



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Concluding observations on the fourth periodic report of Chad\*

1. The Committee considered the fourth periodic report of Chad<sup>1</sup> at its 32nd and 34th meetings,<sup>2</sup> held on 25 and 26 September 2023, and adopted the present concluding observations at its 60th meeting, held on 13 October 2023.<sup>3</sup>

#### A. Introduction

2. The Committee welcomes the submission of the fourth periodic report by the State party, albeit with a significant delay, and the supplementary information provided in the replies to the list of issues.<sup>3</sup> It welcomes the opportunity, after 14 years, to renew dialogue with the State party. The Committee regrets, however, that, during the first day of the dialogue, many of the questions raised were answered in a general, vague and partial manner, preventing the development of a truly constructive dialogue.

3. The Committee encourages the State party to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, noting that it has expressed interest in doing so.

#### B. Positive aspects

4. The Committee welcomes the State party's commitment to respect its international and regional obligations in the context of the second phase of transition, following the inclusive and sovereign national dialogue held from 20 August to 8 October 2022.

#### C. Principal subjects of concern and recommendations

##### Domestic application of the Covenant

5. The Committee takes note of the information provided by the State party that the draft new Constitution will be adopted in 2023. It welcomes the fact that a number of rights set out in the Covenant have been included in this draft, namely trade union rights (Constitution, art. 29), the right to strike (art. 30), the right to work (art. 35), cultural rights (arts. 36 and 37), the right to education (art. 38) and the right to a healthy environment (art. 51). Nevertheless, the Committee is concerned that not all the rights set out in the Covenant have been fully recognized and that there is no comprehensive anti-discrimination provision that defines and prohibits discrimination on the various grounds referred to in article 2 (2) of the Covenant.

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\* Adopted by the Committee at its seventy-fourth session (25 September–13 October 2023).

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

<sup>2</sup> See E/C.12/2023/SR.32 and E/C.12/2023/SR.34.

<sup>3</sup> E/C.12/TCD/RQ/4.



6. **The Committee recommends that the State party:**

- (a) **Fully incorporate the provisions of the Covenant into its new Constitution, including access to justice and to appropriate remedies as well as the rights to food, water and sanitation, so that all Covenant rights may be directly invoked before the courts and enforced by judges;**
- (b) **Publicize the economic, social and cultural rights recognized in the Covenant and the fact that they are enforceable, in particular to lawyers, judges, members of law enforcement agencies and other public officials;**
- (c) **Enhance awareness of economic, social and cultural rights among other State and non-State actors responsible for implementation of the Covenant, such as labour inspectors, social workers, health personnel and teachers, and among rights holders;**
- (d) **Take into account and comply fully with the Committee's general comment No. 9 (1998) on the domestic application of the Covenant.**

**Data collection**

7. The Committee regrets that the State party has provided few figures and has not provided disaggregated data necessary to assess the effective enjoyment of economic, social and cultural rights by different categories of rights holders and groups.

8. **The Committee recommends that the State party strengthen the national statistical agency by providing it with sufficient financial and technical resources to collect, analyse and disseminate comprehensive and comparable data, in order to assess the extent of the effective enjoyment of economic, social and cultural rights by categories of rights holders and groups. The Committee invites the State party to include in its next periodic report the most recent comparative statistics, disaggregated by sex, gender, age, geographical area, disability status, religion, ethnic origin and other necessary parameters, in order to allow for an assessment of the progress made towards realization of the rights set forth in the Covenant.**

**National human rights institution**

9. The Committee regrets that the National Human Rights Commission does not have the necessary resources and is not fully independent, given that, under Decree No. 0898/PR/2022 of 13 April 2022, commissioners are appointed by the President of the National Transitional Council.

10. **The Committee strongly encourages the State party to take all necessary measures to ensure that the National Human Rights Commission is in full conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). It also recommends that the State party take all necessary measures to enable the Commission to carry out its mandate, to provide it with adequate financial and human resources to enable it to perform its duties while maintaining its independence from the executive and legislative branches and to protect it from interference by any State body.**

**Business and economic, social and cultural rights**

11. The Committee remains concerned about the consequences of the activities of enterprises, including those in the agrifood industry, notably the reduction of arable land for subsistence farming, soil contamination and deforestation, as well as displacement and forced evictions, which affect local communities and impair the enjoyment of their economic, social and cultural rights. The Committee notes the numerous reforms to the legislative and administrative framework of the mining sector adopted in 2019, as well as the State party's ongoing efforts to adopt a national action plan on business.

