



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Reports submitted by States parties under article
9 of the Convention**

**Sixteenth to eighteenth periodic reports of States parties due
on 16 September 2012**

Chad^{*}, ^{}**

[29 September 2012]

* This document contains the sixteenth to eighteenth periodic reports of Chad due on 16 September 2012, submitted as one document.

** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

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I. Introduction

1. This report contains the sixteenth, seventeenth and eighteenth periodic reports of Chad under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination. The Government of Chad will endeavour to give account of the measures adopted since its last report was submitted in 2009.

2. This report was prepared by the Ministry for Human Rights and the Promotion of Freedoms and validated in a workshop by the Interministerial Committee responsible for monitoring the implementation of international human rights instruments before being adopted by the Government.

3. The report is divided into three core sections:

(a) The first section covers new measures affecting the legal and institutional framework for the elimination of all forms of racial discrimination as a whole;

(b) The second section contains the Government's responses to the concluding observations and recommendations of the Committee on the Elimination of Racial Discrimination on the previous report of Chad;

(c) The third section contains specific information concerning the implementation of various articles of the International Convention on the Elimination of All Forms of Racial Discrimination by the Government of Chad.

II. New legislative and institutional measures for the elimination of all forms of racial discrimination

4. Since 2009, considerable efforts have been made to improve the legislative and institutional framework.

A. Normative framework

5. The Constitution of Chad of 31 March 1996, as revised by Constitutional Act of 15 July 2005, the international and regional legal instruments ratified by Chad, and the country's domestic laws all serve to ensure respect for the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.

1. Constitutional provisions

6. The preamble to the Constitution, as revised by Constitutional Act No. 08/PR/2005 of 15 July 2005, reiterates the principles contained in the Universal Declaration of Human Rights of 1948 and the principles prohibiting all forms of discrimination.

2. Domestic legislation

7. Since 2009, the Government has adopted a series of legislative measures to eliminate racial discrimination. These have included:

- Act No. 006/PR/2009 amending Institutional Act No. 024/PR/2006 of 21 June 2006 and Act No. 19/PR/98 of 2 November 1998 on the organization and operation of the Constitutional Council;
- Act No. 007/PR/2009 ratifying Ordinance No. 001/PR/2009 of 14 January 2009 concerning amnesty for signatories of the Government Peace Agreement;

- Act No. 016/PR/2009 amending article 147 of Institutional Act No. 006/PR/1998 of 7 August 1998 on the organization and operation of the Supreme Court;
- Act No. 019/PR/2009 of 4 August 2009 (the Political Parties Charter);
- Act No. 20/PR/2009 of 4 August 2009 on democratic opposition in Chad;
- Act No. 021/PR/2009 amending Institutional Act No. 005/PR/2000 on the High Court of Justice;
- Act No. 032/PR/2009 on the establishment of a national training school for judges;
- Act No. 17/PR/2010 on the press system in Chad;
- Act No. 006/PR/2010 on the fundamental principles applicable in urban planning;
- Act No. 031/PR/2009 of 11 November 2009 on the establishment of the National Office of the Ombudsman;
- Interministerial Decree No. 3912/PR/PM/MDHLF/2011 on the establishment of a committee to monitor the implementation of international human rights instruments.

B. Institutional framework

8. The institutional framework consists of the executive, legislative and judicial branches of Government, the Constitutional Council, the High Council for Communication, the National Office of the Ombudsman, the High Court of Justice and the National Commission on Human Rights.

1. The executive branch

9. The executive branch is composed of the President of the Republic and the Government.

10. Their powers are defined in title III, articles 59 to 105, of the Constitution of Chad.

2. The National Assembly

11. Article 106 of the Constitution provides that “legislative authority shall be exercised by the National Assembly”. The powers of the National Assembly are defined in title IV, articles 106 to 120, of the Constitution.

3. The judicial branch

12. The judicial branch is the guardian of freedoms and individual property and ensures respect for fundamental rights. Justice is administered in the name of the people of Chad (article 144 of the Constitution of Chad).

13. Judges are appointed by decree of the President of the Republic after approval by the High Council of the Judiciary. Their removal is subject to the same conditions.

14. The President is the guarantor of the independence of the judiciary. The powers and functions of the judiciary are defined in title VI, articles 141 to 158, of the Constitution of Chad.

4. The Constitutional Council

15. The powers of the Constitutional Council are defined in title VII, articles 159 to 170, of the Constitution of Chad.

5. The High Court of Justice

16. The powers of the High Court are defined in title VIII, articles 171 to 177, of the Constitution of Chad.

6. The High Council for Communication

17. The powers and functions of the High Council for Communication are defined in title X, articles 182 to 186, of the Constitution.

