

# UPR MONITOR

International Service for Human Rights



Human Rights Monitor Series

## UNIVERSAL PERIODIC REVIEW, 5<sup>TH</sup> SESSION CHAD REVIEWED ON 5 MAY 2009, AFTERNOON

### Overview

Mr Adberaman Djasnabaile, Minister for Human Rights and the Promotion of Freedom, presented the report of the Government of Chad to the Working Group. He was accompanied by a ten-person delegation, which included the legal counsel to the President and the Prime Minister, and the General Secretaries of the Ministry of Human Rights and Promotion of Freedom and the Ministry of Justice respectively.

Chad had also presented its initial periodic report to the Committee against torture (CAT) on 29 and 30 April, and it was interesting to see the similarities in the two reviews. Much as in the review by CAT, the Minister dealt with questions and comments from the floor himself with very little assistance from his delegation. Indeed, many of his initial statements echoed his statement before CAT, appealing again for additional assistance and acknowledging some of the major shortcomings of the Government to date. In the following interactive dialogue, States also recognised that Chad had a double reporting duty and a generally supportive attitude was maintained by all States throughout the dialogue.

The interactive dialogue was characterised by a fair spread of compliments, acknowledgements and recommendations for improvement. Notable contributions to the dialogue included those made by Canada, France, the Netherlands and Norway, which demonstrated extensive use of the three basic documents, and in particular the UN compilation and the summary of stakeholder's information. These statements seemed to contain helpful, specific recommendations which the delegation also noted with appreciation. In responding to the dialogue initiated from the floor, however, the Minister failed to address some of the major concerns raised both in the advance questions and in the interactive dialogue itself.

### General information on Chad

- Chad is currently not a member of the Human Rights Council.
- The members of the troika for the examination of Chad were France, Zambia and Slovenia.<sup>1</sup>
- Chad demonstrated very little evidence of consultation with civil society in the preparation of its report.

### Information submitted to the Working Group

The **national report** of Chad<sup>2</sup> is framed in an historical context, taking into account political developments leading up to the declaration of a state of emergency in 2008, and the need to ensure security during this

<sup>1</sup> Chad requested that a member of its regional group be among its troika. There were no objections by Chad or by the members of the troika to the selection. See ISHR's *Daily Update* of 8 September 2009 for details on the selection of troikas, at [www.ishr.ch](http://www.ishr.ch).

<sup>2</sup> A/HRC/WG.6/5/TCD/1, available at

[http://lib.ohchr.org/HRBodies/UPR/Documents/Session5/TD/A\\_HRC\\_WG6\\_5\\_TCD\\_1\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session5/TD/A_HRC_WG6_5_TCD_1_E.pdf)

period. It openly recognises that serious human rights violations have taken place and recognises that there is some ‘ambiguity’ as to the identity of the perpetrators. This honesty is not maintained throughout, however, and while the report focuses strongly on the legislative developments in many areas of human rights, it mentions little on the implementation of these rules in practice.

The OHCHR **compilation of UN information** focuses on: IDP camps in the East of the country; the recruitment of child soldiers and exacerbated discrimination against women in these camps; disappearances, rape and torture allegedly committed by both police and rebel groups which have not been investigated; the lack of protection afforded to humanitarian workers and restrictions on the freedom of journalists to operate within the country; the renewed application of the death sentence since 2003.<sup>3</sup>

Seven reports were submitted by a total of 18 non-governmental organisations (NGOs) for the OHCHR **summary of stakeholders’ information**.<sup>4</sup> The general consensus to be drawn from this report is that whilst Chad is party to seven major human rights instruments, the implementation and protection of those rights and obligations ‘remains at a standstill’.<sup>5</sup> Specifically, the recruitment and use of child soldiers remain a great problem and their demobilisation and reintegration into civil society was highlighted as a priority.<sup>6</sup> Other key issues include: continued sexual violence towards women;<sup>7</sup> the need for a definition of torture in national criminal law<sup>8</sup> and effective follow up to the recommendations of the Commission of Inquiry;<sup>9</sup> and the problem of impunity within the police and armed forces.<sup>10</sup> The situation is exacerbated by the lack of protection afforded to humanitarian workers<sup>11</sup> and restrictions placed on the independent press agencies.<sup>12</sup> Neither issue was addressed substantively in the State report. Much of the information provided in the summary of stakeholder information was reflective of the issues raised in the compilation of UN information.