12. **The Committee recommends that the State party:**

- (a) **Accelerate the adoption of the national action plan on business and harmonize the policies and programmes of the Presidential Council for Improvement**

of the Business Climate and the National Agency for Investment and Exports, so that the activities carried out by enterprises in the State party, including extractive and agricultural enterprises, do not have a negative impact on the exercise of economic, social and cultural rights;

(b) Revise the legal framework governing social and environmental responsibility and the legal regime and regulatory standards applicable to extractive and agricultural enterprises, in order to impose on them an obligation to exercise due diligence in respect of human rights, with a view to identifying the risks of violation of the rights protected by the Covenant, preventing and mitigating these risks, and preventing violations of these rights;

(c) Take into account, in this regard, the Committee's general comment No. 24 (2017) on State obligations under the Covenant in the context of business activities.

#### **Climate change**

13. The Committee notes the efforts made by the State party to reduce its dependence on oil extraction and to strengthen its policies of adaptation to climate change and economic diversification, particularly in the agriculture and livestock sectors. Nevertheless, the Committee is concerned about conflicts between farmers and herders, as well as intra- and intercommunity conflicts, linked to access to land and natural resources, loss of livelihoods, community displacement and food insecurity, exacerbated by droughts and climate change-related weather events (art. 1 (2)).

14. **The Committee recommends that the State party develop and implement an effective strategy, to be adopted in full consultation with local communities and with respect for their rights, for the sustainable management of land and for natural resources in the agriculture and livestock sectors, which includes climate change adaptation measures designed to improve the diversity and resilience of the economy and to prevent conflicts between farmers and herders as well as intra- and intercommunity conflicts.**

#### **Rights of indigenous peoples**

15. The Committee notes with concern the information provided by the State party that no indigenous peoples are recognized on its territory. As a result, the Committee is concerned that communities which identify themselves as indigenous peoples, such as the Mbororo Fulani, may not be able to fully enjoy all the rights set out in the Covenant (arts. 1 (2) and 15).

16. **The Committee recommends that the State party take all necessary measures to put in place a legislative and policy framework that recognizes and protects the status and rights of all communities that identify themselves as indigenous peoples, including the Mbororo Fulani, while recognizing their legal status.**

#### **Maximum of its available resources**

17. In view of the fact that the State party's debt as a percentage of gross domestic product has almost doubled in the past 10 years, the Committee takes note of the austerity measures that it has adopted. Nevertheless, it is concerned by reports that the State party has increased its military budget, particularly since 2019, while reducing the budget in areas corresponding to the rights set out in the Covenant, including health and education (art. 2 (1)).

18. **The Committee reminds the State party to ensure, in cases where austerity measures are unavoidable, that they are temporary, necessary and proportionate, do not lead to discrimination or widen inequalities, and do not disproportionately affect the rights of disadvantaged individuals and groups. The Committee recommends that the State party assess the country's budgetary situation, allocating the maximum of its available resources with a view to progressively ensuring full realization of the rights recognized in the Covenant. To this end, the Committee recommends that the State party:**

- (a) Improve transparency in the receipt, management and use of public funds;
- (b) Develop a progressive tax policy that improves tax collection, in order to allocate more resources to the realization of economic, social and cultural rights;
- (c) Seek assistance from relevant international organizations and development partners;
- (d) Improve the participation of local authorities and local entities in the budgetary process, with a view to concerted and coordinated action by the various stakeholders;
- (e) Conduct human rights impact assessments of loan conditions and debt restructuring mechanisms to ensure compliance with economic, social and cultural rights obligations and examine the Committee's statement on public debt, austerity measures and the International Covenant on Economic, Social and Cultural Rights;<sup>4</sup>
- (f) Allocate sufficient budgetary resources to social expenditure on the most disadvantaged groups.

#### **Corruption**

19. The Committee is concerned about systemic corruption in the State party as well as the culture of impunity and fear of reprisals, which divert resources and affect all aspects of life. It is also concerned that it has not received information on the effects of the measures taken to combat corruption, including on the application of the penalties provided for under existing legislation (art. 2 (1)).