7. The National Office of the Ombudsman

18. The National Office of the Ombudsman was established pursuant to Act No. 031/PR/2009 of 11 December 2009. This Act provides that “a body known as the National Office of the Ombudsman shall hereby be created to serve as a mediator between the authorities and the general public”.

19. The organization and operation of the services provided by the National Office of the Ombudsman are described in greater detail in Decree No. 984/PR/PM/2012.

8. Economic, Social and Cultural Council

20. The powers and operation of the Economic, Social and Cultural Council are defined in title IX, articles 178 to 181, of the Constitution of Chad.

9. National Commission on Human Rights

21. The National Commission on Human Rights was established pursuant to Act No. 031/PR/94 of 9 September 1994. Its role is to:

- Advise the Government on rights and freedoms;
- Assist the Government and other national human rights institutions;
- Produce surveys, studies and publications on human rights and fundamental freedoms.

III. Responses of the Government of Chad to the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/TCD/CO/15)

Response to the observations contained in paragraph 10 of the concluding observations

22. The Government of Chad notes the Committee’s encouragement to persevere with the work being done by the commission of inquiry into the events of February 2008.

23. The commission of inquiry was set up to investigate the events that occurred in Chad between 28 January and 8 February 2008.

24. The commission has presented the conclusions of its work. It made 13 recommendations and the Government has acted on the following 12 of the total 13:

- Repeal of Ordinance No. 5 on the press;
- Acceleration of the reform of the justice system: Ordinance No. 7 07/PR/PM/2012 on the status of judges was adopted, then ratified by the National Assembly on 14 June 2012;

- Removal of child soldiers from the army ranks;
- Closure of illegal places of detention;
- Establishment of a dedicated committee to follow-up on the events of February 2008;
- Continued political dialogue on the basis of the agreement of 13 August 2007, which has already led to legislative, presidential and municipal elections;
- Training in humanitarian law provided for the security forces by the Ministry of Human Rights in 2011, with technical support from the International Committee of the Red Cross, and establishment of a dedicated training division within the Ministry;
- Ratification of the African Charter on Democracy, Elections and Governance in 2012;
- Provision of civic education to the general public;
- Implementation of the recommendations resulting from the national consultations on the Armed Forces;
- Disclosure of places of detention;
- Provision of victim care and support, prosecution of perpetrators of abuse and payment of compensation to rape victims.

25. All the recommendations listed above have been implemented by the Government of Chad.

26. By Decree No. 1126/PR/PM/2008 the Government established a committee to follow up on the above-mentioned recommendations of the commission of inquiry, which is composed of members of the Government and chaired by the Prime Minister. The President of the Republic has since restructured the follow-up committee to include experts from the European Union and the International Organization of la Francophonie.

27. A technical subcommittee was also created, by Decree No. 2932/PR/PM/SGG/2008, to provide support for the follow-up committee.

28. The Government has established a judicial “pool” composed of judges, lawyers, court officials and officers of the judicial police. The judicial pool has initiated proceedings in relation to the Government’s complaint against x for war crimes against humanity committed by armed elements and their supporters during their advance through the country in January and February 2008. A total of 1,037 case files have been assembled by the technical support subcommittee and the legal process is ongoing.

Response to the observations contained in paragraph 11 of the concluding observations

29. With a view to initiating a judicial reform process, in 2003 the Government organized national consultations on the justice system. At the end of the consultation process, recommendations designed to improve the operation of the justice system were issued. In implementation of these recommendations, the Government issued Decree No. 065/PR/PM/MJ/2005 of February 2005, approving the judicial reform programme.

This programme has several focuses:

- Review and revision of legal texts;
- Human resources capacity-building in the justice system;

- Promotion and protection of human rights;
- Information, education and communication;
- The fight against corruption and impunity.

30. The Government has repealed Act No. 004 and replaced it by Ordinance No. 011/PR/2012 on eliminating corruption, illegal enrichment and related offences.

31. Under the auspices of the Ministry of Justice, Public Sanitation and the Promotion of Good Governance, in 2012 the Government launched a far-reaching campaign against corruption and illegal enrichment known as Operation Cobra. The aim of the campaign was to expose those guilty of illegal enrichment and stamp out corruption. Huge sums have been recovered as a result of the campaign and those responsible for the misappropriation have been brought to justice to answer for their actions.

