

TREATY BODY MONITOR

International Service for Human Rights



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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS 43RD SESSION CHAD, COMBINED INITIAL AND SECOND AND THIRD PERIODIC REPORTS 5 NOVEMBER 2009

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Key facts¹

Ratification	Reservations	Party to Optional Protocol ²	Other core treaties ratified	Date of previous report/examination, and submission of present report
1995	None	No	ICERD; CRC; Amendment to art. 43 (2) of CRC, CRC OP (armed conflict); CRC OP (sale of children, child prostitution and child pornography); ICCPR, ICCPR OP (individual communications); CEDAW, CAT	Combined initial, second and third report: 18/09/2007 1 st examination: 5/11/2009

Overview of key issues

During its 43rd session, the Committee on Economic, Social and Cultural Rights (the Committee) examined Chad's combined initial, second and third periodic report in the absence of the country's delegation. One representative of the Permanent Mission of Chad in Geneva attended the three-hour session.

¹ The information in this table is sourced from the Office of the High Commissioner for Human Rights (OHCHR), and is available at www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx.

² Article 1 of the Optional Protocol provides that 'a State Party to the Covenant that becomes a Party to the present Protocol recognizes the competence of the Committee to receive and consider communications as provided for by the provisions of the present Protocol.'

All members of the Committee expressed their regret and concern regarding the absence of the Chadian interlocutors. Mr Riedel stressed that the constructive dialogue with the State is an essential element of the objective evaluation of the State obligations under the Covenant. He also emphasised that Chad's review *in absentia* encourages other States not to be present during examination and underlined that such attitudes should not be tolerated. Nevertheless, Mr Atangana, Chairperson of the Committee, explained that under rule 62 (3) of the Rules of procedure, the delegation's failure to appear does not preclude the examination of the State.

The Committee based its review on the report and the written replies to the list of issues submitted by the Government of Chad as well as on alternative sources of information, such as the report prepared by the former Independent Expert on human rights in Chad, Mónica Pinto.³

The Committee members noted the still unstable situation in the country, due to the political and institutional crisis, and unanimously acknowledged Chad's efforts to draft a comprehensive report, providing in some cases very valuable information with a certain level of frankness. However, the State report was criticised for not having included sufficient updated statistics and data. In addition, it was emphasised that the written replies to a number of questions were too general and that they merely repeated the information provided in the report. Consequently, in the absence of the delegation, the Committee members had no possibility to request more detailed information on their questions of concern directly from the State.

A primary point of concern was the incorporation of the provisions of the Covenant into the State's domestic law.⁴ Mr Kerdoun underlined that despite amendments to the Constitution from 2005, after which international law takes precedence over national law, there is currently no provision at the national level enabling citizens to invoke the Covenant. Mr Kedzia stressed that the justice system in Chad, the main pillar in the implementation of the Covenant, suffers from high levels of corruption, is often subject to executive interference and is largely underfunded. Moreover, Ms Bonoan-Dandan and Ms Barahona Riera added that in remote areas a traditional system of justice is maintained in parallel to the official system. The Committee members therefore recommended that the State take firm and effective measures to give full effect to the provisions of the Covenant in domestic law and to ensure the independence of the judiciary.

The Committee welcomed the establishment of a National Human Rights Commission in Chad in 1994.⁵ Nonetheless, Mr Riedel emphasised that this institution is not in conformity with the Paris Principles and questioned whether the Commission's mandate includes economic, social and cultural rights.⁶ The State was urged to take the necessary steps to ensure the Commission meets the requirements of independence and autonomy set out by the Paris Principles.

Serious concerns were expressed with regards to the enjoyment of economic, social and cultural rights by women, who face serious discrimination in areas such as access to employment, remuneration, health care, land ownership, access to credits and inheritance.⁷ Mr Tirado Mejia addressed the issue of the conformity of the draft code on equal rights for men and women with the Covenant and encouraged the State to take more effective legal and practical measures to ensure gender equality in the mentioned areas. He was also concerned with the high illiteracy rate among women and the preference given to boys in education. Mr Atangana raised the question of the very low level of women's representation in the political life and

³ E/CN.4/2005/121 (27 January 2005), available at

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G05/105/05/PDF/G0510505.pdf?OpenElement>

⁴ *Concluding observations of the Committee on Economic, Social and Cultural Rights*, E/C.12/TCD/CO/3 (16 December 2009), at para. 9 – 12.