20. **The Committee recommends that the State party:**

- (a) Address the root causes of corruption as a matter of priority;
- (b) Adopt all necessary measures to ensure respect for the principles of transparency and accountability in public administration and especially in the use of public resources, both in law and in practice;
- (c) Strengthen existing anti-corruption bodies and agencies, including by ensuring their independence and allocating adequate funding for training and institutional capacity-building programmes;
- (d) Effectively protect victims of corruption, their lawyers, anti-corruption activists, whistle-blowers and witnesses and ensure the effective application of anti-corruption legislation, in particular by carrying out thorough investigations as quickly as possible, bringing prosecutions and imposing appropriate penalties on those found guilty.

#### **Non-discrimination**

21. The Committee is concerned about the discrimination faced by disadvantaged and marginalized individuals and groups in accessing work, social protection, housing, health-care services and education. It is also concerned about hate speech, particularly against lesbian, gay, bisexual, transgender and intersex people, nomadic communities and internally displaced persons, as well as refugees and other non-nationals (art. 2 (2)).

22. **The Committee requests the State party to intensify its efforts to promote equality and combat discrimination and recommends that it:**

- (a) Take the necessary steps to adopt comprehensive anti-discrimination legislation and to apply such legislation scrupulously, with a view to guaranteeing the equal enjoyment of economic, social and cultural rights;
- (b) Conduct awareness-raising campaigns and provide information on the procedures to be followed in order to report cases of discrimination, as well as the mechanisms available to victims;

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<sup>4</sup> E/C.12/2016/1.

(c) Enhance awareness-raising and information campaigns among public officials and the public, including regarding hate speech.

#### **Equal rights of men and women**

23. The Committee is concerned by the persistence of gender stereotypes that perpetuate gender inequalities and the fact that women and girls are still discriminated against in access to land ownership and in employment, education, marriage and inheritance, as well as the fact that the representation of women in appointed positions and political bodies remains low, despite the adoption of the ordinance of 22 May 2018 and Act No. 22/PR/2018 of 5 November 2018 establishing the parity principle for positions to which individuals may be appointed or elected (arts. 3 and 10).

24. **The Committee recommends that the State party make ending the persistent inequality between men and women a priority. To this end, it invites it to:**

(a) Take measures to combat gender stereotypes and traditional attitudes that hinder the exercise of women's economic, social and cultural rights;

(b) Take measures to effectively prevent all forms of discrimination against women and girls, including in access to land, work and education, as well as in marriage and inheritance;

(c) Ensure compliance with the required quota for women's representation in appointed positions and political bodies.

#### **Right to work**

25. While taking note of the State party's information on the project called the "50,000 decent jobs for young people initiative", the Committee regrets the lack of information on employment strategies and targets adopted, including those aimed at integrating workers into the formal sector, as well as the budget allocated to them. It remains concerned about the unemployment rate among young people, including those with higher education (art. 6).

26. **The Committee recommends that the State party:**

(a) Adopt specific strategies and objectives to reduce the unemployment rate, involving social partners and workers and determining the financial and technical resources required to implement them;

(b) Simplify administrative procedures related to the formal sector of the economy, such as registration of businesses, in order to reduce obstacles to the integration of workers into the formal sector;

(c) Intensify its efforts to tackle youth unemployment, particularly by launching employment programmes targeting young people, including those with tertiary education.

#### **Right to just and favourable conditions of work**

27. The Committee is concerned about reports that the application and monitoring of regulations on the minimum wage, the guaranteed inter-professional minimum wage (*salaire minimum interprofessionnel garanti*) and fair and favourable working conditions are not always respected (art. 7).

28. **The Committee recommends that the State party:**

(a) Strengthen effective application of the minimum wage and the guaranteed inter-professional minimum wage by establishing a policy of periodic review of the minimum wage and by involving workers and employers and their representative organizations, so that all persons who work receive a minimum wage that enables them to have decent living conditions for themselves and the members of their families;

(b) Establish effective mechanisms for reporting cases of abuse and exploitation;

(c) **Provide the labour inspectorate with sufficient material, technical and human resources to monitor working conditions effectively and impartially;**

(d) **Fully abide by the Committee's general comment No. 23 (2016) on the right to just and favourable conditions of work.**

#### **Trade union rights**

29. The Committee regrets the lack of information on how the State party guarantees, in fact and in law, the right to form and join trade unions. It is also concerned about reports of trade union officials and workers being subjected to violence, harassment, intimidation and discrimination for exercising their union rights (art. 8).