32. To enhance the independence of the justice system and judges and to improve the training that judges receive, through Ordinance No. 007/PR/2012 the Government revised the law on the status of judges in the Republic of Chad. This Ordinance guarantees the independence of judges in the exercise or in the course of exercising their duties. Article 18 of this Ordinance provides that “except in the cases provided by law and subject to the disciplinary authorities, judges may not under any circumstances be subjected to interference on account of the actions that they perform in the exercise or in the course of exercising their duties”. Article 21 adds that “in the exercise of their judicial duties, judges shall not be permitted to take instructions from their superiors.

33. They shall take their decisions in accordance with the law and their conscience. They cannot therefore be held to account for the decisions that they make or the decisions to which they contribute.”

34. To provide initial and ongoing training for judges, the Government has established a national training school for judges pursuant to Act No. 032/PR/2009 and Decree No. 1251/PR/PM/MJ/2011 on the organization and operation of the training school.

35. The actions of the support programme for the judicial reform process in Chad (known as PRAJUST) have been focused on human resources capacity-building in the justice system, modernization, raising awareness of positive law and appointing lawyers to provide assistance to vulnerable people.

36. A division responsible for ensuring access to justice has been established within the Ministry of Justice. Its mandate is to make legal and judicial assistance available to litigants. The division also runs outreach and awareness-raising programmes.

Response to the observations contained in paragraph 12 of the concluding observations

37. In implementation of this Committee recommendation, a harmonization workshop to align Act No. 31/PR/94 of 9 September 1994 on the National Commission on Human Rights with the Paris Principles was held from 3 to 8 March 2012. A preliminary bill to harmonize the Act is currently before the Government pending adoption. The Committee’s concerns are addressed fully in the preliminary bill. In particular, the independence of the National Commission on Human Rights has been ensured by allocating the resources necessary to its operation and its conformity with the Paris Principles.

Response to the observations contained in paragraph 13 of the concluding observations

38. The National Office of the Ombudsman was established in application of Act No. 031/PR/2009 of 11 December 2009. Article 1 of this Act provides that “a body known as

the National Office of the Ombudsman shall hereby be created to serve as a mediator between the authorities and the general public”.

39. The Committee’s concerns regarding the definition of the responsibilities of the National Office of the Ombudsman and the resources necessary for its operation are addressed in articles 9 and 25 of this Act and Decree No. 984/PR/PM/2012 on the organization and operation of the services of the National Office of the Ombudsman.

Response to the observations contained in paragraph 14 of the concluding observations

40. The Government of Chad demonstrated a clear political will to eliminate all forms of discrimination by ratifying the International Convention on the Elimination of All Forms of Racial Discrimination. The Constitution of 31 March 1996, as revised by Constitutional Act No. 08/PR/2005 of 15 July 2005, prohibits all forms of discrimination.

41. In accordance with article 2 of the Convention, the Government has taken concrete steps to review its national policy on discrimination, as evidenced by the package of legislative measures it has adopted since submitting its last report in 2009.

42. New legislation adopted includes:

- Act No. 007/PR/2010 amending Act No. 003/PR/2009 of 7 January 2009 (the Electoral Code Act);
- Act No. 19/PR/2009 of 4 August 2008 (the Political Parties Charter);
- Act No. 19/PR/2007 of 15 November 2007 on preventing HIV/AIDS/STI and protecting persons living with HIV/AIDS.

43. All the above laws address the issue of racial discrimination in specific situations.

44. Following the election of the new Parliament, the Government plans to introduce a new bill prohibiting discriminatory practices in the Republic of Chad. The Government has also reviewed part of its legislation, including the Criminal Code and the Civil Status Act, to align it with its international undertakings on racial discrimination.

Response to the observations contained in paragraph 15 of the concluding observations

45. The Government of Chad is working to ensure respect for the dignity, honour and equality of all citizens before the law. Article 13 of the Constitution provides that “all Chadians shall have the same rights and the same responsibilities irrespective of their sex. All Chadians shall be equal before the law.”

46. The existence of a caste system leads to discrimination against certain population groups. Article 14 of the Constitution provides that “the State shall ensure equality before the law for all persons without distinction as to origin, race, sex, religion, political opinion or social position”. The Government plans to adopt a law prohibiting descent-based discrimination.

47. The Government has undertaken a far-reaching public awareness-raising and education campaign. It has campaigned up and down the country to spread the message of peace, love, peaceful coexistence and, above all, the equality of citizens before the law.