## Interactive dialogue<sup>13</sup>

### Presentation by the State

The Minister for Human Rights spoke for about thirty minutes. He repeated the information contained in the report about the recent turmoil within the State, but also covered a wide range of additional topics. These included some of those raised by States in the list of advance questions, which the Minister appreciated for ‘enhancing the interactive dialogue’. He was quick to emphasise the importance of re-establishing security within the State in order to ensure the protection of human rights and went on to elaborate mainly about the realisation of economic, social and cultural rights such as the right to education and health care. In this respect he provided updated information not contained in the report and gave examples of some specific measures

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<sup>3</sup> A/HRC/WG.6/5/TCD/2, available at [http://lib.ohchr.org/HRBodies/UPR/Documents/Session5/TD/A\\_HRC\\_WG6\\_5\\_TCD\\_2\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session5/TD/A_HRC_WG6_5_TCD_2_E.pdf).

<sup>4</sup> A/HRC/WG.6/5/TCD/3, available at [http://lib.ohchr.org/HRBodies/UPR/Documents/Session5/TD/A\\_HRC\\_WG6\\_5\\_TCD\\_3\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session5/TD/A_HRC_WG6_5_TCD_3_E.pdf).

<sup>5</sup> The International Federation for Human Rights Leagues/ Chadian Human Rights League/Chadian Association for the Promotion and Defence of Human Rights (‘FIDH/LTDH/ATPDH’), footnote 4, para. 5.

<sup>6</sup> Action des Chrétiens pour l’ Abolition de la Torture – Tchad, Association Jeunesse Anti-Clivage, Association pour la Promotion des Libertés Fondamentales au Tchad, and Droit de l’Homme sans Frontières (‘The Joint Submission’), Human Rights Watch (‘HRW’) and FIDH/LTDH/ATPDH, footnote 4, para. 20-21.

<sup>7</sup> The Joint Submission, footnote 4, para. 17.

<sup>8</sup> FIDH/LTDH/ATPDH, footnote 4, para. 14-15.

<sup>9</sup> FIDH/LTDH/ATPDH, footnote 4, para. 28.

<sup>10</sup> The Joint Submission and FIDH/LTDH/ATPDH, footnote 4, para. 24-26.

<sup>11</sup> HRW, footnote 4, para. 16.

<sup>12</sup> FIDH/LTDH/ATPDH and The Joint Submission, footnote 4, para. 38-39.

<sup>13</sup> Most statements made at the UPR Working Group can be found at <http://portal.ohchr.org/portal/page/portal/UPR>. Fill in the form at [www.ohchr.org/english/bodies/hrcouncil/form.htm](http://www.ohchr.org/english/bodies/hrcouncil/form.htm) to receive username and password. Audiovisual archives of the meetings of the Working Group ‘webcast’ are available at [www.un.org/webcast/unhrc/index.asp](http://www.un.org/webcast/unhrc/index.asp).

taken. He did not address any of the questions concerning a possible moratorium on the death penalty or ratification of further international conventions.<sup>14</sup> He only fleetingly touched upon the issue of sexual discrimination and violence, with little in the way of substantive information. On a more positive note, he ended his presentation by issuing a standing invitation to all special procedures mandate holders.

### **Themes and issues**

The interactive dialogue did not follow the accepted best-practice set by previously reviewed States of answering after every seven or eight contributions, and the Minister chose to respond only after twenty-eight States had made statements. This therefore limited him to addressing questions in a rather vague manner, with few specific concerns answered clearly. The Minister thanked the plenary for ‘most of the recommendations’ and said Chad would ‘take note of them’. The most important topics raised during the dialogue followed the same lines of the OHCHR compilation report, with a few statements visibly influenced by the summary of stakeholder’s information.

The issue of **child soldiers** was raised by nearly all States that took the floor.<sup>15</sup> They generally wanted to know what the Government has been doing to demobilise and reintegrate affected children back into civilian society. Of particular concern was the recruitment of children in camps for internally displaced persons (IDPs) in the East of the country by armed groups, and in this regard Chad was encouraged to continue its cooperation with UNICEF. Recommendations focused on developing an institution charged with ensuring that all children are released from the army. Chad responded that it had undertaken a fact-finding mission to the area but had found no such child soldiers.

The prevailing **culture of impunity** in the wake of the armed conflict and in the recent uprising was of concern to many States. Again many States addressed the failure to prosecute alleged perpetrators of crimes prohibited under both international and national laws. They stressed that this failure both underpins and exacerbates such criminal activity.<sup>16</sup> France and the Netherlands therefore recommended that the Government do everything in its power to discover the whereabouts of those who went missing during the uprising of February 2008 and bring to justice the officials responsible for arbitrary arrest and torture.