30. **The Committee requests the State party to take all necessary measures to ensure that the trade union rights of workers are fully respected in fact and in law, so that all workers can exercise them, including the right to strike without undue restrictions and without fear of reprisals, and that trade unionists and trade union officials can carry out their activities in a climate free from intimidation, violence and harassment.**

#### **Social security**

31. The Committee is concerned about reports that a large number of people are still not covered by the social security system, in particular workers in the informal sector and people belonging to disadvantaged and marginalized groups, including the elderly. The Committee notes that the State party is in the process of reforming its institutional framework, in particular the National Social Security Fund (Caisse nationale de prévoyance sociale) and the National Pension Fund (Caisse nationale des retraités du Tchad) (art. 9).

32. **The Committee recommends that the State party intensify its efforts to develop a social security system that guarantees universal coverage and provides sufficient benefits for everyone, especially workers in the informal sector and the most disadvantaged and marginalized groups, including the elderly, in order to guarantee everyone a decent standard of living. In this regard, it requests the State party to fully abide by its general comment No. 19 (2007) on the right to social security, particularly in the informal economy.**

#### **Family and child welfare**

33. The Committee notes the absence of a national consensus, which has been an obstacle to the planned revision of the Personal and Family Code. It also remains concerned about the prevalence of domestic violence, child marriage, female genital mutilation and polygamy, particularly in remote areas (art. 10).

34. **The Committee recommends that the State party:**

(a) **Disseminate widely to the population, and especially to parents, traditional chiefs and religious leaders, information about the devastating effects of harmful traditional practices throughout life, and promote other cultural practices that do not harm children or women;**

(b) **Intensify local consultations with citizens, concerned professionals, local chiefs and religious leaders to remove obstacles to the revision of the Personal and Family Code and ensure that it prohibits polygamy, establishes the minimum age of 18 for marriage, recognizes the legal capacity of women and makes these provisions applicable to all forms of marital union, including customary and religious marriages;**

(c) **Step up its efforts to protect all women and children who are victims of violence, in particular family violence, ensure that they have access to justice and to effective remedies, including means of obtaining reparation and compensation, and ensure that they have timely access to shelters so that they can receive immediate physical protection, legal advice and medical and psychological care.**

## Poverty

35. The Committee is aware of the considerable challenges faced by the State party in ensuring the realization of the right to an adequate standard of living, including the current influx of Sudanese refugees, security crises in the region and climate change-related weather disasters. However, it notes with concern that poverty reduction programmes are proving insufficient, as poverty rates remain very high and disproportionately affect people living in rural and remote areas, including Guéra, Tandjilé, Mayo Kebbi Ouest and Mayo Kebbi Est Provinces (art. 11).

36. **The Committee recommends that the State party carry out a thorough assessment of the programmes and strategies in place to ensure realization of the right to an adequate standard of living and to combat poverty, in order to identify the obstacles to implementing a comprehensive strategy including precise and measurable objectives, adequate resources and effective mechanisms for coordination between the various actors, while taking due account of regional disparities and the needs of the population, in particular those of the most disadvantaged and marginalized individuals and groups.**

## Right to food

37. Although the State party has allocated around 10 per cent of its budget to agricultural programmes since 2021, in order to effectively combat hunger and food insecurity, and has provided farmers with new equipment and trained them in its use, the Committee notes with concern that rates of malnutrition and food insecurity remain high (art. 11).

38. **The Committee recommends that the State party evaluate existing programmes, including those aimed at equipping farmers with new (or modern) equipment and training them particularly in the use of such equipment, in order to develop an effective strategy to guarantee the right to adequate food and combat hunger and malnutrition, seeking technical support from the Food and Agriculture Organization of the United Nations, and improve the legal framework relating to access to land and the use of natural resources.**

## Right to water and sanitation

39. The Committee notes with concern that the rates of access to sanitation and drinking water are estimated at 18 per cent and 6 per cent, respectively, with great disparities between urban and rural areas (art. 11).

40. **The Committee recommends that the State party intensify its efforts to ensure the realization of the right to water and sanitation and, to this end, implement programmes aimed at targeting existing disparities in access to water and sanitation between urban and rural areas. In this regard it requests the State party to take into account its general comment No. 15 (2002) on the right to water.**

## Right to physical and mental health

41. The Committee notes with concern that, despite the measures taken by the State party to improve basic health services, low investment in the sector continues to compromise their accessibility, quality and availability (art. 12).