48. The Ministry of Human Rights has developed a national human rights action plan for 2012–2015 that includes awareness-raising and education among its component parts. The activities envisaged under this action plan take account of the Committee’s concerns about the negative effects of the caste system and the plight of victims.

49. The caste system exists in certain ethnic groups. Customary and traditional practices are at the origin of this situation. However, the Government takes due note of the Committee's concerns about the caste system, which is part of the country's cultural and traditional heritage.

Response to the observations contained in paragraph 16 of the concluding observations

50. The Government plans to introduce a new bill to prohibit discriminatory practices in the Republic of Chad. The new bill will address the Committee's concerns regarding the need to adopt specific legislation to give effect to the provisions of article 4 of the Convention.

Response to the observations contained in paragraph 17 of the concluding observations

51. The Constitution includes a section on customary and traditional rules but prohibits customary rules that are contrary to public order and those that promote inequality between citizens. In practice, certain customary rules do foster inequality between men and women.

52. Article 157 of the Constitution provides that "customary and traditional rules governing matrimonial property regimes and inheritance shall be applied only with the consent of the parties".

53. Cognizant of this situation, in conjunction with internal partners including human rights associations, the Women's Associations Liaison Unit and the Association of Female Jurists of Chad the Government runs public awareness-raising and education campaigns to ensure that women are able to exercise their rights to inherit and to own property in full. It has committed to this policy of public awareness-raising and education for the long term. Reflecting this commitment, its national action plan for 2012–2015 places particular emphasis on human rights education.

54. This education is aimed at the entire population, including the media, the forces of order, government authorities, traditional and religious leaders, lawyers, bailiffs, clerks, students and teachers.

55. A preliminary draft of the Individuals and Family Code which addressed the problems raised by the Committee was prepared a few years ago. The Government took all views into account when reviewing the draft. After encountering resistance to women's inheritance in some societies, it decided to initiate a process of consultation with religious and customary communities with a view to eliminating the obstacles to consensual adoption of the draft and thus enabling women to access inheritances and property.

Response to the observations contained in paragraph 18 of the concluding observations

56. Article 15 of the Constitution provides that "foreign nationals who have been admitted legally to the territory of the Republic of Chad shall enjoy the same rights and liberties as nationals of Chad, with the exception of political rights. They shall be required to conform to the provisions of the Constitution, laws and regulations of the Republic."

57. Between 2003 and 2007, the conflict in Darfur coupled with internal tensions between communities triggered massive refugee movements in the east of Chad as well as internal displacement. The situation has improved significantly since 2010. The Janjaweed militia attacks and fighting between armed groups and Government forces have ceased.

58. The Government has put an end to distinctions made between displaced persons and host populations. It has given displaced persons the opportunity to choose between

integration, relocation or voluntary return to their village of origin. It has made huge efforts to this end, for example building shelters, health centres, schools and boreholes to support the return of internally displaced persons.

59. Government institutions have been established to assume responsibility for protecting internally displaced persons and refugees and their capacities have been reinforced:

- The national coordination and support body for humanitarian activities and the integrated security unit (Détachement intégré de sécurité or DIS) oversees the activities of the integrated security unit and programmes designed to benefit displaced, returned and relocated persons and host populations through improved management of displaced persons sites;
- The National Commission for Refugee and Returnee Assistance provides support for refugees, coordinates aid for displaced persons and organizes censuses.

60. A Multi-Sector Recovery Programme for Eastern Chad, run in conjunction with the United Nations Development Programme (UNDP), was approved in September 2010. This programme is providing for the needs of internally displaced persons and host communities in areas of return thanks to a sizeable Government contribution of financial and human resources.

61. The Multi-Sector Recovery Programme is a testament to the Government's commitment to improving the living conditions of displaced persons and ensuring their return.

62. There are DIS forces attached to six police stations. In each police station, there are dedicated units and offices mandated to investigate cases of violence against refugees and displaced persons.

63. The Government has established legal and judicial assistance services to facilitate access to justice. Refugees and internally displaced persons are entitled to the full benefits of this assistance.

64. The Committee's concerns regarding the need to foster harmonious relations between refugees, displaced persons and host populations through awareness-raising campaigns that promote tolerance and inter-ethnic understanding have been addressed by the Government in a number of initiatives run in areas providing shelter for refugees and internally displaced persons.

65. Refugees and internally displaced persons have the same property rights as other citizens of Chad and are free to operate cultivated land. The Government guarantees them access to land and farming in accordance with articles 5 and 6 of the Convention.