⁵ *Replies by the Government of Chad to the list of issues*, E/C.12/TCD/Q/3/Add.1 (20 August 2009), p. 2.

⁶ The Paris Principles The 'Paris Principles' were adopted by the United Nations General Assembly as an Annex to Resolution 48/134. They define the role and functions of national human rights institutions in the promotion and protection of human rights. Available at: <http://www.un.org/Depts/dhl/res/resa48.htm>.

⁷ *Concluding observations*, at para. 14, 15, 17, 19, 20, 33.

questioned whether the State is considering adopting stringent affirmative measures to remedy this problem. Mr Kedzia pressed for further clarity regarding the question of sexual violence against women, particularly in sites for internally displaced persons (IDPs) and refugees camps. In addition, several Committee members asked for more information on the measures undertaken by the State to combat harmful traditional practices such as female genital mutilation (FGM). In this context, Ms Barahona Riera recommended that the *Act No. 06/PR/2002* on the promotion of reproductive health, which prohibits FGM, early marriage, domestic violence and sexual violence stipulate penalties for the perpetrators of such acts. Overall, the Committee stressed the urgent need for the Chadian authorities to enforce the protection of women and girls.

Particular attention was given to the situation of children in general in Chad.⁸ Mr Tirado Mejia was seriously concerned with the practice of recruiting child soldiers, including girls, by the army and armed groups. Ms Bonoan-Dandan criticised that children are encouraged by their families to join the military in exchange for payment. Mr Kedzia added that children suffer serious injuries in combat. He also noted with concern the prevalence of child labour in Chad and the negative effects of this practice on children's access to education. Ms Bonoan-Dandan further drew attention to the phenomenon of abduction of children for purposes of forced marriages and more recently for ransom. She also urged the State to seek for technical assistance from UNESCO in order to establish a national plan of action for primary education free of charge.

Another matter of concern to the Committee members was the negative impact of the exploitation of natural resources, particularly mining and oil exploration, on the enjoyment of economic, social and cultural rights in Chad.⁹ In reference to Article 1 of the Covenant on the right to self-determination, Mr Kerdoun inquired whether the State takes into account the protection of the environment and of economic, social and cultural rights when negotiating commercial, investment or economic agreements with private companies, especially in the oil sector. Ms Bonoan-Dandan further stressed that Chad should use its own natural wealth to ensure national development and public welfare, given that a high percentage of the State's population still lives in poverty and extreme poverty. The Committee also addressed the issue of the deprivation of indigenous people of their rights to fully enjoy their ancestral lands and natural resources.

The review of Chad *in absentia* also addressed the following issues: the high unemployment rate and the absence of robust employment policies targeted at the young active population; the urgent need to enforce labour standards and enhance protection of all workers, including foreign, illegal and informal employees; the criminalisation of marital rape; the steps taken by the State to reduce poverty among the inhabitants of rural and remote areas, the landless persons, the persons living with HIV/AIDS, the persons with disabilities, and the internally displaced persons; access to drinking water and adequate sanitation facilities; food insecurity affecting a large section of the population; the question of forced evictions and housing demolitions in the districts of the capital N'Djamena; the lack of sufficient health professionals and the poor quality of health services in general; the lack of information on the right to participate in the cultural life; the inclusion of human rights education at all levels in schools curricula.

The Committee further recommended that Chad consider ratifying the *ILO Unemployment Convention*; the *Social Security (Minimum Standards) Convention*; the *Social Policy (Basic Aims and Standards) Convention*; the *Equality of Treatment (Social Security) Convention*; the *Employment Policy Convention*; the *Labour Statistics Convention*; the *Indigenous and Tribal Peoples Convention*; and the *Prevention of Major Industrial Accidents Convention*. The State was also encouraged to ratify the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*; the *Convention on the Rights of Persons with Disabilities* and its Optional Protocol; the Optional Protocol to the *International Covenant on Economic, Social and Cultural Rights*.¹⁰

⁸ E/C.12/TCD/CO/3, at para. 21, 22, 32.

⁹ E/C.12/TCD/CO/3, at para. 13, 23.

¹⁰ E/C.12/TCD/CO/3, at para. 38, 39, 41.

The next report should be submitted by 30 June 2012.

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