42. **The Committee recommends that the State party allocate adequate resources to the health sector and improve the infrastructure of the basic health system and the availability of medical personnel, supplies and medicines, in order to ensure the availability, affordability and accessibility of quality health care, including mental health care, for all without discrimination.**

## Right to sexual and reproductive health

43. The Committee is concerned about the high rate of teenage pregnancies, owing in part to the inaccessibility and unavailability of appropriate sexual and reproductive health services and the difficulties that women face in accessing adequate information on sexual and reproductive health, including contraception (art. 12).

44. The Committee recommends that the State party improve sexual and reproductive health education for girls and boys in primary and secondary schools, so that it is comprehensive and age-appropriate. It also recommends that it ensure the availability and accessibility of sexual and reproductive health services, such as access to affordable, safe and effective contraception and to emergency contraceptives, including for adolescents, particularly in remote areas. The Committee requests the State party to comply fully with its general comment No. 22 (2016) on the right to sexual and reproductive health and to take into account the abortion care guideline (2022) of the World Health Organization.

#### **Right to education**

45. The Committee notes the State party's efforts to guarantee free education. However, the Committee remains concerned about:

- (a) Reports that around 31 per cent of girls and 14 per cent of boys do not attend primary school, despite the legislative and policy framework that guarantees 10 years of free, compulsory basic education;
- (b) Reports that most of the funds for secondary education come from school fees, with parents contributing over 90 per cent of these funds compared with less than 1 per cent by the State party, which has the effect of limiting access to education for the most disadvantaged individuals and groups;
- (c) The low quality of teaching, due in part to insufficient numbers of teachers;
- (d) The persistence of inequalities in access to education, including between girls and boys, particularly in remote areas (art. 13 and 14).

46. **The Committee recommends that the State party:**

- (a) Ensure that primary school attendance is actually free of charge and reinforce the rules and mechanisms in place for monitoring and overseeing educational establishments;
- (b) Assume the main responsibility for providing quality education to all children and devote sufficient resources to this end;
- (c) Take all necessary measures to improve the quality of teaching, in particular by increasing the number of qualified teachers and their remuneration;
- (d) Tackle the causes of school dropout, particularly among girls, including child marriage, teenage pregnancy, excessive household chores, lack of security and discrimination based on gender and disability;
- (e) Comply fully with the Committee's general comment No. 13 (1999) on the right to education.

#### **Access to the Internet**

47. The Committee notes with concern the low level of Internet access in the State party, particularly in remote areas, which results in limitations on the enjoyment of economic, social and cultural rights, including the right to enjoy the benefits of scientific progress and its applications (art. 15).

48. **The Committee recommends that the State party take all necessary measures to improve access to the Internet, particularly in remote areas, including through development of the necessary infrastructure, and to make the costs of Internet services affordable to all.**

### **D. Other recommendations**

49. **The Committee recommends that the State party consider ratifying the core human rights instruments to which it is not yet a party, namely the International Convention for the Protection of All Persons from Enforced Disappearance, the**

**Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention on the Rights of the Child establishing a communications procedure, the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the Protocols to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, on the Rights of Older Persons in Africa and on the Rights of Persons Living with Disabilities in Africa.**

50. The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein, both in the implementation of the 2030 Agenda for Sustainable Development at the national level and in the measures taken to ensure the recovery of the country from the coronavirus disease (COVID-19) pandemic, with international assistance and cooperation when needed. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State party's attention to its statement on the pledge to leave no one behind.<sup>5</sup>

51. The Committee recommends the establishment of a national implementation, reporting and follow-up mechanism as a standing government structure mandated to coordinate and prepare reports to be submitted to international human rights mechanisms and to coordinate the implementation of recommendations at a national level.

52. The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including in provinces, departments and municipalities, and especially among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement the actions recommended therein. It emphasizes the crucial role that the parliament plays in implementing the actions recommended in the present concluding observations and encourages the State party to ensure its involvement in future reporting and follow-up procedures. The Committee also encourages the State party to involve the National Human Rights Commission, non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

53. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 6 (a) (Domestic application of the Covenant), 18 (b) and (c) (Maximum of its available resources) and 36 (Poverty) above.

54. The Committee requests the State party to submit its fifth periodic report in accordance with article 16 of the Covenant by 31 October 2028, unless otherwise notified as a result of a change in the review cycle. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.

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<sup>5</sup> E/C.12/2019/1.