**Gender discrimination** was referred to as a continuing concern within Chadian society, manifesting itself particularly in domestic violence, rape, forced marriage, female genital mutilation (FGM), and lack of equal access to education in practice.<sup>17</sup> It was therefore recommended that Chad bring the perpetrators of these crimes to justice in order to establish a new environment of respect for the equal rights of women. Spain noted that FGM seems to be an ‘extended practice’ and recommended that it should be explicitly recognised as a criminal offence.

Appropriate **training on relevant human rights principles** was another recommendation voiced several times. China and Algeria recommended that there should be training and awareness-raising for the judiciary and all civil servants. With respect to corruption within the judiciary, Switzerland recommended that Chad reform this body. Ireland suggested that the inability of the Government’s Committee of Inquiry to apprehend those responsible for the disappearance of missing opposition leader Ibni Saleh indicates the lack of potency of those assigned the task.

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<sup>14</sup> Such as the Optional Protocol to the Convention against Torture (OPCAT), the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) aiming at the abolition of the death penalty, and the Convention on the Prevention and Punishment of the Crime of Genocide.

<sup>15</sup> Including Angola, France, UK, Turkey, Switzerland, Canada, the United States, Malaysia, Italy, Sweden, Azerbaijan and Bangladesh.

<sup>16</sup> Including UK, France, Turkey, Canada and Norway.

<sup>17</sup> Including Brazil, the Netherlands, Italy, Canada, Democratic Republic of Congo, Slovenia and Angola.

The importance of **education** was emphasised by several States in the dialogue, noting the difficulties created by a general lack of funding and professional teaching staff. Japan recommended that the Chadian Government should formally recognise education as a priority and the Democratic Republic of Congo recommended that social and cultural factors preventing girls going to school need to be addressed.

Of interest was the recommendation made by Egypt to ‘continue to resist attempts to enforce any human rights beyond the universally agreed ones’. In the past, Egypt has made similar recommendations in relation to national policies on maintaining the death penalty, but in the present review it limited this recommendation to a more general statement. Chad gave its support to this recommendation whilst also indicating its approval of recommendations made by Argentina, Spain and Mexico to re-adopt a moratorium on the death penalty and ratify the second Optional Protocol to the *International Covenant on Civil and Political Rights* (ICCPR). In this regard, it is interesting to note the apparent scope for contradiction of accepting both of these recommendations, and it seems that the two recommendations have to be balance on implementation.

Other issues addressed in the dialogue included a recommendation by France for creating a framework for ensuring the **freedom of the press**. In this regard, the United States recommended that the Government review and repeal its new press laws, which allegedly contravene rights protected under the ICCPR and national law. Denmark recommended that Chad specifically give the International Committee of the Red Cross (ICRC) **access to all detention centres**. Germany recommended **ending the state of emergency** within the country. Other issues included **protection of human rights defenders and journalists**,<sup>18</sup> ensuring respect for the **rights of refugees and internally displaced persons**<sup>19</sup> and reforming the judiciary to **ensure the separation of powers**.<sup>20</sup>

### Adoption of the report

Chad accepted 85 of the recommendations made to it. It committed to further examine the following recommendations: ensure appropriate penalties for female genital mutilation, forced marriages and sexual violence; amend legislation to ensure equal succession and inheritance rights for women; re-adopt the moratorium on the death penalty; continue exercising its sovereign right to implement the penal code; take measures to ensure protection of civilians and vulnerable groups; give access to the ICRC to all detention facilities; prosecute those responsible for crimes against women, provide assistance to women victims of sexual violence; intensify efforts to reintegrate demobilised child soldiers; make it a priority to end impunity for gender based violence; strengthen the criminal justice system, and enhance the capacity regarding the administration of justice to end impunity; ensure specific human rights training for judicial staff; and improve the situation of refugees and IDPs.

Chad rejected 12 recommendations. These concerned the human rights goals, respecting the rights of refugees and IDPs, investigating and prosecuting crimes against human rights defenders and journalists, establishing a specific judicial mechanism to address sexual violence crimes, stringent selection of and training for public officials, ensuring 18 years as the minimum age for recruitment into the military, abolishing the state of emergency, reforming the judiciary and ensuring separation of powers, concrete measures to protect journalists and human rights defenders, strengthening humanitarian nature of refugee and IDP camps and enhancing protection of those persons, and finally, ensuring revisions of the electoral code to bring it in line with international standards.

Although these twelve recommendations are listed in the report of the Working Group as not enjoying the State’s support, Chad stated that it would consider them with a hope to ensuring that they are duly implemented in time. This could be both an attempt to tone down the ‘rejection’ of the recommendations, or a

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<sup>18</sup> Norway and the Czech Republic.

<sup>19</sup> The Czech Republic and Canada.

<sup>20</sup> Germany.

reflection of the willingness to implement even those recommendations that are not explicitly supported at this time.

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