Response to the observations contained in paragraph 19 of the concluding observations

66. The Government guarantees the principle of equality before the law among citizens and the right to a fair trial before court. These principles are established in the Constitution and in criminal law.

67. Chad does not yet have a specific law criminalizing racial discrimination. However, the Government plans to incorporate appropriate provisions on racial discrimination in its domestic legislation.

Response to the observations contained in paragraph 20 of the concluding observations

68. Pillar 2 of the national human rights action plan developed by the Government, which is entitled “Human rights education”, covers the National Assembly, the media, teachers working in the formal education system, students, judges, lawyers, bailiffs, notaries, clerks, traditional chiefs, government authorities and security officers.

69. The aim of this human rights education is to raise awareness of the conventions that Chad has ratified and the Committee’s observations and recommendations, and thus to ensure respect for human rights.

IV. Information on implementation of the articles of the Convention**Article 1****Definition of racial discrimination**

70. The Government plans to introduce a new bill on racial discrimination which takes the definition given in the Convention into account.

Article 2**Non-discrimination**

71. Racial discrimination is prohibited under the Constitution of 31 March 1996, as revised by Constitutional Act No. 08/PR/2005 of 15 July 2005. Article 14 of the Constitution states that “the State shall ensure equality before the law for all persons without distinction as to origin, race, sex, religion, political opinion or social position”.

72. Racial discrimination is also condemned in a number of other laws regulating different areas, such as Act No. 017/PR/2001 of 31 December 2001 (the General Civil Service Regulations), Act No. 038/PR/1996 of 11 December 1996 (the Labour Code), Act No. 16/PR/2006 of 13 March 2006 on educational policy in Chad, Act No. 017/PR/2010 on the press system in Chad and Act No. 009/PR/2010 on audiovisual communication.

73. All of the aforementioned laws attest to the Government’s commitment to applying policies designed to eliminate all forms of discrimination.

Article 3**Condemnation of racial segregation and apartheid**

74. The Government of Chad has always condemned racial segregation and apartheid. The preamble to the Constitution affirms the commitment of the Chadian people to live together in respect of ethnic, religious, regional and cultural diversity and to build a State of law and a nation founded on civil liberties and fundamental human rights, the dignity of the human person and political pluralism, and the African values of solidarity and brotherhood.

Article 4

Prohibition of all propaganda that promotes discrimination

75. The Government's commitment to fighting propaganda that promotes discrimination is reflected in the provisions of the Constitution. Article 5 of the Constitution states that "all propaganda of an ethnic, tribal, regional or religious nature that seeks to undermine national unity or the secularity of the State shall be prohibited".

Article 5

Non-discrimination in the enjoyment of civil, political, economic, social and cultural rights

76. Domestic legislation prohibits all forms of discrimination in the enjoyment of civil, political, economic, social and cultural rights. Article 13 of the Constitution provides that "all Chadians shall have the same rights and the same responsibilities irrespective of their sex. All Chadians shall be equal before the law".

Article 6

Protection against acts of discrimination

77. The laws of Chad establish the principle of the prohibition of racial discrimination. The existing legal arsenal provides protection for the rights of the individual.

Article 7

Discrimination in the fields of teaching, education and culture

78. The Government's commitment to implementing a policy of non-discrimination in teaching, education and culture is clearly established in the provisions of the Constitution and the laws governing these areas. Article 35 of the Constitution provides that "every citizen shall have the right to education. Public education shall be secular and free of charge. Private education shall be recognized and shall be exercised under the conditions defined by law. Basic education shall be compulsory."

79. Article 4 of Act No. 016/PR/2006 of 13 March 2006 on educational policy in Chad provides that "every person shall have the right to education and training, without distinction as to age, sex or regional, social or ethnic origin or religious belief. Education is an absolute top domestic priority."

Article 8

Committee on the Elimination of Racial Discrimination

80. The tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth periodic reports of Chad were submitted to the Committee on the Elimination of Racial Discrimination as one document in 2007 and were considered by the Committee in 2009.

81. The Government wishes to ensure that this report reaches the Committee before the deadline of 16 September 2012.

V. General conclusion

82. This report is being submitted in accordance with the provisions of article 9 of the Convention on the Elimination of All Forms of Racial Discrimination and the new optional reporting procedure which Chad has adopted.

83. This report focuses on the steps taken by the Government and its partners to ensure respect for the commitments assumed. Despite considerable efforts to eliminate racial discrimination, the Government of Chad sees no easy solution to the situation. It plans to draft a new bill on racial discrimination that will take the Committee's concerns into account.
