lemos de Vásquez** (Country Task Force) said that she would welcome further information on the effectiveness of measures to prevent harmful practices against women and children, including female genital mutilation, and the penalties imposed for those crimes. She wondered whether the penalties were commensurate with the gravity of the offences. She would appreciate more details on measures to raise the general public's awareness of the issue of female genital mutilation. The delegation was invited to outline any measures taken to tackle the deep-rooted causes of violence against women, harmful practices such as female genital mutilation, discriminatory rules and gender stereotypes.

60. It would be useful to learn about the results of the change in legislation on early and forced marriage and whether plans were in place to implement Ordinance No. 006/PR/2015 of 14 March 2015 prohibiting child marriage. She would like the delegation to provide

updated statistics on the rate of forced marriage and child marriage, disaggregated by age, sex and living environment, whether urban or rural.

61. She wished to know what the next steps were for the adoption of the new child protection code and whether it contained specific measures prohibiting child labour. She wondered whether the State party was planning to amend its legislation to prohibit the employment of children under the age of 16 and the employment in hazardous or harmful work of children under the age of 18. Information would be welcome on any measures taken to ensure more frequent labour inspections. What support was available to families to enable children to remain in school?

62. She would appreciate receiving answers to the questions in the list of issues on the right to an adequate standard of living ([E/C.12/TCD/Q/4](#), paras. 20–22). She wondered whether any measures had been put in place to evaluate the poverty reduction strategy and what challenges still remained.

63. The delegation was invited to provide statistics on homelessness and indicate how many social housing units the State party was planning to build and how the construction projects were advancing. Information would also be welcome on any effective remedies, and any measures of resettlement or compensation, available to victims of forced eviction.

64. She wished to know more about the impact of the 2018–2021 National Health Development Plan, including any progress made in improving the accessibility, availability and quality of health care throughout the country. She would like the delegation to explain how the Plan had strengthened the capacity of the health system to respond to epidemics and health emergencies. Information would be appreciated on the measures taken to improve the prevention of and screening for HIV/AIDS and to improve access to care for persons living with HIV. She would be interested to learn what action had been taken to improve mental health services and adequately train medical personnel to that end.

65. It would be useful to have an indication of the impact of the measures taken to reduce maternal and infant mortality rates and improve the care provided by trained personnel during pregnancy and childbirth. She would appreciate information on the action taken to make sexual and reproductive health services available. Details would be particularly welcome on affordable, safe and effective contraception and emergency contraceptives, including for adolescents, especially those living in rural areas and disadvantaged urban areas. The delegation was encouraged to provide information on steps taken to improve access to information about sexual and reproductive health and to develop age-appropriate education programmes on that topic for girls and boys.

*The meeting rose at 6.05 p.m.*